

OPEN-ENROLLMENT CHARTER SCHOOL LAWS AND SPECIAL EDUCATION:  
A STUDY OF STATE AND LOCAL POLICIES IN TEXAS

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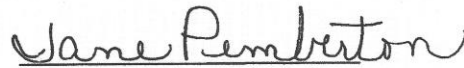
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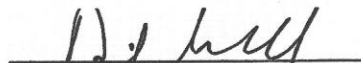
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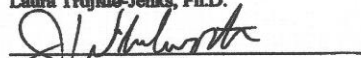
I am submitting herewith a dissertation written by Mary Kahama entitled "Open-Enrollment Charter School Laws and Special Education: A Study of State and Local Policies in Texas." I have examined this dissertation for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy with a major in Special Education.


  
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## DEDICATION

This dissertation is dedicated to my family  
For their endless support and encouragement.

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This dissertation would not have been possible without the love, support, and contribution of many individuals. First and foremost, I want to thank God for directing my path and for His provision of strength. Without Him, I can do nothing. I will forever be grateful to my late mother, Lucy Kahama, for inspiring me to greatness. This journey would never have begun without your unwavering support, prayers, encouragement, and love. Thanks to my father, Peter Kahama, for instilling the value of education in my life and for always being the voice of reason. I am grateful for the guidance from members of my dissertation committee. Dr. Michael Wiebe for providing direction, support, and encouragement. Dr. Jane Pemberton, thank you for your flexibility, insight, and knowledge. Your constructive comments and suggestions added valuable direction for my research and writing. I am indebted to Dr. Jerry Whitworth for his guidance on this research topic. Dr. Laura Trujillo-Jenks brought her vast knowledge of educational leadership and law to the committee. Your insight on law was most helpful. Dr. David Marshall provided statistical expertise, and great good humor. I would also like to thank the graduate school staff who helped me navigate through the paperwork that accompanied this process and for responding to all my emails. In addition, I would like to thank my friend and former colleague Mr. Warren Rubin for helping me with proofreading this dissertation. Thank you, Deborah Vyborny, for being supportive and for helping with the survey document.

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## ABSTRACT

MARY KAHAMA

### OPEN-ENROLLMENT CHARTER SCHOOL LAWS AND SPECIAL EDUCATION: A STUDY OF STATE AND LOCAL POLICIES IN TEXAS

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This study is a review of open-enrollment charter school laws in the State of Texas to document how needs of students in special education are addressed in accordance with Texas charter school statutes and practices. It includes a background on charter schools in Texas, a survey report of key special education personnel directly involved with translating policies into practices, and a review of relevant information from the contents of various charter school organizations' websites. The key objective of this study is to document both policies and practices in open-enrollment charter schools which are most prevalent in Texas. The following four areas of policies were identified and form the major points of discussion:

1. Provision of special education services
2. Admission and enrollment of students with disabilities
3. Expertise of service providers (knowledge of special education policies and procedures)
4. Special education accountability

Results from this study revealed that the experience of most open-enrollment charter school with special education has proven particularly challenging.

Lack of knowledge and experience, insufficient funding, limited resources and open-enrollment charter schools' ability to hire and retain special education personnel has affected open-enrollment charter schools' capacity to effectively and equitably serve students with disabilities. Lack of resources is particularly acute for open-enrollment charter schools because they operate as independent local education agencies (LEAs) and are responsible for offering a full continuum of special education and related services to provide students with disabilities a free and appropriate public education (FAPE). This challenge is further compounded by the funding disparity between public charter schools and traditional public schools. Teachers and staff in open-enrollment charter schools earn substantially less than their peers in traditional school districts. Renting or purchasing school facilities is extremely difficult for Texas open-enrollment charter schools because they do not receive state or local facilities funding.

This study revealed that while open-enrollment charter schools are provided targeted technical assistance on an on-going basis through the Regional Education Service Centers, this does not necessarily translate into public charter schools having the capacity to deliver special education. More assistance is needed in developing the structures needed to serve students with disabilities.

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## CHAPTER I

### INTRODUCTION

Much discussion in the policy arena today revolves around school choice and accountability. The charter school movement is a partial reaction to this pressure. Advocates of school choice initiatives envisioned that choice would transform American education by producing higher achievement (Ravitch, 2010). They based their case for choice on the shortcomings of traditional public schools, pointing to low test scores, low graduation rates, and the achievement gap between students of different subgroups (Ravitch, 2010). The United States charter school movement is based upon the assumption that allowing individual public charter schools increased autonomy from significant state and local rules, regulations, and policies that inhibit the flexible operation and management of public schools in exchange for more accountability will promote the creation of innovative, effective, and efficient schools (Rhim & McLaughlin, 2001). This autonomy can allow charter schools to provide a wide range of instructional and curricular approaches that may not be available in the traditional public schools.

Since 1991, with the first modern public charter school in Minnesota, a total of 40 states and the District of Columbia have enacted charter school legislation with almost 4,000 operating charter schools serving more than one million children in the United States (Estes, 2009; Rhim, Ahearn, & Lange, 2007). Public charter schools are now a growing and evolving segment of the public education sector.

Public charter schools are publicly funded schools that are afforded some level of exemption from state or local regulations, but which must adhere to all federal laws and regulations, including the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA) (Rhim et al., 2007). Although public charter schools are granted some flexibility and freedom from meeting certain state and local rules, regulations, and policies, as public schools they cannot waive their responsibilities under federal law. A charter school is either created by a developer as a public charter school or converted from an existing public school. Underlying the charter school movement is the premise that reduced regulations, in addition to accountability measures, result in successful schools (Cookson, 1994; Kolderie, 1990; Rhim et al., 2007 as cited by Estes, 2009). Consistent with any new enterprise, some public charter schools have achieved outstanding results and some have failed both academically and fiscally.

Shields (2005) noted that public charter schools are viewed as an attractive enrollment alternative to parents with students receiving special education services. However, it is important to monitor the way special education is implemented in public charter schools and the access they grant and provide to students with special needs. There is also evidence that enrollment of students with more significant disabilities in most public charter schools is relatively rare, except in schools specifically designed to serve students with disabilities (Estes, 2003).

When charter schools achieve outstanding results, researchers probe whether they enroll a fair share of the neediest students as traditional public schools do (Ravitch, 2010).

It is important to note that public charter schools use different approaches to attract students and are often tailored to community needs. Some public charter schools target student populations with special needs such as students who are deaf and hard of hearing, gifted and talented, at risk of dropping out, or with learning disabilities, while others offer a specific curriculum or approach, a particular educational philosophy, or a convenient location (Fiore, Harwell, Blackorby, & Finnigan, 2000). There are also reports of admission barriers for students with both mild and significant disabilities in some public charter schools (Arsen et al. 1999; Fiore et al. 2000; Horn & Miron, 2000; Lange, 1997; McKinney, 1996; Nelson et al., 2000; Zollers & Ramanathan, 1998 as cited by Wolf, 2010, p. 384). Some public charter schools violate federal law by “counseling out” parents of students with significant disabilities, including emotional and/or behavioral disorders, against enrolling in the charter school (Estes, 2003). One incessant question, therefore, is whether public charter schools should enroll all students, as traditional public schools do. Students with special needs and their parents have a right not only to equal access but also to quality, comprehensive, effective programming in charter and traditional public schools.



Complicated state public charter school laws, in regard to roles and responsibilities related to special education, are a key source of policy tensions and basic challenges in the development of special education programs (Rhim et al., 2007).

As the public charter school movement has grown nationwide, an increasing number of parents of students with disabilities are enrolling their children in charter schools (Shields, 2005). However, limited research exists on charter school statutes and special education in Texas public charter schools. In addition, little is known regarding how public charter schools in Texas address the specialized needs of students with disabilities, the extent to which students with disabilities are served in public charter schools, and the quality of services offered to these students.

### **Summary of Public Charter Schools**

Charter schools represent one of the fastest growing education reforms in the nation and have strong appeal at all levels of the education system, from local communities to the U.S. Congress (Estes, 2009; U.S. Department of Education, 2004). With strong bipartisan support nationally and in the states, charter schools have experienced significant growth since Minnesota passed the first charter school law in 1991 (U.S. Department of Education, 2004).

Charter schools are public schools that operate under a contract that typically defines their mission, program, governance and financial arrangements, specific educational outcomes, and ways to measure success (Geske, Davis et al.,

1997; Texas Charter School Association (TCSA), 2014 as cited by U.S. Department of Education, 2004). In addition, flexibility and autonomy to operate outside of traditional school frameworks are central to this educational reform (U.S. Department of Education, 2004).

Public charter schools are granted greater autonomy over their curriculums, budgets, educational philosophies, and teaching staff when compared to traditional public schools. This autonomy is expected to encourage innovation, higher achievement, and competition in exchange for accountability (Kolderie, 1990 as cited by Rhim, et al., 2007; National Association of Charter School Authorizers [NACSA], 2014). However, as with all other publicly funded schools, public charter schools must comply with the same requirements as traditional public schools with respect to discrimination in admission and compliance with federal education laws (Rhim et al., 2007).

Public charter schools may be established when an individual or group petitions. Upon approval of the petition, the chartering agency will grant a charter to open a new public charter school or convert existing schools, independent from established traditional school district (Ahearn, 1999; Rhim & McLaughlin, 2007; Scheffel & Revak, 2002). The expectation is that these schools meet the terms of their charter or face closure by their authorizing entities, which may be state education agencies (SEAs), local education agencies (LEAs), institutions of higher education, nonprofit organizations, or other designated entity (Rhim et al., 2007). These bodies that have the authority to grant

charters (i.e., authorizers or sponsors) and charter schools' operators interpret and implement individual state charter school laws, thus translating policies into practices.

These schools differ markedly across states in the extent to which they are considered part of existing school districts (LEA) and in the area which they enroll students, but they all involve the exercise of choice (Ahearn, 1999; McLaughlin & Henderson, 1998). It is important to note that the charter school sector is mainly a state-driven reform initiative. Individual states pass charter school laws that define the legal status of their charter schools and articulate specific guidelines within which charter schools should operate (Rhim et al., 2007).

### **Purpose of the Study**

Special educators, researchers, and advocates for students with disabilities are concerned that public charter schools lack the resources and expertise to adequately meet the needs of students with disabilities (Estes, 2003; McLaughlin & Henderson, 1998; Rhim & McLaughlin, 2007). A public charter school that operates as its own LEA, independent and separate from any other schools or districts, is responsible for providing the specialized instruction and related services necessary to meet the individualized needs of its enrolled students with disabilities unless state law assigns that responsibility to some other entity (34 CFR § 300.209 [c]). Unlike traditional public schools, which are parts of a LEA and are able to draw upon the district resources in terms of staff expertise, specialized programming, and services, a charter school that is its own LEA must provide students with disabilities FAPE that is consistent with each student's individualized

education program (IEP) entirely through its own resources or through contractual arrangements (Bordelon, 2010).

The capacity and willingness of public charter schools to serve students with disabilities pose important questions on many grounds including their effectiveness, accountability, equity, and sustainability (Hubbard & Kulkarni, 2009). In addition, there is evidence that public charter schools serve fewer students with more significant (e.g., severe, profound) disabilities than traditional public schools (Estes, 2003). The vast majority of students with disabilities in Texas public charter schools have mild disabilities (Estes, 2009).

The purpose of this study is to document how the needs of students in special education are addressed in open-enrolment charter statutes and practices in the State of Texas. To obtain policy data for this report, the state education agency (SEA) was asked to provide any regulations or policy-related written documents concerning the education of student with disabilities in Texas open-enrollment charter schools. In addition, the contents of various charter school organizations websites were reviewed for relevant information.

In order to gather more specific information relating to the reported practices of serving students with special needs, open-enrollment charter school special education administrators were asked to complete a survey of services. The sample consisted of directors of special education, special education coordinators, and special education program directors. Both data sets were used to evaluate current levels of education

services to students with disabilities currently enrolled in Texas open-enrollment charter schools.

### **Research Questions**

This analysis is driven by a single research question: What policies and practices are implemented in the State of Texas to ensure that students with disabilities can access free and appropriate education in public charter schools? This study will focus on open-enrollment charter schools which are most prevalent in Texas (Texas Education Agency, 2007). To answer this question, this study will focus specifically on how public charter school laws and regulations in Texas resolve or provide clarity regarding the following issues:

1. Provision of special education services,
2. Admission and enrollment of students with disabilities,
3. Expertise of service providers (knowledge of special education policies and procedures), and
4. Special education accountability.

Identification of these four issues emerged from reviews of previous literature (Barkmeier, 2012; Estes, 2003; Howe & Welner, 2002; Hubbard & Kulkarni, 2009; LaNear & Frattura, 2007; Rhim et al., 2007; U.S. Department of Education, 2000; Yell, 2012) that examined special education in public charter schools.

### **Significance of the Study**

The information derived from this study may be beneficial to charter schools striving to provide quality services to students with disabilities. Also significant is the contribution of this study to the body of literature on charter schools and students with disabilities in Texas. Finally, further research questions may be generated because of this study.

### **Definition of Terms**

To establish a common foundation of knowledge, the following definitions are provided for this study:

Public Charter School: Public charter schools are tuition-free, open-enrollment public schools that are granted greater autonomy to address the educational needs of the individual students while still held to state academic and financial accountability standards (TCSA, 2014).

Local Education Agency (LEA): LEA is a legal entity that ensures appropriate educational programming at the local level under the guidance, direction, and oversight of the state (Green & Mead, 2004, as cited by Lange, Rhim, & Ahearn, 2008).

State Education Agency (SEA): SEA is a government entity responsible for providing information, resources, and technical assistance on educational matters to public elementary schools and secondary schools (20 U.S. Code § 7801 [41]).

Texas Education Code (TEC): “A set of the state statutes (laws) governing public education in Texas. It applies to all educational institutions supported in whole or in part

by state tax funds, unless specifically excluded by the code. The TEC directs the goals and framework of public education in Texas. It is established by the Texas Legislature” (Texas Education Agency [TEA], 2014a).

Texas Administration Code (TAC): “A compilation of all state agency rules in Texas. These rules are collected and published by the Office of the Secretary of State. There are 16 titles in the TAC. Each title represents a subject category, and related agencies are assigned to the appropriate title. State Board of Education and Commissioner of Education Rules are codified in the TAC under Title 19, Education, Part 2, Texas Education Agency. State Board for Educator Certification Rules are codified in the TAC under Title 19, Education, Part 7, State Board for Educator Certification” (TEA, 2014a).

Education Service Center (ESC): Due to the large number of Independent School Districts (ISDs) in Texas, the TEA is divided into 20 regional centers. Each region contains an Educational Service Center (ESC) that provides various services to the school districts and charter schools in the state to help them develop their programs (Texas Open-enrollment Charter School Handbook, 2011).

Texas Education Agency (TEA): Texas Education Agency (TEA) is the state’s administrative agency that provides leadership, guidance, and resources to assist schools meet the educational needs of all students (TEA, 2014a).

Open-enrollment: TEA (2014b) noted that the word “open-enrollment” denotes that any student can apply to the charter school for admission.

Least Restrictive Environment: Refers to educating students with disabilities with their peers without disabilities to the maximum extent appropriate (Yell, 2012).

“PsychData was specifically designed to satisfy the standards of social science institutional review boards (IRBs) regarding online data collection. PsychData has been carefully designed to provide superior online research services to the social science community in a secure setting” (Psychdata, 2014).

Weighted Average Daily Attendance (WADA): WADA is the weighted average daily attendance figure used in several state funding formulas to calculate the amount of state and local funds to which a district is entitled (Texas Open-enrollment Charter School Handbook, 2011).

Average Daily Attendance (ADA): ADA is the number of students attending school on an average day. School districts receive funding based on ADA calculations [total number of days of attendance for all students divided by the total number of school days in a given period] (Texas Open-enrollment Charter School Handbook, 2011).

Individualized Education Program (IEP): The Individualized Education Program (IEP) is a legal written document for a student with a disability that is developed at least annually by a team of professionals knowledgeable about the student and the parents. The plan describes the strengths of the child and the concerns of the parents to enhance the education of their child including when, where, and how often services will be provided. The IEP is required by federal law for all exceptional children and must include specific



information about how the student will be served and what goals he or she should be meeting (Yell, 2012).

Admission, Review, and Dismissal (ARD): ARD is the Texas name for the group of people who make educational decisions about the student who is eligible for services in special education. The purpose of the ARD meeting is to provide an opportunity for parents and educators to discuss and develop an educational program for the student (the IEP). The ARD committee must meet at least once a year (Yell, 2012).

Free and Appropriate Public Education (FAPE): The IDEA defines FAPE as special education and related services that: are provided free of charge; meet state standards; include an appropriate preschool, elementary school, or secondary school education; and are provided in conformity with a properly developed IEP (20 USC § 1401(a)[9]).

## CHAPTER II

### REVIEW OF LITERATURE

#### **Overview of Public Charter Schools in Texas**

Public charter school legislation was first passed in Texas in 1995 (Texas Education Agency, 2007). Since then, demand for public charter schools has steadily increased. Charter school enrollment represents nearly 4% of the public school population in Texas with more than 105,000 students on waiting lists (Texas Charter Schools Association [TCSA], 2014). As publicly funded, non-sectarian schools of choice, public charter schools operate under a charter that typically defines their mission and model (TCSA, 2014). Public charter schools cannot charge tuition, teach religious doctrine, or discriminate.

In Texas, the charter school program was created in an effort to improve student learning, create new learning opportunities within the public school system, create professional opportunities that would attract new teachers to the public school system, establish a new form of accountability for public schools, and provide innovative learning opportunities and creative educational approaches (Texas Education Code §12.118). An institution of higher education (public or private), a nonprofit organization, or a governmental entity may apply to the Texas State Board of Education (SBOE) for a charter (TEC §12.101).

Texas' charter school law originally provided for three types of charter schools: a home-rule school district charter, a campus or campus program charter, and an open-enrollment charter school (TEC §12.002). In 2001, a provision was added allowing for the creation and operation of the university charter school, a form of open-enrollment charter granted to public colleges or universities (Ausbrooks, Barrett, & Daniel, 2005).

