



Shared Responsibility, Shared Accountability

An Analysis of Enrollment of Students with
Disabilities in Colorado's Charter School Sector

November 2020

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Executive Summary

Introduction

Charter schools are woven into the fabric of public education in Colorado. With 254¹ charter schools educating 125,590 students in urban and rural districts alike, they are well established across the state.² The overall size of charter school enrollment in Colorado is significant, but it also reflects a broader policy framework in Colorado that embraces parental choice—whether that choice is for a charter school, a district-run magnet school, an online school, enrollment choice within school districts, or enrollment choice across districts. Given the broader policy framework supportive of choice in the state, and given the extent to which parents exercise school choice in the state, it is important that regular efforts are made to ensure that the choice system is functioning effectively.

This study was directed by the Schools of Choice Unit at the Colorado Department of Education (CDE) as part of planned activities under its Federal Charter School Program Grant. This study will support an upcoming Equity Convening at which the Schools of Choice Unit will bring together charter school leaders, charter school authorizers, and other education stakeholders to explore challenges and promising practices related to ensuring access and equity to high-quality charter schools in the state. As part of the Schools of Choice Unit’s vision for the grant, they seek to leverage CDE capacity to bring stakeholders together for a purposeful conversation on major topics related to school choice that help develop a deeper understanding of challenges, help facilitate the dissemination of promising practices, and support various stakeholders as they engage in an ongoing cycle of continuous improvement.

One group of students that has historically participated in school choice at lower levels is students with disabilities. To better understand the issue, CDE engaged the National Center for Special Education in Charter Schools (the Center) to explore this challenge within the charter school context. Although this report focuses specifically on charter school enrollment, it is our belief that the findings and recommendations can extend beyond charter schools and could help inform improved practices for choice systems in general. While we found ample bright spots of innovation in the sector, we also found notable challenges that will be explored further in this report.

¹ In the 2019-2020 school year, there were 260 charter schools operating in Colorado, with five of the schools closing at the end of the school year and Early Learning Center at New Legacy Charter School excluded due to servicing students ages zero to five. Therefore, the n size for our enrollment data analyses is 254, which represents charter schools currently in operation in the sector.

² U.S. Department of Education Office for Civil Rights, *Civil Rights Data Collection (CRDC) for the 2015-2016 School Year*, (Washington, D.C., 2018), <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-2015-16.html>; Colorado Department of Education privacy-protected enrollment data (i.e., restricted enrollment data that contains all publicly suppressed data points for schools enrolling 1-15 students with disabilities secured through a data-sharing agreement), 2019-2020.

The inquiry was limited in scope, but included four activities:

1. Conduct a data analysis of enrollment of students with disabilities in charter schools across Colorado;
2. Conduct a review of charter school websites to gather information regarding existing charter school enrollment policies and practices;
3. Conduct a policy analysis of existing policy structures that have an impact on access to programs for students with disabilities; and
4. Conduct a limited number of interviews with authorizers, charter school personnel, and advocates to gather information regarding existing charter school enrollment policies and practices.

Based on the data collected, the Center found that enrollment disparities do exist for students with disabilities in Colorado charter schools. And, similar to research in other geographies and prior analyses of the Colorado context³, the Center identified contextual factors that in aggregate influence enrollment. There are clear opportunities across various levels of the education system (e.g., the state, authorizer, school, and community) to take specific actions to improve access for students with disabilities. In line with the goals of CDE, the Center provides the following summary and a more detailed review of our findings and recommendations.

Key Findings

Enrollment Data Analysis

- In 2015-2016, the most recent year for which we have comparable national data, Colorado charter schools, on average, enrolled students with disabilities at the lowest rate of all states with charter schools. In the same year, Colorado traditional public schools enrolled students with disabilities at the fourth-lowest rate of all states.⁴
- In 2015-2016, the difference in enrollment of students with disabilities between traditional public schools and charter schools in Colorado (4.8 percentage points) was notably larger than the national average difference in enrollment of students with disabilities between traditional public schools and charter schools (2.1 percentage points).⁵
- The 2019-2020 average enrollment rate of students with disabilities in Colorado charter schools (7.4%) is lower than the average enrollment rate of students with disabilities in

³ See for example R. Thukral and L. Baum, *Landscape Study of Special Education Delivery in Colorado Charter Public Schools* (Denver, CO: Colorado League of Charter Schools, 2015); Winters, M. (Denver, CO: Colorado League of Charter Schools, 2015); Marcus Winters, *Understanding the Charter School Special Education Gap: Evidence from Denver, Colorado* (Seattle: Center for Reinventing Public Education, 2014), <https://www.crpe.org/publications/understanding-charter-school-special-education-gap-evidence-denver-colorado>; L. Beckett, L. and J. Savino, *CACSA Special Education Report Landscape Analysis Colorado League of Charter Schools* (2019).

⁴ U.S. Department of Education Office for Civil Rights, *Civil Rights Data Collection (CRDC) for the 2015-2016 School Year*.

⁵ Ibid.

Colorado traditional public schools in districts with charter schools (11.4%).⁶

- Charter schools in Colorado tend to enroll a greater proportion of students with other health impairment, specific learning disability, and speech or language impairment, and a smaller proportion of students with autism, developmental delay, emotional disturbance, intellectual disability, and multiple disabilities compared to the state overall and to traditional public schools in districts with charter schools.⁷
- When examined by authorizing entity, average enrollment of students with disabilities varies across the state, with enrollment rates ranging from 0% to 16.2%.⁸
- Denver County 1 (Denver Public Schools or DPS) charter schools on average enroll 10.6% students with disabilities, a rate that is roughly three percentage points higher than the statewide charter sector's.⁹ The implementation of center-based programs in select charter schools across the city may be a contributing factor to this trend in enrollment of students with disabilities in DPS.
- About a quarter (26%) of Colorado's charter schools enroll 5.5% (less than half the state average) or fewer students with disabilities.¹⁰

Website Analysis and Stakeholder Interviews

- Across the state, messaging—both explicit and implicit—about charter schools' responsibility and willingness to educate students with disabilities varies greatly.
- The majority of Colorado charter schools' websites (61%) lack descriptions of how they enroll students with disabilities—thereby presenting an opportunity to quickly improve outreach that may have otherwise been unintentionally overlooked.
- Similarly, 63% of Colorado charter schools' websites lack pages about or descriptions of how they educate students with disabilities.
- A small subset of charter schools (10%) publish enrollment policies on their websites that include problematic elements that could be interpreted as exclusionary and do not contain anti-discrimination clauses—the inclusion of which is a nationally-recognized critical practice.
- A small subset of charter schools (18%) use application forms that ask whether a student has a disability with no anti-discrimination clause or statement of purpose.
- Community perceptions that charter schools lack the capacity to educate students with disabilities may contribute to enrollment trends.
- Pre-screening of a student's IEP by a school and/or district administrator outside of a formal IEP meeting may contribute to parents' perceptions that charter schools/districts are not able to educate their child.

⁶ Colorado Department of Education privacy-protected enrollment data, 2019-2020.

⁷ Colorado Department of Education privacy-protected enrollment data, 2019-2020.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

Policy Analysis

Multiple factors are potentially influencing the enrollment of students with disabilities across the state:

- Overall low per-pupil allocation of funding for public education, and consequently special education, shapes practice; Colorado ranks 40th in the nation in per-pupil funding, allocating an average of \$9,809 per pupil compared to the U.S. average of \$12,201.¹¹
- Legal structures in Colorado that designate the authorizing district as the local education agency (LEA)¹² (i.e., local school district) and therefore ultimately responsible for the provision of a free and appropriate education to students with disabilities.
- Special education service models (e.g., the “insurance model” wherein charter schools pay the local district an “insurance” premium, determined by the district), that require charter schools to varying degrees to negotiate relationships with authorizers to provide special education and related services to students with disabilities who attend the charter school.¹³
- State statutes and rules that have been incorporated into generally accepted charter school contract language that outlines a process through which charter schools and districts pre-screen a student’s IEP and can lead to directing students to return to district schools.
- History of local control that results in varying levels and kinds of oversight of charter schools and some authorizers' perception of limitations to their ability to enforce charter contract compliance.

Recommendations

Based on our analysis of the data, we identified four areas of potential focus that we propose could influence the enrollment of students with disabilities in charter schools in Colorado: key policies and practices; accountability; robust data; and stakeholder capacity. We have woven these themes into recommendations for specific stakeholders that, if acted upon, have the potential to improve access for and overall enrollment of students with disabilities in Colorado charter schools.

Recommendations for Policymakers and Advocates

- Facilitate conversations and introduce greater transparency among stakeholders regarding financial arrangements between districts and charter schools that would result in charter schools retaining more funding to expand the delivery of more intensive special education

¹¹ Colorado School Finance Project, *Colorado Per Pupil Spending Continues to Fall Further from the U.S. Average* (Denver, CO: 2019) <https://cosfp.org/wp-content/uploads/CO-Trends-Per-Pupil-Spending-US-Census-May-2019.pdf>

¹² In Colorado, the local school district (i.e., local education agency, LEA) can be both the LEA and authorizer. In this report, the term “local school district as the LEA” refers to the district personnel in charge of LEA responsibilities such as provision of a free and appropriate education as defined by the Individuals with Disabilities Education Act, not the authorizing responsibilities, in order to distinguish their role in the various practices and processes discussed.

¹³ For more details regarding the “insurance model” see: Colorado Department of Education, *IEP Procedural Guidance* (Denver, CO: 2017). https://www.cde.state.co.us/cdesped/iep_proceduralguidance

services at the school level, including examination of the feasibility of charter schools applying to operate as their own LEA.

- Explore a mechanism for charter schools enrolling students with disabilities at rates significantly below the statewide average to add a preference for students with disabilities in lottery systems until enrollment better reflects natural proportions in the local community.
- Create a shared vision of what successful choice enrollment looks like for students with disabilities. Build a repository of resources that translates this vision into best practices.

Recommendations for the Colorado State Department of Education

- Revise sample charter school contract language related to the pre-screening of a student's IEP to promote meaningful parent engagement in the process.
- Track longitudinal enrollment data and introduce an enrollment "flag" wherein enrollment of students with disabilities below a certain level will lead to focused discussion with both authorizers and charter schools regarding recruitment, enrollment, and programming.
- Provide targeted resources and ongoing technical assistance to authorizers and charter schools to support the implementation of recruitment and enrollment practices aimed at students with disabilities. Develop a cross-stakeholder working group to ensure ongoing problem solving, discussion of capacity needs, and review of developed resources.
- Track and spotlight emerging practices (e.g., Denver Public Schools' center-based initiative designed to build the capacity of more charter schools to educate students who require more significant supports and the Colorado League of Charter Schools' provision of focused special education technical assistance) to identify and promote emerging best practices.
- Invest in activities that build capacity for independent peer reviews of charter or authorizer performance, professional development, and coaching.
- Produce a biennial equity report capturing a school-by-school analysis of special education programs and services, as well as data on the enrollment, mobility, discipline, and achievement of students with disabilities. This should also capture feedback from families related to their ongoing experiences and perceptions of how charter schools educate and enroll students with disabilities.

Recommendations for Authorizers and LEAs

- Revise charter school performance review criteria to incorporate data on outcomes for students with disabilities. Examples include overall enrollment, retention, academic growth, feedback from the district director of special education, and special education program development for students with disabilities.
- Conduct annual audits of policies and practices related to the enrollment process for students with disabilities to identify and provide focused support to outliers.
- Publish an annual equity report for each school that shares data on special education program offerings, enrollment, mobility, discipline, academic growth, and absolute achievement of

students with disabilities.

- Collaborate with charter schools to develop a transparent and equitable funding model that aligns responsibility, funding, and services provided.
- Engage partners to provide a series of workshops for charter schools around educating students with disabilities in inclusive environments.

Recommendations for Charter Schools

- Develop or further diversify special education programs and services offered by encouraging charter school leaders to participate in ongoing professional development around inclusive education and invest in building operational capacity for programmatic growth.
- Collaborate with authorizers to develop a transparent and equitable funding model that aligns responsibility, funding, and services provided.
- Examine enrollment policies and practices and inform school board members, staff, and families of updated policies and processes. Ensure staff remain up to date on relevant CDE policies.
- Provide annual training to school leaders, board members, and staff on how to create a welcoming and inclusive environment for students with disabilities and what responsibilities each has for creating such a welcoming environment.
- Produce and share informational materials about the school's programming and services for students with disabilities and explicitly include an anti-discrimination clause on school promotional materials. Include this information on the school website and make explicit on all marketing and application materials that students with disabilities are welcomed/encouraged to attend the school and that admission is not contingent on any pre-enrollment process.

Introduction

The Colorado charter school law, passed in 1993, makes Colorado home to the third-oldest charter sector in the nation. Charter schools are woven into the fabric of public education in Colorado. With 254¹⁴ charter schools educating 125,590 students in urban and rural districts alike, they are well established across the state.¹⁵ And, while there are ample bright spots of innovation in the sector, the degree to which students with disabilities enroll in charter schools at rates below their enrollment in traditional public schools requires exploration. Nationwide, traditional public schools enroll students with disabilities at a rate roughly two percentage points higher than their charter school counterparts, but even against this background, Colorado stands out.¹⁶ First, the statewide average enrollment rate of students with disabilities in Colorado is notably lower than the national average enrollment rate.¹⁷ Second, the enrollment percentage gap between charter schools and the state's traditional public schools is one of the largest in the country.¹⁸ Between these two data points and acknowledging variance, on average Colorado charter schools enroll students with disabilities at the lowest rate of all states with charter schools in the country.¹⁹

The purpose of this report is to inform and support stakeholders at all levels to ensure students with disabilities are able to exercise choice on par with their peers. As those who have worked in special education are aware, this topic can be complex, with multiple factors influencing enrollment trends. This work was commissioned by the Schools of Choice Unit through the Federal Charter School Program Grant with a limited scope in order to develop practical recommendations that can drive action. Specifically, the Center was asked to carry out four main analyses:

1. Conduct a data analysis of enrollment of students with disabilities in charter schools across Colorado,
2. Conduct a review of charter school websites to gather information regarding existing charter school enrollment policies and practices,
3. Conduct a policy analysis of existing policy structures that have an impact on access to programs for students with disabilities, and

¹⁴ In the 2019-2020 school year, there were 260 charter schools operating in Colorado, with five of the schools closing at the end of the school year and Early Learning Center at New Legacy Charter School excluded due to servicing students ages zero to five. Therefore, the n size for our enrollment data analyses is 254, which represents charter schools currently in operation in the sector. For our website review, only one school was removed from the aggregate analysis, as the website was inaccessible. Thus, the n size for the website analysis is 259.

