

# RUBRIC FOR ASSESSING SPECIAL EDUCATION IN CHARTER SCHOOLS

This rubric addresses key special education considerations and best practices at the charter school application, operations, and renewal stages. It refers to applicable laws and regulations and links to related tools. The rubric provides distinct recommendations for LEA and non- LEA charters and is a tool to implement the suggestions contained in this toolkit.

*Use of this rubric will add transparency to the authorization process. This rubric provides a structure for both authorizers and applicants to determine if schools are prepared to effectively educate students with disabilities. Federal legal requirements are referenced throughout; additional state rules and requirements may also apply and need to be addressed.*

## PHASE 1: APPLICATION REVIEW

**Objective:** Assess applicants' capacity to provide a high-quality special education program. The analysis should be different for first-time applicants than for existing schools seeking to replicate. Rubric elements for new applicants focus on indications of the group's understanding of the challenges and requirements of serving students with disabilities in a charter setting; those for schools seeking to replicate focus on the track record already established by the organization.

See Appendix F, Charter School Application Checklist, in order to evaluate whether requirements are met.

APPLICATION REVIEW CATEGORY	CORE ELEMENTS	KEY CONSIDERATIONS	BEST PRACTICES
Child Find <i>See Appendix G for sample language on Child Find.</i>	Policies and practices in place to identify and assess students who may be eligible to receive special education and related services	GENERAL CONSIDERATIONS	
		<ul style="list-style-type: none"> <li>How will the school identify students who may have a disability in order to offer evaluation services?</li> <li>Does the school have a plan to make the local community aware that the school can screen students for eligibility to receive special education and related services and thereafter provide these services?</li> </ul>	<ul style="list-style-type: none"> <li>Public schools are responsible for proactively seeking to identify students who may require special education and related services. Child Find is not a single action but rather an ongoing process to raise awareness about available screening, assessment, and service provision.</li> <li>Charter schools do not have the same type of responsibility for Child Find as traditional public schools, but charter schools must have a process to</li> </ul>

		<ul style="list-style-type: none"> <li>Does the school plan to employ a staff member who is knowledgeable about the Child Find requirement? If not, how will the staff have access to special education information and guidance?</li> </ul>	<p>inform parents of enrolled students about the availability of evaluative screenings to identify students in the grades the school serves.</p> <ul style="list-style-type: none"> <li>Charter schools are responsible for identifying any student who is enrolled in the school who is presenting academic or behavioral problems and determining whether that child should be referred for a special education evaluation.</li> <li>The process typically entails advertising screening services to the general public as part of student recruitment activities as well as promoting awareness of available screening and services for students already enrolled. Special education should be an integral part of all recruitment activities and materials.</li> </ul>
<b>PART OF AN LEA</b>			
		<ul style="list-style-type: none"> <li>As the LEA, it is the district’s obligation to engage in Child Find.</li> <li>How will the charter school collaborate with the LEA to identify any student who is enrolled in its school who is presenting academic or behavioral problems to determine whether that child should be referred for a special education evaluation?</li> </ul>	<ul style="list-style-type: none"> <li>Charter schools should disseminate information about the Child Find services available from the district.</li> </ul>
Staffing and Administration	Number and nature of specialized staff to be hired to administer programs and provide special education and related services	<b>GENERAL CONSIDERATIONS</b>	
		<ul style="list-style-type: none"> <li>How many students with disabilities does the proposed school anticipate enrolling?</li> <li>How will special education and related service personnel collaborate with general education teachers (e.g., will general and special education teachers</li> </ul>	<ul style="list-style-type: none"> <li>Schools should know the average percentage of students with disabilities in their area or, reflecting the national average, anticipate that at least 10–12% of their student population will require special education services. For schools specifically targeting students with unique learning needs, this percentage may be significantly higher.</li> </ul>

		<p>team teach; when will general and special education teachers be able to plan together)?</p> <ul style="list-style-type: none"> <li>● Considering the total projected school enrollment, will there be a designated special education administrator/coordinator? If not, will an administrator who is required to serve multiple roles in addition to special education be assigned responsibility?</li> </ul>	<ul style="list-style-type: none"> <li>● The charter application should acknowledge that the school will need to employ or contract with specialized staff in accordance with laws established to protect the rights of individuals with disabilities (e.g., Americans with Disabilities Act [ADA], Individuals with Disabilities Education Act [IDEA], and Section 504 of the Rehabilitation Act of 1973).</li> </ul>
PART OF AN LEA			
		<ul style="list-style-type: none"> <li>● Is there a shortage of special education teachers in the region? To the extent that charter schools themselves are responsible for recruiting and retaining special education staff, if there is a shortage in the community, how will personnel use creative solutions to find teachers (e.g., allocate funds to offer teachers support or incentives to become dual certified, or investigate sharing staff with other schools)?</li> <li>● What structures are in place to coordinate service provision between the charter school and the LEA? Do both parties have a clear understanding of their responsibilities?</li> <li>● What is the district's plan to communicate information to central office personnel regarding the charter school?</li> </ul>	<ul style="list-style-type: none"> <li>● Charter schools should work collaboratively with their LEA and support its efforts to establish effective communication and quality service provision to students with disabilities.</li> </ul>