Texas charter school legislation requires an evaluation of all open-enrollment charter schools (Ausbrooks et al., 2005). Under the original 1995 regulation, the SBOE must appoint an impartial school choice evaluation organization to prepare an annual evaluation of open-enrollment charter schools (TEC §12.118). This organization has been the Texas Center for Educational Research (TCER) (Texas Center for Education Research [TCER], 2011). TCER conducts and communicates nonpartisan research on education issues and serves as an independent resource for those responsible for making, influencing, or implementing education policy in Texas. This evaluation process must include an analysis of students' achievement results on the state's standardized assessment, attendance, grades, disciplinary incidents, socioeconomic data on students' families, parent satisfaction, and teaching strategies. In addition, the examination must consist of a description of the costs associated with operating the charter schools and the impact open-enrollment charters have on school districts, teachers, students, and parents in those districts.

Texas has four types of charters (TEC §12.002):

1. Home-Rule school district charter (Subchapter B): A home-rule charter is established when voters in a school district elect to convert an entire school district into a Home Rule Charter District. A proposed home-rule charter is adopted if approved by majority vote in an election in which at least 25% of the district's registered voters participate (TEC §§12.021-12.022). Home-rule charters free the district from most state requirements including curriculum, employment, exit-level testing, and student discipline (TEC §12.001-12.030). There are no home-rule school district charters operating in the State of Texas.
2. Campus or Campus Program Charter (Subchapter C): A local school district board trustee or the governing body of a home-rule school may elect to convert to a charter school under Texas provisions for a campus or campus program charter (TEC §§12.051-12.064). In order to become a campus charter school, the parents of a majority of students in the school and a majority of the school's teachers must sign a petition requesting conversion (TEC §§12.052). Independent school districts authorize and oversee these types of charters.
3. College or university charter schools (Subchapter E): In 2001, the legislature revised Texas' charter school law to allow for an open-enrollment charter school to operate on the campus of a public senior college or university or in the same county in which the campus of the public college or university is situated (TEC §12.152). University charter schools are subject to largely the same regulatory

provisions as open-enrollment charter schools, but must be supervised by a faculty member with expertise in educational matters. In addition the school's financial operations must be overseen by the university's business office (TEC §12.154).

4. Open-enrollment Charters (Subchapter D). Texas open-enrollment charter schools are granted by the commissioner to “eligible entities,” such as nonprofit organizations, institutions of higher education, or local government groups (TEC §12.101). Of the four types of charter schools in Texas, the open-enrollment charter has proven the most popular. The majority of students enrolled in Texas charter schools attend an open-enrollment school. This study will focus on open-enrollment charter schools that are more prominent in Texas.

### **Characteristics of Texas Open-enrollment Charter Schools**

Public charter schools are tuition-free, open-enrollment public schools that are granted greater autonomy to adapt to the educational needs of the individual student while still held to state academic and financial accountability standards (TCSA, 2014). Areas of autonomy afforded to open-Enrollment charter schools (Texas Open-enrollment Charter School Handbook, 2011) include:

- Student/teacher ratio and class size: Open-enrollment charter schools must follow what was set forth in the application regarding student teacher ratio and class size or have an approved amendment to the charter.

- Certification requirements: Teacher certification is not required unless stated in the charter application. However all open-enrollment charter school teachers must hold at least a bachelor's degree and must demonstrate competency in the core academic areas in which they teach in order to meet the definition of a highly qualified teacher stipulated by No Child Left Behind Act of 2001 (NCLB).
  - Certification is required for special education and bilingual/ESL teachers.
  - There are no certification requirements for administrators other than the requirements outlined in charter application; however, school officer training is required.
- School calendar: School calendars and hours of operation are determined by the charter. However, open-enrollment charter schools are required to submit the school calendars addressing the minimum number of days required by the state, holidays, staff development days, and early release days to the TEA every school year.
- Admissions policies: Must be officially documented in charter documents.
  - State law allows for lottery or first come, first served (TEC §12.117) however, open-enrollment charter schools may provide for the exclusion of a student with a documented history of a criminal offense, a juvenile court adjudication, or discipline problems listed under TEC Chapter 37, Subchapter A (TEC §12.11(a)(6)(A)).

- May require audition for charter schools specializing in performing arts (TEC §12.1171).

The vast majority of Texas charter schools are open-enrollment and are operated by an institution of higher education, a non-profit organization, or a governmental entity (TEC §12.101). The first open-enrollment charter school opened in Texas in 1996 (Rapaport, Booth, Gibson & Swanlund, 2014). As of the year 2012-13, 178,826 students were enrolled in charter schools (approximately 3.5% of the public school student population) in 202 open-enrollment charter schools operating on 552 campuses across Texas (Rapaport et al., 2014).

Open-enrollment charter schools receive state funding and are eligible for federal categorical programs, such as the Individuals with Disabilities Education Act (IDEA) or Title 1 funding in accordance with the federal Elementary and Secondary Education Act (ESEA) (TCER, 2011). It is important to note that even though open-enrollment charter schools in Texas receive state and federal funds for educating children with disabilities, they normally incur significant additional costs as part of their operating expenses (e.g., facilities funding or land allotments). Charter school students are given, on average, less instructional/operational funding per pupil than students attending traditional school districts (TCSA, 2014). Public charter schools in Texas receive \$1,098 less per Weighted Average Daily Attendance (WADA) and \$1,703 less per Average Daily Attendance (ADA) than traditional school districts from the state (Foundation School Program funds 2013-14 as cited by TCSA, 2014). ADA is the number and types of students attending

the school, while WADA is ADA plus adjustments for students participating in special education, career and technical education, bilingual/ESL education, state compensatory education, and/or gifted and talented education programs (Texas Open-enrollment Charter School Handbook, 2011). Schools that choose to provide transportation to students may receive additional state funds. On average, there is a \$1,000 gap per student between funding for school districts and charters. In addition, unlike the traditional school districts, charter schools are not eligible to receive funding from statewide programs for facilities like traditional districts do and are therefore forced to spend operating/instructional funds on facilities (TCSA, 2014).

Because open-enrollment charter schools have no taxable property, they do not have access to local property tax revenues and are therefore more dependent on state funding than traditional district schools (TCER, 2006). The charter school's governing board retains legal responsibility for the management, operation, and accountability of the school (TEC §12.121) and is permitted to contract school management and instructional services from for-profit educational vendors (TEC §12.125). Even though open-enrollment charter schools are responsible for providing specialized instruction and related services necessary to meet the individualized needs of students with disabilities, they may not charge tuition, although grants and fund-raisers are allowed.

Currently, the number of open-enrollment charter schools that may be authorized by the SBOE under Chapter 12 Subchapter D of the TEC is capped at 225, but many open-enrollment charter schools operate multiple campuses. In addition, the



Commissioner of Education maintains the authority to allow highly effective charter schools charters to expand. An open-enrollment charter school may request approval to revise the maximum student enrollment described by the school's charter no more than once each year (TEC §12.1141).

### **Special Education and Charter Schools in Texas**

Students with disabilities enrolled in public charter schools have the same legal rights as those attending traditional public schools (34 CFR Sec. 300.209). Texas has enacted special education rules and regulations governing the provision of special education in public school districts, including public charter schools (Texas Education Agency Division of IDEA Coordination, 2012). These include the Texas Education Code (TEC) and the Texas Administrative Code (TAC). In Texas, special education rules are established by the State Board of Education (SBOE) and the Commissioner of Education.

The Texas Education Agency Division of IDEA Coordination, in collaboration with other divisions, is responsible for ensuring that the mandates of Public Law No: 108-446, IDEA, the TEC, and the TAC are carried out so that all eligible students with disabilities receive FAPE (Texas Open-enrollment Charter School Handbook, 2011). This assurance is accomplished through collaboration with staff at the 20 Regional Education Service Centers (ESCs) that provide technical assistance and support to the school districts and charter schools that provide direct services to eligible students with disabilities. The regional ESCs have designated staff members to support charter schools and districts with special education issues. While the Texas Education Agency retains

the ultimate responsibility for ensuring provision of FAPE to all eligible students with disabilities in the state, each public charter school is required, through contracts with other agencies, or cooperative agreement, to identify, locate, and evaluate all eligible students. It is the responsibility of each public charter school to ensure that students with disabilities are provided FAPE, including specialized instruction and related services based on their unique needs as set forth in the Individualized Education Program (IEP) and educated with students without disabilities to the maximum extent appropriate (34 CFR Sec. 300.209).

### **Special Education Services**

Charter schools must serve students receiving services in special education just as they would be served in a traditional school district (34 CFR 300.28). The No Child Left Behind Act of 2001 (NCLB) and the reauthorization of the Elementary and Secondary Education Act (ESEA) included a federal definition of a “highly qualified teacher.” All open-enrollment charter school teachers must hold at least a bachelor’s degree and must demonstrate competency in the core academic areas in which they teach in order to meet the definition of a highly qualified teacher (Texas Open-enrollment Charter School Handbook, 2011). Special education and bilingual/ESL charter school teachers must also have appropriate teacher certifications in their fields of assignment to be considered highly qualified (TEA, Division of Charter School Administration, 2008). The State of Texas requires all special education and related service personnel to be certified, endorsed, or licensed in the areas or areas of assignment (TEC §21.002). Although this is

a state-imposed regulation that is not required by IDEA or federal regulations, it is important for the delivery of special education services. The same level of education and competency is required for appropriate instructional practices in all public schools for all students receiving services in special education. Texas open-enrollment charter schools operate as independent local education agencies (LEAs), and as such are fully responsible for all the services provided by the larger school districts (Estes, 2003).

### **Admission and Enrollment of Students with Disabilities in Texas Open-enrollment Charter Schools**

Discrimination on the basis of sex, national origin, ethnicity, religion, disability, academic ability, or athletic ability in any program or activity is prohibited in admissions policies of charters granted under open-enrollment charter schools in Texas (Title 19 TAC

§100.1207(d)). As publicly funded schools, open-enrollment charter schools must comply with the same requirements as traditional public schools with respect to non-discrimination in admission and compliance with federal statutes and regulations. Schools must accept every student who applies or hold a lottery if there are more applicants than the school can accommodate. A student with a history of criminal offense, juvenile court adjudication, or discipline problems may however be excluded under TEC Chapter 37, Subchapter A.

### **Federal Statutes Relevant to Special Education in Public Charter Schools**

In addition to state and local policies governing the education of students with disabilities, charter schools must comply with the federal laws and regulations concerning students with disabilities receiving special education services (TEA, Division of Federal and State Education Policy, 2013). The most relevant examples of federal statutes that public charter school must follow include the IDEA, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act.

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

In 1975, Congress enacted Public Law 94-142, the Education for All Handicapped Children Act (EAHCA), to ensure that children with disabilities have the opportunity to receive a free appropriate public education, as their nondisabled peers (LaNear & Fraturra, 2007). The EAHCA law was designed to provide full educational opportunity for students with disabilities, and it outlined the procedures for delivery of services in public school systems (Yell, 2012). It has since been renamed the Individuals with Disabilities Education Act (IDEA) with modifications added through the years.

IDEA is the federal law that requires public schools, including charter schools, to provide FAPE for students with disabilities (Yell, 2012). IDEA governs how states and public agencies provide early intervention, special education, and related services to eligible infants, toddlers, children, and youth with disabilities.

The Basic Requirements of IDEA (TEA, Division of Federal and State Education Policy 2013) are as follows:

- If a child qualifies under IDEA, the school is required to provide FAPE in the Least Restrictive Environment (LRE). This is accomplished through the Admission, Review, and Dismissal (ARD) committee's development of an Individualized Education Program (IEP), and the school's implementation of the IEP.
- Zero reject
  - All students are given an equal educational opportunity to enroll.
  - Students may not be denied enrollment on the basis of a disability.
  - Students cannot be turned away or counseled out from enrollment.

#### **Section 504**

Section 504 is a brief provision of the Rehabilitation Act of 1973 and protects individuals with disabilities from discrimination in public schools throughout the United States (Yell, 2012). This means that students with disabilities should not be excluded from participating in the same academic and nonacademic extra-curricular (e.g., lunch, field trips, etc.) activities as their nondisabled peers. Section 504 protects eligible individuals from discrimination in any programs and activities receiving federal financial assistance based on their disability (LaNear & Frattura, 2007). Hence all students with disabilities who attend public schools, whether or not they are protected by IDEA, are covered under Section 504. Protection from discrimination, according to Yell (2012),

also requires schools to make certain that buildings, structures, and programs are physically accessible. In addition, students with disabilities should receive education in comparable facilities. Students who attend charter schools are covered by these Civil Rights Laws in the same way as students in any other public school.

### **The American with Disabilities Act**

In 1990 President George H. W. Bush signed P.L. 101-336, The Americans with Disabilities Act (ADA) into law. The ADA is similar to Section 504 of the Rehabilitation Act of 1973, but is larger in scope (Yell, 2012). Unlike Section 504 which protects individuals with disabilities from discrimination in the public sector, ADA mandates protection against discrimination in both the public and private sector. Under ADA, recipients of federal funds, including private employers and commercial entities serving the public, are prohibited from discriminating against persons with disabilities (Yell, 2012).

### **Extent of Service Provision and Access**

Public charter schools, as publicly funded schools, under Section 504 and as state or governmental entities under Title II of the ADA, cannot discriminate against individuals with disabilities (Ahearn, 1999). Under both Section 504 and Title II statutes, public charter schools may not use criteria or methods of administration that have the effect of subjecting eligible individuals with disabilities to discrimination on the basis of disability (34 CFR 104.4[b]) and 28 CFR 35.130[b]). A public entity including public charter schools also may not impose or apply eligibility criteria that screen out or tend to

screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered (28 CFR 35.130[b]). Public school students with disabilities who require special education and/or related services receive them either through implementation of an individualized education program (IEP) developed in accordance with Part B of IDEA or a plan developed under Section 504 (34 CFR 104.33). It is a violation of the law to deny a student with a disability admission to an accelerated class or program solely because of that student's need for special education or related aids and services, or because that student has an IEP or a plan under Section 504.

Public charter schools are required by the IDEA to provide each eligible student FAPE that meets the standards of SEA and is consistent with the student's IEP. Students with disabilities must be provided an opportunity to participate in and benefit from comparable aids, benefits, and services afforded others. The IDEA amendments of 1997 added two provisions that explicitly address charter schools.

The first describes charter schools that are part of a LEA and states that the LEA:

- (a) Must serve students with disabilities attending charter schools just as they would serve students with disabilities in its other schools; and
- (b) Must provide IDEA funds to charter schools in the same manner as it does to its other schools (IDEA, 20 U.S.C. § 1413[a])

Finally, under the second provision, a SEA may not require charter schools to apply for IDEA funds jointly with another LEA, unless authorized by its state charter school statute (IDEA, 20 U.S.C. § 1413[e]). While the law does not address a public charter school that is not part of a traditional LEA, IDEA regulations clarify that the statutory requirements apply to public charter school regardless of their type of organizational structure.

A comprehensive study conducted by the U.S. Department of Education (2000) in which data was obtained on the percentage of students with disabilities enrolled in charter schools in 22 states and the District of Columbia reported that charter schools across the nation enrolled a lower percentage of students receiving services in special education than traditional public schools. Many public charter schools operate as independent local education agencies (LEAs) and as such, they may be isolated from the interchangeable “economies of scale” accessible in a traditional public school system (Barkmeier, 2012). In addition to this large-scale survey study, a more focused quantitative and qualitative study on the effects of charter school systems on students with disabilities conducted in Texas by Estes (2004) also found that approximately 70% of charter schools (N = 92) reported enrolling fewer students with disabilities (8.6%) than the state average (12.3%). The requirements of disability law carry heavy administrative and fiscal responsibilities and some open-enrollment charter schools are unable to build the fiscal and human capacity needed to meet the needs of students with disabilities (Estes, 2003).



### **Expertise of Service Providers**

Howe and Welner (2002) noted that one of the provisions of IDEA that is challenging to a charter school stipulates that “Students with disabilities must be taught by personnel who are ‘appropriate and adequately prepared and trained’ and who meet the ‘highest standard in the state’ for the provisions of special education” (34 CFR § 300.136).

It takes more than good intentions to be a successful charter school operator. Most charter school operators, according to Hubbard and Kulkarni (2009), do not have proficient skills and knowledge necessary for effectively leading a charter school. Estes (2004) conducted a quantitative and qualitative study to determine the extent of service provision to students with disabilities and the competency of Texas’s charter school administrators regarding federal disability laws. Findings from 142 charter schools in operation during 1999-2000 indicated that only 92 schools submitted special education enrollment data to the state, in spite of losing special education funding. A wide inconsistency in both expertise and quality of service provision was also reported. Estes (2003) noted that all but one administrator ( $N = 7$ ) affirmed they were prepared to serve students with all levels of disabilities but most were anxious to present a positive image of their school(s). Findings across these studies indicate a lack of IDEA awareness in the charter schools. The majority of charter school operators interviewed also demonstrated very little knowledge of the IDEA law or its requirements.

### **Special Education Accountability**

No Child Left Behind (NCLB: 2001) and the 2004 reauthorization of the Individuals with Disabilities Education Improvement Act (IDEIA), among other requirements, mandate school districts to ensure that students with disabilities have access to a standards-based curriculum and are included in a state-wide assessment system and accountability (LaNear & Frattura, 2007). NCLB requires students with disabilities to make adequate yearly progress (AYP) alongside their nondisabled peers. AYP is a measurement used each year to establish whether school districts are meeting state standards (Yell, 2012). Accountability for student outcomes according to Rhim et al. (2007) is not only a priority of IDEA (2004) but also a core charter school tenet. Through special education monitoring and other accountability measures, states can establish whether students are receiving services accorded through various disability laws (Lange et al., 2008). Nonetheless, there is little evidence that charter schools provide accountability for special education service provisions (Snell, 2004). Findings from a comprehensive review of all state charter school laws (N=41, which included 40 states plus District of Columbia) conducted by Rhim and McLaughlin (2007) determined that information on academic outcomes for students with disabilities enrolled in charter school is limited.

While special education accountability is demanding for all schools, public charter schools face unique challenges (Snell, 2004). With few resources, less oversight, and less control than traditional public schools, special education accountability is a

critical area for public charter school (Snell, 2004). Most public charter schools are generally small in size compared to traditional public schools and do not have the economies of scale to minimize the cost of special education services.