¹⁵ Colorado Department of Education privacy-protected enrollment data (i.e., restricted enrollment data that contains all publicly suppressed data points for schools enrolling 1-15 students with disabilities secured through a data-sharing agreement), 2019-2020.

¹⁶ U.S. Department of Education Office for Civil Rights, *Civil Rights Data Collection (CRDC) for the 2015-2016 School Year*, (Washington, D.C., 2018), <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-2015-16.html>.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

4. Conduct a limited number of interviews with authorizers, charter school personnel, and advocates to gather information regarding existing charter school enrollment policies and practices.

Each analysis is presented in the sections that follow. The report concludes with a summary of findings along with proposed recommendations for improvement. In addition to the recommendations, we developed a toolkit that highlights tools and resources along with state and national promising practices that can help inform high potential improvement activities. The information will also be shared at the Equity Convening with opportunities to discuss challenges and explore potential action steps together.

*Project Overview and Methodology*²⁰

The Colorado Department of Education (CDE) engaged the National Center for Special Education in Charter Schools (the Center) to examine enrollment of students with disabilities in Colorado charter schools as well as associated governance, recruitment, outreach, and admissions policies and practices.²¹ Available quantitative data and qualitative evidence provided a solid foundation of information for an examination of the enrollment of students with disabilities in Colorado’s charter schools. Center staff reviewed and analyzed existing publicly-available quantitative data, secured and analyzed additional privacy-protected quantitative data from CDE, conducted reviews of all Colorado charter school websites (n=259), examined relevant policies, conducted interviews with a set of key stakeholders (n=9), shared preliminary findings with a larger diverse set of key stakeholders (n=45), and revised findings per their reactions and feedback. For more details regarding the methodology, please see Appendices A, B, and C.

Part I: Special Education Enrollment Analysis

Charter schools are schools of choice, with enrollment depending on families proactively seeking to apply to the charter school rather than to the district school to which they are assigned. Research indicates that families might choose to enroll, or not enroll, their children with disabilities in charter schools for a number of different reasons.²² The great promise of charter schools is that they can leverage their autonomy—with relatively greater accountability and fewer restrictions and red tape compared to traditional public schools—to introduce new practices that will lead to better outcomes

²⁰ See Appendix A for a detailed description of the methodology, Appendix B for a list of references, and Appendix C for supporting data.

²¹ This analysis focuses on enrollment. Issues surrounding referral, evaluation, and identification, while very tied to enrollment, are not the focus of this report.

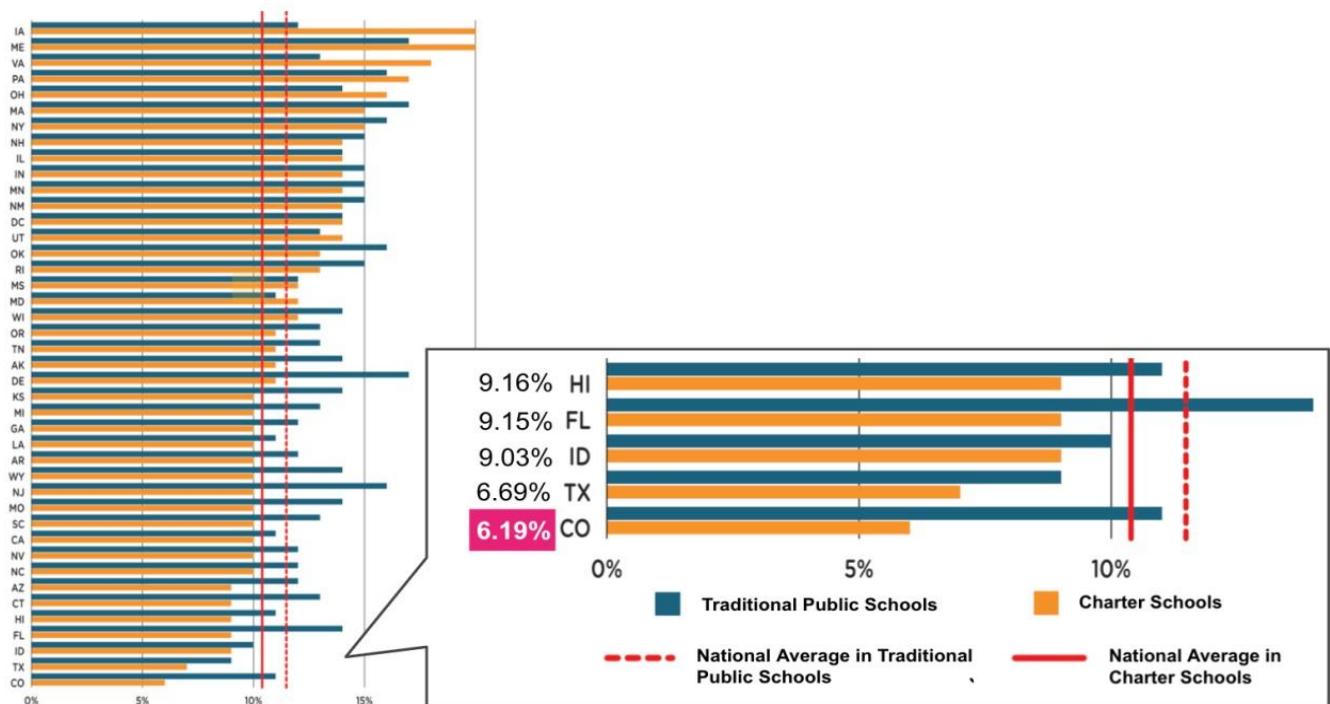
²² National Council on Disability, *Charter schools — Implications for students with disabilities* (Washington, DC: National Council on Disability, 2018), https://ncd.gov/sites/default/files/NCD_Charter-Schools.docx.

for students. The following section provides a national context and explores data on enrollment trends across both sectors (e.g., enrollment by geographic region, by disability category, and by authorizer).

National Context

In 2015-2016, the most recent year for which we have comparable national data, on average 10.79% of all students enrolled in charter schools and 12.84% of all students enrolled in traditional public schools nationwide received special education and related services.²³ In contrast, only 6.19% of the students enrolled in Colorado charter schools (the lowest rate in the nation—see Figure 1) and 10.99% of the students enrolled in Colorado traditional public schools (the fourth-lowest) received special education and related services.²⁴

Figure 1. Five States with the Lowest Enrollment of Students with Disabilities in Charter Schools Across the Nation in 2015-2016, from Highest Enrollment to Lowest Enrollment²⁵



²³U.S. Department of Education Office for Civil Rights, *Civil Rights Data Collection (CRDC) for the 2015-2016 School Year*. The United States Department of Education’s (USDOE) Office for Civil Rights (OCR) compiles a national data set, the CRDC, to track leading civil rights indicators related to educational opportunity for students up to grade 12, including key variables of interest such as enrollment. Released to the public in the spring of 2018, the 2015-2016 CRDC was the most comprehensive up-to-date data set regarding civil rights in the U.S. public education system available at the time of our analysis. Administered every other school year, the CRDC collects data from the universe of public schools in the U.S.—that is, 99.8% of the school districts in the nation—rather than a sample of schools. The 2015–2016 CRDC included data from 85,864 public schools across the nation, of which 5,548 were charter schools. The Center conducts secondary analyses of the CRDC which are published on our website: <https://www.ncsecs.org/top-10-resources/crdc-analysis/>

²⁴ U.S. Department of Education Office for Civil Rights, *Civil Rights Data Collection (CRDC) for the 2015-2016 School Year*.

²⁵ Ibid.

Moreover, the difference in enrollment of students with disabilities between traditional public schools and charter schools in Colorado is notably larger than the national average difference in enrollment of students with disabilities between traditional public schools and charter schools (i.e., 4.8 versus 2.1 percentage points).²⁶

Of note, there is no “right” proportion of students with disabilities that schools should enroll, particularly given research documenting states’ latitude in “setting eligibility criteria and defining disability categories” and “determin[ing] their own processes for identifying and evaluating children.”²⁷ However, the national data points provide helpful context.

Overview of Colorado Charter Schools

As of 2020, there are 1,914 public schools in Colorado, 13.3% (n=254) of which are charter schools and 86.7% (n=1,659) of which are traditional public schools.²⁸ Within the sector, there is a subset of schools with distinct characteristics, including Alternative Education Campuses (AECs),²⁹ center-based programs,³⁰ schools operated under the umbrella of charter management organizations (CMOs),³¹ and online schools (Table 1).

Table 1. Breakdown of the Charter School Landscape in Colorado in 2019-2020³²

School Type	Number of Charter Schools
Charter School AECs	19
Center-Based Programs in Charter Schools	26
Charter Schools within CMOs	102
Online Charter Schools	12

²⁶ Ibid.

²⁷ United States Government Accountability Office. *Report to congressional requesters: Special education—Varied state criteria may contribute to differences in percentages of children served* (Washington, DC: United States Government Accountability Office, 2019), <https://www.gao.gov/assets/700/698430.pdf>

²⁸ Colorado Department of Education public enrollment data, 2019-2020

²⁹ AECs are schools with specialized missions that are designed to serve high-risk student populations.

³⁰ Center-based programs, located within both district and charter schools, offer specialized expertise and services for students who require significant special education supports and services.

³¹ CMOs are nonprofit entities that manage two or more charter schools.

³² Colorado League of Charter Schools, personal communication; Colorado Department of Education public data, 2019-2020. Subsets of this table do not add up to the total number of charter schools because the categories are not mutually exclusive. For example, a charter school within a CMO may also run a center-based program.

Enrollment Data Analysis

As of 2020, there are 913,223 students attending public schools in Colorado, 11.6% (n=106,238) of whom have disabilities;³³ 13.8% (n=125,582) of students in the state’s public school system attend charter schools, 7.4% (n=9,283) of whom have disabilities.³⁴ The large majority (i.e., 77.7%, n=709,362) of students in the state’s public school system attend traditional public schools in districts with charter schools, and 11.4% (n=81,191) of them have disabilities.³⁵ Notably, the enrollment of students with disabilities in both sectors has increased in Colorado over time. The following section examines enrollment trends in the Colorado charter school sector, including analyses of enrollment by geographic region, by disability category, and by authorizer, and concludes by looking more closely at the subset of charter schools enrolling 5.5% (i.e., roughly 50% of the statewide average) or fewer students with disabilities.

Enrollment Trends

The proportion of students with disabilities (i.e., students identified as having a disability that qualifies them to receive special education and related services) steadily increased from 2016 to 2020 across Colorado in both the charter and traditional public school sectors (Figure 2).³⁶ This enrollment pattern reflects national trends.³⁷

³³ Colorado Department of Education privacy-protected enrollment data, 2019-2020.

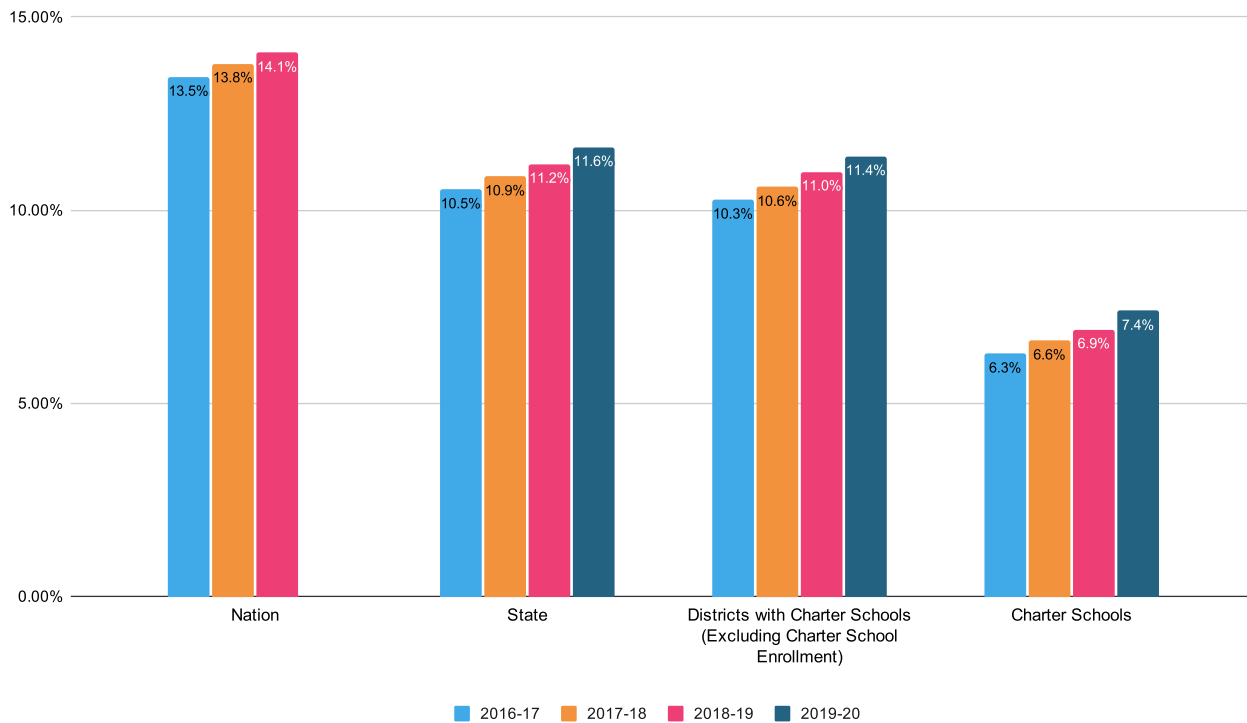
³⁴ Ibid. Guffey Charter Schools is excluded from all analyses of enrollment of students with disabilities, due to missing privacy-protected enrollment data.

³⁵ Colorado Department of Education privacy-protected enrollment data, 2019-2020.

³⁶ Colorado Department of Education privacy-protected enrollment data, 2016-2017—2019-2020.

³⁷ United States Department of Education. United States Institute of Education Sciences, National Center for Education Statistics, 2020 *Digest of Education Statistics, 2016-2017—2018-2019*, (Washington, DC: NCES, 2019), https://nces.ed.gov/programs/digest/d19/tables/dt19_203.10.asp?current=yes.

