

TENNESSEE CHARTER OPERATOR PRIMER

PRE-AUTHORIZATION STAGE

As a charter school operator, what is my role related to special education as I work with our planning team during this phase?

The pre-authorization planning phase – the time before you submit your application for a charter – is the time to prepare for all children who may become students in your charter including students with disabilities. As the charter school operator, you assume the role of administrator and operator as well as the instructional leader for your future faculty, parents and students. Although you obviously cannot plan for each child before you begin to enroll students, you must plan for enrolling and identifying children with disabilities as you are developing the initial plans for your school. The vision you have for your school will be seen, heard and implemented by others involved in the planning. It is critically important you consciously plan for including students with disabilities in every aspect of your charter school. Doing this now will not only avoid future problems, but will also result in more effective educational opportunities for all of your students.

Is it important to include students with disabilities as part of the discussion when we are developing the mission and vision of our school?

Yes. It is critically important to include children with disabilities when you are developing the mission and vision of your charter school. Your school will be a public school that must implement programs for all students with disabilities who attend. You should expect that you will enroll students with many different kinds of needs including students with disabilities.

How can we plan for students with a wide variety of different disabilities?

It is imperative to determine how your school's purpose and mission is relevant to a wide range of students. For example, is it relevant to students with learning disabilities, physical disabilities, or students who present behavioral challenges?

The following major legal principles contained in the Individuals with Disabilities Education Act (IDEA) must be considered in your planning:

- zero reject of children with disabilities;
- individualized education program (IEP);
- free appropriate public education (FAPE);
- least restrictive environment (LRE);
- due process and parental involvement; and
- non-discriminatory evaluation
- child find

Understanding how these principles relate to charter schools in Tennessee will help you to develop a school that addresses the needs of all your students.

Do we have any responsibility regarding the recruitment of students in order to be in compliance with federal civil rights laws?

Yes. When announcing your charter school or recruiting students, you may not discriminate against students with disabilities. You should recruit students from all segments of the community served by your school using strategies that will not exclude students with disabilities. (More details are available in the publication from the U.S. Department of Education Office for Civil Rights online at http://www.uscharterschools.org/pdf/fr/civil_rights.pdf).

What is our obligation to make sure that student applicants with disabilities are treated in a nondiscriminatory manner in admissions?

Under Section 504 (of the Vocational Rehabilitation Act) and Title II (of the Americans with Disabilities Act), you may not deny admission to students on the basis of disability. You may not deny admission to a student with a disability solely because of that student's need for special education or related aids and services.

What steps should we take when providing information to parents with disabilities or limited English proficiency?

Parents with disabilities or limited English proficiency must have access to information about your charter school. Appropriate auxiliary aids and services must be made available upon request to ensure effective communication for parents with disabilities or limited English proficiency. For example:

- provide materials in Braille or on a tape
- hold all public meetings in a location physically accessible to individuals with disabilities
- provide qualified interpreters, translations, or another effective means of communication

What issues need to be considered as we plan to provide effective special education services?

Several issues are common to all schools, including funding, space and facilities, human resources, curriculum, service provision, professional development, administration, transportation and special considerations.

Since Tennessee's law requires charter school applications to include an assurance that school personnel will abide by federal statutes related to special education, is there any need for me to expand upon this assurance?

Yes. You must also define how your school will educate students with special needs and provide details about how limited English proficient learners and students with disabilities will benefit from your proposed teaching and classroom instruction methods.

The required content for the narrative of your charter application includes 20 sections as listed in the Tennessee Charter School law and described in the application available on the state website. (<http://tennessee.gov/education/fedprog/doc/fpcharterschapp.doc>) Applicants should also contact the local education agency to which they are submitting their application to receive any additional local submission requirements.

What critical areas should be included when preparing our application?

The checklist at the end of this section poses questions designed to help you consider these important areas.

Conclusion

Tennessee state charter school law requires charter schools to sign a list of 24 assurances including. Those that impact specifically on special education state that the charter school will:

- provide special education services for students as provided in Title 49, Chapter 10;
- follow all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, national origin, religion, ancestry, or need for special education services; and
- follow any federal and state court orders in place in the local school district.