### **Summary**

Despite the intricacies inherent in managing legal and financial special education requirements within an independent school structure, public charter schools continue to be appealing alternative options for a large number of families with students receiving special education services (Estes, 2009; O'Brien, Hupfield & Teske, 2008; Shields, 2005). It is therefore critical that charter schools be guided by recommendations that will help ensure appropriate educational programming for students with disabilities. Information derived from this study may provide helpful information to open-enrollment charter schools seeking to provide quality services to students.

### CHAPTER III

#### METHODOLOGY

The researcher conducted a mixed methods study using both state policy documents and survey data. It includes a background on public charter schools in Texas, a survey (Appendix A) report of key special education personnel directly involved with translating policies into practices, a review of Texas policy documents (Appendix B), and relevant information from the contents of various charter school organizations websites (Appendix C).

Public charter schools quality and accountability are influenced by a variety of factors that may include the type of school authorizer, their leaders, and their practices (National Association of Charter School Authorizers [NACSA], 2014). The State of Texas has 17 charter school authorizers (NACSA, 2014). Local education agencies (LEAs) and the state education agency (SEA) are the authorizers in the state. These authorizing bodies and charter schools' operators employ practices that impact schools and students. It is important to note that the Texas State Board of Education is the authorizing body for all open-enrollment charter schools in Texas.

State and local laws addressing special education also define public charter schools' legal responsibility for students with disabilities. The laws prescribe the basics of how public charter schools must serve students with disabilities.

## **Research Sources**

Data for this report were gathered from three sources:

1. The first source of data was obtained through an open records request submitted to TEA. The request sought data on any regulations or policy-related written documents concerning the education of students with disabilities in Texas open-enrollment charter schools. In addition, Texas rules and regulations relevant to special education in public charter schools were reviewed. These included the Texas Education Code (TEC) and Texas Administrative Code (TAC). State laws constitute the most important tool of state educational policy (Ahearn, 1999). Without a plan, special education requirements may be implemented inconsistently. Well considered policies will provide a clear consistent guidance. Policies and procedures to assist open-enrollment charter schools in the implementation of special education services were documented.
2. The second source of data was obtained from reviewing relevant information from contents of various charter school organizations websites. These organizations offer resources and expertise on various issues affecting public charter schools and special education.
3. The final source of data was the survey. This survey was designed by the researcher and contained 27 checklist items and 2 statements that required narrative responses.

## **Research Questions**

This analysis was guided by a single prime research question: What policies and practices are implemented in the State of Texas to ensure that students with disabilities can access free and appropriate education in public charter schools? This study focused on open-enrollment charter schools in Texas. To answer this question, this study examined the following four key issues that were identified to be important to special education:

1. Provision of special education services,
2. Admission and enrollment of students with disabilities,
3. Expertise of service providers (knowledge of special education policies and procedures), and
4. Special education accountability.

## **Participants**

The target population for this study consisted of special education directors, coordinators, and special programs directors, who have the primary responsibility for administration, direction, and supervision of special education programs and services for students with disabilities in Texas open-enrollment charter schools. The sample of special education directors was obtained from the Texas Council of Administrators of Special Education (TCASE) directory. The directory is an indexed listing of special education directors in the Texas public schools and is published each fall. It contains the email addresses of special education directors in the state including charter schools.

A public information listing of all active open-enrollment charter schools was also downloaded from the Texas education agency website district directory (AskTED). AskTED is an online directory of Texas schools, including open-enrollment charter schools. The directory is primarily used for seeking contact information for schools, districts, and Education Service Centers.

A list of possible participants from open-enrollment charter schools that had special education administrators' email addresses published was created. Participants were solicited from their respective open-enrollment charter school. In addition, permission was requested and granted to use Region 10 Education Service Center's charter school list serve. The Special Populations Consultant in Region 10 sent the survey to special education administrators in the charter school list serve. Region 10 ESC provides services that impact more than 750,000 students and 65,000 educators in 80 public school districts, 41 public charter schools, and various private schools in the 8 counties (and portions of a 9th) in North Texas. The service center's charter school list serve contains a current list of special education administrators in North Texas.

### **Pilot Study**

Before distributing the survey to the participants, a pilot study was conducted with three special education administrators. The test group was provided with the directions and information related to the survey. Participation was voluntary and no incentives were offered for participating in the survey. The test group was encouraged to make comments and state suggestions concerning the survey directions and the questions.

For example, if a participant reported that certain important questions had been left out or that some existing items were not relevant, he/she should note this. The results were used to provide the researcher with information about deficiencies, suggestions for improvement, and content validity. None of the results were used as part of the data for the actual survey. The changes made were:

1. Three answer choices were removed from Question One, leaving one choice approach with a space for “other”.
2. Questions number 5, 14, and 18 were reworded.
3. Extra spaces between words were deleted.

After making the above revisions on the survey as suggested by the test group, the instrument was emailed to the selected research participants.

### **Procedures**

The researcher built a survey that included the purpose of the study. No demographic or identifiable data was requested. This document was posted on a secure research website, PsychData.com, an internet research service adopted by Texas Woman’s University.

Each online contact with the participants began with an email letter of introduction (Appendix D) that explained the purpose of the study and assurance of confidentiality. The email contained a direct link to PsychData.com and the survey. Participant consent was directly implied by the participant’s responding to the survey and submitting an anonymous response via PsychData.com.



The participants were assured that their responses were anonymous. If participants wished to learn the results of the survey, they were advised that the survey results would be sent them if they sent the researcher a formal request by separate email, hence separating an implication of response or non-response to the survey. A response time frame of two weeks was given to the online survey participants. An explanation of how the data would be handled, safeguarded, and used was also included. An initial distribution email was sent to all the participants. Since the responses were anonymous and no one, including the researcher, knew which participants had completed the survey, several reminder emails were sent to all the participants reminding them to complete the survey. The following statement was included in the follow-up email, “If you have already responded, please disregard this reminder. Thank you for your cooperation.”

### **Protection of Human Participants**

The researcher met the Texas Woman’s University requirements of ethical review and approval from the Institutional Review Board (IRB) [Appendix E]. This approval was granted prior to any collection of data. In addition, the researcher provided the participants the contact information email addresses and telephone numbers for the researcher and the researcher’s faculty advisor. The participants were encouraged to contact the researcher or the advisor if they had any questions or concerns about the study.

Participants were also informed that the data collected would be used for developing a report, which was part of a doctoral dissertation.

Participants were advised that there would be no direct benefits for their participations and that the participation was voluntary.

### **Data Analysis**

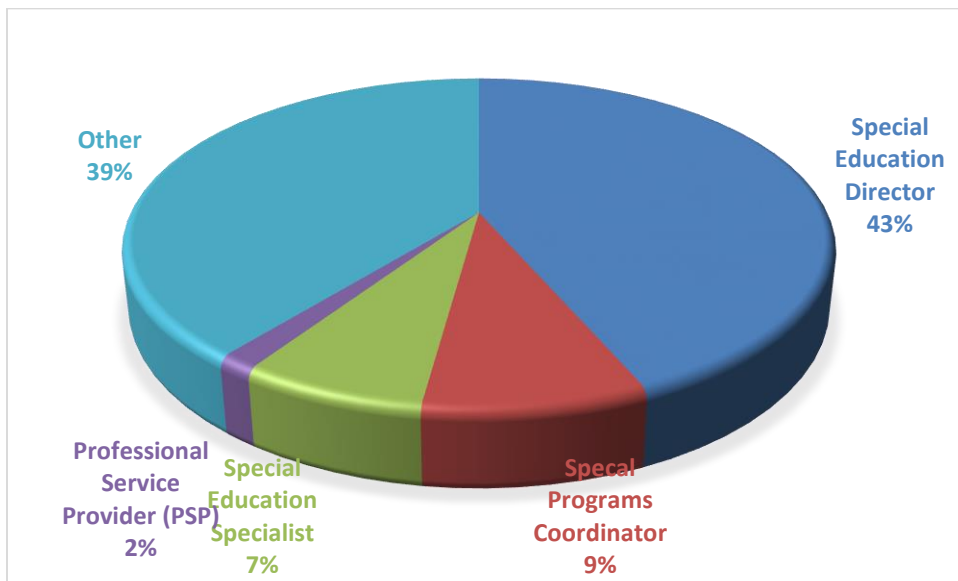
The review consisted of analyzing open-enrollment charter statutes and practices to document how the needs of students in special education are addressed. When an adequate number of responses had been received, the survey was closed. From the data that had been submitted, the researcher analyzed the responses to document practices as they pertain to the four key issues that emerged from review of previous literature examining special education in charter schools. Recurring themes were identified, explored, and synthesized to develop the report. In addition, the researcher used Google search engine to locate organizations that offer resources and expertise on issues affecting public charter schools and special education in Texas. These organizations' websites and policy documents concerning the education of students with disabilities were reviewed for relevant information with reference to the key issues impacting special education in open-enrollment charter schools in Texas. The legislative review documented whether Texas open-enrollment charter school laws and regulations outline a plan for provision of special education services, address admission and enrollment of students with disabilities, outline special education accountability, and address expertise of services education providers. This analysis was descriptive in nature.

## CHAPTER IV

### RESULTS

The purpose of this study was to document how the needs of students in special education are addressed in open-enrollment charter statutes and practices in the State of Texas. The data were gathered from two existing sources and a survey of service. The participants were 275 special education administrators who were employed by open-enrollment charter schools in Texas at some time between November 2014 and April 2015. Email addresses of these 275 participants were obtained from the TCASE directory, Region 10 Education Service Center's charter schools list serve, and open-enrollment charter school websites. The researcher sent 275 direct email solicitations to individual open-enrollment charter schools special education administrators. Emails returned (N= 48) because of incorrect addresses were not counted. In addition, three open-enrollment charter schools were shut down by TEA before completion of data collection. Email solicitations (N=4) sent to these three schools were not counted. Of the remaining 223 (275 - 52) participants, 2 chose not to complete the survey. One indicated that the school was running a Head Start program and one worked in a traditional public school. Of 221 (223-2) participants, 64 took the survey. The response rate of participants was 29%. The survey comprised of 27 checklist items and 2 statements. The first three checklist items in the survey requested for general information including type of the charter school, specific mission, and the participant's primary professional role.

The remaining questions requested information about admission and enrollment of student with disabilities, provision of services to students with disabilities, and special education accountability in open-enrollment charter schools in Texas. Figure 1 depicts the titles represented by the participants in this study.

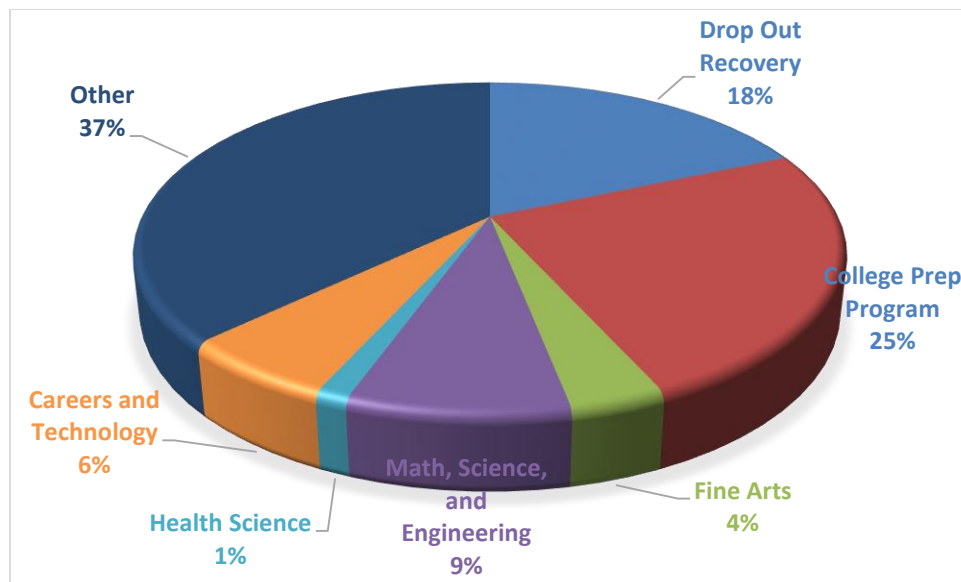


*Figure 1.* Titles of survey participants. Note: N=64

Forty-three percent of the participants were special education directors. Thirty-nine percent of the participants, which was the second highest, included school administrator, assistant superintendent, diagnostician, director of partnership organization (vocational training), director of special programs, district director, division director of special programs, federal programs director, instructional coach, lead special education coordinator, principal, special education teacher, special programs director, STAAR testing coordinator, and superintendent. The rest consisted of special programs

coordinator (9%), special education specialist (7%), and professional service provider (2%).

Open-enrollment charter school special education administrators were asked to describe the specific focus or mission of their school. A variety of different approaches to attract student was reported. Figure 2 shows a summary of the responses to this question.



*Figure 2.* Open-enrollment charter schools' specialized mission. Note: N=64

Most open-enrollment charter schools in Texas have a specific focus such as preparing students to attend four-year colleges; serving dropouts; careers and technology; math, science, and engineering; and fine arts. Other specific concentrations reported include at risk students; challenged based thinkers; developing students for leadership and accountability; dual language; Hebrew language; leadership with values; entrepreneurship; semi-pro skaters, gymnasts, actors, etc; and world languages. One administrator reported that there was no specific focus and another stated he/she is not

sure of what the focus is. One charter school reported offering a specific instructional approach that is more individualized. Open-enrollment charter schools have the flexibility to innovate without being confined by the one-size-fits-all model. Twenty-five percent of the charter school administrators reported having a college preparation program.

### **Admission and Enrollment of Students with Disabilities**

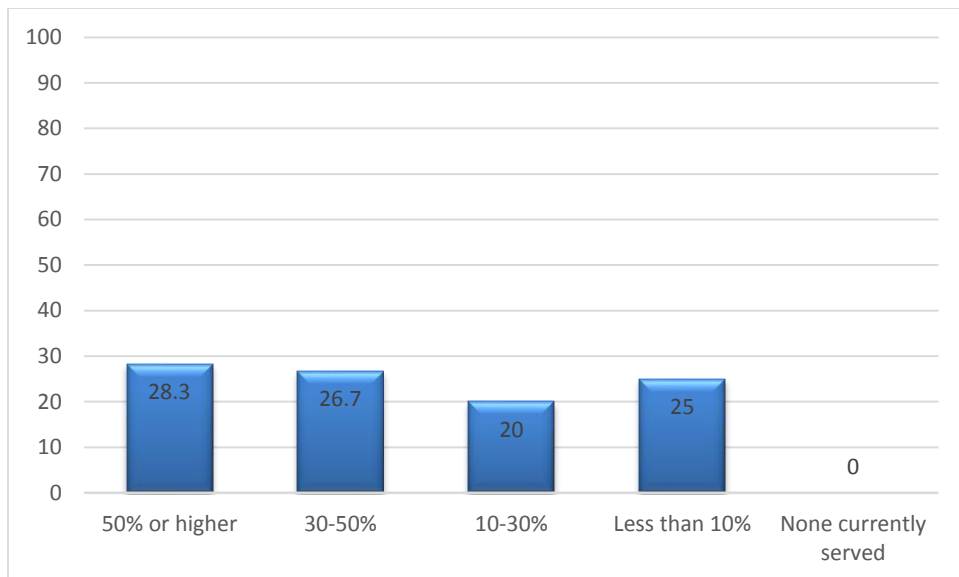
The special education administrators were asked to describe how they ensured that their enrollment procedures for students with disabilities are non-discriminatory. Open-enrollment charter schools must be open to all students who apply and are eligible for the grade levels offered by the schools. As public schools, open-enrollment charter schools must comply with the same legal requirements as traditional public schools with respect to non-discrimination in admission, and compliance with federal education laws. They are also required to provide meaningful and accessible outreach to ensure fair recruitment of school-age children with disabilities and an equal opportunity for admission (28 CFR 35.130 [b] [1] [i]). All schools surveyed included some practices or guidelines prohibiting discrimination based on disability and/or need for special education services. The administrators reported a variety of efforts to ensure that their enrollment policies and practices do not categorically exclude students with disabilities. Seventy-three percent of the administrators reported that their admission policy included anti-discrimination language. Fifty-five percent provided staff training to help ensure compliance with state and federal discrimination laws, and 46.9% have developed rules

and guidelines to eliminate discrimination. Forty-five percent of the administrators reported using a random selection process if there were more applicants than spaces available, and 45.3% of the open-enrollment charter school applications requested only basic information such as name, age, address, and parent information during the admission process. One administrator described the enrollment process as follows:

When parents bring ARD papers or reveal special education information prior to the admission process, the papers are either held by an individual who is not involved in the admissions decision or we ask parents to not disclose until the student has been admitted.

All the participants indicated a general willingness to admit all students; however, one administrator stated that “I do not participate in the enrollment process, so I am not aware of the procedures.” None of the administrators reported that they turn students with disabilities away.

The participants were asked to categorize their students according to their primary disabilities. Figures 3 to 7 shows distribution of majority of the disabilities reported.



*Figure 3. Percentage of the total students with disabilities identified with a specific learning disability (SLD). Note: N=64*

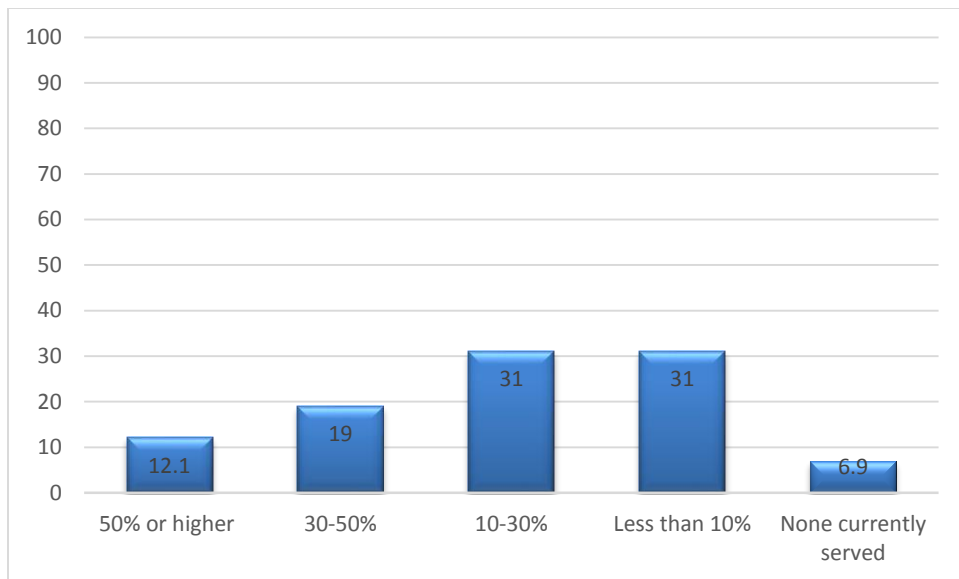
Table 1

*Chi-square Analysis of Specific Learning Disability (SLD) Distribution*

	Observed N	Expected N	Residual
1	17	15.0	2.0
2	16	15.0	1.0
3	12	15.0	-3.0
4	15	15.0	.0
Total	60		

- a. 0 cells (0%) have expected frequencies less than 5. The minimum expected cell frequency is 15.