Figure 2. Trends in Enrollment of Students with Disabilities in Colorado from 2016-2017 to 2019-2020³⁸



In 2019–2020, 7.4% of the students enrolled in Colorado charter schools were identified as having a disability that qualifies them for special education and related services.³⁹ In contrast, 11.4% of students enrolled in traditional public schools (which represent the vast majority of all schools in the state) were identified as having a disability.⁴⁰ A difference in enrollment of approximately four percentage points between the two sectors persists across multiple years (Figure 2).⁴¹

Notably, averages across the state mask building-level variance in both sectors. Based on a comparison of publicly available data, the distribution of charter school enrollment of students with disabilities skews lower than the distribution of traditional public school enrollment of students with disabilities (Figure 3).⁴²

³⁸ Colorado Department of Education privacy-protected enrollment data, 2016-2017—2019-2020. This national data differs slightly from that of the CRDC due to differences in data sources and respective years. NCES data, selected to match the years of the data analyzed from CDE, is not yet available for the 2019-2020 school year.

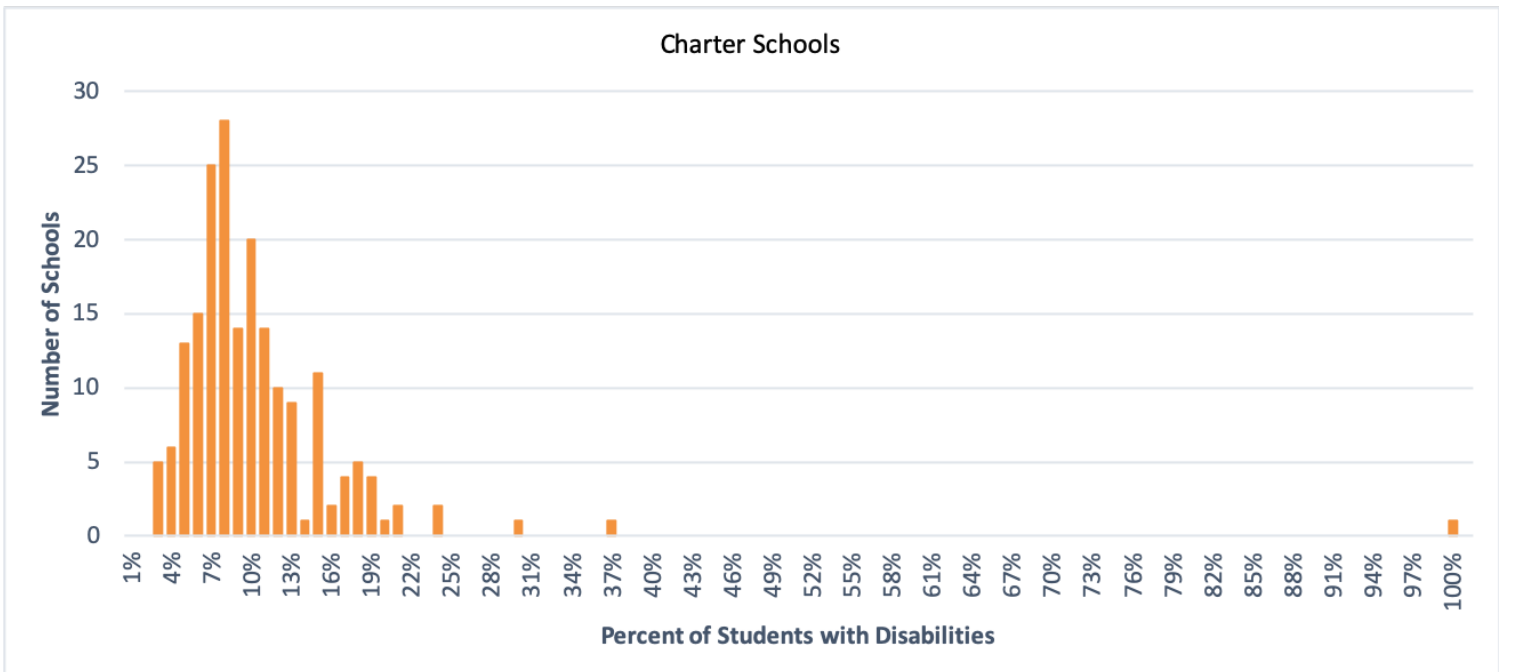
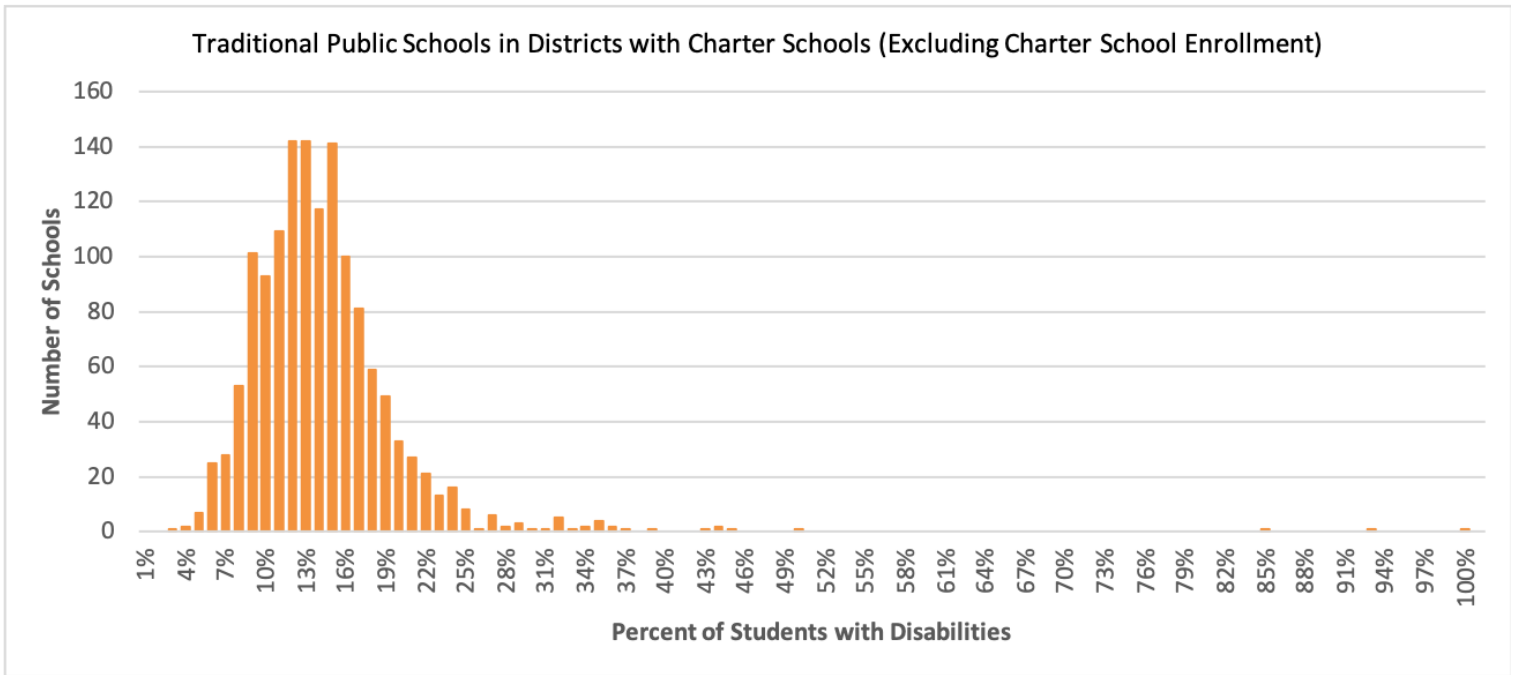
³⁹ Colorado Department of Education privacy-protected enrollment data, 2019-2020.

⁴⁰ Ibid. Cross-sector analysis of enrollment data is conducted only amongst districts that have charter schools.

⁴¹ Colorado Department of Education privacy-protected enrollment data, 2016-2017—2019-2020.

⁴² Colorado Department of Education public enrollment data, 2019-2020. Because we did not have access to privacy-protected enrollment data at the school level for the traditional public school sector, the distribution analysis is conducted using publicly available data. Because this data set excludes data points for schools enrolling 1-15 students with disabilities (n=251 in traditional public schools and n=63 in charter schools), the enrollment rates in both sectors tend to skew higher than in our analyses that include schools that have suppressed data in the public dataset

Figure 3. Distribution of Traditional Public and Charter Schools by Enrollment of Students with Disabilities in Colorado in 2019-2020⁴³



⁴³ Colorado Department of Education public enrollment data, 2019-2020.

Enrollment by Region

Charter schools in Colorado are dispersed throughout the state, with 51% (n=130/254) of them in the Denver metro region (Table 2).⁴⁴ The trend of lower enrollment of students with disabilities in the state’s charter sector holds over multiple years and when examined by geographic region (Figure 4).⁴⁵ Within this context, charter schools in outlying cities and the Denver metro area enroll a greater proportion of students with disabilities compared to charter schools in urban-suburban regions, remote areas, and outlying towns.⁴⁶ One interviewee shared that rural schools in particular are having difficulty meeting the increasing special education needs of their student population while facing decreasing access to specialized service providers.

Table 2. Number of Charter Schools by Geographical Region in 2019-2020⁴⁷

Region	Number of Charter Schools
Denver Metro	130
Outlying City	9
Urban-Suburban	91
Outlying Town	10
Remote ⁴⁸	14

⁴⁴ Colorado Department of Education public enrollment data, 2019-2020.

⁴⁵ Colorado Department of Education privacy-protected enrollment data, 2016-2017—2019-2020.

Definitions of Regions:

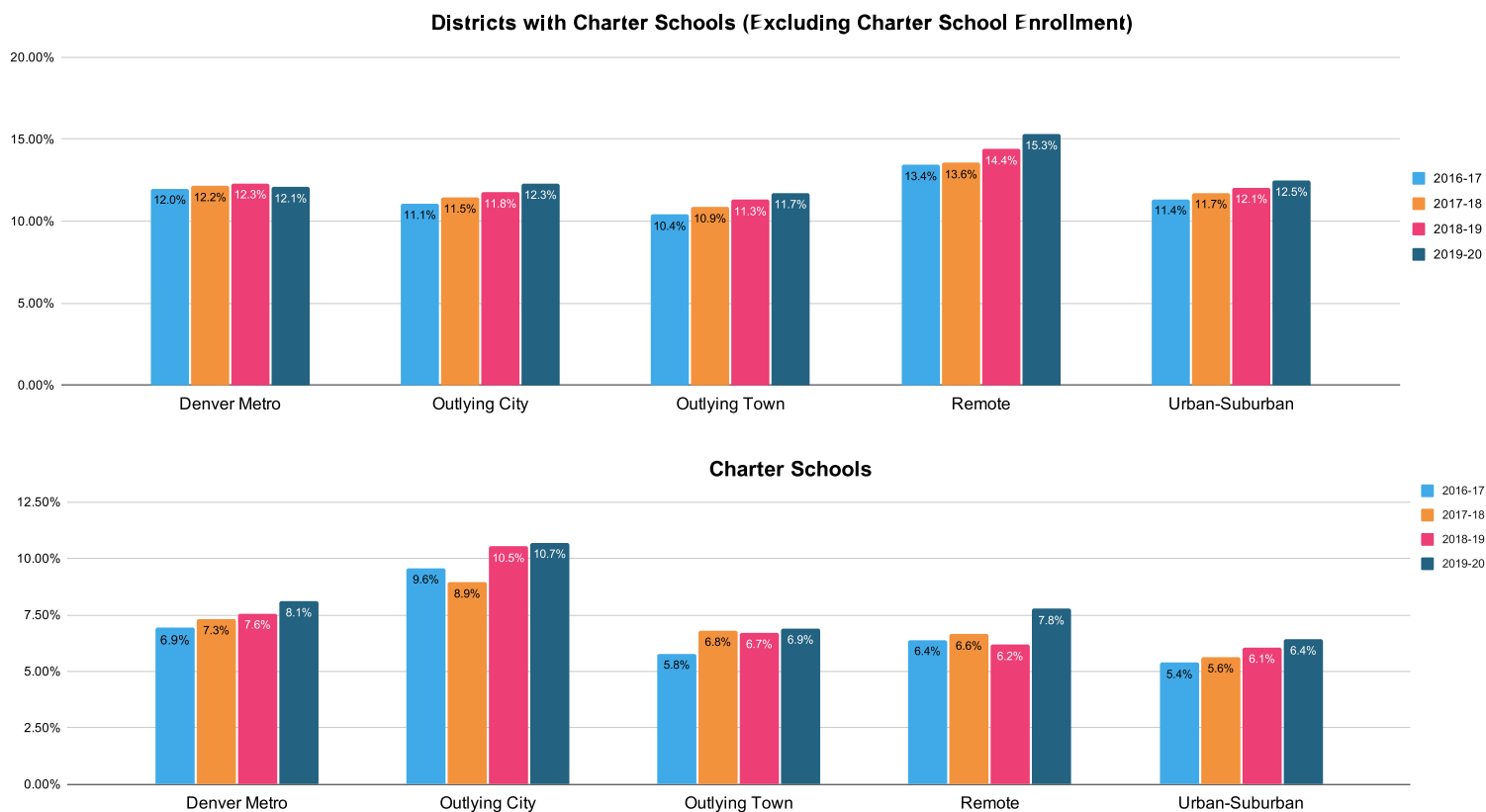
- Denver metro: Districts located within the Denver-Boulder standard metropolitan statistical area, which compete economically for the same staff pool and reflect the regional economy of the area.
- Urban-suburban: Districts that comprise the state's major population centers outside of the Denver metropolitan area and their immediate surrounding suburbs.
- Outlying city: Districts in which most pupils live in population centers of seven thousand persons but less than thirty thousand persons.
- Outlying town: Districts in which most pupils live in population centers in excess of one thousand persons but less than seven thousand persons.
- Remote: Districts with no population centers in excess of one thousand persons and characterized by sparse widespread populations

⁴⁶ Colorado Department of Education privacy-protected enrollment data, 2016-2017—2019-2020.

⁴⁷ Colorado Department of Education public enrollment data, 2019-2020.