You should use the preauthorization phase to develop a thorough understanding of your responsibility to provide services to students with disabilities.

CHECKLIST OF SPECIAL EDUCATION CONSIDERATIONS FOR CHARTER SCHOOL OPERATORS

Funding for special education

Is there a formula for determining how much special education funding to include in our budget?

- What is the formula and how is it determined?
- What funds will we receive for special education services?
 - federal
 - state
 - local funds
 - fundraising

Space and facilities

- Where will we conduct student evaluations?
- Where will we conduct IEP meetings?
- Where can we store confidential student records?
- Where will we provide (pullout) services?
- Where can related services personnel meet with individual students?
- Where will we store supplies and equipment used by students with disabilities (e.g., educational, medical, mobility, assistive technology)?
- Are entrances, classrooms, common areas and bathrooms accessible to individuals, including adults, with physical disabilities?
- Who will make repairs to ensure school remains accessible to students with disabilities?

Human resources

- How many students will the school enroll?
- How many teachers will I need to hire?
- How many special education teachers will I need to hire?
- What kind of certification will the teachers need?
- Can I hire dual-certified teachers?
- Can I hire part-time or retired special education teachers?
- Can we use student teachers from area universities?
- What type of related services personnel will we need?
- How will we obtain these services and contract with these individuals?
- What other types of services will our school need?
 - legal counsel with special education expertise
 - accountants/bookkeepers/number crunchers

Curriculum

- What curriculum will my school offer?
- How does our curriculum align with the state's suggested curriculum or standards for student learning?
- How will we modify the curriculum to address the unique needs of children with disabilities?

- How can we train general and special education teachers to modify/adapt the curriculum for children with disabilities in inclusive classrooms?
- What types of assistive technology will be needed by our students?

Service Provision

- How will we provide special education related services (e.g., occupational and physical therapy, orientation and mobility, speech therapy)?
- What should our Child Find activities look like?
- How will we conduct student identification, evaluation and special education determination meetings?
- Who will participate in IEP development and implementation?
- What types of special staff or consultants will we need to implement our students' IEPs?
- How will we handle re-evaluations?
- How are we going to work with families?
 - How can we build partnerships?
 - What strategies can we use to be proactive in avoiding conflicts?

Professional development

- How will we provide my teachers with professional development?
- What type of specialized professional development will be needed by school staff (including teachers, paraprofessionals, administrators) to support children with disabilities?
- Does the LEA or the SEA operate a professional development program or network that I can utilize?

Administration

- Who will administer the special education program?
- Who will be responsible for collecting, managing and reporting data related to children with disabilities?
- What equipment/supplies/programs will be needed to collect and store data and records? How will we obtain these? What training will be needed to use these efficiently and appropriately?
- Can we create our own system to administer special education or do we need to adopt the policies/procedures dictated by my authorizer, local district, other administrative unit (e.g., a Intermediate Unit or a Cooperative)?

Transportation

- Will we provide students with transportation?
- Can we access district or state transportation dollars to offset costs?
- How will we meet transportation needs of students who receive transportation as a related service that is required by their IEP?
- How will we arrange transportation for a student in a wheel chair?

PREPARING FOR START-UP

We have concerns about our ability to deliver instruction to students with disabilities that will allow access to our curriculum. What should we do?

Concerns about instruction should be discussed at the time of the child's Individualized Education Program (IEP) meeting and addressed in the child's IEP. All members of the team can contribute to how the student will have access to the curriculum that is required by special education law. Teacher effectiveness should be addressed through professional development.

Do we have to hire full-time special educators in our charter school?

It depends. Special education staffing should meet the needs of your students as outlined in their IEPs. As a charter school, you may be creative and flexible in staffing your school. Options include hiring faculty with dual licensure (in special and general education), hiring consultants on an hourly basis, or contracting for special educators via a collaborative agreement with the local school district or other (private or charter) schools.