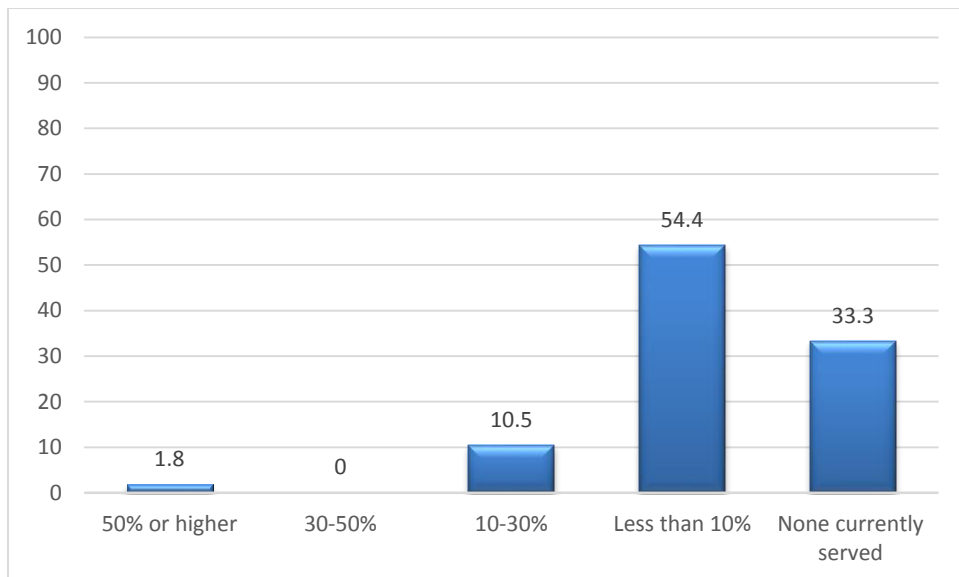
*Figure 4.* Percentage of the total students with disabilities identified with speech impairment (SI). Note: N=64

Table 2

*Chi-square Analysis of Speech Impairment (SI) Distribution*

	Observed N	Expected N	Residual
1	7	11.6	-4.6
2	11	11.6	-.6
3	18	11.6	6.4
4	18	11.6	6.4
5	4	11.6	-7.6
Total	58		

0 cells (0%) have expected frequencies less than 5. The minimum expected cell frequency is 11.6



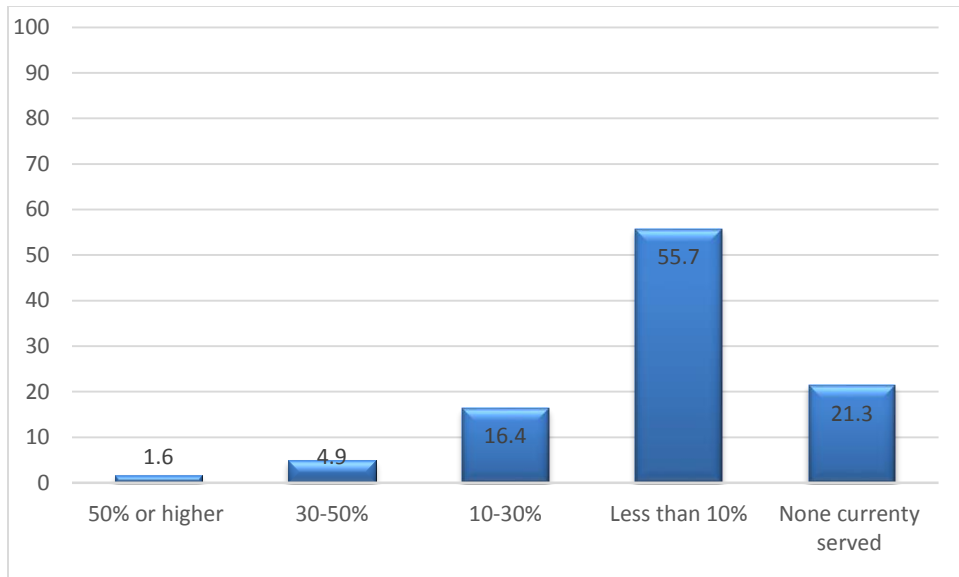
*Figure 5. Percentage of the total students with disabilities identified with intellectual disability (ID). Note: N=64*

Table 3

*Chi-square Analysis of Intellectual Disability (ID) Distribution*

	Observed N	Expected N	Residual
1	1	14.3	-13.3
3	6	14.3	-8.3
4	31	14.3	16.8
5	19	14.3	4.8
Total	57		

0 cells (0%) have expected frequencies less than 5. The minimum expected cell frequency is 14.3.



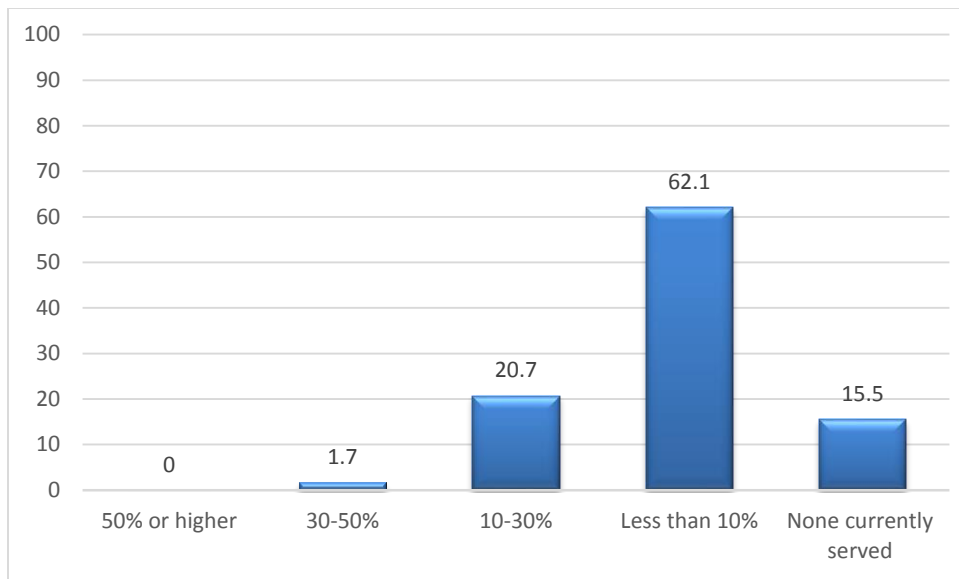
*Figure 6.* Percentage of the total students with disabilities identified with emotional disturbance (ED). Note: N=64

Table 4

*Chi-square Analysis of Emotional Disturbance (ED) Distribution*

	Observed N	Expected N	Residual
1	1	12.2	-11.2
2	3	12.2	-9.2
3	10	12.2	-2.2
4	34	12.2	21.8
5	13	12.2	.8
Total	61		

0 cells (0%) have expected frequencies less than 5. The minimum expected cell frequency is 12.2.



*Figure 7. Percentage of the total students with disabilities identified with autism spectrum disorders (ASDs). Note: N=64*

Table 5

*Chi-square Analysis of Autism Spectrum Disorders (ASDs) Distribution*

	Observed N	Expected N	Residual
2	1	14.5	-13.5
3	12	14.5	-2.5
4	36	14.5	21.5
5	9	14.5	-5.5
Total	58		

0 cells (0%) have expected frequencies less than 5. The minimum expected cell frequency is 14.5.

Examination of the data supplied indicated that the vast majority of the students with disabilities enrolled in open-enrollment charter schools in Texas have Specific

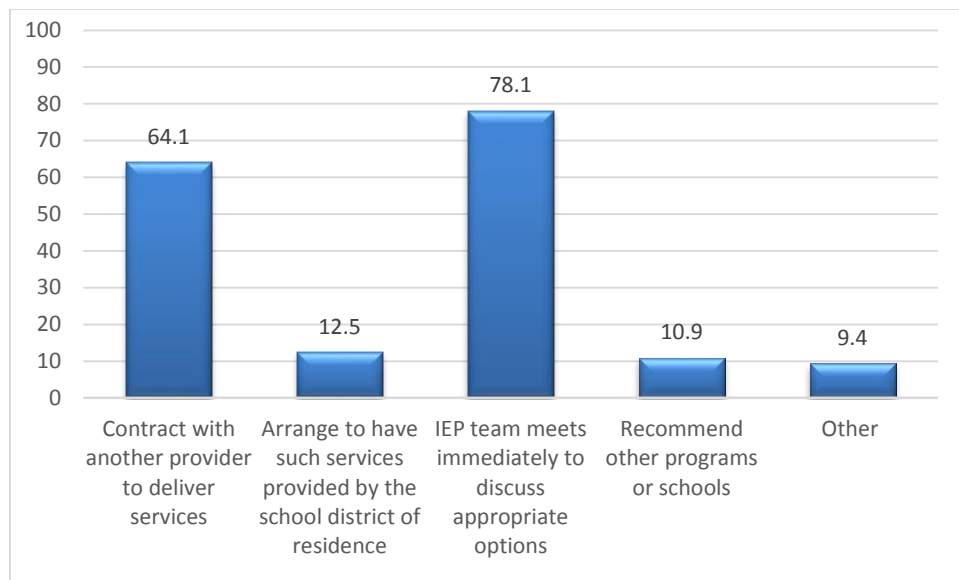
Learning Disability (SLD). Twenty-eight percent of the administrators reported that more than 50% of the students with disabilities receiving special education services are identified with specific learning disabilities as compared to other categories such as speech impairment (12.1%), intellectual disability (1.8%), emotional disturbance (1.6%), other health impairment (1.7%), and autism spectrum disorders (0%).

According to the survey, 81% of the administrators reported not having students with developmental delay. Other categories not served in some of the schools surveyed at the time of the data collection included traumatic brain injury (77.2%), orthopedic impairment (72.9%), hearing impairment (61.4%), multiple disabilities (56.7%), intellectual disability (33.3%), emotional disturbance (21.3%), autism spectrum disorders (15.3%), other health impairment (11.9%), and speech impairment (6.9%). The observed distribution from Chi-square analysis of different categories of disabilities is not what would have been expected, simply because some schools did not serve students with certain disabilities. Only SLD showed a normal distribution because all open-enrollment charter schools surveyed in this study served students with SLD.

### **Provision of Special Education Services**

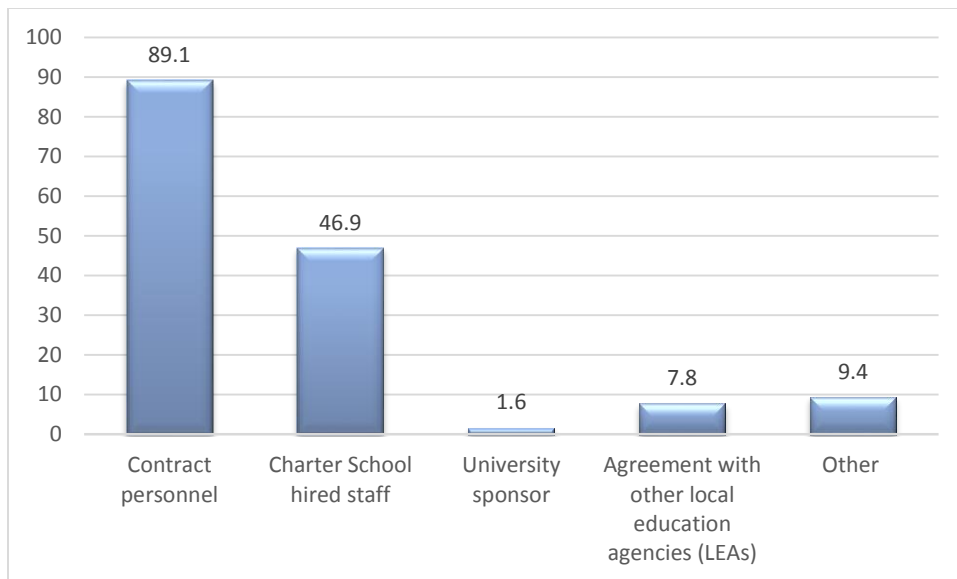
When asked to describe what they do when they have concerns about their ability to meet the needs of a specific student with a disability, 78.1% of charter school administrators reported that their IEP team meets immediately to discuss appropriate options. Sixty-four percent reported that they contracted with another provider to deliver services, 12.5% arrange to have such services provided by the school district of

residence, and 10.9% recommend other programs or schools. Some administrators also reported that they asked for technical assistance from the Regional Education Service Centers. One administrator stated that, “I have only been here since September. As far as I see, they all fall into the same box: mainstream.” Figure 8 represents responses to this question.



*Figure 8.* Sources of special education services. Note: N=64

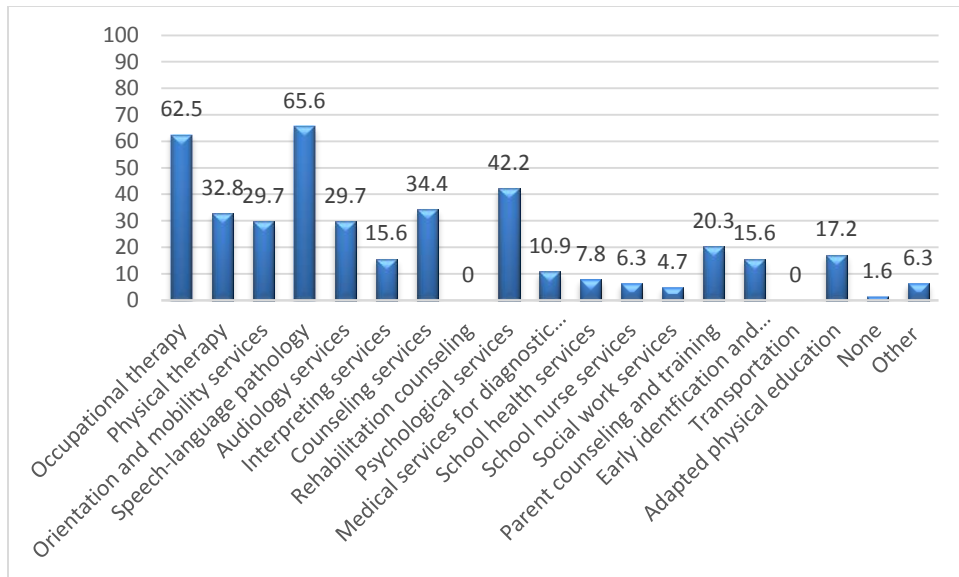
It is the responsibility of each open-enrollment public charter school to ensure that students with disabilities are provided FAPE, including specialized instruction and related services based on their unique needs as set forth in the IEP. Public charter schools provide related services for students in a variety of ways. The participants were asked to specify who provides related services to their students with disabilities. Figure 9 shows the source of related services.



*Figure 9.* Source of special education related services. Note: N=64

Survey results indicated that the most prevalent method (89.1%) of providing related services was through contractual arrangements with other agencies. The charter school administrators reported that less than half (46.9%) of open-enrollment charter schools hired their own staff to provide related services internally. Only a small proportion (7.8%) of the schools surveyed had a special education cooperative (co-op) agreement with other LEAs to provide related services, and 1.6% had a university sponsor. Other methods reported include Region 10 ESC and special education co-ops in San Antonio for open-enrollment charter schools located in Houston.

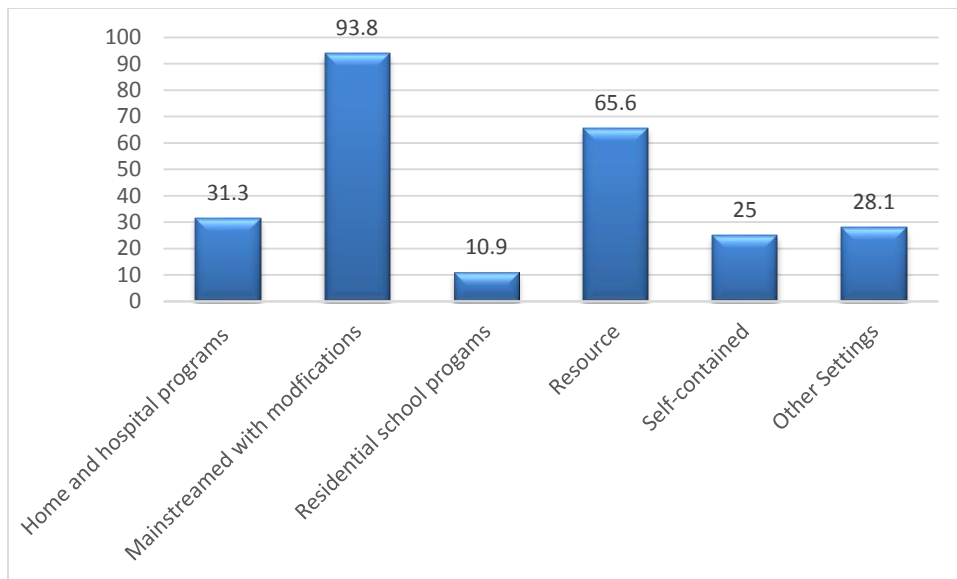
Open-enrollment charter school administrators reported that of those schools contracting for related services, 65.6% was for a speech-language pathology and 62.5% was for occupational therapy. None of the schools surveyed contracted for rehabilitation counseling or transportation. Figure 10 shows the contracted services.