		<ul style="list-style-type: none"> <li>• Does the school plan to resolve disputes with the LEA?</li> </ul>	
Curriculum and Instruction	The core content to be delivered in the school and the method of delivering the content	<b>GENERAL CONSIDERATIONS</b>	
		<ul style="list-style-type: none"> <li>• What is the applicant’s plan to accommodate varied learning styles?</li> <li>• What is the applicant’s plan to modify delivery of curriculum (e.g., integration of assistive technology) to ensure that all students can access the general education curriculum?</li> <li>• How does the school plan to train teachers to modify the curriculum and instruction to address the unique needs of students with disabilities?</li> <li>• How will curriculum and instruction decisions be tracked and monitored by Individualized Education Program (IEP) teams and other school personnel?</li> </ul>	<ul style="list-style-type: none"> <li>• Supporting students’ access to the general education curriculum is the purpose of providing special education and related services. Students with identified needs under the Individuals with Disabilities Act (IDEA) are entitled to a Free Appropriate Public Education (FAPE) provided to them in the Least Restrictive Environment (LRE) appropriate for their needs. Charter applications should articulate a clear plan to ensure that all students can access the curriculum and that instructional techniques will be adapted to serve all students.</li> <li>• If the school has a virtual or blended learning component, the application should contain a detailed description of how the Learning Management System (LMS), the central component of online learning approaches, will enable students with disabilities to access the curriculum.</li> </ul>
		<b>PART OF AN LEA</b>	
		<ul style="list-style-type: none"> <li>• What structures does the charter school plan to develop to coordinate modifications and accommodations with the district LEA? How often will the district case manager meet with charter school instructional personnel?</li> </ul>	<ul style="list-style-type: none"> <li>• While charter schools that operate as part of an LEA share responsibilities for providing FAPE and LRE, teachers in the school will need to be knowledgeable about how to support all students in their class.</li> </ul>

<p>Assessment</p> <p>The tools used to measure academic progress. Assessments are generally administered annually to comply with federal and state accountability requirements, but many schools also administer a variety of short-cycle, formative, and predictive assessments to inform instructional practice throughout the year</p>	<p><b>GENERAL CONSIDERATIONS</b></p>	
	<ul style="list-style-type: none"> <li>● Does the school have a plan to identify students who may be struggling and would benefit from academic interventions?</li> <li>● Does the school have a plan to implement evidence-based early interventions (i.e., Response to Intervention (RTI)) and a means to track student progress?</li> <li>● Does the application include an assurance that appropriate accommodations will be given to students as outlined in their IEPs when taking assessments?</li> <li>● Does the applicant provide an assurance to make certain that the school facility will have adequate space to administer assessments to students with disabilities (e.g., a separate room for students who will have a test read to them or who need isolation)?</li> <li>● If the school has a virtual or blended learning component, does the applicant outline where students will be assessed and how they plan to accommodate students with disabilities to ensure that testing environments reflect supports outlined in the IEP?</li> </ul>	<ul style="list-style-type: none"> <li>● Reflecting the supports provided in their IEPs, administration of assessments must incorporate the same supports and accommodations that students with disabilities receive in the classroom. Aside from formally required assessments, including alternate assessments for students with the most significant cognitive disabilities, schools should identify other metrics to measure and evaluate the progress of students with disabilities (e.g., progress toward meeting outcome goals outlined in IEPs, quantity of time in general education classrooms, success after matriculation from other schools).</li> <li>● If the school has a virtual or blended learning component, the operator will need to budget funds to administer assessments in a secure setting (e.g., local public school, public library, college or university) and ensure that these settings can accommodate students with disabilities.</li> </ul>

		<b>PART OF AN LEA</b>	
Enrollment	Applicants should project to enroll and plan for approximately the same proportion of students with disabilities as is enrolled in local neighborhood schools.	<b>GENERAL CONSIDERATIONS</b>	
		<ul style="list-style-type: none"> <li>● Does the applicant have a plan for how to communicate with the district regarding any students identified who may be struggling and would benefit from academic interventions?</li> <li>● Does the applicant understand that some students may require an alternate assessment and have a plan to determine, in conjunction with the district LEA, which, if any, students will require such assessments?</li> </ul>	<ul style="list-style-type: none"> <li>● The work to identify appropriate metrics to measure and evaluate the progress of students with disabilities should be done in conjunction with the district LEA.</li> </ul>
		<ul style="list-style-type: none"> <li>● What percentage of students in the local community is identified as having a disability?</li> <li>● For elementary schools, how does the school plan to market to families with preschool students already in the public school system and receiving early childhood special education services?</li> <li>● If the state charter school law allows or requires schools to give enrollment preferences to students at risk or, specifically, students with disabilities, how does the school plan to manage the preferences?</li> </ul>	<ul style="list-style-type: none"> <li>● Schools should know the average percentage of students with disabilities in their area or at least anticipate that 10–12% of their student population will require special education services. For schools specifically targeting students with unique learning needs, this percentage may be significantly higher.</li> <li>● To make certain that the school is an attractive option for all students, the applicant should commit to developing marketing, application, and enrollment materials and procedures that encourage, and do not inadvertently discourage, students with disabilities from enrolling. In particular, enrollment procedures should not ask whether students have a disability. Rather, once students are accepted, either by general enrollment or via lottery if the school is overenrolled, school personnel can inquire regarding students’ disabilities for planning purposes. Having a disability is not an acceptable reason to deny admission. Such</li> </ul>