⁴⁸ Eight of the charter schools in remote settings are online schools.

Figure 4. Trends in Enrollment of Students with Disabilities by Region from 2016-2017 to 2019-2020⁴⁹



Enrollment by Disability Category

Disability categories can provide some insight into the levels of support that students require. For instance, students with specific learning disability or speech or language impairment, two of the most prevalent disability categories, *generally* require fewer supports; while students with autism, emotional disturbance, intellectual disability, and multiple disabilities *generally*, but not always, require more significant supports and services. Analyzing enrollment by disability category creates an opportunity to learn more about who charter schools are attracting.

Differences between traditional public and charter schools in enrollment of students with disabilities based on disability type are embedded in the overall enrollment averages (Table 3).⁵⁰ Charter schools in Colorado tend to enroll a greater proportion of students with other health impairment, specific learning disability, and speech or language impairment, and a smaller proportion of students with autism, developmental delay, emotional disturbance, intellectual disability, and multiple disabilities compared to the state overall and to traditional public schools in districts with charter schools.⁵¹


⁴⁹ Colorado Department of Education privacy-protected enrollment data, 2016-2017—2019-2020.


⁵⁰ Colorado Department of Education privacy-protected enrollment data, 2019-2020.

⁵¹ Ibid.

Table 3. Enrollment of Students with Disabilities by Disability Category by Sector in 2019-2020⁵²

Disability Category	State	Districts with Charter Schools (Excluding Charter School Enrollment)	Charter Schools
Autism	8.6%	9.0%	6.6%
Deaf-Blindness	0.0%	PP	0.1%
Developmental Delay	10.4%	11.3%	5.4%
Emotional Disturbance	5.2%	5.3%	4.2%
Hearing Impairment, including Deafness	1.3%	1.0%	1.4%
Intellectual Disability	2.3%	2.3%	1.0%
Multiple Disabilities	4.1%	4.6%	1.0%
Orthopedic Impairment	0.4%	0.2%	0.3%
Other Health Impairment	11.6%	11.6%	13.3%
Specific Learning Disability	38.7%	38.2%	47.2%
Speech or Language Impairment	16.7%	16.5%	18.7%
Traumatic Brain Injury	0.5%	0.2%	0.5%
Visual Impairment, including Blindness	0.3%	PP	0.2%

 Charter schools enroll a lower proportion of students in these disability categories relative to the state and district.

 Charter schools enroll a higher proportion of students in these disability categories relative to the state and district.

Enrollment by Authorizer

When examined by authorizing entity, average enrollment of students with disabilities varies across the state, with enrollment rates ranging from 0% to 16.2% (Figure 5).⁵³ Differences in the enrollment rates of students with disabilities between the two sectors also vary greatly by authorizer (Figure 6).⁵⁴

⁵² Ibid. The dataset containing enrollment of students with disabilities by disability category by district contained privacy-protected data, reflected in Table 3 as “PP.”

⁵³ Colorado Department of Education privacy-protected enrollment data, 2019-2020.

⁵⁴ Ibid.

Figure 5. Average Enrollment of Students with Disabilities by Authorizer in 2019-2020⁵⁵

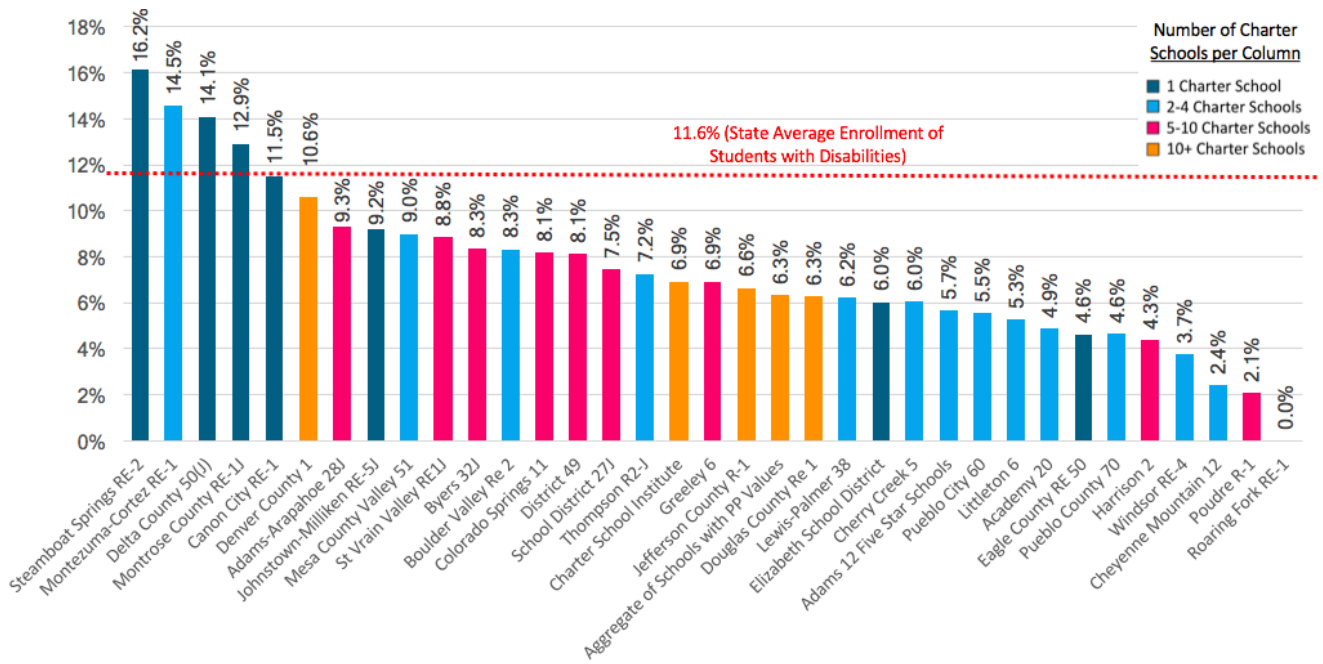
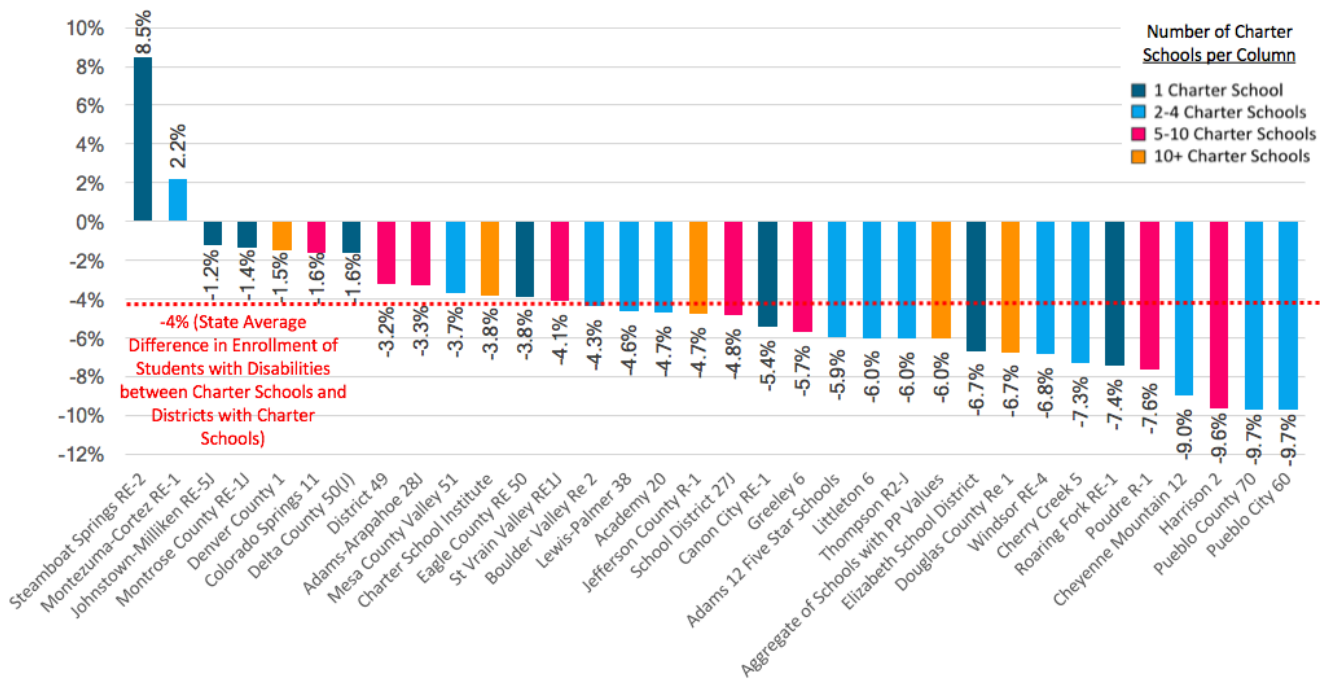


Figure 6. Difference in Enrollment of Students with Disabilities by Authorizer in 2019-2020⁵⁶



⁵⁵ Ibid. For all authorizer analyses, authorizers' average enrollment rates exclude data from CSI-authorized charter schools in their respective geographic districts. Due to privacy protections (PP), data for 16 charter schools authorized by 16 different districts must be suppressed. Their enrollment data was excluded from their respective authorizer's average enrollment rate and aggregated in one column, titled "Aggregate of Schools with PP Values."

⁵⁶ Colorado Department of Education privacy-protected enrollment data, 2019-2020. The average enrollment rate of the Byers 32J district cannot be compared to the average enrollment rate of Byers 32J-authorized charter schools, since the charter schools authorized by Byers 32J are online.

Notably, Denver County 1 (Denver Public Schools or DPS), which oversees the greatest number of charter schools in the state, is one of five authorizers in which charter schools enroll a roughly equal (i.e., less than two percentage points difference) proportion of students with disabilities relative to traditional public schools.⁵⁷ DPS charter schools on average enroll 10.6% students with disabilities, a rate that is roughly three percentage points higher than the statewide charter sector’s.⁵⁸ Notably, DPS has explicitly sought to increase the enrollment of students with disabilities, especially students who require more significant supports, in charter schools by supporting the creation of center-based programs offering highly specialized programming in select charter schools across the city.⁵⁹

Low Enrollment

Roughly a quarter of Colorado’s charter schools (26%, n=67/254) enroll 5.5% (i.e., less than half the state average) or fewer students with disabilities.⁶⁰ Of the four most active authorizers in the state (Table 4), DPS has the lowest percentage of schools enrolling 5.5% or fewer students with disabilities at 2% (n=1).⁶¹ Douglas County RE 1 has the highest at 44% (n=8).⁶²

Table 4. Authorizers with Greatest Number of Charter Schools in their Portfolio in 2019-2020⁶³

Authorizer	Total Number of Charter Schools Authorized	Percentage of Charter Schools at or Below 5.5% Enrollment of Students with Disabilities
Denver County 1	57	2% (n=1)
Charter School Institute	40	38% (n=15)
Douglas County RE 1	19	44% (n=8)
Jefferson County R-1	19	32% (n=6)

The aggregate enrollment data presented at the beginning of this section masks notable outliers. For example, 22 charter schools in Colorado enroll 3% or fewer students with disabilities.⁶⁴ See Appendix Table 1 in Appendix C for a list of all charter schools and their enrollment rates. While some variation from the average is to be expected, enrollment rates of 3% or less are clear outliers.

⁵⁷ Colorado Department of Education privacy-protected enrollment data, 2019-2020.

⁵⁸ Ibid. DPS implements center-based programs in some charter schools, which may contribute to the higher rate of enrollment of students with disabilities.

⁵⁹ Beckett, L. and J. Savino, *CACSA Special Education Report Landscape Analysis Colorado League of Charter Schools* (2019); April; J. Zubrzycki, *DPS shifting more special education duties to charter schools* (Denver, CO: Chalkbeat Denver, 2015),

<https://co.chalkbeat.org/2015/4/30/21092621/dps-shifting-more-special-education-duties-to-charter-schools>.

⁶⁰ Colorado Department of Education privacy-protected enrollment data, 2019-2020.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

High Enrollment

Free to take new and interesting approaches guided by a specific vision and supported by unique learning models, charter schools can adopt approaches distinct from those typically found in traditional public schools. Examples of such approaches are found in the five charter schools in Colorado that enroll the greatest proportion of students with disabilities, with enrollment rates ranging from 21.1% to 100%.⁶⁵ These schools collectively represent approaches focused on educating students with a particular need (e.g., Deaf students or at-risk youth) or with unique learning models (e.g., project-based student-led learning). See Appendix Table 2 in Appendix C for further information about these schools.

Part II: Website Data Analysis

Charter school websites represent a key means of communicating to the public. They typically provide a description of the school’s philosophy and program offerings as well as details related to how to enroll and operational details such as school calendars. While parents may access information about charter schools from a variety of sources (e.g., CDE, the Colorado League of Charter Schools, and friends/neighbors), the website is the school’s opportunity to provide key information. As such, it provides insight into what the school prioritizes and communicates to potential parents and students. Schools can potentially influence who attends by what they communicate on their website and application materials.⁶⁶ And, while enrollment applications are not explicitly mentioned in the Individuals with Disabilities Education Act (IDEA), explicitly informing parents of their rights is a central tenet of the law.⁶⁷ Consequently, we sought to document the extent to which charter schools in Colorado articulate the rights of students with disabilities on their websites as a proxy for the degree to which they communicate to ensure parents understand they have a right to enroll in a charter school.⁶⁸ The following section explores findings from a review of all Colorado charter school websites to understand practices and policies surrounding marketing and enrollment.

The website analysis revealed that, across the state, messaging—both explicit and implicit—about charter schools’ responsibility and willingness to educate students with disabilities varies greatly. Figure 7 demonstrates such variance in messaging. One school, for example, explicitly names that it “welcomes all students and recogniz[es] diversity as a virtue.” Noticeable gaps in messaging, however, were also documented: 61% (n=158/259) of charter schools in Colorado have websites that

⁶⁵ Ibid.

⁶⁶ Zetino, G., *Schools choosing students: How Arizona charter schools engage in illegal and exclusionary student enrollment practices and how it should be fixed* (Phoenix, AZ: ACLU of Arizona, 2017), https://www.acluaz.org/sites/default/files/field_documents/schools_choosing_students_web.pdf.