*Figure 10.* Services contracted by open-enrollment charter schools. Note: N=64

Every open-enrollment charter school must have the capacity to provide a continuum of placements that are able to meet the needs of students with disabilities. Participants were asked to report special education instructional arrangements that they provide to meet the needs of their students receiving services in special education. Figure 11 illustrates the continuum of placements reported.





*Figure 11. Continuum of alternative placements. Note: N=64*

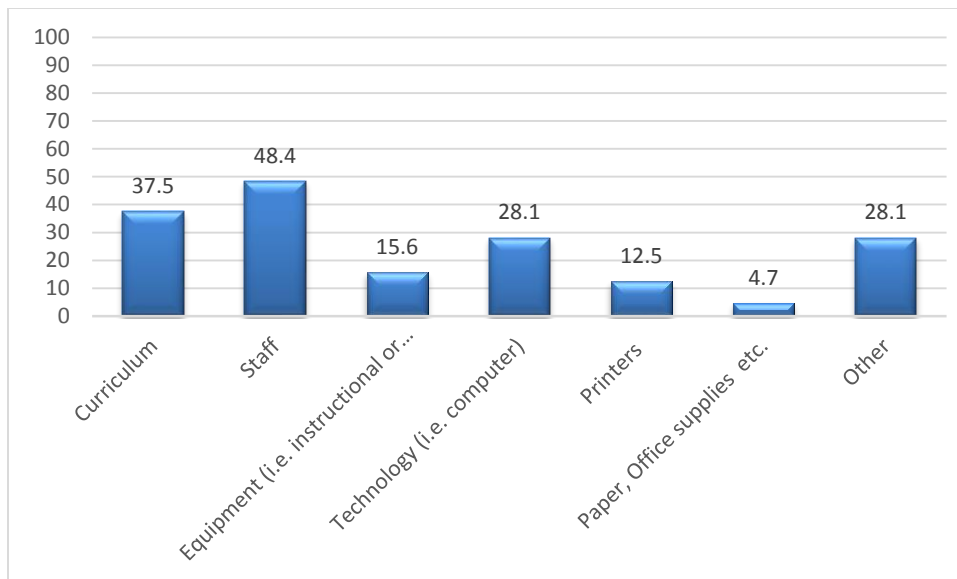
Appendix F contains a brief list with explanations of each of the above educational placements. These placement options in Appendix F are ordered from the least restrictive to the most restrictive environment. The survey results revealed that most students with disabilities receive special education services through general education classrooms (93.8%) and resource rooms (65.6%). Smaller percentages are in other placements that are more restrictive such as homebound/hospital (31.3%), residential facilities (10.9%), and self-contained (25%). Educational settings that include students without disabilities are less restrictive. Other settings reported include content mastery classroom (CMC), small group or individual pull-out that is not a true resource classroom, sub-contract for needed service, and inclusion model. One administrator reported that, “we have provided each of these in the past, but our current student load as, it stands today, only requires mainstream with or without modifications and accommodations.”

The participants were asked to describe how their organization is structured to serve students with disabilities. Eighty-two percent reported that they have internal systems and structures put in place while 45.3% reported hiring outside consultants to provide special education services. Twenty-eight percent of special education administrators reported that they are affiliated with an external structure such as a Regional Education Service Center, college, or university that employs related services professionals. While 26.6% reported contracting for services with a local school district or other public entities to provide specific services, only a small percentage (4.7%) reported forming cooperatives with other public charter schools. One administrator reported not being sure how his/her organization is structured.

Staffing is closely related to providing a continuum of alternative placement options to meet the varied needs of students with disabilities. When asked to indicate on average how many teachers and teacher assistants are in the special education department at each of their campuses, only 50% of the participants entered the number of lead special education teachers in their school while 50% chose not to answer the question. Of the 50% who responded, 31.1% indicated that they only had one lead special education teacher in their campus. Seventeen percent entered the number of special education teachers but 47% left the question empty. Thirty-two percent had only one special education teacher. One administrator indicated having a total of 10 special education teachers and 2 participants reported a total of 12. Twenty-nine percent entered the number of teacher aides in their campus but 35% choose not to respond to the question.

When asked to describe how instructional resources available to special education teachers compared to the instructional resources available to general education teachers, a majority (79.7%) of the open-enrollment charter school administrators reported that their special education teachers have equal access to ALL instructional resources available to general education teachers. Seventy-five percent reported that general education teachers and special education teachers are viewed as equal partners in the instructional process. Seventy-one percent reported that special education have opportunities to participate in school based content areas staff development activities. A small percentage (6.3%) reported that special education teachers tend to work mostly with counterparts within their departments rather than outside their departments. One administrator reported that his/her special education teachers collaborate with all general education teachers and another indicated AMS but did not elaborate what this means.

As related to resources, special education administrators were asked to indicate what type of resources would help them to better serve their special education population. Figure 12 shows response to this question.



*Figure 12.* Type of resources that would help better serve students with disabilities. Note: N=64

Open-enrollment charter school special education administrators reported staff (48%) and curriculum (37.5%) as areas that they needed the most support. Twenty-eight percent needed technology (i.e. computers) while 12.5% needed printers. Only 4.7% reported needing help with office supplies, paper, etc. Other areas of concern reported included space; iPads and headphones; supplemental materials; teacher training; teaching resources such as books for lower reading levels; and visual resources such as posters, charts, etc. One administrator reported that, “space, we are in a rectangular room, 10 x 20 with furniture on every wall. When I have four kids in the room we work elbow to elbow.” Another administrator reported needing a modified curriculum to better serve his/her students with disabilities.

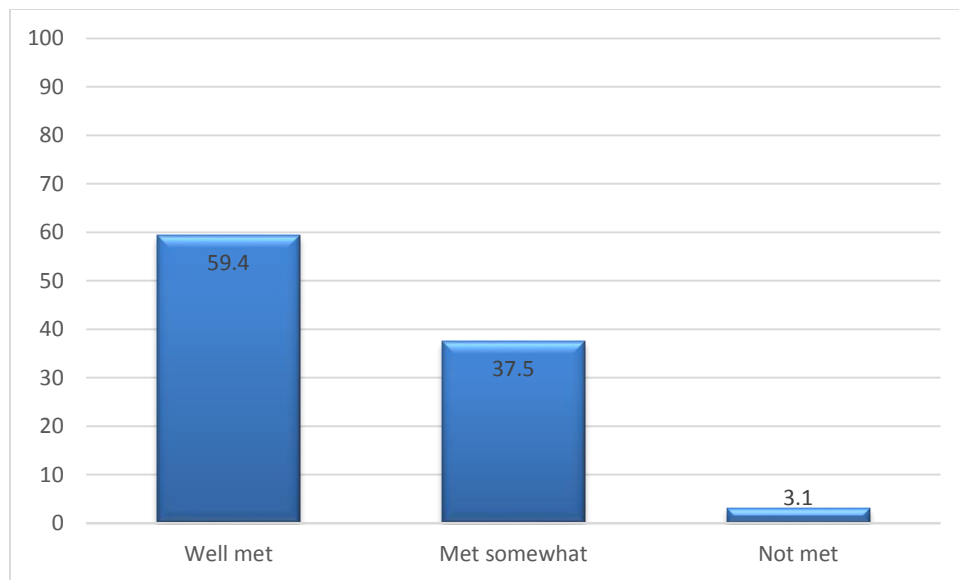
When administrators were asked whether they have adequate space in their facility to provide the appropriate services necessary for students with disabilities to meet the requirements stipulated in their IEPs, 66.1% reported they have enough space while 33.9% said they do not. One administrator reported that he/she needed more space for parent meetings, speech therapy, and testing. The administrator reported that public charter schools that are housed in churches or other rented buildings do not have the luxury of space.

Even with a variety of services both within and outside of the district, through contractual or other arrangement available to open-enrollment charter schools described above, special education administrators felt that 37.5% of open-enrollment charter schools are somewhat adequate in meeting the needs of students with disabilities. Three percent reported that the needs of their students with disabilities were not met. When asked to explain why they felt that the needs of their students were not met, the administrators reported lack of enough special education teachers, lack of technology such as individual iPads and computers, and reliability on contract personnel to provide related services as some of the reasons. One participant stated:

The scheduling, the resources, and the training for special education teachers are minimal. There are not a true continuum of services. Mainstream and online courses are used 90% of the time. How do you support students on an online course? If reading comprehension or recall is part of the disability, the online

course is a disservice. Yes, they google the answer but the actual learning of the subject is almost none.

Figure 13 shows the perception of special education administrators regarding the adequacy of open-enrollment charter schools in meeting the needs of students receiving special education services.



*Figure 13.* Adequacy of charter schools in meeting the needs of students with disabilities.

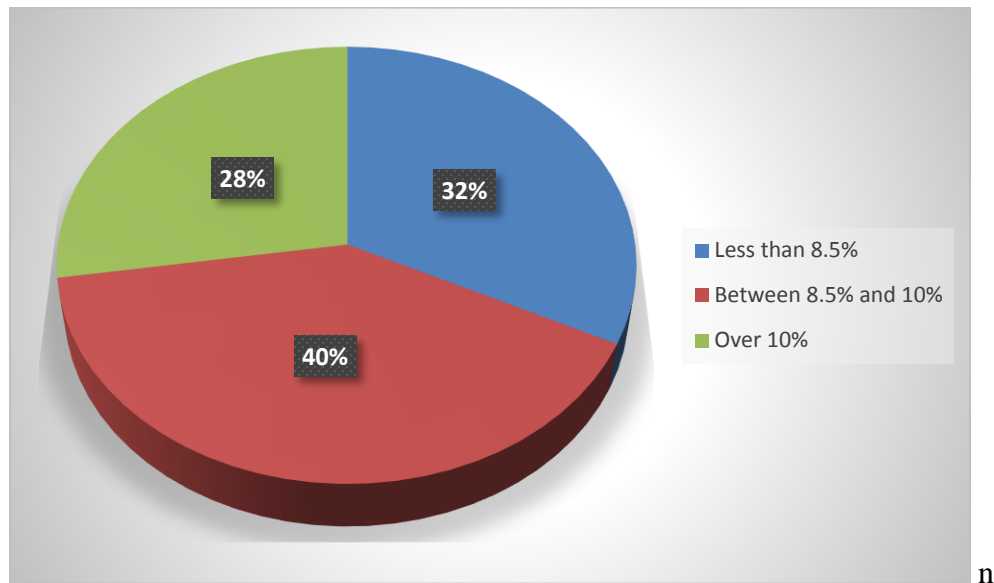
Note: N=64

Fifty-nine percent of administrators reported that the needs of their students were well met. One administrator indicated that even though he/she checked “well met”, it is taking a huge lift and effort to meet those needs. “We would benefit from more and better trained teachers!!” Another administrator reported that checks and balances are in place to ensure appropriate services are in place for each special education teacher. Another administrator stated, “As I review placement, every child is mainstreamed. LD, ED, etc.

the students need are all the same as far as the paperwork goes. Every one is mainstreamed.”

### Special Education Accountability

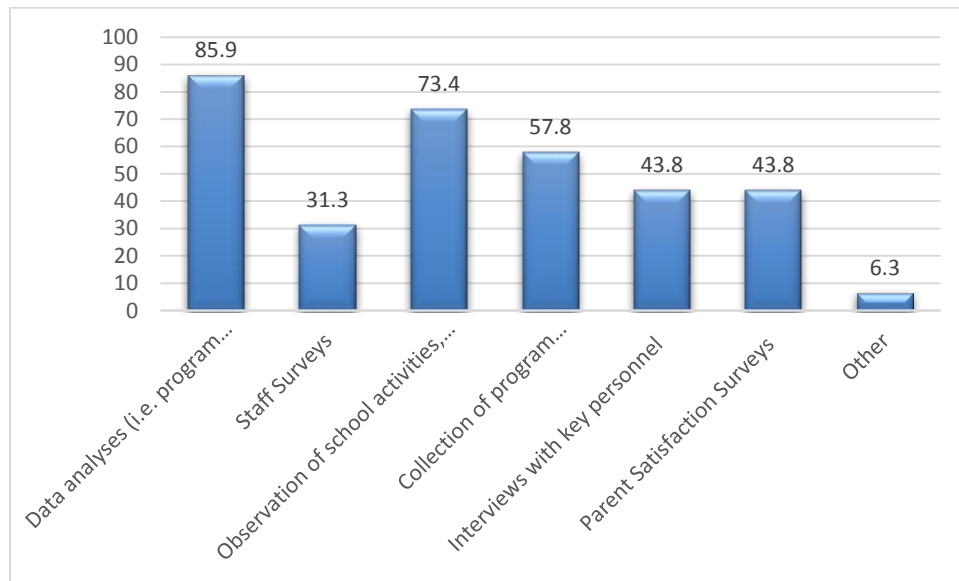
Charter school administrators were asked to report the percentage of their school’s total student population that is represented by students receiving special education services. These percentages are shown in Figure 14



*Figure 14.* Percentage of the school’s total student population receiving special education services. Note: N=64

Twenty-eight percent of the participants reported having over 10% of their total student population identified as students with disabilities. Forty percent had between 8.5% and 10% of their total student population receiving special education services while thirty-two percent had less than 8.5%.

Participants to the survey were asked to describe how they determined whether or not the services provided to students with disabilities were adequate or effective. A summary of the responses to this question is shown in Figure 15.



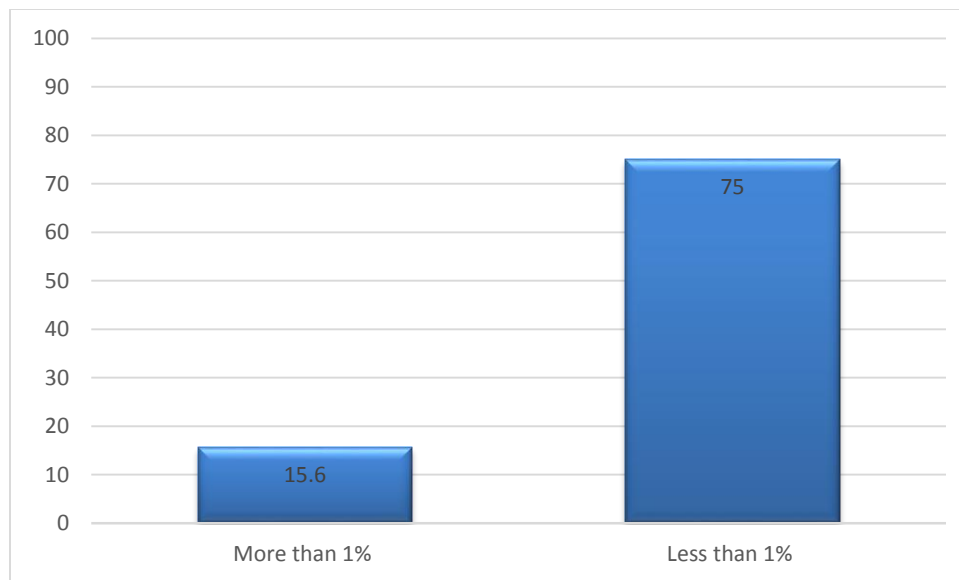
*Figure 15.* How open-enrollment charter schools evaluate effectiveness of special education services. Note: N=64

Eighty-five percent of the administrators reported using data analysis (i.e., program participation, students' performance data) to ensure that the services provided to students with disabilities are adequate. Seventy-three percent conducted observations of school activities, held faculty meetings, and did walk throughs, while 57.8% used program documentation. Forty-three percent held interviews with key personnel, 43.8% used parent satisfaction surveys, and 31.3% used staff surveys. Other methods reported include graduation completion rates, student inquiries, and use of web-based systems such as ESPED and Websmart. One administrator stated, "None, have never been in a



special ed meeting between campus much less looked at data to consider the effectiveness of the program.”

Charter school special education administrators were asked to report the percentage of their students receiving special education services that took the STAAR Alternate assessment. These percentages are shown in Figure 16.



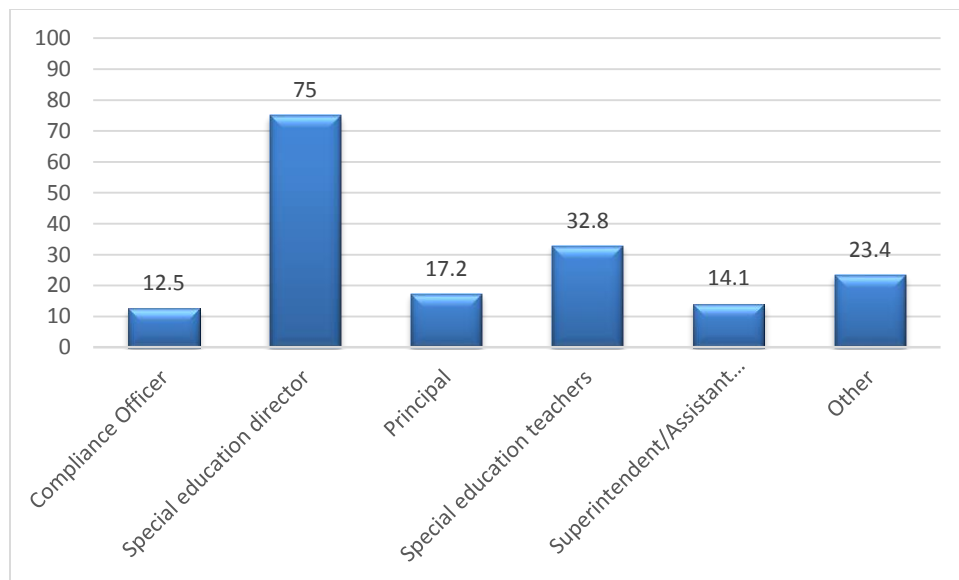
*Figure 16.* Percentage of students who participated in STAAR Alternate assessment.

Note: N=64

Seventy-five percent of the participants reported that less than 1% of their students with disabilities took the STAAR Alternate assessment, while 15.6% reported more than 1% took the test.