How much flexibility in licensing and certification do we have in hiring special education staff?

In Tennessee, you have very little flexibility in hiring. As required in the charter school law, all teachers in a public charter school must have a current valid Tennessee teaching license, or meet the minimum requirements for licensure as defined by the state board of education. In addition, you must abide by the decisions of the IEP Team that has identified the type of services the child attending your school will need and consider the staffing implications for delivering those services.

Where can I obtain specific information on Tennessee's licensure requirements pertaining to special education in charter schools?

Licensing requirements are available on the state department of education's website at: <http://tennessee.gov/education/lic>

Is there a difference between licensed educators and highly qualified educators?

Yes. Being licensed/certified is only one part of the requirements in the *No Child Left Behind Act (NCLB)* designed to ensure that teachers of core academic subjects be highly qualified. The IDEA applies this NCLB requirement to special education teachers who teach core subjects. For more information, see <http://www.k12.tn.us/base-tn/> and http://state.tn.us/education/nclb/doc/NCLB_ImpPlan_08_18_05.pdf

What should we do when a child with a disability applies to our school?

Since charter schools may not discriminate on the basis of a disability in determining eligibility for admission, your considerations for students with disabilities are to be the same as for students without disabilities.

It is critical that your charter school immediately requests the records for children who enroll in your school according to district policy.

If we have concerns about our ability to meet the needs of a specific student with a disability, can we recommend other programs or schools?

No. It is not appropriate for you to suggest that the needs of a student with a disability may be better met in another school. During the course of student recruitment, it is expected that your school staff and representatives will share information with prospective students and families on the school's curriculum and services. More information may be found in the U.S. Department of Education Office for Civil Rights (OCR) document, *Applying Civil Rights Laws to Public Charter Schools: Questions and Answers*, available online at http://www.uscharterschools.org/pdf/fr/civil_rights.pdf

Are there requirements for physical access that apply when I select the facilities that will house our charter school?

Yes. Pursuant to the Americans with Disabilities Act (ADA), a charter school may not deny persons with disabilities, including parents, students, and general public the benefits of programs and activities offered at its schools because of inaccessible facilities. The selection of the facility for your charter school may not result in excluding or limiting enrollment of people with disabilities from any school program or activity.

What impact will these requirements have on our operations?

You must make sure that a child with a physical disability has access to every part of the new building or the parts that are newly altered. For example, if your charter school is in a new building, all parts of the building including a third-floor chemistry lab must be accessible for use by persons with disabilities. In contrast, if your charter school is in an existing facility, you might be able to meet the program accessibility requirement by locating at least one chemistry lab in an accessible location like the first floor. However, the specific federal, state and local requirements on this issue are very complicated and you should obtain legal counsel when acquiring a facility to house the charter school.

Where can we obtain information and technical assistance in making our school accessible?

Your state and/or local code dictate who is responsible for ensuring that public facilities are accessible. Check with this individual/entity for technical assistance in determining

what modifications need to be made and the appropriate approach to accomplish your desired goal. Check the available information in the Section 504 Manual for Tennessee Educators at <http://tennessee.gov/education/speced/sesection504man.pdf> Additional resources are available from OCR online at www.ed.gov/about/offices/list/ocr/index.html

We rent our school building. Whose responsibility is it to make our school accessible?

Responsibility to modify a facility must be articulated in the lease between your school and the owner of the facility. It is very important you seek legal counsel prior to signing any contracts to lease or purchase your facility.

Conclusion

Issues in this section are very complex. Remember there are many sources of information and support available to you, including other charter and traditional schools, your state department of education and charter school resource centers and/or associations that exist in many states to assist during the development and operation of a charter school.

OPERATING A CHARTER SCHOOL

What special education services must a charter school provide?

The charter school must ensure that each of its students with an IEP receives all special education supports identified in the student's IEP. Each charter school must negotiate an agreement with the LEA to determine what services that the charter school will provide and what services or supports that its LEA will provide. Agreements may vary among schools and districts.