			<p>denial would constitute discrimination specifically banned by federal law.</p> <ul style="list-style-type: none"> <li>● Schools specifically targeting students with unique learning needs may, however, legitimately provide applicants with the opportunity to voluntarily provide information about disability status in order to be considered for an admission preference tied to such status.</li> </ul>
Individualized Education Program (IEP) Development	The process by which a team of professionals, in collaboration with parents and other external experts as needed, develop a plan to provide special education and related services to a student identified as eligible for special education.	<b>GENERAL CONSIDERATIONS</b>	
		<ul style="list-style-type: none"> <li>● Does the school have a plan to inform parents about their and their child’s rights associated with IDEA?</li> <li>● If the school has a virtual or blended learning model, how will IEPs be developed or modified to incorporate the virtual or blended learning environment?</li> <li>● If the prospective school is a middle school or high school, does it have an understanding of or an ability to develop appropriate transition plans in accordance with IDEA regulations?</li> </ul>	<ul style="list-style-type: none"> <li>● The IEP is an evolving document that reflects the unique needs of students with disabilities and the individual services to be provided to enable them to access the general education curriculum and succeed at school. Developing an IEP requires a significant level of knowledge of IDEA as well as state special education rules and regulations. Charter applicants should articulate a clear and feasible plan for how IEPs will be developed.</li> </ul>
		<b>PART OF AN LEA</b>	
		<ul style="list-style-type: none"> <li>● Does the school have a plan for working with the district LEA to determine who will be responsible for scheduling, leading, and documenting IEP meetings?</li> <li>● Does the school have an understanding of the district’s plan for hiring staff members or contracting with an</li> </ul>	<ul style="list-style-type: none"> <li>● For charter schools that are part of a local district, this process will most likely entail working closely with district personnel to develop and implement appropriate plans to make certain the IEP development process is in compliance with relevant laws.</li> </ul>

		<p>external entity to be responsible for implementing the IEP?</p> <ul style="list-style-type: none"> <li>• If the prospective school is a middle school or high school, does it have an understanding of or an ability to work with the district LEA to develop appropriate transition plans in accordance with IDEA regulations?</li> </ul>	
Service Provision	<p>The distinct set of special education and related services outlined in IEPs are the core of special education. The purpose of these services and supports is to ensure that students with disabilities can access the general education curriculum and achieve the academic and social goals outlined in their IEPs.</p>	<b>GENERAL CONSIDERATIONS</b>	
		<ul style="list-style-type: none"> <li>• How many special education teachers, coordinators, and paraprofessionals does the school anticipate employing?</li> <li>• Alternatively, with whom will the school contract (e.g., local school district or service agency) to obtain special education teachers, coordinators, and paraprofessionals?</li> <li>• What type of certification will the special education teachers, coordinators, and paraprofessionals need?</li> <li>• Does the school have a plan to recruit and hire only qualified personnel as required by IDEA? Does the school plan to seek dual-certified teachers?</li> <li>• Will the school hire part-time or retired special education teachers?</li> <li>• Will the school have available the services of a nurse or other appropriate staff to handle health-related issues?</li> <li>• If the charter school plans to contract with an external provider for special education and related services, how will</li> </ul>	<ul style="list-style-type: none"> <li>• Service provision includes general education teachers as well as special education teachers and related service providers. The ability to hire and retain high-quality instructional personnel who (1) buy into the notion that all students can learn and (2) support the charter school’s mission is central to developing a successful special education program.</li> <li>• If the state operates intermediate agencies with responsibility for providing special education and related services, the charter applicant should initiate conversations with the entity or entities regarding how to access services equivalent to their other public school peers as soon as they open.</li> <li>• If the school has a virtual or blended learning component, particular attention will be required regarding the delivery of special education and related services. While many services can readily be provided through virtual channels (e.g., specialized curricula, tutoring, and speech therapy), other services need to be provided in person. The charter applicant should consider these issues early in the application process because they have implications for staffing allocations and transportation costs.</li> </ul>



		<p>it coordinate provision of services to make certain that there are not lapses in delivery?</p> <ul style="list-style-type: none"> <li>• Is there a network of intermediate service providers (e.g., Board of Cooperative Educational Services, Collaborative, Education Service Center, or Intermediate School District)? If yes, has the charter school initiated a dialogue with the intermediate agency regarding service provision?</li> <li>• Does the state maintain a special education risk pool? If yes, does the school have a plan to ensure that it can access the risk pool should a child with significant disabilities enroll?</li> </ul>	
		<b>PART OF AN LEA</b>	
		<ul style="list-style-type: none"> <li>• How will the charter school collaborate with its LEA to ensure that all students with disabilities are provided special education and related services as outlined in their IEPs?</li> <li>• If the charter school has a virtual or blended learning component, how will school personnel collaborate with district personnel to provide services virtually?</li> <li>• As a part of a local district LEA, how will the school coordinate provision of services to make certain that there are not lapses in delivery?</li> </ul>	<ul style="list-style-type: none"> <li>• As a part of an LEA, the school will need to collaborate with the district’s special education department to outline how they will share responsibility for providing special education and related services in accordance with state and federal law. Ideally, they would also outline a dispute resolution process during the application stage.</li> <li>• If the charter school has a virtual or blended learning component, staff should anticipate that they may need to introduce district staff to virtual learning and potentially provide some professional development to district personnel regarding how to adapt IEPs to support a virtual or blended learning environment.</li> </ul>