As related to federal and state compliance reports, special education administrators were asked to report who is responsible for collecting, managing, and reporting data related to students with disabilities for reports such as the State

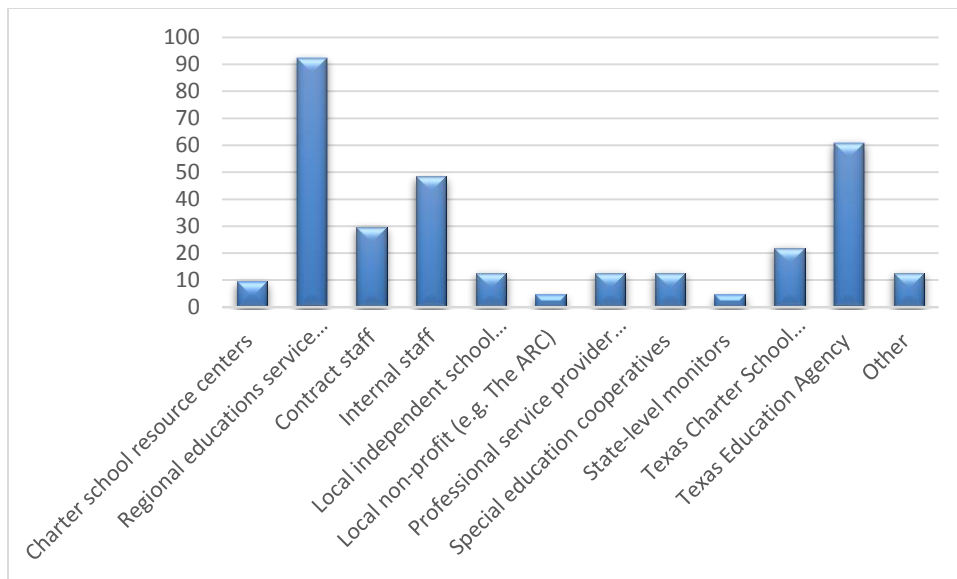
Performance Plan (SPP). In majority of the schools surveyed (75%), the special education director was responsible for developing and submitting the compliance reports. Thirty-two percent of the administrators reported that the special education teachers were responsible, 17.2% the principal, 14% the superintendent/assistant superintendent, and 12.5% the compliance officer. Other personnel reported include educational diagnostician, finance director, speech language pathologist (SLP), director of special programs, PIEMS clerk, personnel from contracted agency, school director, special education coordinator, partnership with cooperative that monitors the school's records, and projects coordinator. Only one administrator reported not knowing who is responsible. Figure 17 shows the distribution of those responsible.



*Figure 17.* Percentage of personnel responsible for collecting, managing, and reporting data related to students with disabilities. Note: N=64

### **Expertise of Service Providers**

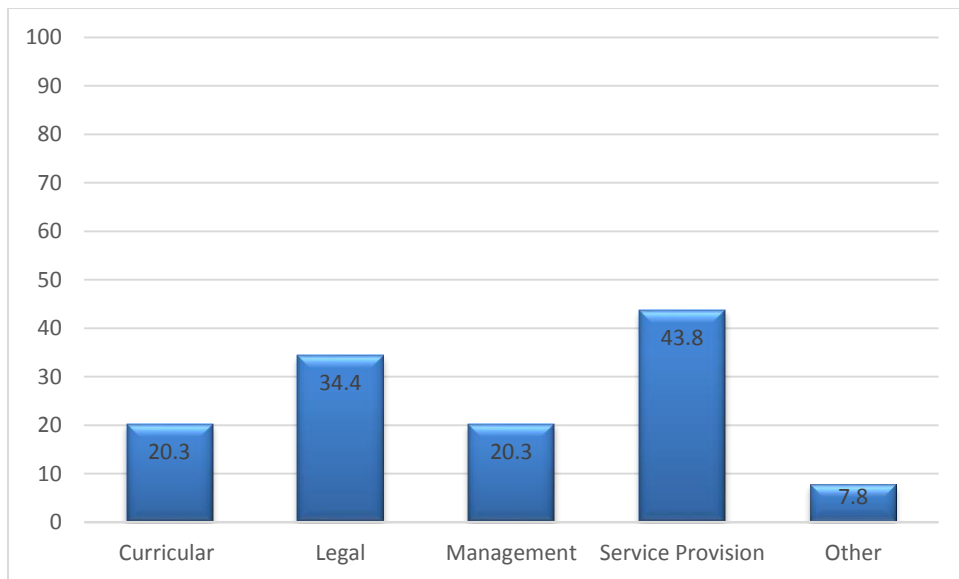
Most public charter schools need a great deal of technical assistance and support to administer their programs (McLaughlin & Henderson, 1998). When asked whom they turned to for technical assistance when a question or concern arose regarding special education, the majority (92.2%) of the administrators reported that Regional Education Service Centers provided technical assistance to open-enrollment charter schools. Sixty percent received assistance from TEA, 21.9% from TCSA, 4.7% from state level monitors, 12.5% from professional services providers (PSP), 4.7% from local non-profits (e.g. The Association for Retarded Children [ARC]), 12.5% from local independent school district (ISD), 48.4% from internal staff, 29.7% from contract staff, and a small percentage (9.4%) from charter school resource centers. Other sources of technical assistance and support reported include special education attorneys, district offices, mentor, TCSA legal counsel, local school attorneys, written rules and regulations, and the legal framework. Figure 18 reflects response to this question.



*Figure 18.* Source of open-enrollment charter schools' technical assistance and support.

Note: N=64

Most often, this assistance is in the area of provision of special education and related services (43.8%), followed by legal compliance (34.4%), curricular (20.3%), and management (20.3%). Other areas of assistance reported include initial evaluation of a student referred for a suspected disability and reevaluation, data requirements, intervention, special education updates from TEA, and speech therapy. Figure 19 shows distribution of the areas of assistance.

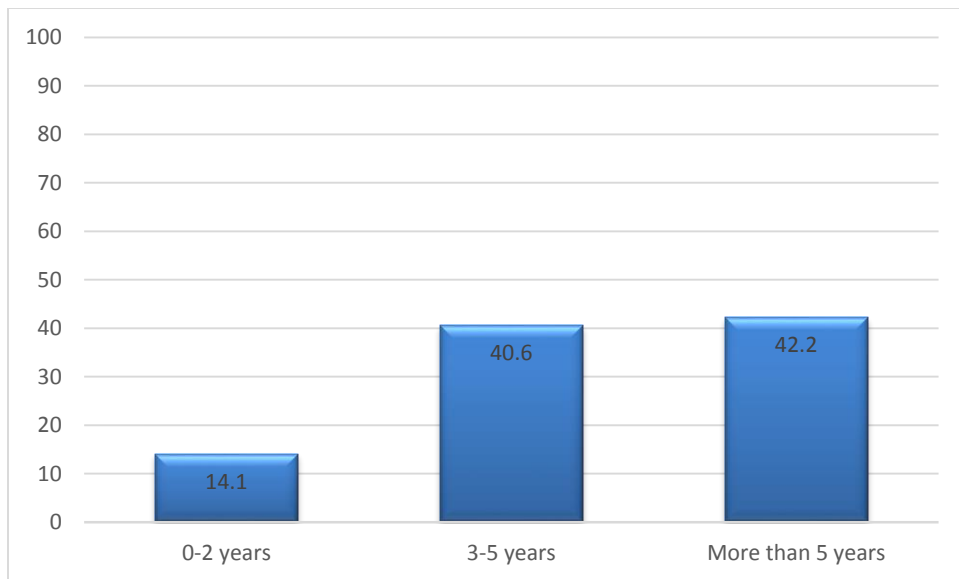


*Figure 19.* Areas open-enrollment charter schools require administrative support. Note:

N=64

The participants were asked to report the average number of years of teaching experience their special education teachers have in the area for which they been hired.

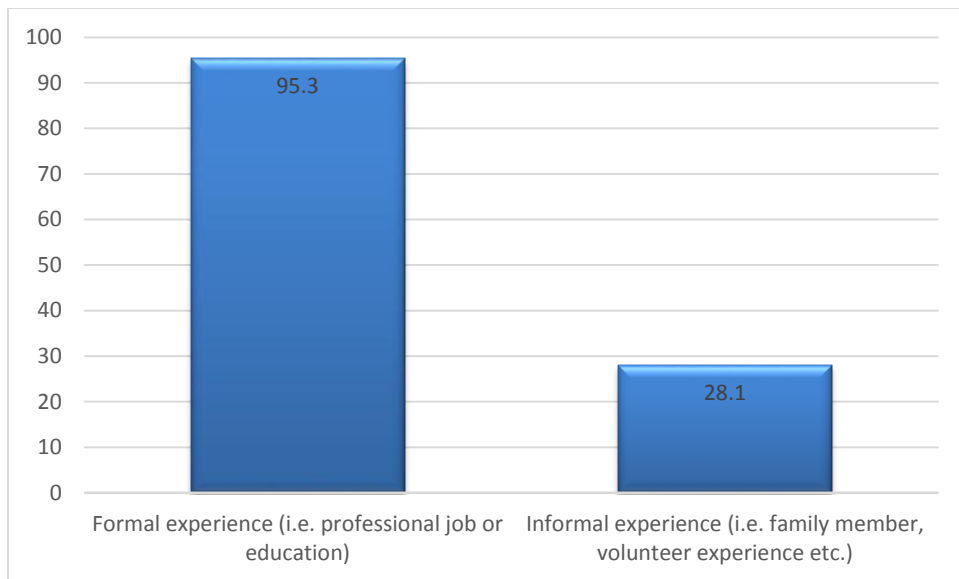
Figure 20 shows the average number of years of experience.



*Figure 20.* Average number of years of teaching experience of special education teachers.

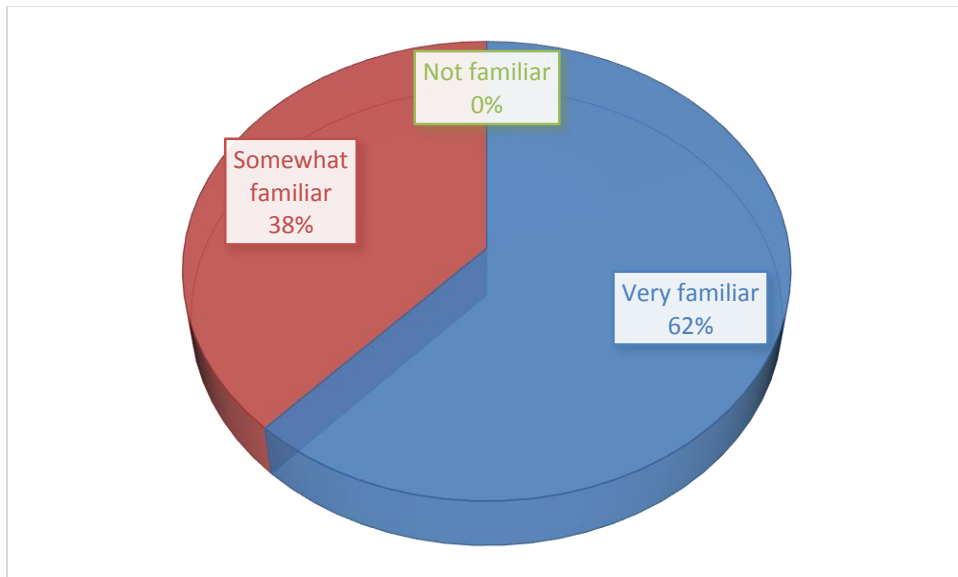
Note: N=64

Forty-two percent had more than 5 years of teaching experience, 40.6% had between 3 and 5 years, and 14.1% had 0 to 2 years. The special education administrators were also asked to report the type of experience the administrators had working with students with disabilities. A majority (95.3%) reported having a formal experience such as professional job or education. Only 28.1% of the special education administrators reported having informal experience (i.e. family member, volunteer experience, etc.), as shown in Figure 21.



*Figure 21.* Formal and informal experience as reported by special education administrators. Note: N=64

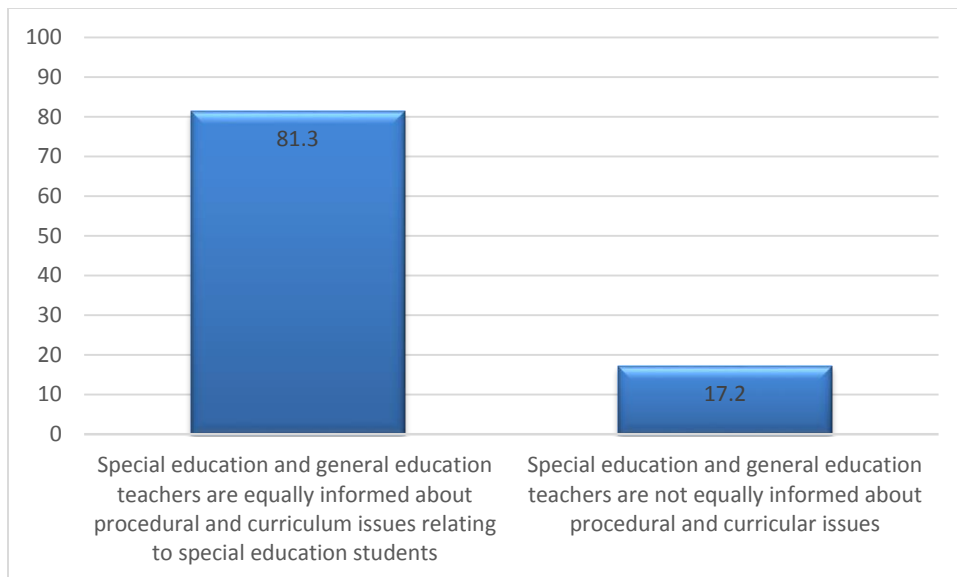
Charter school special education administrators were asked to report the extent to which their special education teachers and assistants are familiar with the terms, procedures, and requirements of special educational laws. Sixty-two percent reported that their special education teachers and assistants are very familiar and 38% reported they were somewhat familiar. Figure 22 shows responses to this question.



*Figure 22.* Special education teachers' and assistants' familiarity with the terms, procedures, and requirements of special education law. Note: N=64

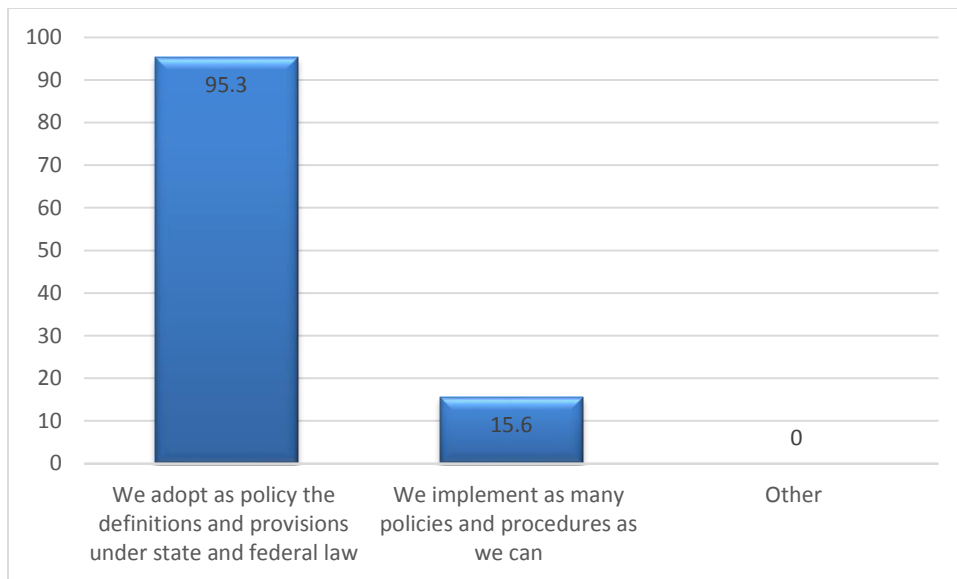
Participants were also asked to report to what extent their special education and general education teachers were equally informed about procedural and curriculum issues relating to students in special education. Eighty-one percent of the administrators reported that both special education teachers and general education teachers are equally informed while 17.2% were not equally informed. Those who checked not equally informed were asked to indicate which teachers were more informed. One administrator reported that, at his/her school, special education teachers are considered the experts on special education procedures, legal requirements, and specialized instruction while general education teachers are considered the experts on the grade level curriculum. Figure 23 shows responses to this question.





*Figure 23.* Special and general education teachers’ familiarity with procedural and curriculum issues relating to students with disabilities. Note: N=64

Charter schools must comply with all federal and regulations, Texas laws, State Board of Education (SBOE) rules, and commissioner’s rules concerning students with disabilities receiving special education services (TEA, Division of Federal and State Education Policy, 2013). When charter school special education administrators were asked to report whether their organizations implement all these policies and regulations, 95.3% reported that they adopt as policy the definitions and provisions under state and federal law, while 15.6% implement as many policies and procedures as they can. Figure 24 shows response to this question.



*Figure 24.* Compliance with federal and state rules and regulations. Note: N=64

Finally, the special education administrators were asked to share any comments they had regarding delivery of special education services and related services in open-enrollment charter schools in Texas. The most frequent concern reported was lack of adequate funding. Other challenges reported included lack of knowledge, experience, and resources. Shortages of qualified special education teachers and related services providers were also reported. One participant stated “the turnover of staff here is like the revolving door at Macy’s. Student get an average of one new teacher at least once a semester.”

The results of this study revealed that the State of Texas has enacted laws and regulations (Appendix B) governing the provision of special education in traditional public school districts, including open-enrollment charter schools. The State of Texas has also amended its special education rules and regulations to add references to open-

enrollment charter schools. However, this information is minimal. The most common way that the State of Texas communicates information to potential open-enrollment charter schools developers is through the Texas open-enrollment charter school handbook, open-enrollment charter application packet, and special assurances document. The special assurances document contains a set of items that the board chair of each proposed sponsoring entity is required to initial confirming both awareness and understanding of the responsibilities they are committing to uphold.

## CHAPTER V

### DISCUSSION

The purpose of this study was to document how the needs of students in special education are addressed in open-enrollment charter statutes and practices in the State of Texas. The following sections are incorporated in this chapter: a) Discussion of the Results, b) Conclusions, c) Limitations, and d) Recommendations for Possible Future Research.