Our curriculum was selected specifically for students with a particular disability (e.g., deafness). What should we do to make sure we can include students with other disabilities or those who do not have a disability?

If students who enroll have disabilities different from what your school expected, each one must be considered individually so that their needs can be met. In each case, the involvement of your charter school staff with the IEP team is critical. The need for prior planning to obtain special education capacity is obvious. Although it is impossible for a charter school to plan for every contingency prior to initial enrollment of students, general plans for a new charter school must include a grade-appropriate curriculum to be available for students without identified disabilities. Then, if a population with disabilities is targeted, adequate delivery strategies, personnel, tools and materials must be added for the expected needs.

A student with a significant disability has enrolled in our school. No one on our faculty has experience in this area. What should we do?

Ideally, a charter school representative would have been involved in the IEP team meeting to design the content of the IEP for the child's enrollment in your charter school and plans will be in place when the child enters. If that did not occur, the first step is for your charter school staff to review the child's special education records, especially the IEP, and analyze your existing capacity to deliver the instruction and related services as described. Just as any other public school is expected to do if a child moves in with an existing IEP, your charter school must try to implement the child's IEP or, if that does not appear to be possible, must convene the IEP team immediately to discuss appropriate options with the LEA.

May we limit the participation of students with disabilities to certain aspects of our school's program?

No. Consistent with civil rights laws, students with disabilities must be provided a range of choices in programs and activities that is comparable to that offered to students without disabilities. This includes an opportunity to participate in all nonacademic or extracurricular programs and activities offered at your charter school for which they are otherwise qualified.

We plan to develop Individual Learning Plans for all of our students. Do we still have to develop IEPs for students with disabilities?

Yes. All students receiving special education services must have an IEP that is developed by a multidisciplinary team following the procedural requirements of IDEA and your state's special education law and regulations. The IEP may complement the plans your school will develop for all students. However, the IEP will be the legal, guiding document for all special education services provided to a child who has been found to be eligible for special education.

Are there special strategies we might use to attract and retain our personnel who work with children with disabilities?

Yes. In many parts of the country, demand for educators (particularly special educators) exceeds the supply. While there is no special "fix," several strategies have proved effective in reducing turnover. These include creating a mentor system for new special educators, implementing a peer support program and implementing an open-door discussion practice. Charters in other states have also created partnerships with local universities to provide student teaching opportunities.

What types of special education professional development should we offer our staff?

Charter schools need to tailor professional development opportunities to the needs of your staff. Instructional staff (including paraprofessionals) need to have ongoing access to training specifically focused on classroom management, differentiated instruction, communication, compliance, linking instruction, curriculum, and the school's mission to the individual needs of students. Successful practices in personnel retention also stress the importance of involving the staff members in the planning of their own professional development programs.

What type of professional development would benefit our board members and other volunteers?

Your charter school board members and other volunteers should be appropriately included in professional development opportunities. Board members should receive training on their role and responsibilities related to special education activity. Volunteers should be aware of and trained in policies and procedures related to special education.

What should we do when our special education program costs more than the funding we receive from our local, state, and the federal government?

Lack of funds is not a legal reason for denying services to a child who is eligible for special education. A charter school should notify their staff and their Board of Directors for support. The school should also consult their LEA for assistance.

We don't provide transportation to students. Must we provide it for students in special education?

Transportation must be provided for charter school students if your school provides transportation to and from school for non-disabled students or if transportation is required as a related service on the IEP. As your IEP team considers a student's need for transportation, it is critical that team members understand the difference between a student's need for transportation to get to school (common for all students) and a student's need as a result of a disability (which results in the need for a related service). If your charter school is responsible to provide this related service, you may contract for it or pay the family to transport the child to and from school or the location of the special services.

What are our responsibilities to conduct "Child Find" activities?

Charter schools are responsible for children only when they are actually enrolled in the charter school. It is clear that all charter schools must conduct Child Find activities for their full student population so that children who may need special education are appropriately identified and, if necessary, referred for evaluation.

What should we do if a teacher or parent suspects a child might benefit from special education?