<p>Funding <i>See Appendices B, C, D, and E for additional guidance on funding</i></p>	<p>Special education and related services are funded through a combination of federal, state, and local education funds.</p>	<p><b>GENERAL CONSIDERATIONS</b></p>	
		<ul style="list-style-type: none"> <li>● How will federal special education dollars flow to benefit students with disabilities enrolled in the charter school?</li> <li>● How will state special education dollars flow to benefit students with disabilities enrolled in the charter school?</li> <li>● How will local special education dollars flow to benefit students with disabilities enrolled in the charter school?</li> <li>● Is the charter school eligible to receive Medicaid reimbursements?</li> </ul>	<ul style="list-style-type: none"> <li>● The first step to securing adequate funding is making certain that both the authorizer and the charter applicant have a clear understanding of how dollars, or services purchased with funds allocated to special education, will flow to the school. Lack of transparency or overcomplicated funding procedures can lead to mistrust and incorrect assumptions about the extent to which charter schools are receiving their funding. Devoting adequate time to educating charter applicants and operators about funding can preempt problems caused by misunderstandings.</li> </ul>
		<p><b>PART OF AN LEA</b></p>	
		<ul style="list-style-type: none"> <li>● Transparency is especially important in regards to allocation of funds or services purchased by the district.</li> <li>● Understanding funding streams is particularly critical when charter schools negotiate how they will share their responsibilities for special education and related services.</li> </ul>	
<p>Budget</p>	<p>Description of how school revenues are allocated to pay for expenditures.</p>	<p><b>GENERAL CONSIDERATIONS</b></p>	
		<ul style="list-style-type: none"> <li>● Does the school’s budget include allocation of applicable federal, state, and local funds to support special education and related services?</li> <li>● Does the budget include funds allocated to train all personnel regarding educating students with disabilities?</li> <li>● If the charter school is purchasing services from the authorizer or other external entities, how will fees be set?</li> <li>● If the school has a virtual or blended learning component, what are the</li> </ul>	<ul style="list-style-type: none"> <li>● The school’s special education budget line is the tangible expression of the school’s investment in quality special education and related services. Authorizers should expect to see funds allocated to administration of special education, evaluation, professional development, and provision of special education and related services. Federal and state special education reimbursements will not cover 100% of the cost of providing special education and related services, and the proposed budget should reflect this reality (i.e., allocation of funds from general budget to support special education).</li> </ul>

		<p>budget implications of this approach (e.g., cost of providing Internet access and potentially specialized hardware and software to accommodate students with disabilities)?</p>	<ul style="list-style-type: none"> <li>● If it is an option in the state, the school’s budget should include a line item to join the intermediate unit (e.g., Education Service Center, Collaborative, or Board of Cooperative Educational Services).</li> </ul>
<p>Facility</p>	<p>The school’s physical plant, including classrooms, administrative space, and the external spaces used by students.</p>	<p><b>GENERAL CONSIDERATIONS</b></p>	
		<ul style="list-style-type: none"> <li>● Does the school have a plan to secure a facility that is accessible to students with limited mobility?</li> <li>● Does the school have a plan to secure a facility that includes space to provide support services outside of the general education classroom?</li> <li>● Does the school have a plan to secure space to store student records that meets federal privacy requirements?</li> </ul>	<ul style="list-style-type: none"> <li>● Charter school facilities must be consistent with local and state health and safety requirements as well as the federal Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. These rules may apply differently to new facilities than to older ones. Providing individuals who have mobility impairments ready access to school facilities should be one of the criteria charter applicants use when seeking an appropriate facility for their school. The program offered by the school needs to be accessible when it opens in anticipation of a student or parent having a disability as opposed to retrofitting an inaccessible building when needed.</li> <li>● An inaccessible building is a potential deterrent that may limit the number of students with disabilities who enroll in the school. It is important to note, though, that federal rules require that a school’s program be made accessible, not necessarily that every space within the facility is made accessible. For example, it may be that certain program elements can be relocated from a high floor to the ground floor to accommodate student or parent need. Building renovations must comply with applicable rules and could trigger additional responsibilities related to access.</li> </ul>