⁶⁷ The Individuals with Disabilities Education Act (IDEA) is a federal law that gives children with disabilities the right to a free appropriate public education as well as special education and related services.

⁶⁸ National Council on Disability, *Charter schools — Implications for students with disabilities*. (Washington, DC.: NCLD, 2018), https://ncd.gov/sites/default/files/NCD_Charter-Schools.docx.

lack descriptions of how they enroll students with disabilities, while 45% (n=117/259) lack descriptions of how they enroll students overall. Nearly two thirds (63%, n=162/259) of charter schools in Colorado have websites that lack pages or descriptions addressing how they educate students with disabilities.

While the majority of the websites did not have problematic language, 10% (n=25/259) of charter schools published enrollment policies on their websites that include elements that could be interpreted as exclusionary and do not include anti-discrimination clauses. Eighteen percent (n=34/184)⁶⁹ of application forms ask whether a student has a disability with no anti-discrimination clauses or statements of purpose that could help parents understand how the information might impact the application process.

Figure 7 displays language from charter school websites that demonstrates examples of phrasing that could dissuade, or conversely welcome, families of students with disabilities from applying to the school. One school, for example, requires students to provide information about disability status in advance of being admitted. Another school made a note of its “limited resources” as a reason why a student with a particular need might have to pursue an education elsewhere.

Figure 7. Examples of Language from Charter School Websites Related to the Enrollment of Students with Disabilities

<p>School A: I/We understand that the information provided on an official transcript and/or IEP documents are necessary in order to determine an appropriate educational service plan. I/We understand that the enrollment of my child may be provisional depending on the information contained in these records, which we will be asked to submit in the [Charter School] Registration Packet after March 1. I/We understand that if further discussion is needed about my child’s educational fit with the school, [Charter School] staff will contact me as soon as possible to schedule a meeting once my child’s official records have been submitted.</p> <p>School B: If a child is thought to be struggling with some aspect of school, child study team meetings are conducted, including the student’s parents, to discuss ways to serve the child. In the cases where students are clearly identified as requiring special education services, an Individualized Education [Program] (IEP) will be developed by the parent/staff team. [Charter School] has limited resources. If we are unable to meet the needs your student requires, other schools in the district who do offer your required services will need to be pursued.</p> <p>School C: 15. Is the student currently on an IEP, RTI, or Behavior Plan? Note: [Charter School] does not discriminate based on any disability, gender, race, religion or individual need. This question is solely included to accommodate for transition planning including welcoming the student into our program.</p>

⁶⁹ N size is different for this variable because a) some schools had inaccessible or unavailable application documents and b) some schools shared an application (e.g., shared enrollment processes, CMOs).

School D:

[Charter School] welcomes all students and recognizes diversity as a virtue. [Charter School] prohibits discrimination on the basis of race, creed, color, sex, national origin, religion, sexual orientation, ancestry, disability or need for special education services. This enrollment policy is designed to meet the requirements of C.R.S. 22-30.5-104(3), ensuring access to the school for all, from academically low-achieving students to exceptional students, and including students with special needs.

Part III: Colorado Policy Context

An examination of the factors that influence the enrollment of students with disabilities in Colorado’s charter sector requires a basic understanding of the overarching policy context, which includes interrelated legal and financial systems and structures. The following section outlines how the Colorado charter school law, special education governance, and special education finance are operationalized for charter schools.⁷⁰

Colorado Charter School Law

The state has 178 local school districts, most of which have been granted exclusive chartering authority within their geographic region per state charter law. As outlined in the Colorado charter statute, charter applicants can apply directly to their local school district or, in limited circumstances, can apply to the independent Charter School Institute (CSI). CSI has statewide chartering authority in districts that do not have exclusive chartering authority (ECA) or districts that are willing to release a school to apply to CSI and waive ECA through a board resolution. Once authorized, charter schools operate as a part of the entity that authorized them (i.e., a local education agency or CSI).

Within its jurisdiction, the Colorado State Board of Education (i.e., the governing board of CDE) makes rules, regulations, and policies that govern public education; distributes federal and state funds; grants waivers of state education law and regulations; and exercises judicial authority with regard to appeals by charter schools.⁷¹ The statute outlines an appeals process through which a charter school applicant can appeal authorizer decisions to the state board of education.

There are 45 authorizers (i.e., 44 local school districts and CSI) overseeing 254 charter schools that account for approximately 13.8% of all public schools in the state.⁷² Once charter school applications

⁷⁰ Context provided in this background section builds on information from the Center’s 2015 report: Rhim, O’Neill, Ruck, Huber, and Tuchman, *Getting Lost While Trying to Follow the Money: Special Education Finance in Charter Schools* (New York, NY: NCSECS, 2015). <https://www.ncsecs.org/report/special-education-finance/>.

⁷¹ Colorado Department of Education. *About the state board*. (Denver, CO: CDE, 2020), <https://www.cde.state.co.us/cdeboard/about>.

⁷² Colorado Department of Education public data, 2019-2020

are approved, authorizers execute a contract with each of their charter schools that specifies terms related to the operation of the school (e.g., requirements for renewal, special education service model, and payment plans) and the role of the authorizer in overseeing compliance with the contract. Colorado charter schools are subject to all federal and state laws regarding nondiscrimination, including “constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or need for special education services.”⁷³ Moreover, the state charter school law dictates that charter schools must “not engage in or adopt discriminatory recruiting, marketing, or enrollment policies or practices” and must “not establish undue barriers to students applying for enrollment, such as mandated testing prior to acceptance, that have the effect of excluding students based on socioeconomic, family, or language background, prior academic performance, special education status, or parental involvement.”⁷⁴ On an annual basis, each charter school must review its “discipline and enrollment records to ensure that its policies have been applied equitably to all students.”⁷⁵

Special Education Governance in Colorado Charter Schools

Under the IDEA, states are required to develop policies and procedures known as Child Find⁷⁶ to ensure that all children with disabilities who are eligible to receive special education supports and services are identified, located, and evaluated. CDE, as the state education agency (SEA), has ultimate responsibility and accountability for ensuring that students identified as having a disability in Colorado are provided a “free appropriate public education” (FAPE) in the “least restrictive environment” (LRE). CDE in turn delegates much of this responsibility for FAPE and LRE to LEAs (e.g., developing and implementing individual education programs (IEPs) and providing the full continuum of special education placements to eligible students with disabilities).

In Colorado, all charter schools are part of an LEA, which can either be their local school district authorizer or CSI.⁷⁷ And, as outlined by CDE, districts may implement one of three special education services delivery models in the charter schools they authorize:

- ***“Insurance model:*** *Under the insurance model, the charter school pays an “insurance” premium to the administrative unit to provide all special education and related services for children with disabilities attending the charter school.*

⁷³ [CO Rev Stat § 22-30.5-104 \(2016\)](#).

⁷⁴ [1 Colo. Code Regs. § 301-88-2.02](#).

⁷⁵ Ibid.

⁷⁶ Colorado Department of Education, *IEP Procedural Guidance* (Denver, CO: CDE, 2017), 55, https://www.cde.state.co.us/cdesped/iep_proceduralguidance

⁷⁷ In Colorado, both local school districts and CSI serve as LEA and authorizer. For the purposes of this report, we will use “local school districts” or “LEA” when discussing the role of the LEA or making comparisons across geographic districts, and “authorizer” when discussing the role of the authorizer or making comparisons across authorizer portfolios.

- **Contracted model:** *Under the contracted model, the administrative unit passes through to the charter school its share of special education funding and the charter school hires or contracts with third-party special education service providers to provide special education and related services for children with disabilities attending the school.*
- **Combination/modified insurance model:** *Under the combination/modified insurance model, the charter school and its authorizer negotiate responsibility and funding for special education and related services. The charter school may hire some of its staff and negotiate with its authorizer for the administrative unit to provide some services.”⁷⁸*

In rural areas, Colorado charter schools can enter into agreements with a Board of Cooperative Educational Services (BOCES), which acts as an intermediate administrative unit between the state and local school districts for purposes of providing support to districts and schools. As of the 2019-2020 school year, there are 18 BOCES across the state. In instances in which a charter school is authorized by a rural district, the charter holder may utilize the BOCES as the LEA for special education services and all other federal programs (e.g., Title I).

Colorado Special Education Funding

In Colorado, federal, state, and local dollars flow through the LEA (i.e., the authorizer or the BOCES)⁷⁹ and are then passed through to the charter school. Many of these pass-through funds are specified in state law.

Colorado LEAs receive federal funding for special education primarily through IDEA Part B dollars, which are allocated from the US Department of Education to CDE, and from CDE to districts, according to a statutory formula (i.e., 85% of the funds are distributed according to each state’s relative share of all children ages 3 through 21, and the remaining 15% are awarded according to each state’s relative share of those children living in poverty). Colorado LEAs receive state funding for special education through the State Exceptional Children’s Educational Act (ECEA).⁸⁰ The funding is weighted and allocated through two tiers. First, all students with disabilities are funded at a base level referred to as Tier A funding. Then, students with more intensive needs (identified by specific disability diagnoses⁸¹) are funded with an additional allocation, referred to as Tier B funding, that

⁷⁸ Colorado Department of Education, *IEP Procedural Guidance*.

⁷⁹ Participating member districts financially support BOCES and may also, through pooled plans and resources, submit a common application for programs that allow specific financial support for BOCES. All basic state funding to BOCES was reinstated in 2005 following a 2003 vote by the General Assembly that resulted in a discontinuation of such funding (Colorado BOCES Association).

⁸⁰ Colorado Department of Education Special Education Fiscal Advisory Committee. *FY 2016–2017 Costs, Reimbursed in FY 2017–2018*. (Denver, CO: CDE, 2019), https://www.cde.state.co.us/cdespedfin/sefac_legislativereport_2016-2017.

⁸¹ Students with the following disabilities generate Tier B funding in addition to Tier A: Visual Impairment, including blindness; hearing impairment, including deafness; deaf-blindness; serious emotional disability; autism spectrum disorder; traumatic brain injury; multiple disabilities; and intellectual disabilities.

varies from year to year on a per-pupil basis, prorated based on the appropriation level.

Colorado also appropriates state extraordinary aid funding to LEAs for students who require significant supports and extraordinary services under the ECEA through its high-cost allocation program (i.e., Tier C), which is distributed student by student each year.⁸² Thresholds vary depending on whether a student is placed in-district or out-of-district (e.g., a state facility). LEAs that receive this revenue may either retain it or assign it to schools that enroll students who need highly-specialized support. Many LEAs in Colorado operate center-based or other types of intensive service programs for students who require significant supports.

Colorado Special Education Funding in Charter Schools

The three respective special education service models (i.e., insurance, contracted, and combination modified insurance) are also funding models. Under each of the three models, charter schools pay their authorizers or a third party for varying levels of service provision. In most instances, the model and associated costs are dictated by the authorizer.⁸³ Figure 8 provides three examples of charter school contracts that describe different special education service agreements and funding arrangements with their respective authorizers.

Special education funding and aspects of all three of the service provision models were identified as potentially influencing enrollment of students with disabilities and the quantity and quality of services they are provided. In particular, service models such as the insurance model that requires authorizers to provide services to students with disabilities who enroll in charter schools may create unintended incentives for both charters and authorizers to advise students who require more intensive supports to enroll in district schools with established programs.

Questions regarding transparency of decisions related to fees charged by districts and the correlation with services have been perennial sources of friction between districts and charter schools for nearly 20 years.⁸⁴ Recently, a Colorado League of Charter Schools' 2015 landscape study of special education in the state's charter sector found that the ways in which charter schools access support for students with disabilities can be challenging. The study, for example, found that "LEAs are not consistently transparent about whether reimbursements for services provided are available to

⁸² Colorado Department of Education Special Education Fiscal Advisory Committee. *FY 2016–2017 Costs, Reimbursed in FY 2017–2018*.

⁸³ R. Thukral and L. Baum, *Landscape Study of Special Education Delivery in Colorado Charter Public Schools* (Denver, CO: Colorado League of Charter Schools, 2015).

⁸⁴ Eileen M. Ahearn; Cheryl M. Lange, Cheryl M.; Lauren Morando Rhim; Margaret J. McLaughlin, *Project SEARCH: Special Education as Requirements in Charter Schools: Final Report of a Research Study: Cross-State Analysis of Findings and Summaries of State Case Studies*, (Alexandria, VA: National Association of State Directors of Special Education, 2001), <https://eric.ed.gov/?id=ED464427>

charter schools through the Medicaid program” and that “it remains unclear whether LEAs share federal IDEA funds with their charter schools or use them to offset the cost of providing special education services.”⁸⁵ The study also found that many charter schools wanted to educate more students with disabilities but reported being hindered by their authorizer. Stakeholders we interviewed reflected on the need for greater transparency related to funding and associated service provision expectations.

Figure 8. Examples of Charter School Contract Language: Special Education Service Agreements with District LEA⁸⁶

**Example 1: Combination/Modified Insurance Model
Special Education Services.**

For each student with an IEP enrolled in the School, the District shall provide all federally required educational services at the School, except those typically provided by mild/moderate teachers which shall be the responsibility of the School. The federal required educational services that the District will provide to the School are as follows:

- The District will provide support in the form of a learning disabled (LD) teacher, a speech language pathologist (SLP), an occupational therapist (OT), and a psychologist for SPED testing and IEP services only based on the number of students with Individualized Education Plans (IEPs).
- Professional development opportunities are available to School special education teachers at a level consistent with other schools in the District serving the same grade levels.
- The District will also provide consultation and support from the District Executive Director of Student Achievement Services or his/her designee on educational programming and IEP development.

In consideration for these services during the 2020-2021 school year, the School shall pay to the District \$5,798 for each student with an IEP that is enrolled in the School. This amount shall be revised annually based on the District’s then-current excess cost accounting.

Example 2: Contracted Model

5.6 Education of Students with Disabilities. [Charter School] is a school of the School District. The School District is the “Local Educational Agency” (LEA) responsible for special education at [Charter School]. For students who are eligible to receive special education under the Individuals with Disabilities Education Act (IDEA), special education and related services will be provided at [Charter School] using District special education staff and procedures, except as provided in 5.6.2. As a recipient of federal funds, [Charter School] is responsible for complying with the provisions of Section 504 of the Rehabilitation Act of 1973 as to student with disabilities who qualify for the protections thereunder. [Charter School] agrees to follow School District policy in identifying students who are Section 504 eligible and providing them with reasonable accommodation.