Identification of students with disabilities begins in the general education setting. If a teacher or parent suspects a child has a disability:

- A referrals for a special education evaluation is made;
- An IEP team convenes to discuss the child and review the data;
- If the child is found eligible, the team develops an IEP with strategies and interventions to address the concerns;
- the team reviews the success of these interventions and determines next steps

It is important that a charter school operator be familiar with the state special education procedures as contained in the Special Education Manual available at <http://state.tn.us/education/speced/doc/semanual.pdf>

Who is responsible for implementation of student IEPs?

In Tennessee, the LEA is ultimately responsible for FAPE and ensuring the appropriate implementation of each IEP. It is the charter school's role to oversee this implementation for students who attend the charter school.

Who is involved in developing our students' IEPs?

The IEP team at the charter school develops the IEP. This team consists of both charter school staff and representatives from the LEA. For details, see the Special Education Manual at <http://state.tn.us/education/speced/doc/semanual.pdf>

What does the IEP need to include?

According to the IDEA, an IEP for each child with a disability must include:

- a statement of the child's present levels of educational performance, including how the child's disability affects the child's involvement and progress in the general curriculum;
- a statement of measurable annual goals and, only if the student takes an alternate assessment, benchmarks or short-term objectives;
- a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child and a statement of the program modifications or supports for school personnel that will be provided for the child;
- an explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class;
- a statement of any individual modifications in the administration of state or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment and, if the IEP team determines that the child will not participate in a particular state or district-wide assessment, a statement of why that assessment is not appropriate for the child and how the child will be assessed;
- the projected date for the beginning of the services and modifications and the anticipated frequency, location and duration of those services and modifications; and
- a statement of how the child's progress toward the annual goals will be measured; how the child's parents will be regularly informed of their child's progress toward the annual goals and the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

In addition, for children age 16 and above, there are requirements for addressing transition needs that must be addressed in the IEP process.

The IEP is not to be a curriculum for the child. Rather it is to serve as a guide for how to "open the doors" to improve access to the general education curriculum and the necessary special education and related services that will allow the child to progress.

Is there a specific form that must be used for IEPs?

The Tennessee IEP form is included with instructions in the EP Manual available at <http://www.k-12.state.tn.us/pdf/speced/iepprocman.pdf>

Do we have to develop an IEP for every child with a disability?

An IEP must be developed for every child found eligible for special education services. Your staff must participate in IEP meetings to provide the necessary information about the child's school progress. It is also important that you develop appropriate procedures for the required progress reporting to parents and all necessary input from the charter school for other special education reporting in accordance with your charter agreement.

What is our school's responsibility when a child with a disability transfers to another school?

As with any other child, when a student with a disability transfers to another school, you must ensure timely transfer of all records. At the point that the child is formally no longer enrolled in your charter school, your school no longer has a responsibility to provide services to the child.

What resources are available to charter schools for training and continuing education related to special education?

Charter schools can tap into a variety of networks to learn more about special education in general and issues related to special education in charter schools specifically.

Following is a partial list of resources that will be useful to you during the planning and operation of your charter school.

Governmental Agencies and Offices

- **LOCAL EDUCATION AGENCIES:** States delegate their responsibility for providing a free appropriate public education to local education agencies. As part of this responsibility, LEAs generally offer district schools technical assistance in the form of documents and training. Many districts maintain websites with abundant resources related to special education. District special education technical assistance can be invaluable to charter developers interested in learning more about special education.