<p>Discipline <i>See Appendix J, Discipline Best Practices and Appendix K, Sample Discipline Policy</i></p>	<p>Policies and procedures that outline behavioral expectations and consequences for students who do not meet expectations.</p>	<b>GENERAL CONSIDERATIONS</b>	
		<ul style="list-style-type: none"> <li>• What is the plan to develop a discipline policy, including the ways in which it impacts students with disabilities?</li> <li>• If adopting an existing district’s discipline policy, do school personnel fully understand the nuances of the policy as applied in a charter setting and as applied to students with disabilities?</li> <li>• Do the school leaders plan to devote time and resources to train all personnel regarding the discipline policy and, specifically, the nuances involved in disciplining students with disabilities?</li> </ul>	<ul style="list-style-type: none"> <li>• Applicants should anticipate the need to have thoughtful and fair discipline policies that reflect their educational philosophy and best instructional practices. This policy should be consistent with applicable laws and regulations relating to disciplining students with disabilities. The goal of discipline is to teach children how to behave and provide a safe environment in which all students can succeed without distractions.</li> <li>• It is important that at least one staff member fully understand the specific requirements of IDEA and its regulations for applying discipline to students with disabilities. Expectations should be clearly articulated to make certain that students are clear regarding behavior expectations and consequences. The school should plan to train all personnel regarding the discipline policy.</li> </ul>
		<b>PART OF AN LEA</b>	
		<p>How will the school participate in and facilitate manifestation hearings if it is required that the district convene them?</p>	
<p>Family and Community Engagement</p>	<p>Efforts taken to engage parents and the broader community in the success of the school.</p>	<b>GENERAL CONSIDERATIONS</b>	
		<ul style="list-style-type: none"> <li>• Does the school plan to provide families and the broader community the opportunity to contribute to the school’s success (e.g., training to support student learning, board of directors, fundraising, classroom</li> </ul>	<ul style="list-style-type: none"> <li>• Families and the broader community can play a central role in a school’s success. For students with disabilities, substantively engaging families in their student’s education can play an important role in providing and monitoring individualized services.</li> <li>• If the school has a virtual or blended learning component, family engagement can be particularly</li> </ul>

		<p>volunteers, or advocacy)? What is the plan?</p> <ul style="list-style-type: none"> <li>• Are parents of students with disabilities afforded adequate opportunities to participate in school committees?</li> <li>• If the school has a virtual or blended learning component, what structures will be developed to fully engage parents to support learning that will occur in the home?</li> </ul>	<p>important. School personnel should develop strategies and structures to substantively engage the family to support the virtual component and make certain that family members are equipped to support the use of technology, including potentially assistive technology.</p>
Transportation	The services provided to students to transport them between their home and school.	<b>GENERAL CONSIDERATIONS</b>	
		<ul style="list-style-type: none"> <li>• Will the school offer transportation to all students?</li> <li>• If yes, what accommodations will the school make to be certain that students with disabilities can safely and successfully take advantage of the transportation provided?</li> <li>• If transportation is not provided to all students, how will the school provide transportation if it is a related service in a student's IEP?</li> </ul>	<ul style="list-style-type: none"> <li>• Transportation can be identified as a related service required to ensure that a student can access the school. Applicants should anticipate that they will most likely be asked to provide transportation to some students with a disability and develop a plan to accommodate them. Access to public transportation may be a factor that influences decisions related to securing a facility.</li> </ul>
		<b>PART OF AN LEA</b>	
		<ul style="list-style-type: none"> <li>• If transportation is not provided to all students, how will the school or LEA provide transportation if it is a related service in a student's IEP?</li> </ul>	<ul style="list-style-type: none"> <li>• Schools will need to work with their LEA to accommodate transportation needs, which could be provided by the school or the LEA.</li> </ul>

<p>Educational Service Provider (ESP) (if applicable)</p>	<p>An entity (nonprofit or for-profit) hired under a performance contract to provide comprehensive or targeted services.</p>	<p><b>GENERAL CONSIDERATIONS</b></p>	
<p>Replication Issues</p>	<p>Components of the application process that are unique to replication efforts.</p>	<p><b>GENERAL CONSIDERATIONS</b></p>	
		<ul style="list-style-type: none"> <li>● Will the applicant hire an ESP to provide any services impacting students with disabilities? If yes, what expertise does the company have related to education of students with disabilities?</li> <li>● If the ESP is from out of state, how will it develop expertise related to state special education law?</li> </ul>	<ul style="list-style-type: none"> <li>● ESPs can offer a breadth and depth of expertise to charter applicants. However, the most productive partnerships stem from a well-thought-out performance contract that outlines clear expectations and means to hold the company accountable. If the ESP is going to provide instructional services or manage instructional personnel, they should be held accountable in the performance contract for the provision of high-quality special education services.</li> </ul>
		<ul style="list-style-type: none"> <li>● Does the school have a track record of academic success for all students?</li> <li>● Does the existing school’s enrollment of students with disabilities approximate that of the local community?</li> <li>● What is the school’s mission and vision?</li> <li>● Does the existing school have a clearly articulated curriculum?</li> <li>● Does the existing school have established policies and procedures related to recruiting, hiring, managing, and evaluating personnel?</li> <li>● Has the school established a track record of sound financial practices that positions them to secure a facility?</li> <li>● Has the school been the subject of any special education due process complaints, and, if yes, how were they resolved?</li> </ul>	<ul style="list-style-type: none"> <li>● Successful charter operators have tangible evidence of performance that presumably positions them to effectively operate additional schools. While novice operators should <b>demonstrate the potential</b> to be successful, existing operators should provide <b>tangible evidence of their success</b> and a feasible plan to create a new school that will be equally successful.</li> <li>● Operators applying to replicate an existing school should have a track record for lawfully and effectively attracting and serving students with disabilities.</li> </ul>