#### **Discussion of Results**

The open-enrollment charter application asks for information regarding education plan, assessment and evaluation, community, operations, students, faculty and staff, governance, and financial information prior to the school's approval for opening. However, the application process does not include special education as an area of review. Prospective operators are not required to provide a special education plan regarding governance, service delivery, or finance. However, they are required to provide a narrative of how their proposed program-instruction will address the needs of students including students with disabilities.

TEA also maintains a website that contains information about public charter schools in Texas. The Subchapter D Charters (normally referred to as open-enrollment charters) page covers the enrollment application process and other pertinent information regarding open-enrollment charter schools. TEA also hosts open-enrollment charter

school orientation, which is mandatory for newly awarded charters to attend. One member of the governing board of the sponsoring entity requesting the charter must attend one of the following information sessions:

- Special education presentation
- Charter presentation
- Curriculum presentation
- Legal presentation
- Financial presentation
- Frequently asked questions (FAQ's) session

These presentations are also posted on the TEA website. If a charter is awarded, it is the responsibility of each open-enrollment charter school to keep apprised of and comply with all state statutes and administrative rules. However, the degree to which open-enrollment charter schools stay proactively informed is not clear. These state statutes, rules, and regulations include:

- Texas Education Code (TEC) Chapter 12, Charters
- Texas Education Code (TEC) Chapter 39, Public School Systems Accountability
- Texas Administrative Code (TAC) Chapter 100, Charters
- Texas Administrative Code (TAC) Chapter 97, Planning and Accountability

- Special Education Rules and Regulation

In addition, all contracts for open-enrollment charter schools between the charter holder and the commissioner must include all applicable state and federal laws, rules, and regulations governing the education of students with disabilities.

### **Admission and Enrollment of Student with Disabilities**

Texas Education Code (TEC) Chapter 12, Charters, contains general language that requires open-enrollment charter schools to comply with anti-discrimination statutes including those that pertain to students with disabilities. However, the guidance does not provide more detailed information relating to specific practices such as asking on an open-enrollment application form whether a child has a disability or previous IEP.

Forty-six percent of open-enrollment charter school administrators surveyed in this study reported that they have put in place policies and procedures prohibiting discrimination against students with disabilities in admission. These policies and procedures are consistent with the state rules and guidelines governing enrollment of students with disabilities. Seventy-three percent reported that their admission policy has a written assurance guarantee that policies and procedures are in effect. However, Texas statutes allow open-enrollment charter schools to exclude students with a documented history of behavior problems. This exclusion might allow open-enrollment charter schools to screen out applicants with a history of behavioral problems including students

with emotional and/or behavioral disorders (E/BD) and those with emotional disturbance (ED). In addition, open-enrollment charter schools can provide for an admission policy that requires a student to demonstrate artistic ability if the school specializes in a performing arts. This raises question whether the distinctive nature of the programs in most open-enrollment charter schools in Texas denies students with disabilities the right to receive equal consideration of admission.

Findings from this study also show that majority of open-enrollment charter schools tend to enroll disproportionately lower numbers of student with low incidence disabilities (e.g., intellectual disabilities and autism spectrum disorders) with more educationally intensive and costly needs. The majority of students with disabilities enrolled in open-enrollment charter schools surveyed in this study have specific learning disabilities, followed by speech impairment. Three studies have documented that public charter schools enroll disproportionately fewer students with significant disabilities (Estes, 2009; Fiore et al. 2000; Horn & Miron, 2000). This study confirms these findings. However, it is important to note that language impairment, learning disabilities, emotional disturbance, and other health impairments are identified as high-incidence categories (categories of disabilities that have many students) (Lerner & Johns, 2009). While autism spectrum disorders, hearing impairment, orthopedic impairment, visual impairment, traumatic brain injury, developmental delay, multiple disabilities, and deaf-blindness are low-incidence categories (categories of disabilities with fewer children).

In addition, learning disabilities account for the largest category among all student with disabilities receiving special education (Lerner & Johns, 2009).

### **Provision of Special Education Services**

Open-enrollment charter schools have the same legal requirements as many other public school to provide special education and related services to students with disabilities. Chapter 12 of the TEC also contains the Texas open-enrollment charter school statutes but no guidelines as to how the schools should implement special education. However, technical assistance is provided through the TEA and Regional Education Service Centers. When asked to describe what open-enrollment charter school administrators do when they have concerns about the ability to meet the needs of a specific student with a disability, 78% of charter school administrators reported that their IEP team meets immediately to discuss appropriate options. However, the administrators did not indicate what these appropriate options were and whether they included a review or re-evaluation to consider revisions to the IEP plan. Eleven percent reported that they recommend other programs or schools. This raises questions whether some open-enrollment charter school administrators “counsel out” student with significant disabilities by suggesting that they would be better served elsewhere. Several researchers expressed their concerns that public charter schools “counsel students out” (Mckinney, 1998; R. Rothstein, 1998; Zollers, 2000 as cited by Estes, 2003). This is consistent with findings from this study. Findings from a study conducted in Texas charter schools also



reported that some school personnel had instituted a placement process in which parents were interviewed and informed of the programs, instructional strategies, and services provided in the schools (Estes, 2003). After hearing an “honest” description of programs and services, parents can decide whether or not to enroll their students. In other words, parents were given an opportunity to determine whether the school was a good “fit” for their children. Texas policy requires prospective open-enrollment charter operators to sign an assurance that they will not require parents or prospective students to attend an interview or meeting of any kind prior to admission and/or enrollment. Though a majority of the open-enrollment charter schools surveyed have developed policies and procedures to address discrimination, there appears to be some confusion about admission of students with disabilities.

Texas Education Code (TEC), Chapter 29, Subchapter A Section 29.001 requires all public schools to provide FAPE consistent with federal law to all eligible students with disabilities between the ages of 3 and 21 through shared service arrangements, or contracts with other agencies or schools/districts. While this does not mention open-enrollment charter schools, an open-enrollment charter school is a public school and is therefore subject to federal and state laws and rules governing public schools. Open-enrollment charter schools must therefore ensure that students with disabilities receive FAPE based on their unique individual needs through the development of the IEP, and that they are educated to the maximum extent appropriate in the general education

classroom with students without disabilities. Survey results from this study indicated that the most prevalent method (89.1%) of providing related services is through contractual arrangements with other agencies. The charter school administrators reported that less than half (46.9%) of open-enrollment charter schools hired their own staff to provide related services internally. Only a small proportion (7.8%) of the schools surveyed had formed special education cooperatives (co-ops) agreements with other LEAs to provide related services. It is important to note that public charter schools in some states have started creating their own collaborative partnerships to pool assistance and resources (Ahearn, Lange, McLaughlin & Rhim, 2001). A public charter school operating as an independent, stand-alone LEA may find it challenging to amass the fiscal and staff expertise to comply with IDEA (Ahearn et al., 2001). Results gathered from this study confirm the challenges faced by public charter schools as they try to develop the infrastructure necessary to provide array of services for students with disabilities.

The participants were asked to rate how well open-enrollment charter schools were able to meet the needs of children with disabilities. Overall, charter school administrators indicated that the needs of their students were well met. A majority of the special education administrators, however, reported that they needed more support with curriculum. Space, facilities, and funding were also reported as areas of concern. One participant in this study reported that they need more space to conduct student evaluations and parent meetings, and to provide speech therapy services. While a more detailed discussion of funding issues is beyond the scope of this study, it is important to

note that even though open-enrollment charter schools receive state and federal funds for educating students with disabilities, they incur significant additional costs as part of their operating expenses. Unlike a traditional public school, which is part of a local education agency and able to draw upon the district resources, an open-enrollment charter school must provide students with disabilities FAPE solely through its own resources or through contractual arrangements. One participant in this study reported that public charter schools rely heavily on contracted personnel. This may result in students with disabilities being provided with what is available at the school as opposed to what is considered an appropriate education.

Under Texas Administrative Code (TAC), 19, §89.63, each LEA is required to provide a continuum of alternative placements (i.e., mainstream, resource room/services, self-contained, homebound, etc.) that are able to meet the needs of student with disabilities. These instruction arrangements and settings should be based on the individual needs and IEPs of eligible students receiving special education and related services. In addition, a qualified special education personnel must be involved in the implementation of the student's IEP through directly or indirectly and/or support services to help the student succeed. All open-enrollment charter schools in Texas are required to comply with all applicable Texas state statutes and administrative rules as stipulated in the open-enrollment charter application instruction and guidelines. Failure to maintain ongoing compliance with requirements in TEC and TAC is considered a material violation of the charter contract and may result in revocation as noted in the open-

enrollment charter application instruction and guidelines. The survey results revealed that most students with disabilities receive special education services through general education classrooms (93.8%) and resource rooms (65.6%). When grouped by type of disability, open-enrollment charter schools educated more students with learning disabilities. Possibly because of this enrollment pattern, open-enrollment charter schools served more students with disabilities in general education classrooms and fewer students elsewhere. However, one administrator in this study stated that, “I have only been here since September. As far as I see, they all fall into the same box: mainstream.” This participant raised concerns regarding provision of services through one-size-fits-all inclusion model. A core part of special education process involves determining the appropriate educational placement for implementing a student’s IEP.

TAC, Chapter 100 Charters, Subchapter AA. contains the commissioner’s rules concerning open-enrollment charter schools. Each open-enrollment charter school has an obligation to meet program requirements for special populations, including, but not limited to, special education and bilingual/English as a second language. Failure to meet program requirements may be grounds for non-renewal of the charter. Open-enrollment charter schools are also required to provide a description of the proposed special education and bilingual education/English as a second language program during the application process. In addition, school personnel are to provide a plan and a schedule for evaluating the proposed programs to ensure successful implementation. When participants were asked to describe how they determined whether or not the services

provided to special education students are adequate or effective, the majority reported that they used data analysis to determine if services were adequate or effective.

### **Expertise of Service Providers**

TAC, 19, §89.1131 stipulates that all special education and related service personnel must be certified, endorsed, or licensed in the fields in which they are assigned as required in state and/or federal law. This regulatory requirement is significant for the delivery of special education services. The same level of education and competency is required for appropriate instruction practices in all public schools for students with disabilities. It is quite interesting, however, that neither the Texas state charter school statutes nor the Texas Open-enrollment Charter School Handbook contain competency requirements for charter school special education administrators.

When asked whom they turned to for technical assistance when a question or concern arose regarding special education, a majority (92.2%) of the administrators reported that Regional Education Service Centers provided technical assistance while 60% received assistance from TEA. Most often, this assistance is in the area of provision of special education and related services followed by legal compliance. The Division of Charter School Administration at TEA has assigned a contact person by subject (i.e. rules and policy, program evaluation and data reporting, application for new charter schools, etc.) to provide targeted technical assistance and training to open-enrollment charter schools. Although open-enrollment charter school operators and staff are provided specialized special education technical assistance and training through the Regional

Education Service Centers, the state does not require them to participate in the training. This study revealed that open-enrollment charter schools are struggling to provide special education and related services which they attributed to shortage of certified special education teachers; high teacher turnover rates; and lack of experience, expertise, or resources. One participant stated that, “our biggest struggle is having highly qualified education teachers for our secondary students.”

### **Special Education Accountability**

Open-enrollment charter schools in Texas may be released from some state reporting requirements but they are still obligated to collect, manage, and report the same information related to students with disabilities that traditional public schools must report. Examples of data collected to complete the required reports include enrollment and attendance counting, demographic information on students, IEPs (content and timelines), program accounting, student performance and other academic data, and financial reporting. These data is used to generate state and federal categorical funds for special education (Ahearn et al., 2001). TEA reviews and validates these data. Results from this study revealed that special education directors (75%) are responsible for collecting, managing, and reporting timely data related to students with disabilities for reports such as the State Performance Plan (SPP). Lack of compliance with federal statutes (including special education) can result in revocation or non-renewal of a charter. It is therefore important for open-enrollment charter schools to conduct a self-assessment to review the implementation of all special education requirements. A trained and

experienced special educator/school coach who is familiar with school evaluation systems and how to work with school personnel to develop acceptable and meaningful reports can be instrumental in preparing for special education monitoring.

### **Recommendations**

TEA needs to develop a rigorous application process that addresses some of the most critical areas of special education such as service provision, governance, and human and fiscal resources. The application process should include mechanisms for sanctioning schools that fail to meet the required state standards for special education. Consequences for non-compliance should be clearly explained to charter school operators prior to receiving a charter.

An evaluation process that focuses on program needs of students that include strategies for student services, appropriate allocation of resources, and outcomes of the programs should be designed. The evaluation process should be comprehensive and the assessments methods appropriate to determine public charter schools' effectiveness.

During the initial start-up phase, charter schools should affiliate with an existing infrastructure or form partnerships with other LEAs to pool assistance and resources. These providers can either be nonprofit organizations (e.g., the ARC, or charter management organizations [CMOs], or for-profit companies such as the educational management organizations (EMOs). These educational services providers (ESPs) can offer expertise, resources, and centralized services to support their affiliated public

charter schools. Policy makers should also revise the current funding system to provide same revenues to public charter schools as traditional public schools.

### **Limitations**

Limitations of this study include general restrictions associated with internet settings. Since anonymity was guaranteed by an online email to each participant with a direct link connection to the survey site embedded in the body of the email, the researcher had no way of knowing how many of her solicitations actually reached the potential survey responders. Some open-enrollment charter schools officials were not able to be contacted because of spam filters. Some LEAs have internet security systems that automatically send emails to a filtering file where they may or may not be retrieved by the school personnel. One school district website sent the researcher an automatic request for a statement of purpose. After responding with a statement of purpose, the email went to the school district (i.e., it was not returned). In addition a number of emails (48) were returned with the note of mailer daemon, which meant that the school official was not available at that email address. This reduced the number of potential responders considerably.

Another limitation of the study is connected with anonymity. Knowing more about the participants, their ages, background, training, and school setting might have been helpful in shedding light on the results. A final limitation was the low response rate. Despite sending several follow-up emails, the survey yielded a response rate of 29%. This percentage raises concern about generalizability of the results. However since a



majority (special education directors) of those who responded are very similar to the total sample, generalizability might be a possibility.

### **Future Research**

State policy leaders and public charter schools authorizers in Texas should invest in research/evaluation of special education in Texas public charter schools. The results of such a study will help in understanding all the dynamics of the program such as provision of special education services, special education governance, admission and enrollment of students with disabilities, accountability, and operational issues confronting public charter schools. State policy leaders and charter school authorizers should work together with charter school community to develop innovative ways to address these problems.

### **Conclusion**

Open-enrollment charter schools in Texas provide students with increased education options, and all students except those with a documented history of discipline problems, including student with disabilities can enroll on the basis of their parents' choice. While the number of open-enrollment charter schools in Texas has continued to grow, questions have been raised whether these schools are appropriately serving students with disabilities and the extent to which students with disabilities are allowed equal access. The purpose of this study was to document how the needs of students in special education are addressed in open-enrollment charter schools statutes and practices in the State of Texas. Information derived from this study may provide helpful

information to open-enrollment charter schools seeking to provide quality services to students.

Policy analysis in this study revealed that educating students with disabilities in open-enrollment charter schools in Texas is governed by state charter school laws and policies. Texas has instituted reforms to its state laws and regulations to include public charter schools. State laws and regulations addressing special education can be significant factors defining how public charter schools function with regard to special education. Texas charter laws require that public charter schools not discriminate against students with disabilities during advertising or recruiting. Subchapter D of Chapter 12 of TEC is specific to open-enrollment charter schools and even though there is no requirement in this state law to address special education, TEA may require open-enrollment charter applicants to provide specific information on this topic.

Results from this study revealed that the experience of most open-enrollment charter schools with special education has been particularly challenging. Educating students with disabilities requires a high level of specialized pedagogical expertise. Lack of knowledge or experience, insufficient funding, limited resources, and open-enrollment charter schools' ability to hire and retain special education personnel has affected open-enrollment charter schools' capacity to effectively and equitably serve students with disabilities. Lack of resources is particularly acute for open-enrollment charter schools because they operate as independent LEAs and are responsible for offering a full continuum of special education and related services to provide students with disabilities a

FAPE. This challenge is further compounded by the funding disparity between public charter schools and traditional public schools. Teachers and staff in open-enrollment charter schools earn substantially less than their peers in traditional school districts. Renting or purchasing school facilities is extremely difficult for Texas open-enrollment charter schools because they do not receive state or local facilities funding.

This study revealed that while open-enrollment charter schools are provided targeted technical assistance on an on-going basis through the Regional Education Service Centers, this does not necessarily translate into public charter schools having the capacity to deliver special education. More assistance is needed in developing the structures needed to serve students with disabilities

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## APPENDIX A

### PsychData Survey and Informed Consent

**The return of your completed survey constitutes your informed consent to act as a voluntary participant in this research.**

Charter School Laws and Special Education: A Study of State and Local Policies in Texas

Welcome to the Survey!

I am required to point out the potential risks to you, the special education director/coordinator/specialist participant: There is a potential risk of loss of confidentiality in all email, downloading, and internet transactions. However, this is an anonymous survey and confidentiality will be protected to the extent that is allowed by the law. Because of the link's being embedded in the email, the researchers will not be able to connect answers with any participant. To further ensure confidentiality and anonymity of responses results will only be reported to you - should you desire - by separate request sent to Dr. Michael Wiebe, or myself at one or both of the emails listed below. Requesting for the results separately will ensure that your identity is separated from any survey answers.

Although you will not receive any remuneration for participation, your input will assist in better understanding current practices in open-enrollment charter schools in Texas. Your answering the survey questions constitutes your informed consent to act as a voluntary participant in this research. Please respond any time during the next two weeks but not later than April 24th, 2015. Your participation is completely voluntary, and you may withdraw from the study at any time.

Total answer time for all questions should take a maximum of forty five minutes, but in many cases will take much less time. Any mention of your organization's name or other identifying information will be deleted from your answer to preserve confidentiality and anonymity.

Dr. Wiebe, my research advisor ([mwiebe@mail.twu.edu](mailto:mwiebe@mail.twu.edu), phone: 940.898.2280) and I, Mary Kahama, student, principal investigator ([mkahama@mail.twu.edu](mailto:mkahama@mail.twu.edu)) will try to prevent any problem that could happen because of this research. You should let the researchers (Dr. Wiebe and I) know at once if there is a problem and they will help you. However, TWU does not provide medical services or financial assistance for injuries that might happen because of taking part in this research.