- **TENNESSEE CHARTER SCHOOL ASSOCIATION:** *The Tennessee Charter School Association, formerly the Charter School Resource Center in Tennessee, is a resource for charter school information, support, and charter school start-up assistance, and their website can be accessed at <http://www.tncharterschools.org>.*
- **REGIONAL TECHNICAL ASSISTANCE NETWORKS:** Many states operate regional technical assistance networks designed to provide, among other services, special education technical assistance. Examples of these networks are the Education Service Centers in Texas, Intermediate School Districts in Michigan, and Boards of Cooperative Education Services (BOCES) in Colorado. As public schools, charter schools should have access to these networks.
- **STATE DEPARTMENTS OF EDUCATION:** State departments of education can be a rich source of general information regarding special education and in some cases, specific information regarding special education in charter schools. Most states with charter school laws maintain a designated web page for charter schools. Most states also maintain a web page for special education. If you aren't sure how to access your state's website, you can access it from the National Association of State Directors of Special Education website at http://www.nasdse.org/state_departments_of_education.htm
- **REGIONAL RESOURCE CENTERS:** The Regional Resource Centers and the Federal Resource Center provide consultation, technical assistance and training to state educational agencies and through them to local educational and other appropriate agencies. You can access links to the Federal Resource Center and to each Regional Resource Center at <http://www.federalresourcecenter.org/frc/rffc.htm>
- **U.S. DEPARTMENT OF EDUCATION (ED):** Several offices in the U.S. Department of Education maintain websites that may be helpful to charter school applicants. The Office of Special Education Programs (OSEP) maintains a Technical Assistance and Dissemination web page that provides links to a variety of resources related to special education at <http://www.ed.gov/about/offices/list/osers/osep/index.html> Another ED office that has more general resources for charter schools is the Office of Innovation and Improvement at <http://www.ed.gov/about/offices/list/oii/index.html?src=mr> Information about the No Child Left Behind Act (NCLB), a law that all charter schools must understand is available at <http://www.ed.gov/nclb/landing.jhtml?src=pb>

National Special Education Networks

The following is a list of networks to learn more about special education in general and issues related to special education in charter schools specifically.

- **NATIONAL ASSOCIATION OF STATE DIRECTORS OF SPECIAL EDUCATION:** NASDSE's website provides a wide array of special education resources including a copy of the final report of Project SEARCH, a national study on special education in charter schools and documents on critical issues in special education produced by NASDSE's Project Forum. <http://www.nasdse.org>
- **COUNCIL FOR EXCEPTIONAL CHILDREN (CEC):** CEC is the largest international professional organization dedicated to improving educational outcomes for individuals with exceptionalities, students with disabilities and/or the gifted. CEC sets professional standards, provides professional development and helps professionals obtain conditions and resources necessary for effective professional practice. <http://www.cec.sped.org>
- **NATIONAL INFORMATION CENTER FOR CHILDREN AND YOUTH WITH DISABILITIES (NICHCY):** NICHCY is an information and referral center that provides free information on disabilities and disability-related issues. Children and youth with disabilities (birth to age 22) are NICHCY's special focus. <http://www.nichcy.org>
- **PARENT ADVOCACY COALITION FOR EDUCATIONAL RIGHTS (PACER):** PACER is a parent advocacy organization dedicated to expanding opportunities and enhancing the quality of life of children and young adults with disabilities and their families, based on the concept of parents helping parents. PACER's website has a variety of resources developed to assist parents of children with disabilities and may be helpful in informing charter school operators regarding their obligations to parents of children with disabilities. <http://www.pacer.org>
- **SPECIAL EDUCATION NEWS:** This private newsletter provides in-depth, up-to-date news related to educating students with disabilities. <http://www.specialednews.com>
- **SPECIAL EDUCATION LAW:** This resource provides up-to-date information on judicial and legislative decisions concerning special education. <http://www.specialedlaw.net>

National Charter School Networks

- **NATIONAL ASSOCIATION OF CHARTER SCHOOL AUTHORIZERS:** This organization renders support and technical assistance to those who sponsor or authorize charter schools. <http://www.charterauthorizers.org>
- **U.S. CHARTER SCHOOLS WEBSITE:** This is a rich resource about all aspects of charter schools: <http://www.uscharterschools.org>

Conclusion

As you move through the day-to-day operation of your school, you will find that often you have to focus on a "challenge of the moment" related to students with disabilities. If you have planned carefully to put strategies in place for handling special education issues, they will not reach the crisis stage. Occasionally, you should take the time to revisit your mission and vision and have specific discussions on how all of your students and staff are doing. Remember to consult with resources available in your local school district, state education office, or charter authorizer. Depending on your school's LEA linkage and your state law and charter contract, you can expect to receive advice and/or regulatory guidance from these offices. Taking time to address students with disabilities in a proactive and positive manner will have significant payoffs for your students, school and the community.