## PHASE 2: OPERATIONS AND OVERSIGHT

**Objective:** Track and assess a charter school’s operations and ensure that the school is enrolling and providing appropriate services to students with disabilities. **In addition to the categories below, be attentive to a school’s overall capacity to effectively serve students with disabilities. Look for adherence to the plans in the application and charter contract, and indications of improvement throughout the term of the charter.**

OPERATIONS AND OVERSIGHT CATEGORY	CORE ELEMENTS	KEY CONSIDERATIONS	BEST PRACTICES
Enrollment and Retention	Enrollment and retention numbers and categories of students with disabilities.	<p style="text-align: center;"><b>GENERAL CONSIDERATIONS</b></p> <ul style="list-style-type: none"> <li>● Does the school monitor the percentage of students with disabilities it enrolls generally? By category of disability?</li> <li>● Does it take ongoing steps to ensure the retention of students with disabilities?</li> <li>● If the proportion of students with disabilities does not approximate the local community, does the school have a plan to proactively recruit students with disabilities?</li> </ul>	<ul style="list-style-type: none"> <li>● Once the school is open, it is important that the plans in the application to identify and enroll students with disabilities are implemented and that the school embraces the ongoing obligation to seek and retain these students. The school should have a practice of gathering, reviewing, and, where needed, acting on this information.</li> </ul>
Admissions	Admission of students without discrimination and in accordance with applicable law.	<p style="text-align: center;"><b>GENERAL CONSIDERATIONS</b></p> <ul style="list-style-type: none"> <li>● Does the school’s admission process intentionally or unintentionally impede the admission and/or enrollment of students with disabilities?</li> </ul>	<ul style="list-style-type: none"> <li>● As public schools, charter schools may not discriminate based on disability. Admissions and enrollment practices must be consistent with federal and state legal requirements. Charter schools engaging in “counseling out” (e.g.,</li> </ul>

		<ul style="list-style-type: none"> <li>● Is the school carrying out the admissions plan in its charter application?</li> </ul>	<p>seeking to persuade parents of students with disabilities from seeking admission or from accepting a place in the school) are acting improperly, violating applicable law, and subject to complaints, including potential legal action.</p>
Child Find	Identify students at risk for disabilities and seek appropriate evaluations.	<b>GENERAL CONSIDERATIONS</b>	
		<ul style="list-style-type: none"> <li>● Is the school appropriately engaging in Child Find?</li> </ul>	<ul style="list-style-type: none"> <li>● IDEA requires that the LEA (the charter school itself or the larger district LEA) seek out students who may have undiagnosed disabilities and take steps to have them evaluated. Charter schools are obligated to provide Child Find services to students enrolled in their school.</li> <li>● The school should be proactive about its responsibilities related to Child Find, including but not limited to ensuring that all school personnel understand their obligations related to referrals and evaluations.</li> </ul>
		<b>PART OF AN LEA</b>	
		<ul style="list-style-type: none"> <li>● Does the school work effectively to support the efforts of the LEA with its Child Find obligations (as set forth in its charter application)?</li> </ul>	<ul style="list-style-type: none"> <li>● Since the school is part of a district LEA, it should establish procedures to alert the LEA if staff believes a student requires an evaluation to assess potential eligibility to receive special education services.</li> </ul>
Student IEPs	IEP and related records are properly created, maintained, and updated.	<b>GENERAL CONSIDERATIONS</b>	
		<ul style="list-style-type: none"> <li>● Is the school implementing the plan for handling IEP issues it submitted in its charter application?</li> <li>● If the school has a virtual or blended learning component, do IEPs reflect this unique environment?</li> </ul>	<ul style="list-style-type: none"> <li>● The IEP, which defines what is appropriate for a particular student, what services and interventions are required, and how they are to be carried out, is the center of the special education process under IDEA. It is essential for student success and required under law that</li> </ul>



		<ul style="list-style-type: none"> <li>• Are there indications of parental satisfaction or frustration with the school's implementation of IEPs?</li> </ul>	<p>IEPs be created, implemented, updated, and overseen in accordance with applicable rules. The IDEA regulations at 34 C.F.R. 300 <i>et seq.</i> contain many of the requirements.</p> <ul style="list-style-type: none"> <li>• Authorizers should also look to the special education policy submitted by the school in its charter application for a statement of the measures the school promised to take.</li> <li>• If the school has a virtual or blended learning component, IEPs should be reviewed and, if necessary, modified to reflect this aspect of the program.</li> </ul>
PART OF AN LEA			
		<ul style="list-style-type: none"> <li>• Does the school understand its role as a school within a district LEA?</li> <li>• Does it have a record of reaching out to and being responsive to the district's efforts relating to IEPs?</li> <li>• Does it have in place a successful process to work with the LEA to ensure overall case management to support success for students with disabilities?</li> </ul>	