5.6.1 [Charter School] Responsibilities. [Charter School] will comply with federal and state laws and regulations concerning the education of students with disabilities, District Board of Education Policies and Regulations concerning the education of students with disabilities, and District special education and Section

⁸⁵ Ibid.

⁸⁶ Sample charter school contracts provided by the Colorado Department of Education, 2020. Language was copied verbatim from school contracts but the name of the district/authorizer and charter school have been masked.

504 policies and procedures, to the extent not otherwise waived. With respect to IDEA-eligible students, [Charter School] will comply with this obligation by contracting with the School District to provide special education, related services, and accommodations during the term of this contract under an “insured model” that equally distributes on a per-pupil basis the total District-wide costs of providing such services among the total number of District funded Student FTEs, including [Charter School] students. [See Appendix Figure 1 in Appendix C for expanded contract language]

5.6.2 The School District’s Responsibilities. The School District, as the LEA and responsible administrative unit, is responsible for ensuring that the requirements of federal special education law and regulations are met in [Charter School], and that special education and related services are provided in [Charter School] in the same manner as they are provided in other schools in the School District. [Charter School] may elect to hire its own 1.0 FTE special education teacher for whom it will receive a credit against the costs to be paid to the School District for special education services. The [Charter School] recommended selection of a special education teacher from among the candidates provided by the School District’s Director of Special Education shall be forwarded to the Board of Education for approval. Additionally, the School District will provide support staff in [Charter School] to the same extent that such services are available in all other schools in the School District. Staff will use district forms, documents and procedures, and will conduct and/or oversee all referral processes, evaluations, reevaluations, eligibility determinations, placement decisions, and development and implementation of IEPs for IDEA-eligible students with disabilities at [Charter School]. Additionally, the School District will oversee procedural compliance with federal and state law and regulations concerning the education of students with disabilities. In matters in which [Charter School] and the School District may have a disagreement as to the correct interpretation of a particular statute or regulation concerning the education of students with disabilities, the School District’s interpretation will control. [See Appendix Figure 1 in Appendix C for expanded contract language]

5.6.3 Limitations to Special Educations Services at [Charter School]. [Charter School], like other district schools, does not offer a full continuum of services. Specific services for students with more significant needs are not available at [Charter School]. For residents of the School District, such services are available at designated school sites. For non-residents, provision of such services are the responsibility of the administrative unit of residence.

Example 3: Insurance Model

(i.) [Charter School] shall comply with this obligation by contracting with the District to provide special education and related services during the term of this Contract under a Charter Directed - Full Cost Insured Model ("insured model"). Under this insured model, the cost to [Charter School] is determined as follows and shown on the pro-forma spreadsheet attached and incorporated as Exhibit A:

(A) The previous fiscal year's total expenditures for providing all special needs services district-wide, including at [Charter School], are totaled and reconciled ("total district special education costs"). Of this total, all amounts spent on district-provided "overarching" special needs services including, without limitation, special needs transportation, indirect costs from any grants received, general supervision and oversight, child-find services, parent liaison services, out-of-district placements, and legal costs for special education issues are calculated ("district overarching costs"). The district overarching costs are divided by the total district (including [Charter School]) "pupil enrollment," as defined in C.R.S. § 22-54-103(1) (hereinafter "Student FTE"), to determine the per-pupil amount of district overarching costs. This per-pupil overarching cost amount is then multiplied by the number of Student FTEs enrolled in [Charter School] to determine [Charter School]’s share of district overarching costs that will be retained from [Charter School]’s per pupil revenue ("PPR") by the School District.

(B) It is the intention of [Charter School] and the School District that the weighted special education enrollment at [Charter School] will be equal to that of the District to the extent reasonably possible and that [Charter School] and the School District will share equally the direct costs of serving students with disabilities in the District. To accomplish this, the direct costs will be allocated as follows: The total of district overarching costs, as determined above, is subtracted from the total district special education costs to determine the district's direct special education costs ("direct special education costs"). The direct special education costs are then allocated among the District's previous year's December 1 special education students based on the severity of their needs (i.e. mild, moderate or severe categories). Students in the mild category receive a weight of 1. Students in the moderate category receive a weight of 1.85, and students in the severe category receive a weight of 3. The current year's December 1 counts of special needs students (including funded Student FTE Preschool Students) in the various categories of severity are multiplied by the weighting factors to determine the respective weighted totals for each category district-wide and, as part of that number, at [Charter School]. The direct special education costs are divided by the weighted total to determine a unit cost per weight. This unit cost per weight is multiplied by [Charter School]'s weighted total to determine [Charter School]'s share of direct special education costs. To the extent that [Charter School]'s special needs enrollment does not meet the weighted average special education enrollment based on [Charter School]'s percentage of total district student enrollment, [Charter School] will contribute funds to the School District for the difference based upon the same weighted unit formula. [Charter School] will expend its share of direct special education costs towards meeting the IEP requirements of its students (see example provided in Exhibit A).

(C) Finally, as required under C.R.S. § 22-30.5-1 12(a.8), [Charter School] shall receive or be credited for its share of the allocation of federal and state moneys that are received by the School District for providing special education services, such amount to be based upon the assumption and reconciliation in subparagraph (B) above that [Charter School]'s percentage of weighted special education enrollment to the total [Charter School] Student FTEs should be the same as the School District's average percentage of weighted special education enrollment to the District total Student FTEs. (For example, on Exhibit A, if [Charter School]'s percentage of Student FTEs divided by total School District enrollment is 14.69% (900.5/6130), the District will retain 85.31% (100% - 14.69%) of reimbursements and [Charter School] will be credited with 14.69%.) [See Appendix Figure 1 in Appendix C for expanded contract language]

State Guidance Related to Enrollment of Students with Disabilities in Charter Schools

In an effort to articulate expectations related to the rights and responsibilities of the authorizer and their respective charter schools, CDE published a sample contract in 2014 that includes language regarding admission processes and procedures for enrollment of students with disabilities. Although this sample contract is aligned to Colorado law, the following language surfaces how LEAs and charter schools might conduct a pre-screening process for a student with a disability during the application stage that could lead to unintended consequences:

“When an applicant has an IEP or Section 504 Plan, a screening team consisting of the School Principal or designee, the School special education coordinator, and a District representative shall review the IEP or Section 504 Plan, and, if deemed appropriate, confer with staff at the student’s previous school, and shall make a determination whether the

services and space and accommodation that can reasonably be made available at the School are sufficient to deliver the program required by the IEP.”

The sample contract language goes on to say that if a charter school’s program cannot readily implement a student’s IEP, that student will be denied admission to the charter school and remain in their current placement in the LEA:

“The student’s application for admission is contingent upon the determination by the IEP Team that the student can receive a free appropriate public education in the least restrictive environment at the charter school in its existing programs with or without reasonable modifications. If the determination is that FAPE is not available, the student’s application for admission shall be denied and the student’s current placement shall remain as determined by the prior IEP Team meeting, unless changed at the School’s IEP Team meeting.”⁸⁷

This contract language has been applied by schools and LEAs, with some reportedly establishing a fairly permissive threshold for denying admission of a student with a disability to a charter school. The sample contract published by CDE and used by some authorizers, while legal, may be leading to unintended practices when applied in the field. The differing perceptions of the appropriateness or legality of this pre-screening process were also raised in interviews. Some stakeholders saw no issue with the process, while others found it notably problematic. One interviewee shared that the “practice of reviewing students’ IEPs when they enroll to be certain that the charter can appropriately serve [them] is not always through a meeting—sometimes the parent provides [the] IEP and [the LEA] and the charter school review and makes a determination.” When a review such as this leads to the student being enrolled in the school, this pre-screening can speed the transition process for students; however, if there is a possibility that the determination leads to a denial of admission, then the process was identified as potentially problematic.

Discussions with key stakeholders also revealed that ambiguous language in state law regarding enrollment processes for students with disabilities may also give schools and districts room to adopt exclusionary practices. For example, according to state law, “enrollment decisions shall be made in a nondiscriminatory manner specified by the charter school applicant in the charter school application.”⁸⁸ While schools must adopt a fair, unbiased process set out in their charter application, there is no requirement that charter schools use a blind lottery, a common requirement in other states’ statutes. In light of the low enrollment rates of students with disabilities in Colorado charter schools, further consideration should be given to guidance related to how authorizers and charter schools engage parents during the enrollment process.

⁸⁷ Colorado Department of Education. *District and authorizer information*. (Denver, CO: CDE, 2014), <https://www.cde.state.co.us/cdechart/distauthin.fo>

⁸⁸ [CO Rev Stat § 22-30.5-104 \(2016\)](#).

Part IV: Factors Identified as Influencing Enrollment of Students with Disabilities in Charter Schools

Our interviews confirmed findings from prior analyses indicating that enrollment is shaped by multiple policies and confounding factors. Notably, one interviewee shed light on the need to consider the various ways in which all entities, individually and collectively, contribute, explaining that stakeholders engage in “mutual finger-pointing” amidst “widespread tolerance for low enrollment” of students with disabilities.

The following section explores factors identified through interviews with stakeholders, analysis of website and contract language, and related research as influencing enrollment of students with disabilities in charter schools across the state.

Funding and Special Education Service Models

The average per-pupil allocation in Colorado is one of the lowest in the nation. Compounding this foundational challenge, charter schools must adopt one of three special education service and associated funding models. While authorizers retain ultimate responsibility for ensuring students with disabilities are provided with special education and related services, the manner in which this responsibility is operationalized was identified as influencing enrollment in charter schools. In essence, the state policy context, coupled with a scarcity of fiscal resources, can create incentives for both authorizers and charter schools to limit the development of a full continuum of placements in charter schools. The center-based programs developed by Denver Public Schools are a notable exception to this concern in that the district explicitly engaged charter schools to develop programs for students who require more intensive supports.

Charter School Enrollment Policies and Practices

When examining enrollment of students with disabilities in Colorado’s charter sector, interviewees highlighted policies and practices of some charter schools as factors that they believe are influencing the enrollment trends we identified. This section explores those specifically related to marketing, outreach, and recruitment; enrollment processes and family choice; and requests for information about a student’s IEP during the enrollment process.

Marketing, Outreach, and Recruitment

The website analysis revealed that messaging, both explicit and implicit, about schools’ welcoming of and obligation to educate students with disabilities varies greatly across Colorado’s charter sector. Such variance was reflected in public marketing, outreach, and recruitment efforts. One interviewee

reflected on variance in intentionality about messaging, noting that the direct focus placed on actively recruiting students with disabilities varies across the state. Another interviewee highlighted the perspective of a school “not wanting to single out students with disabilities through marketing,” even though “the name and branding of the school might deter or dissuade families from considering the school a good fit.”

Information about enrollment, programming, and support for students with disabilities—or lack thereof—provided on a charter school’s website can serve as an unintentional signal to families about the charter school’s commitment and capacity to appropriately meet all needs. One interviewee commented that if it appears that a school does not have the necessary services and supports in place, families might elect to go elsewhere. This also perpetuates an incorrect narrative, perhaps unknowingly on the part of the school, that charter schools do not educate students with disabilities—a narrative, noted by interviewees, that can take its own form within a community.

Finally, stakeholders noted that communities across the state differ in their levels of tolerance for difference and commitment to inclusive practices. Some charter schools have reportedly been allowed to maintain a relatively exclusive school model for more than a decade, which may imply a certain mindset and acceptance from their authorizers and the state.

Enrollment Processes and Family Choice

Enrollment practices and policies vary across the state. According to our website review, 56% (n=144/259) of charter schools operate an independent enrollment system, while 32% (n=84/259) participate in a centralized enrollment system.⁸⁹ For schools that operate their own enrollment systems, key stakeholders observed variance in intentionality about and interest in creating more open and inclusive enrollment processes.

Centralized enrollment systems, as key stakeholders observed, can influence the practices of charter and traditional public schools, and the experiences of families and students exercising choice. For example, centralized enrollment systems may protect access for families and students with disabilities. A stakeholder noted that centralized systems “have ways of assigning students that [parents] control,” which can improve prior perceptions among parents and community members. Another interviewee highlighted that centralized enrollment systems “bring value to families and communities” by “providing more clarity about available options,” and streamlining the enrollment process overall. Families, as one interviewee shared, might otherwise have to juggle varying requirements and timelines across the schools to which they are interested in applying.

Problematic application processes that exist in some charter schools identified through the website

⁸⁹ Notably, 12% of charter schools’ websites (n=31/259) lack clarity about whether the school operates its own enrollment system or whether it participates in a choice system.

review include practices such as collecting information on a student’s IEP status without an anti-discrimination statement or any statement of purpose (e.g., ensuring continuity of special education services or gaining access to student records); asking for disciplinary records; setting academic requirements (e.g., testing); collecting fees/tuition without communicating the option of a waiver; and setting caps on enrollment of students with disabilities (Figure 9).

Stakeholders also observed that some charter schools have historically experienced leeway in using the pre-screening process with the consent of the authorizer, which may take place without parental input or due process per language in the sample contract. One interviewee shared that pre-screening processes might be over-utilized to justify placement decisions that keep students with many types of disabilities, even those who require relatively fewer supports and services, in traditional district schools.

Figure 9. Sample Charter School Contract: Cap on Enrollment of Students with Disabilities⁹⁰

Students requiring special services (IEP)

In an effort to better serve its students, [Charter School] will limit the number of IEP students to no more than 12% of the full time student count. All applicants with an IEP will be reviewed and a determination will be made whether the needs of that students can be met considering our current IEP students and Student Services Team load.

Denial of Admission

The following are grounds for denial of admission to students requesting choice enrollment:

- There are no openings available.
- It is determined that [Charter School] does not offer appropriate programs or is not structured or equipped with the necessary facilities or personnel to meet the special needs of the student, or does not offer the particular program requested. Acceptance of Special Education students is conditional pending review of outcomes and space availability (see above).
- The student does not meet the established eligibility criteria for participating in a particular program, including but not limited to age requirements.
- The student has been expelled from any school district during the preceding 12 months, or has engaged in behavior in another school district during the preceding 12 months that is detrimental to the welfare or safety of other students or of school personnel.
- The student has been expelled at any time or is in the process of being expelled and/or the student has been identified as a “habitually disruptive student” as defined by [Charter School] School District Regulation JK-R.