ACCOUNTABILITY AND RENEWAL

Introduction

Accountability refers to the policies and procedures that charter schools must abide by as required by federal and state special education and state charter school rules and regulations. While state charter laws may release charter schools from some state reporting requirements (e.g., teacher qualifications), charter schools are generally obligated to collect and report the same information that public schools must report such as statistical reports regarding students, standardized tests, and budgets. This includes data regarding special education as part of the general statistical reports that is often used to generate state and federal categorical funds for special education. Examples include student headcount reports as well as more procedural documents such as IEPs that would be reviewed as part of a state special education audit.

The best way to prepare to be accountable is to be thinking about it before the charter school opens its doors on the first day. It will be essential to get oriented to the data requirements related to special education that you are expected to collect and any required means of collecting and storing such data. A comprehensive (electronic) management information system and consistent, detail-oriented staff are two effective ways to handle this responsibility. The type of data you will need to compile includes demographic information on students, academics, IEPs (content and timelines), attendance records, enrollment data and assessment information. A secure filing system to store the paper documents is also critical to ensure security and privacy of confidential and other critical data/reports.

What type of special education accountability provisions do we need to consider?

First and foremost, you need to address your authorizer's requirements and the state charter school law. Stay in close contact with the Tennessee Department of Education to learn of updates in IDEA and NCLB implementation and implications for your charter school. At a minimum, you will also need to be able to document specific outcomes of students with disabilities, fiscal practices related to special education, timelines related to development and implementation of special education services, qualifications of faculty and staff and resolution of parent complaints.

What types of data should we collect so we are able to complete required reports?

Most charter schools are required to submit essentially the same data and statistical reports as traditional school districts. Examples include enrollment accounting, program accounting, student performance data and financial reporting. Depending on state

policies, there may be variability in the degree to which your school will be required to report data regarding special education. However, at a minimum you will need to be able to report data on all of your students disaggregated by the subgroups outlined in NCLB, one of which is students with disabilities. Keep these subgroups in mind as you are setting up your data collection and storage system, especially those related to assessments.

Even if your charter school has not begun enrolling students with disabilities, it is important to include provisions for special education in the development of data collection and management information systems. This will strengthen your infrastructure and prepare you to provide effective special education services that meet the mandates of the laws.

Is there added accountability specifically for special education?

Yes. Operators must understand that charter schools have an added level of formal accountability related to special education. The U.S. Department of Education carries out an extensive monitoring of SEAs, and then SEAs must develop and carry out a formal monitoring process for each of its LEAs. Your charter school is part of an LEA, so involvement in special education monitoring will be as part of that LEA. The LEA is responsible for seeing to it that any non-compliance found in the charter school is corrected. Also, when the U.S. Department of Education monitors the state, your school might be one of the schools randomly selected for visitation.

How is special education monitoring carried out in a state?

Special education monitoring involves a variety of procedures. For information about how special education monitoring is carried out in Tennessee, see <http://www.state.tn.us/education/speced/semonitor.shtml>

How do students with disabilities participate in the NCLB accountability system?

NCLB makes a point of including students with disabilities and special education programs in school assessment and accountability systems. Students receiving special education services including those with the most significant disabilities who participate in an alternate assessment system will "count" in the accountability formulas. Not only do they count - they can make a difference in your school's ability to meet criteria for "adequate yearly progress" and state-specific performance measures under the NCLB law. Talk with your colleagues, your authorizer and your SEA to identify effective strategies in helping students with disabilities to demonstrate progress.

How will special education be included in the renewal of our school's charter?

Throughout your renewal process, most authorizers will include some evaluation of your special education practices. These will most likely focus on financial, academic,

personnel, facilities and data systems. Having your special education infrastructure in place and operating smoothly will prepare you well for your renewal activities.