Service Provision	Services are provided in accordance with IEPs.	<b>GENERAL CONSIDERATIONS</b>	
		<ul style="list-style-type: none"> <li>Does the school faithfully and consistently implement student IEPs?</li> <li>Are students with Section 504 plans faithfully and consistently provided with services called for in those plans?</li> <li>Are there indications of parental satisfaction or frustration with the school's provision of special education and related services?</li> </ul>	<ul style="list-style-type: none"> <li>Students with IEPs or Section 504 plans are entitled to receive the services identified in them.</li> </ul>
Evaluations	Evaluations are conducted appropriately and on a timely basis.	<b>GENERAL CONSIDERATIONS</b>	
		<ul style="list-style-type: none"> <li>If the charter school contracts with an external provider for special education and related services, does the school oversee and cooperate with the provider in carrying out such evaluations?</li> </ul>	<ul style="list-style-type: none"> <li>In order to ensure that students are receiving appropriate services, federal and state special education laws require that evaluations and reevaluations of students with disabilities be carried out periodically on a set timeline. Meeting these requirements is both pedagogically important and required by law.</li> </ul>
		<b>PART OF AN LEA</b>	
		<ul style="list-style-type: none"> <li>Does the charter school foster and cooperate with the district LEA in carrying out appropriate and timely evaluations of students with disabilities and those who may have disabilities?</li> </ul>	<ul style="list-style-type: none"> <li>Where the district serves as the LEA, the charter school should participate cooperatively in student evaluations.</li> </ul>
Discipline	Discipline procedures are carried out lawfully and in accordance with the school's policy (especially regarding	<b>GENERAL CONSIDERATIONS</b>	
		<ul style="list-style-type: none"> <li>Does the school faithfully and consistently follow its discipline policy regarding students with disabilities?</li> </ul>	<ul style="list-style-type: none"> <li>Charter schools should be held responsible for implementing a lawful student discipline policy that is consistent with and carried out in accordance with the rights of students with disabilities. These rules include those relating to</li> </ul>

	suspensions and expulsions).	<ul style="list-style-type: none"> <li>● Are students who may have a disability afforded appropriate processes and protections when disciplines issues arise?</li> </ul>	<p>conducting manifestation determinations in advance of any suspensions beyond 10 days in a school year.</p> <ul style="list-style-type: none"> <li>● In instances where a student may have a disability as defined in IDEA, the student is entitled to protections under IDEA. See, generally, 34 C.F.R. 300 <i>et seq.</i></li> </ul>
<b>PART OF AN LEA</b>			
Where the district serves as the LEA, the charter school must bring such issues to the attention of the district and cooperate in the process.			
Assessments	Appropriate assessments are carried out, accommodations provided, students included in testing in accordance with their IEPs.	<b>GENERAL CONSIDERATIONS</b>	
		<ul style="list-style-type: none"> <li>● Are students with disabilities included in assessments administered by the charter school?</li> <li>● Are alternate assessments provided to students whose IEPs call for them?</li> <li>● Are students whose IEPs or Section 504 plans call for testing accommodations consistently provided with them?</li> </ul>	<ul style="list-style-type: none"> <li>● Special education laws protect a student’s right to receive appropriate accommodations during assessments. For each student in need of such measures, the IEP or Section 504 plan will dictate what is appropriate. In severe cases, a student’s IEP may call for an alternate assessment to be administered to the child.</li> </ul>
Funding	Special education funding is properly utilized.	<b>GENERAL CONSIDERATIONS</b>	
		<ul style="list-style-type: none"> <li>● Are special education funds expended only on viable special education costs and services?</li> </ul>	<ul style="list-style-type: none"> <li>● Funds provided to the school from special education funding sources must be spent on legitimate special education costs and services. Authorizers should look for indications of inattentiveness to these restrictions or deliberate misallocation of such funds.</li> </ul>

## PHASE 3: RENEWAL OR CLOSURE

**Objective:** Examine individual charter school practices over the life of the charter, such as Child Find, enrollment procedures, initial evaluations, development of IEPs and Section 504 plans, provision of related services, and transition services for the purpose of informing renewal decisions.

RENEWAL APPLICATION CATEGORY	CORE ELEMENTS	KEY CONSIDERATIONS	BEST PRACTICES
Records Review	Review of records—enrollment, IEP, discipline, funding, etc.	GENERAL CONSIDERATIONS	
		<ul style="list-style-type: none"> <li>Does the school maintain records in accordance with federal and state regulations and appropriate professional practice?</li> </ul>	<ul style="list-style-type: none"> <li>Operating schools should have organized, up-to-date, secure, and complete files on their students with disabilities.</li> </ul>
		PART OF AN LEA	
		When a school is part of an LEA, maintaining the files will require some coordination with the LEA, or possibly LEAs, that provide services to students enrolled in the charter school.	
Practices Versus Policies	Comparison of actual practices to official school policies.	GENERAL CONSIDERATIONS	
		<ul style="list-style-type: none"> <li>Do routine practices reflect assurances made in the charter application and otherwise adopted by the school (e.g., commitment to open enrollment, differentiated instruction, and response to intervention)?</li> </ul>	<ul style="list-style-type: none"> <li>Sometimes schools either do not fully implement the intentions they describe in their charter applications or otherwise adopt, or, over time, they stop providing some elements. In other cases, the school may conceive of a better way to provide services, which differs from the policy they have committed to. In such cases, the authorizer needs to ensure that the school completed steps required to modify their protocols.</li> </ul>