If you have any questions regarding the study, please call or email Dr. Wiebe or myself at

the numbers and addresses listed above. The researchers appreciate your taking the time to help in this valuable research.

1)

Which of the following best describes your organization or agency?

☐ Open-enrollment Charter School ☐ Other (please specify)

2)

What is the specific mission (concentration, emphasis) of your organization?

☐ Drop out recovery ☐ College prep program ☐ Fine Arts ☐ Math, Science, and Engineering ☐ Health Science ☐ Careers and Technology ☐ Other (please specify)

3)

What is your primary professional role?

☐ Special Education Director ☐ Special Programs Coordinator ☐ Special Education Specialist ☐ Professional Service Provider (PSP) ☐ Other (please specify)

4)

How do you ensure that your enrollment procedures for students with disabilities are non-discriminatory? (Please check all that apply)

☐ Request for only basic information (e.g., name, age, address, parent information) during admission process ☐ Use a random selection process if there are more applicants than spaces available ☐ Have developed rules and guidelines to eliminate discrimination ☐ Provide staff training to help ensure compliance with state and federal laws ☐ Admission policy has a written assurance to not discriminate against students with disabilities ☐ Other (please specify)

5)	Approximately what percentage of your students fall into the following categories according to the
	<div>--Select--</div> <b>Learning disabilities(LD)</b>
	<div>--Select--</div> <b>Speech or Language Impairment</b>
	<div>--Select--</div> <b>Intellectual Disability (ID)</b>
	<div>--Select--</div> <b>Emotional Disturbance</b>
	<div>--Select--</div> <b>Autism Spectrum Disorder (ASD)</b>
	<div>--Select--</div> <b>Hearing Impairment</b>
	<div>--Select--</div> <b>Visual Impairment</b>
6)	Approximately what percentage of your students fall into the following categories according to the
	<div>--Select--</div> <b>Orthopedic Impairment (OI)</b>
	<div>--Select--</div> <b>Traumatic Brain Injury (TBI)</b>
	<div>--Select--</div> <b>Other Health Impairment</b>
	<div>--Select--</div> <b>Multiple Disabilities</b>
	<div>--Select--</div> <b>Developmental Delay (DD)</b>

7)  
What do you do when you have concerns about your ability to meet the needs of a specific student with a disability?

- ☐ Contract with another provider to deliver services
- ☐ Arrange to have such services provided by the school district of residence
- ☐ IEP team meets immediately to discuss appropriate options
- ☐ Recommend other programs or schools
- ☐ Other (please specify)

**8)**

Who provides related services to your special education students? (Please, check all that apply)

- ☐ Contract personnel ☐ Charter school hired staff ☐ University sponsor ☐  
Agreement with other local education agencies (LEAs) ☐ Other (please specify)

**9)**

If contracted, which related services do you use?(Please, check all that apply)

- ☐ Adapted physical education ☐ Audiology services ☐ Counseling services ☐ Early identification and assessment of disabilities in children ☐ Interpreting services ☐  
Medical services for diagnostic or evaluation purposes ☐ Occupational therapy ☐  
Orientation and mobility services ☐ Parent counseling and training ☐ Physical therapy ☐  
☐ Psychological services ☐ Rehabilitation counseling ☐ School health services ☐  
School nurse services ☐ Social work services ☐ Speech-language pathology ☐  
Transportation ☐ None ☐ Other (please specify)

**10)**

Check all the special education related services currently provided in your school.

- ☐ Audiology services ☐ Counseling services ☐ Medical services ☐ Interpreting services ☐  
Occupational therapy ☐ Physical therapy ☐ Orientation and mobility services ☐  
Parent counseling and training ☐ Early identification and assessment of disabilities in children ☐  
Psychological services ☐ Rehabilitation counseling ☐ School health services ☐  
School nurse services ☐ Social work services ☐ Speech-

language pathology ☐ Transportation ☐ Adapted physical education ☐ None ☐  
Other (please specify)



**11)**

Every charter school must have the capacity to provide a continuum of possible placements that are able to meet the needs of students with disability. What special education instructional arrangements do you currently provide to meet the needs of your special education students? (Please, check all that apply)

☐ Home and hospital programs ☐ Mainstreamed with modifications ☐ Residential  
school programs ☐ Resource ☐ Self-contained ☐ Other (please specify)



**12)**

How do the instructional resources available to special education teachers compare to the instructional resources available to general education teachers in your school? (Please, check all that apply)

☐ Special education teachers have equal access to ALL instructional resources provided to the general education teachers ☐ Special education teachers have opportunities to participate in school based content area staff development activities ☐ General education and special education teachers are viewed as equal partners in the instructional process ☐ Special education teachers tend to work mostly with counterparts within their departments rather than outside their department ☐ Other (please specify)





**13)** On average, how many teachers and teacher assistants are in the special education department at ea  
enter the number of each)

<input type="text"/>	Lead special education teachers
<input type="text"/>	Special education teachers
<input type="text"/>	Teacher aides
<input type="text"/>	Other

**14)**

Do you feel that you have adequate space in your facility to provide the appropriate services necessary for your special education students to meet the requirements stipulated in their IEPs?

☐ Yes ☐ No

**15)**

What type of resources would help you to better serve your special education population? Please check all that apply.

☐ Curriculum ☐ Staff ☐ Equipment (i.e. instructional or adaptive technology) ☐  
Technology (i.e. computer) ☐ Printers ☐ Paper, office supplies, etc. ☐ Other (please specify)

<div></div>
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**16)**

In your opinion, are the needs of your special education students being adequately met?

☐ Well met ☐ Met somewhat ☐ Not met

**17)**

If you chose Not met in No. 16 above, explain Why (Please, type your response).

(1000 characters remaining)

Which of the following best describes how your organization is structured to serve students with disabilities? (Check all that apply).

[illegible]

How do you determine whether or not the services provided to special education students are adequate or effective?

What percentage of your school's total student population is represented by special education students?

21)

☐ Less than 3% ☐ More than 3%

What percentage of your special education students take the STAAR Alternative?

☐ Less than 1% ☐ More than 1%

Who is responsible for collecting, managing, and reporting data related to students with disabilities for reports such as the State Performance Plan (SPP)? Please check all that apply.

☐ Compliance officer ☐ Special education director ☐ Principal ☐ Special education teachers ☐ Superintendent/Assistant Superintendent ☐ Other (please specify) \_\_\_\_\_

[illegible]

When a question or concern arises in your organization regarding special education, to whom do you turn for technical assistance? Check all that apply.

☐ Charter school resource centers
 ☐ Regional Education Service Center
 ☐ Contract staff
 ☐ Internal staff
 ☐ Local independent school district (ISD)
 ☐ Local non-profit (e.g. The ARC)
 ☐ Professional service provider (PSP)
 ☐ Special education cooperatives
 ☐ State-level monitors
 ☐ Texas Charter School Association (TCSA)
 ☐ Texas Education Agency
 ☐ Other (please specify)

[illegible]

What type of assistance do you seek out the most? (Please, check one.)

☐ Curricular
 ☐ Legal
 ☐ Management
 ☐ Service provision
 ☐ Other (please specify)

**26)**

What is the average number of years experience do your special education teachers have in the area for which they have been hired?

☐ 0-2 years
 ☐ 3-5 year
 ☐ More than 5 years

**27)**

What experiences have you had working with individuals who have special needs?

☐ Formal experience (i.e. professional job or education)
 ☐ Informal experience (i.e. family member, volunteer experience etc.)

**28)**

Critical to addressing special education in charter schools is knowing the state's charter school law and its implications for special education. To what extent are your special education teachers and assistants familiar with the terms, procedures, and requirements of special education law?

☐ Very familiar
 ☐ somewhat familiar
 ☐ Not familiar

**29)**

Charter schools must comply with all federal regulations, Texas laws, State Board of Education (SBOE) rules, and commissioner's rules concerning students with disabilities receiving special education services (TEA, Division of Federal and State Education Policy 2013). Does your charter school system implement all of these regulations?

☐ We adopt as policy the definitions and provisions under state and federal law
 ☐ We implement as many policies and procedures as we can
 ☐ Other (please specify)

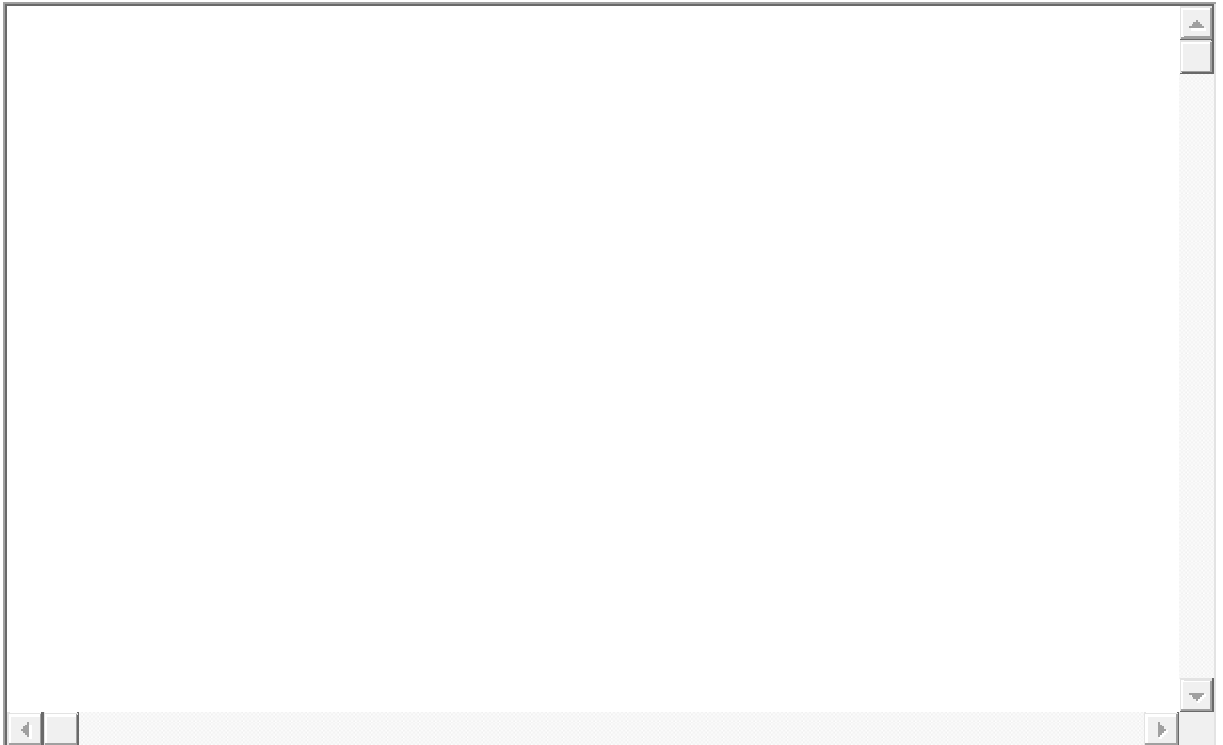
**30)**

To what extent are your special education and general education teachers equally informed about procedural and curriculum issues relating to special education students?

☐ Special education and general education teachers are equally informed about procedural and curricular issues ☐ Special education and general education teachers are not equally informed about procedural and curricular issues ☐ If you checked not equally informed above, please indicate which teachers are more informed (Please, type your response)

**31)**

Finally, you are invited to share any comments you have regarding delivery of special education services and related services in charter schools. (Please, type your response)



(28000 characters remaining)

Continue ONLY when finished. You will be unable to return or change your answers.

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## APPENDIX B

### State Policy Documents

## Texas Policy Documents Relevant to Open-enrollment Charter Schools

Policy Documents Reviewed	Comments/other sources
<p><a href="#">Texas Education Code</a> (TEC)</p>	<p>The following laws and rules are applicable to Open-enrollment Charters:</p> <ul style="list-style-type: none"> <li>Chapter 12 of the <a href="#">Texas Education Code</a> (TEC) discusses many, but not all, charter school issues. Subchapter D of Chapter 12 is specific to open-enrollment charter schools. Website: <a href="http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.12.htm">http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.12.htm</a></li> <li>Special education under TEC Chapter 29, Chapter A Section 29.001 website: <a href="http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.29.htm">http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.29.htm</a></li> </ul>
<p><a href="#">Texas Administrative Code</a> (TAC).</p>	<p>Open-enrollment charter schools are subject to the following portions of the TAC:</p> <p>State Board of Education Rule</p> <ul style="list-style-type: none"> <li>Chapter 89 Adaptations for special populations. Subchapter D. Special education services and settings</li> </ul> <p>Commissioner's Rules</p> <ul style="list-style-type: none"> <li>Chapter 89. Adaptations for Special Populations. Subchapter AA Website: <a href="http://ritter.tea.state.tx.us/rules/tac/chapter089/">http://ritter.tea.state.tx.us/rules/tac/chapter089/</a></li> </ul>

	<p><a href="#">Title 19 TAC, Chapter 100</a> is the primary source of rules that apply to open-enrollment charter schools.</p> <p>Website:  <a href="http://ritter.tea.state.tx.us/rules/tac/chapter100/ch100aa.html">http://ritter.tea.state.tx.us/rules/tac/chapter100/ch100aa.html</a></p> <p><a href="#">Texas Administrative Code (TAC) Chapter 97 applies to open-enrollment charter schools planning and Accountability</a></p>
<a href="#">Special Education Rules and Regulations</a>	<a href="http://tea.texas.gov/Curriculum_and_Instructional_Programs/Special_Education/Programs_and_Services/Special_Education_Rules_and_Regulations/">http://tea.texas.gov/Curriculum_and_Instructional_Programs/Special_Education/Programs_and_Services/Special_Education_Rules_and_Regulations/</a>
Open-enrollment charter schools application instructions and guidelines	Website: <a href="http://tea.texas.gov/index2.aspx?id=3474">http://tea.texas.gov/index2.aspx?id=3474</a>
Generation Twenty-one Charter Application	<a href="http://tea.texas.gov/index2.aspx?id=3474">http://tea.texas.gov/index2.aspx?id=3474</a>
Special Assurances Document	<a href="http://tea.texas.gov/charterapp.aspx">http://tea.texas.gov/charterapp.aspx</a>
Texas Open-enrollment Charter School Handbook	



## APPENDIX C

### Websites Reviewed

Name of the Organization	Website/comments
Texas Charter School Association (TCSA)	<a href="https://www.txcharterschools.org/">https://www.txcharterschools.org/</a>
National Association of Charter School Authorizer (NACSA)	<a href="http://www.qualitycharters.org/">http://www.qualitycharters.org/</a>
National Alliance for Public Charter Schools	The National Alliance for Public Charter Schools is the leading national nonprofit organization devoted to advancing the public charter school movement. <a href="http://www.publiccharters.org/">http://www.publiccharters.org/</a>
National Center for Special Education in Charter School Schools (NCSECS)	<a href="http://www.ncsecs.org">http://www.ncsecs.org</a>

## APPENDIX D

### Recruitment Email Letter

Dear Educators,

My name is Mary Kahama, and I am a Special Programs Director in a charter school in Greenville, Texas. I am conducting a study at Texas Woman's University (TWU) to document how the needs of special education students are addressed in open-enrollment charter statutes and practices. This study has been approved by the TWU Institutional Review Board (IRB). The IRB may be contacted at [IRB@twu.edu](mailto:IRB@twu.edu). My goal is to gather information that will help public charter schools seeking to provide quality services to students with disabilities.

A part of this study includes completing the survey attached to the website link below which is voluntary. All responses will remain anonymous and seriously considered in developing the report which is part of a doctoral dissertation. To ensure that anonymity will be protected at all times, the link to the survey is in this email. The link is connected to PsychData.com, a secured internal TWU site. The title of the study is "*Charter School Laws and Special Education: A Study of State and Local Policies in Texas.*" Your input will assist in better understanding current practices in open-enrollment charter schools in Texas. Please respond any time during the next two weeks but not later than February 20th, 2015. Your participation is completely voluntary, and you may withdraw from the study at any time.

Thank you in advance for your participation.

Sincerely,

Mary Kahama

Press the link below to complete the survey.

<https://www.PsychData.com/s.asp?SID=163299>

## APPENDIX E

### IRB Approval



**Institutional Review Board**

Office of Research and Sponsored Programs  
P.O. Box 425619, Denton,  
TX 76204-5619 940-898-  
3378 email: [IRB@twu.edu](mailto:IRB@twu.edu)  
<http://www.twu.edu/irb.html>

DATE: September 4, 2014

TO: Ms. Mary Kahama  
Department of Teacher Education

FROM: Institutional Review Board - Denton

*Re: Exemption for Charter School Laws and Special Education: A Study of State and Local Policies in Texas (Protocol #: 17803)*

The above referenced study has been reviewed by the TWU Institutional Review Board (IRB) and was determined to be exempt from further review.

If applicable, agency approval letters must be submitted to the IRB upon receipt PRIOR to any data collection at that agency. Because a signed consent form is not required for exempt studies, the filing of signatures of participants with the TWU IRB is not necessary.

Although your protocol has been exempted from further IRB review and your protocol file has been closed, any modifications to this study must be submitted for review to the IRB using the Modification Request Form. Additionally, the IRB must be notified immediately of any adverse events or unanticipated problems. All forms are located on the IRB website. If you have any questions, please contact the TWU IRB.

cc.Dr. Jane Pemberton, Department of Teacher Education  
Dr. Michael Wiebe, Department of Teacher Education  
Graduate School

## APPENDIX F

### Description of Continuum of Placement


<p>Least Restrictive</p>  <p>Most Restrictive</p>	Mainstreamed	This includes students who participates in the general education classes and receive special education and related services outside this classroom setting for less than 21% of the school day.
	Resource	A special education instructional setting. The students in the resource classroom receive special education and related services outside the general education classroom for at least 21%, but not more than 60% of the school day.
	Self-contained	An instructional setting where student receive more than 60% of their instruction outside the general education classroom.
	Residential School Programs	Includes students who receive education in a private or public residential facility for more than 50% of the school day.
	Home and hospital programs	Includes students placed in and receiving their instruction in homebound or hospital

Table 1 Description of Continuum of Placement (Lerner & Johns, 2009)