Retention Practices

Finally, once a student with a disability is enrolled in a charter or traditional public school, retention can be a challenge. Key stakeholders observed, for example, that charter school retention policies vary, and schools that value absolute performance over growth can negatively influence access and retention for students with disabilities. An exploration and analysis of these school-based practices were beyond the scope of this report but are discussed in the recommendations.

⁹⁰ Sample charter school contract provided by the Colorado Department of Education, 2020.

Authorizer Functioning as the LEA

When examining enrollment of students with disabilities in Colorado’s charter sector, key stakeholders highlighted the practices and policies of LEAs serving as authorizers as factors that can also influence enrollment. The local school districts and CSI, as the LEAs, are financially and legally responsible for ensuring that students with disabilities can access the full continuum of special education services (i.e., the provision of FAPE under the IDEA). Key stakeholders observed that this responsibility may present tensions around liability for the district since they are responsible for placement decisions for students with disabilities. If charter schools have limited program and service offerings for students with disabilities, interviewees noted, the district LEA may feel obligated to select placements in district schools that have broader continuums of service rather than in charter schools located within the district.

Specialized Expertise and Programming

Key stakeholders also observed that the limited special education program and service offerings of some Colorado charter schools may also lead families and district personnel to doubt charter schools’ capacity and willingness to educate students with disabilities. One interviewee noted that some “districts at their core don’t believe charter schools want to serve the kids,” but that the “number of charter schools that [this] applies to is much smaller than the districts think.”

In order for schools to develop more diverse continuums of service for students with disabilities, they need to build their in-house skills, knowledge, and mindsets related to educating students with disabilities. Key stakeholders observe that LEAs vary in the level of support they provide to charter schools around how to best educate students with disabilities. Some authorizers have coordinators that directly support individual charter schools with expertise and professional development, while other authorizers do not have the capacity or bandwidth to provide any degree of support. One interviewee shared that even when professional development was offered, school participation was inconsistent and topics did not always align to specific charter school models.

Accountability

The degree to which authorizers hold charter schools accountable reportedly varies across the state. Interviewees noted variability in the degree to which authorizers collect and track data regarding students with disabilities and how that data is used to inform decisions about the operation of the school. For example, some authorizers require reporting or disaggregated data by subgroup and engage in ongoing dialogue around improving access for students with disabilities, while other authorizers do not.

State-Level Oversight

CDE and the State Board of Education are responsible for holding charter schools accountable to federal and state regulations, including nondiscrimination. However, given the state's long history of protecting local control, stakeholders reflected it may be difficult for the respective entities to leverage their authority to ensure students with disabilities have equal access to charter schools.

Colorado Department of Education

As the state education agency (SEA), CDE holds ultimate accountability under IDEA for ensuring that the needs of students with disabilities are met. CDE's Exceptional Student Services Unit (ESSU), which houses the Office of Special Education, provides teachers, administrators, and families with technical assistance, resources, and professional development related to the education of students with disabilities. Key stakeholders observed that ESSU has the opportunity to exercise greater ownership of and participation in issues surrounding equitable access for students with disabilities in charter schools.

State Board of Education

The State Board of Education oversees the rules, regulations, and policies that govern public education, distributes federal and state funds, and exercises judicial authority with regard to appeals by charter schools. The SBOE appeal process was identified as a factor that may limit the extent to which an authorizer may enforce contract compliance. For example, districts taking action due to a breach of a charter contract can lead to an appeal to the SBOE and a finding in favor of the charter school. Some stakeholders recommended that the State Board leverage its authority as the governing board of CDE to lead the sector by reinforcing its commitment to students with disabilities and prioritizing equal access to charter schools.

Recommendations

Colorado charter schools enroll proportionately fewer students with disabilities than traditional public schools. The trend has been consistent over the last three years and appears across regions and authorizers. Our analysis of enrollment data, school websites, stakeholder interviews, and related research revealed multiple intersecting factors that in combination, shape enrollment trends and consequently, our recommendations. Of note, stakeholders shared that a greater sense of urgency regarding addressing the relatively low enrollment rates of students with disabilities in charter schools is needed.

Our inquiry highlighted four key areas we propose stakeholders should focus on to improve access for and overall enrollment of students with disabilities in Colorado charter schools. These priorities,

upon which our recommendations are built, focus on addressing policies and practices, increasing accountability, analyzing more robust types of data to inform program evaluation, and building stakeholder capacity. If acted upon in concert with one another, these recommendations will offer stakeholders in Colorado a clear path forward—one that leverages shared responsibility and accountability. The Colorado Department of Education plays a significant role in initiating these recommendations, but authorizers and charter schools must all engage to catalyze positive change. See Appendix D for a toolkit of best practices for assessing and increasing enrollment of students with disabilities in charter schools that provides ideas for specific ways in which stakeholders across the state can collaborate to *operationalize* the recommendations of this report.

Key Priorities

<i>Improve policies and practices related to the enrollment of students with disabilities in charter schools.</i>	<i>Increase accountability for the overall enrollment of students with disabilities in charter schools.</i>
<i>Analyze more robust types of data (e.g., student-level, mobility) and evaluate charter school special education program design.</i>	<i>Provide ongoing capacity building and support for stakeholders related to educating students with disabilities.</i>

Recommendations for Policymakers and Advocates

- Facilitate conversations and introduce greater transparency among stakeholders regarding financial arrangements between districts and charter schools that would result in charter schools retaining more funding to expand the delivery of more intensive special education services at the school level, including examination of the feasibility of charter schools applying to operate as their own LEA.
- Propose a mandate that requires all charter schools enrolling students with disabilities at rates lower than the state average to add a preference for students with disabilities that disappears once the proportion of students with disabilities enrolled mirrors that of the community (i.e., a natural proportion).
- Create a shared vision of what successful choice enrollment looks like for students with disabilities. Build a repository of resources that translates this vision into best practice.

Recommendations for the Colorado State Department of Education

- Revise sample charter school contract language related to the pre-screening of a student’s IEP to promote meaningful parent engagement in the process.
- Track longitudinal enrollment data and introduce an enrollment “flag” wherein enrollment of

students with disabilities below a certain level will lead to focused discussion with both authorizers and charter schools regarding recruitment, enrollment, and programming.

- Provide targeted resources and ongoing technical assistance to authorizers and charter schools to support the implementation of recruitment and enrollment practices aimed at students with disabilities. Develop a cross-stakeholder working group to ensure ongoing problem solving, discussion of capacity needs, and review of developed resources.
- Track and spotlight emerging practices (e.g., Denver Public Schools' center-based initiative designed to build the capacity of more charter schools to educate students who require more significant supports and the Colorado League of Charter Schools' provision of focused special education technical assistance) to identify and promote promising practices.
- Invest in activities that build capacity for independent peer reviews of charter or authorizer performance, professional development, and coaching.
- Produce a biennial equity report capturing a school-by-school analysis of special education programs and services, as well as enrollment, mobility, discipline, and achievement of students with disabilities. Include feedback from families related to their ongoing experiences and perceptions of how charter schools educate and enroll students with disabilities.

Recommendations for Authorizers

- Revise charter school performance review criteria to incorporate data on outcomes for students with disabilities, such as overall enrollment, retention, academic growth, feedback from the district director of special education, and special education program development for students with disabilities.
- Conduct annual audits of policies and practices related to the enrollment process for students with disabilities to identify and provide focused support to outliers.
- Publish an annual equity report for each school that shares data on special education program offerings, enrollment, mobility, discipline, academic growth, and absolute achievement of students with disabilities.
- Collaborate with charter schools to develop a transparent and equitable funding model that aligns responsibility, funding, and services provided.
- Engage partners to provide a series of workshops for charter schools around educating students with disabilities in inclusive environments.

Recommendations for Charter Schools

- Develop or further diversify special education programs and services offered in charter schools by encouraging school leaders to participate in ongoing professional development around inclusive education and invest in building operational capacity for programmatic growth.

- Collaborate with authorizers to develop a transparent and equitable funding model that aligns responsibility, funding, and services provided.
- Examine enrollment policies and practices and inform school board members, staff, and families of updated policies and processes. Ensure that staff remain up to date on relevant CDE policies.
- Provide annual training to school leaders, board members, and staff on how to create a welcoming and inclusive environment for students with disabilities and what responsibilities each has for creating such a welcoming environment.
- Produce and share informational materials about the school's programming and services for students with disabilities and explicitly include an anti-discrimination clause on school promotional materials. Include this information on the school website and make explicit on all marketing and application materials that students with disabilities are entitled/welcomed/encouraged to attend the school and that admission is not contingent on any pre-enrollment process.

Implications for Future Study

- Conduct an analysis of charter schools with low enrollment of students with disabilities (including those who receive services under Section 504) with a focus on school academic/instructional design, program design, service continuums, and discipline practices.
- Examine how each of the respective three funding structures (i.e., insurance model, contracted model, and combination/modified insurance model) influences enrollment and outcomes of students with disabilities in charter schools across Colorado.
- Examine the impact of center-based programs on enrollment of and outcomes for students with disabilities in charter schools and develop recommendations for piloting inclusive program models across the state.
- Conduct an analysis of the impact of the implementation of centralized enrollment systems on access for students with disabilities in charter schools.

Appendices

Appendix A. Methodology

Center staff reviewed and analyzed existing publicly-available quantitative data, secured and analyzed privacy-protected quantitative data from CDE, conducted reviews of all Colorado charter school websites (n=259), conducted interviews with a diverse set of key stakeholders (n=9), shared preliminary findings with a larger diverse set of key stakeholders (n=45), and revised findings per their reactions and feedback.

Quantitative Data

Center staff first pulled existing publicly-available data from CDE for the following quantitative variables:

- List of all active charter schools as of 2020, which contains school names, school codes, authorizers, district codes, and settings⁹¹
- List of per-pupil enrollment by public school from 2016-2017,⁹² 2017-2018,⁹³ 2018-2019,⁹⁴ and 2019-2020,⁹⁵ which contains school names, school codes, geographic districts, district codes, total PK-12 pupil membership, and special education counts
 - *Note: Student counts of less than 16 are suppressed for Instructional Programs to protect student privacy.*
- List of per-pupil enrollment by district from 2016-2017 to 2019-2020, which contains district names, district codes, and total PK-12 pupil membership⁹⁶
- List of per-pupil enrollment by district from 2016-2017,⁹⁷ 2017-2018,⁹⁸ 2018-2019,⁹⁹ and 2019-2020,¹⁰⁰ which contains district names, district codes, and total special education counts
- List of per-pupil enrollment by district from 2016-2017 to 2019-2020, which contains district names, district codes, and total enrollment by disability category¹⁰¹
- List of charter schools that serve as Alternative Education Campuses, which contains school names, school codes, authorizers, and district codes¹⁰²
- List of online charter schools, which contains school names¹⁰³

⁹¹ <https://www.cde.state.co.us/cdechart/20202021charterschoolcodelist>

⁹² <http://www.cde.state.co.us/cdereval/2016-17-pm-school-grade-excel>

⁹³ <http://www.cde.state.co.us/cdereval/2017-18-gradelevel-byschool>

⁹⁴ <http://www.cde.state.co.us/cdereval/2018-19pk-12membershipgradelevelbyschool>

⁹⁵ <http://www.cde.state.co.us/cdereval/2019-20pk-12membershipgradelevelbyschool>

⁹⁶ <https://www.cde.state.co.us/cdereval/pk-12membershiptrendbydistrict>

⁹⁷ <http://www.cde.state.co.us/cdereval/2016-17-pm-district-instructional-program-excel>

⁹⁸ <http://www.cde.state.co.us/cdereval/2017-18-pm-instructionalprogram-bydistrict>

⁹⁹ <http://www.cde.state.co.us/cdereval/2018-19instructionalprogrambydistrict>

¹⁰⁰ <http://www.cde.state.co.us/cdereval/2019-20instructionalprogrambydistrict>

¹⁰¹ https://www.cde.state.co.us/cdesped/au_childcount_edenviron_2016-19

¹⁰² Colorado Department of Education, "Application for Alternative Education Campus Status," 2019, https://www.cde.state.co.us/accountability/081519_aec_status_for_2019-20.

¹⁰³ Colorado Department of Education, "Online Schools and Programs," 2020,

- 2019 State of Charter Schools Triennial Report, which contains school names, authorizers, and years opened¹⁰⁴

After submitting a request to CDE and establishing a data-sharing agreement, Center staff secured unsuppressed quantitative data (i.e., student counts include values of 1-15) on total enrollment of students with disabilities by disability category by charter school from 2016-2017 to 2019-2020.

Center staff then pulled non-CDE data for the following quantitative variables:

- National enrollment of students with disabilities in charter schools and traditional public schools¹⁰⁵
 - *Note: The 2015-2016 CRDC was the most comprehensive up-to-date data set at the time of this analysis.*
- National enrollment of students with disabilities in public schools¹⁰⁶
 - *Note: NCES is the most up-to-date data set, selected to match the years of analyzed CDE data. NCES data is not yet available for the 2019-2020 school year and is not disaggregated by public school type.*
- List of geographic district locations for CSI-authorized schools¹⁰⁷
- List of charter schools with center-based programs¹⁰⁸

Center staff merged all variables into one master spreadsheet, first matching with school codes and district codes, and then with school names, district names, or authorizer names when necessary. While there were 260 charter schools operating in Colorado during 2019-2020, 5 schools closed at the end of the school year. These schools were removed from the dataset. Early Learning Center was also removed from the dataset as they service students ages zero to five. Thus, the n size for enrollment data analyses is n=254. Cross-sector analyses of enrollment data are conducted only amongst districts that have charter schools, and district enrollment data excludes enrollment data for charter schools in their respective geographic locations.

Unless noted, all data referencing students with disabilities includes only those students eligible for special education services under IDEA. Guffey Charter Schools is excluded from all analyses of enrollment of students with disabilities, due to missing privacy-protected enrollment data. The

<https://www.cde.state.co.us/onlinelearning/schools>.

¹⁰⁴ Colorado Department of Education, Schools of Choice Unit, *2019 State of Charter Schools Triennial Report* (Denver, CO: CDE, 2019), <https://www.cde.state.co.us/cdechart/2019charterschooltriennialreport>.

¹⁰⁵ U.S. Department of Education Office for Civil Rights, *Civil Rights Data Collection (CRDC) for the 2015-2016 School Year*.