Compliance	Analysis of compliance with applicable law, rules, and regulations (e.g., ADA, IDEA, Section 504, and state special education law and regulations).	<b>GENERAL CONSIDERATIONS</b>	
		<ul style="list-style-type: none"> <li>● Does the charter school maintain special education records that comply with state and federal rules and regulations?</li> <li>● Has the charter school been the subject of a due-process complaint or complaints? If yes, what is the nature of the complaint(s)? Were the complaints procedural or substantive in nature (e.g., related to minor compliance concerns or to the provision of FAPE)?</li> <li>● What is the status of the complaint(s)?</li> <li>● Are complaints isolated issues or indicative of a larger pattern of noncompliance that should be considered in the decision to renew the charter?</li> <li>● Has the charter school been monitored by the state, and, if yes, is the authorizer aware of the outcomes of the monitoring?</li> </ul>	<ul style="list-style-type: none"> <li>● Special education is highly regulated, and, consequently, compliance with federal and state regulations is a part of developing and sustaining a high-quality special education program. Charter school operators need to understand compliance requirements and make certain that they follow procedural as well as more substantive programmatic requirements to comply with the spirit as well as the letter of the law.</li> <li>● Central to compliance is ensuring that students with disabilities are provided a free appropriate public education in the least restrictive environment. Underlying these central tenets of special education are policies and procedures related to informing parents of their rights and ensuring that students are provided with timely assessments and regular monitoring of their progress toward achieving the goals outlined in their IEPs and in their Section 504 plans.</li> </ul>
		<b>PART OF AN LEA</b>	
<ul style="list-style-type: none"> <li>● For schools that are part of a district LEA, the district retains primary responsibility for the development and implementation of the IEP and for compliance with special education requirements generally. Charter schools that are part of the district</li> </ul>			

		LEA should collaborate and work in conjunction with the district's efforts.	
Handling Problems	Review how the school handled problems related to delivery of special education and related services.	<b>GENERAL CONSIDERATIONS</b>	
		<ul style="list-style-type: none"> <li>● How has the charter school documented and resolved complaints related to educating students with disabilities?</li> <li>● Have complaints been resolved informally or progressed to formal due-process complaints filed with the state?</li> <li>● Has the school proactively sought to work with parents as partners to resolve any problems associated with evaluations, provision of FAPE, LRE, and transition planning?</li> </ul>	<ul style="list-style-type: none"> <li>● School leaders should strive to establish highly transparent policies and procedures and engage parents to the maximum extent possible. By recognizing and engaging parents as essential partners in their child's education, school leaders can minimize and diffuse problems that may arise. There should be evidence of a commitment to involving parents in clear and regular communication about services with parents.</li> <li>● Charter operators should also consult with legal counsel and document evidence of advice from counsel regarding resolution of issues.</li> </ul>
Parental Satisfaction	Consideration of evidence of parental satisfaction or frustration with the school's service provision and handling of special education matters.	<b>GENERAL CONSIDERATIONS</b>	
		<ul style="list-style-type: none"> <li>● Are there indications of parental frustration with the school's special education program? Have there been impartial hearings convened by parents over the term of the charter? What were the rulings?</li> <li>● Have there been complaints to the authorizer or other authorities with regard to special education?</li> <li>● Is there more informal evidence e.g., (letters, emails) of parental dissatisfaction?</li> </ul>	<ul style="list-style-type: none"> <li>● Parents are key stakeholders. Their input and actions relating to special education services provided (or not provided) by the school are important in assessing the quality of special education offerings by the school over the charter term. Where parents have initiated impartial hearings or other grievances, attention should be paid to the content and outcomes of those actions as well as to any patterns they may suggest.</li> </ul>

<p>Performance Measures <i>See Appendix H, Special Education Review and Audit Policy</i></p>	<p>Identify and track performance metrics that document the degree to which students with disabilities are benefiting from access to the general education curriculum.</p>	<p><b>GENERAL CONSIDERATIONS</b></p>	
		<ul style="list-style-type: none"> <li>● Has the school developed a means to track progress of students with disabilities aside from standardized state tests (e.g., progress on goals of the IEP, degree of inclusion in the general education classroom, student retention and graduation, or post-graduation opportunities)?</li> <li>● If the school has a virtual or blended learning component, how does the learning management system track progress, including provision of special education and related services?</li> </ul>	<ul style="list-style-type: none"> <li>● Annual standardized assessments are a relatively blunt instrument to track student progress. School personnel have the ability to identify a variety of measures to track the academic progress of students with disabilities that are more nuanced than annual tests and more substantive than review of inputs (e.g., complete and up-to-date IEPs and compliance with IEPs).</li> <li>● If the school has a virtual or blended learning component, the learning management system should include a means to track a variety of performance metrics and potentially include tracking provision of special education and related services.</li> </ul>