Could failure to meet special education requirements be cause for not renewing our charter?

Yes. Lack of compliance with federal and state statutes (including special education) can result in revocation or non-renewal of a charter.

How do we know if our authorizer has specific renewal policies and processes that address special education?

If you're not sure.....ask! Hopefully this is an area you discussed with your authorizer during your planning, start-up and operational phases. However, if you're not sure, find out what requirements your authorizer will expect you to meet as a condition for renewal. Other charter schools that are authorized by the same entity may also be an invaluable source of information regarding renewal.

Conclusion

Accountability has become a cornerstone of school improvement efforts and it is a basic principle of the charter school movement. At a minimum, these include monitoring, files/data management, record keeping, procedural (special education) compliance, state charter law compliance and charter school contract compliance. You will work directly with your LEA throughout this phase. At the heart of this is a school's ability to demonstrate student progress, maintain qualified personnel and document instructional and financial practices. As valued members of your school, students with disabilities and their programs and staff will be involved in each aspect of this phase. Explicitly preparing for their involvement in all aspects of your school will avoid problems and enhance the quality of your accountability plan.

Non-Renewal, Revocation, and Relinquishment

Introduction

Hopefully your school will never be faced with non-renewal, revocation, or relinquishment of your charter. However, it is important to have a plan in place to be activated if your school closes so that you and your board members understand their responsibilities for the students with disabilities who are enrolled in your school at that time. Make sure you are familiar with the contents of state law concerning these matters (Click [here](#) and enter 49-6-107 in the search field).

What do these terms mean?

- *Non-renewal* occurs when a charter school seeks renewal to operate after its approved period and the authorizer does not grant a new charter. As a result of not having its charter renewed, the school loses its authority to operate and exist as a public school.
- *Revocation* of a charter involves a proactive decision by a charter authorizer to remove a school's charter and its legal authority to operate as a public school. In general, revocations occur when a charter school does not meet the obligations articulated in the application or subsequent contracts with the authorizer.
- *Charter Relinquishment* is a voluntary release of an authorized charter by a charter school board.

If our school ceases to exist, what do we need to consider relative to our students with disabilities?

Ideally your school will be in a situation to facilitate the transfer of all funds, records (including student and financial) and equipment (instructional and adaptive) for all students, including those with disabilities. Check with your authorizer, LEA and SEA to obtain specific guidelines and policies in your state. Federal guidelines⁹ also provide information on property disposal.

What is our legal obligation after our charter school has closed?

After the school closes, there will be requirements to conduct a final accounting of all funds spent by your school. Your state law, charter contract and authorizer will determine the specific nature of these activities and the ultimate destination of reports. Be sure to be in touch with the appropriate authorities to avoid the possibility of legal ramifications.

We don't know where specific children are going. What do we do with their records?

Adhere to the LEA policy regarding transferring of records. If you aren't able to obtain this information, contact your authorizer or the SEA for assistance.

How should we transfer student records?

Perhaps the most important consideration in records transfer is ensuring the privacy of student information, The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g) provides guidance on requirements in the transfer of educational records that contain personally identifiable information on your students. For details about the law, see <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html> Careful attention to sections pertaining to disclosure of information without the "written consent" of the parent or eligible student will help alleviate future problems.

How should we dispose of any special equipment that was purchased for our students with disabilities?

If equipment was purchased for one specific student, it should be forwarded to the student's new school. If this information is not known, or if the equipment was purchased for use in a special education program, it should be handled in the same manner as all other school equipment. Your state requirements for disposal/transferring of equipment purchased with federal or state funds will also provide guidance in this area.

Conclusion

Activities during this phase may be charged with emotion and politics. Those aside, you and your Board of Directors have legal responsibilities to safeguard the rights of students, the privacy of records and the security of equipment. Hopefully, you clarified your responsibilities with your authorizer during your initial authorization activities. If not, do so now to ensure that everyone involved has a clear understanding of roles and responsibilities.