¹⁰⁶ United States Department of Education. United States Institute of Education Sciences, National Center for Education Statistics, "Children 3 to 21 years old served under Individuals with Disabilities Education Act (IDEA), Part B, by type of disability: Selected years, 1976-77 through 2018-19," *Digest of Education Statistics, 2019*, https://nces.ed.gov/programs/digest/d19/tables/dt19_204.30.asp.

¹⁰⁷ Colorado Charter School Institute, "CSI Portfolio of Schools," accessed 2020, <https://www.csi.state.co.us/schools/>.

¹⁰⁸ Colorado League of Charter Schools, personal communication.

dataset containing enrollment of students with disabilities by disability category by district contained privacy-protected data, reflected in Table 3 as “PP.” Because Center staff did not have access to privacy-protected enrollment data at the school level for the traditional public school sector, the distribution analysis (Figure 3) is conducted using only publicly available data. Because this data set excludes data points for schools enrolling 1-15 students with disabilities (n=251 in traditional public schools and n=63 in charter schools), the enrollment rates in both sectors skew higher.

For all authorizer analyses (Figures 5 and 6), authorizers’ average enrollment rates exclude data from CSI-authorized charter schools in their respective geographic districts. Due to privacy protections, data for 16 charter schools authorized by 16 different districts must be suppressed. Their enrollment data is excluded from their respective authorizer’s average enrollment rate and aggregated in one column, titled “Aggregate of Schools with PP Values.” In Figure 6, the average enrollment rate of the Byers 32J district cannot be compared to the average enrollment rate of Byers 32J-authorized charter schools, since the charter schools authorized by Byers 32J are online.

Website Review

Center staff reviewed websites (n=259) of every single charter school in Colorado operating in the 2019–2020 academic year to understand and document application and enrollment processes related to students with disabilities. One school was removed from the aggregate website analysis as the website was down/inaccessible.

Given time and resource constraints, Center staff focused their review on web pages and tabs relevant to understanding the overall school profile (e.g., About Us or Mission Statement), how the school educates students with disabilities (e.g., Special Education or Student Services), and how the school runs its application and enrollment processes (e.g., Admission or Enrollment). Center staff searched for information to determine whether the schools discourage the enrollment of students who don’t have strong grades or test scores or set an enrollment limit on students with disabilities. They also looked for questions in school enrollment documents that may suppress the enrollment of students with disabilities, discourage or preclude the enrollment of students with disciplinary records, or require students and families to complete pre-enrollment requirements such as essays, interviews, or school tours.

Center staff quantified their findings while reviewing the website by completing a Google Form rubric, designed by the reviewing team of three Center staff members using their combined special education enrollment best practices expertise and vetted by Center leadership. The rubric form consisted of multiple-choice questions, each accompanied by an open-ended text box where any notes determined necessary by the reviewer could be included. Reviewers identified themselves at the beginning of each website’s rubric form and completed the website reviews between March 18, 2020, and March 27, 2020.

The reviewing team members completed one test run by each reviewing the same ten websites (30 reviews total), in order to evaluate the reliability of the rubric form and ensure uniformity of responses. Based on this test run, adjustments were made to the rubric form to make questions more precise.

Interviews with and Feedback from Key Stakeholders

In addition to reviewing and analyzing quantitative data and all charter school websites, Center staff conducted interviews with nine stakeholders representing different roles, geographies, and perspectives. The identities of interviewed stakeholders are confidential. The information collected from interviews and reported in this document is aggregated. Center staff then developed and delivered a presentation of preliminary findings based on all accumulated data to a group of 45 stakeholders on Tuesday, June 30, 2020, from 10 a.m. to 12 p.m. MDT. The invitation to this presentation was distributed to 595 Colorado stakeholders. Findings were revised and finalized according to the group's reactions, feedback, and suggestions.

Appendix B. References

- Ahearn, Eileen M.; Lange, Cheryl M.; Rhim, Lauren Morando; McLaughlin, Margaret J. *Project SEARCH: Special Education as Requirements in Charter Schools: Final Report of a Research Study: Cross-State Analysis of Findings and Summaries of State Case Studies*. Alexandria, VA, National Association of State Directors of Special Education, 2001.
<https://eric.ed.gov/?id=ED464427>
- Beckett, L. and Savinom J. *CACSA Special Education Report: Landscape Analysis*. 2019. Available to CACSA members only.
- Colorado BOCES Association. "About BOCES." Accessed November 2020.
<https://www.coloradoboces.org/colorado-boces-association/about-boces/>
- Colorado Department of Education. "About the state board." Accessed November 2020.
<https://www.cde.state.co.us/cdeboard/about>
- Colorado Department of Education. "Colorado education facts and figures." Accessed 2020.
<https://www.cde.state.co.us/communications/coeducationfactsandfigures>
- Colorado Department of Education. "District and authorizer information." Accessed 2020.
<https://www.cde.state.co.us/cdechart/distauthinfo>
- Colorado Department of Education Special Education Fiscal Advisory Committee. *FY 2016–2017 Costs, Reimbursed in FY 2017–2018*. Denver, CO: CDE, 2019.
https://www.cde.state.co.us/cdespedfin/sefac_legislativereport_2016-2017
- National Council on Disability. *Charter schools — Implications for students with disabilities*. Washington, D.C.: NCD, 2018. https://ncd.gov/sites/default/files/NCD_Charter-Schools.docx
- Rhim, L., Kothari, S, and Lancet, S. *Key trends in special education in charter schools: A secondary analysis of the Civil Rights Data Collection 2015–2016*. New York, NY: The National Center for Special Education in Charter Schools, 2019. <https://www.ncsecs.org/report/crdc-analysis-15-16>
- Rhim, L., O’Neill, P., Tuck, A., Huber, K., and Tuchman, S. *Getting lost while trying to follow the money: Special education finance in charter schools*. New York, NY: The National Center for Special Education in Charter Schools, 2017. https://www.ncsecs.org/wp-content/uploads/sped_finance_web-1.pdf
- Thukral, R. and Baum, L. *Landscape Study of Special Education Delivery in Colorado Charter Public Schools*. Denver, CO: Colorado League of Charter Schools, 2015. (Available to League members only.)
- United States Department of Education, Office for Civil Rights. *Civil Rights Data Collection 2015–2016 Data Notes*. Washington, DC.: US Department of Education, 2018.
<https://ocrdata.ed.gov/Downloads/Data-Notes-2015-16-CRDC.pdf>
- United States Department of Education. United States Institute of Education Sciences, National Center for Education Statistics. *Digest of Education Statistics, 2019*. Washington, D.C., NCES, 2020.
https://nces.ed.gov/programs/digest/d19/tables/dt19_203.10.asp?current=yes

- United States Government Accountability Office. *Report to congressional requesters: Special education—Varied state criteria may contribute to differences in percentages of children served*. Washington, DC.: US GAO, 2019. <https://www.gao.gov/assets/700/698430.pdf>
- United States Department of Education. United States Institute of Education Sciences, National Center for Education Statistics. *The Condition of Education: Children and Youth with Disabilities*. Washington, DC.: NCES, 2020. https://nces.ed.gov/programs/coe/indicator_cgg.asp
- Zetino, G. *Schools choosing students: How Arizona charter schools engage in illegal and exclusionary student enrollment practices and how it should be fixed*. Phoenix, AZ: ACLU of Arizona, 2017. https://www.acluaz.org/sites/default/files/field_documents/schools_choosing_students_web.pdf
- Zubrzycki, J. “DPS shifting more special education duties to charter schools.” *Chalkbeat Denver*, April 30, 2015. <https://co.chalkbeat.org/2015/4/30/21092621/dps-shifting-more-special-education-duties-to-charter-schools>

Appendix C. Supporting Data

Appendix Table 1. Demographic Information for All Charter Schools in Colorado in 2019- 2020¹⁰⁹

School	District	Authorizer	Year Opened	Total Enrollment	Enrollment of Students with Disabilities
5280 High School	Denver County 1	Denver County 1	2019	95	21.1%
Academy 360	Denver County 1	Denver County 1	2013	208	11.1%
Academy Charter School	Douglas County Re 1	Douglas County Re 1	1993	745	3.5%
Academy for Advanced and Creative Learning	Colorado Springs 11	Colorado Springs 11	2010	293	PP
Academy of Advanced Learning	Adams-Arapahoe 28J	Adams-Arapahoe 28J	2018	758	8.4%
Academy of Arts and Knowledge Elementary	Poudre R-1	Charter School Institute	2006	212	8.0%
Academy of Charter Schools	Adams 12 Five Star Schools	Charter School Institute	1994	1886	7.7%
Academy of Urban Learning	Denver County 1	Denver County 1	2005	135	PP
Addenbrooke Classical Academy	Jefferson County R-1	Jefferson County R-1	2013	396	7.3%
Addenbrooke Classical Grammar School	Jefferson County R-1	Jefferson County R-1	2014	449	5.8%
Alta Vista Charter School	Lamar Re-2	Lamar Re-2	1998	132	PP
American Academy	Douglas County Re 1	Douglas County Re 1	2005	2535	4.7%
Animas High School	Durango 9-R	Charter School Institute	2009	208	7.7%
Ascent Classical Academy ¹¹⁰	Douglas County Re 1	Douglas County Re 1	2019	544	6.3%
Aspen Community Charter School	Aspen 1	Aspen 1	2002	135	PP
Aspen Ridge Preparatory School	St Vrain Valley RE1J	St Vrain Valley RE1J	2011	439	10.7%
Aspen View Academy	Douglas County Re 1	Douglas County Re 1	2013	904	2.4%
Astravo Academy High School	Byers 32J	Byers 32J	2014	191	0.0%
Astravo Academy Middle School	Byers 32J	Byers 32J	2018	200	19.5%
Astravo Online Academy Elementary School	Byers 32J	Byers 32J	2018	114	14.0%
Astravo Online Academy High School	Byers 32J	Byers 32J	2016	485	9.7%
Astravo Online Academy Middle School	Byers 32J	Byers 32J	2018	68	0.0%
Atlas Preparatory High School	Harrison 2	Harrison 2	2009	457	8.1%
Atlas Preparatory Middle School	Harrison 2	Harrison 2	2009	514	8.4%

¹⁰⁹ Colorado Department of Education privacy-protected enrollment data, 2019-2020. The enrollment rate of any school that enrolls 1-15 students with disabilities is presented as "PP."

¹¹⁰ As of the 2020-2021 school year, Ascent Classical Academy is in the authorizing portfolio of Charter School Institute.

Aurora Academy Charter School	Adams-Arapahoe 28J	Adams-Arapahoe 28J	2000	520	9.0%
Aurora Science & Tech Middle School	Adams-Arapahoe 28J	Adams-Arapahoe 28J	2019	166	PP
Axis International Academy	Poudre R-1	Charter School Institute	2019	203	PP
AXL Academy	Adams-Arapahoe 28J	Adams-Arapahoe 28J	2008	445	11.0%
Banning Lewis Ranch Academy	District 49	District 49	2006	1435	5.9%
Battle Rock Charter School	Montezuma-Cortez RE-1	Montezuma-Cortez RE-1	1994	77	PP
Belle Creek Charter School	School District 27J	School District 27J	2003	689	6.7%
Ben Franklin Academy	Douglas County Re 1	Douglas County Re 1	2011	930	4.7%
Boulder Prep Charter High School	Boulder Valley Re 2	Boulder Valley Re 2	1997	117	15.4%
Bromley East Charter School	School District 27J	School District 27J	2001	1181	6.6%
Caprock Academy	Mesa County Valley 51	Charter School Institute	2007	878	8.0%
Carbon Valley Academy	St Vrain Valley RE1J	St Vrain Valley RE1J	2005	231	PP
Carbondale Community Charter School	Roaring Fork RE-1	Roaring Fork RE-1	1995	135	0.0%
Cardinal Community Academy Charter School	Weld County School District RE-3J	Weld County School District RE-3J	2000	188	PP
Challenge to Excellence Charter School	Douglas County Re 1	Douglas County Re 1	2002	521	5.8%
Chavez/Huerta K-12 Preparatory Academy	Pueblo City 60	Pueblo City 60	2009	1026	4.4%
Cherry Creek Charter Academy	Cherry Creek 5	Cherry Creek 5	1995	570	6.5%
Children's Kiva Montessori School	Montezuma-Cortez RE-1	Montezuma-Cortez RE-1	2014	97	PP
CIVA Charter Academy	Colorado Springs 11	Colorado Springs 11	1997	179	12.3%
Collegiate Academy of Colorado	Jefferson County R-1	Jefferson County R-1	1994	457	10.5%
Colorado Early College Fort Collins	Poudre R-1	Charter School Institute	2012	1319	3.4%
Colorado Early Colleges Aurora	Adams-Arapahoe 28J	Charter School Institute	2018	343	6.7%
Colorado Early Colleges Douglas County	Douglas County Re 1	Charter School Institute	2014	651	PP
Colorado Early Colleges Fort Collins West	Poudre R-1	Charter School Institute	2019	35	PP
Colorado Early Colleges Windsor	Poudre R-1	Charter School Institute	2019	185	PP
Colorado High School Charter	Denver County 1	Denver County 1	2002	283	14.8%
Colorado High School Charter - GES	Denver County 1	Denver County 1	2018	170	11.2%
Colorado International Language Academy	Colorado Springs 11	Charter School Institute	2013	381	5.5%
Colorado Military Academy	Colorado Springs 11	Charter School Institute	2018	509	10.0%

Colorado Skies Academy	Cherry Creek 5	Cherry Creek 5	2019	118	PP
Colorado Springs Charter Academy	Colorado Springs 11	Charter School Institute	2005	431	7.2%
Colorado Springs Early Colleges	Colorado Springs 11	Charter School Institute	2007	579	PP
Colorado Virtual Academy	Byers 32J	Byers 32J	2003	237	PP
Colorado Virtual Academy High School	Byers 32J	Byers 32J	2003	357	8.1%
Colorado Virtual Academy Middle School	Byers 32J	Byers 32J	2014	135	PP
Community Leadership Academy	Adams County 14	Charter School Institute	2005	456	5.0%
Community Prep Charter School	Colorado Springs 11	Colorado Springs 11	1995	228	PP
Compass Academy	Denver County 1	Denver County 1	2015	300	16.0%
Compass Community Collaborative School	Poudre R-1	Poudre R-1	2019	174	PP
Compass Montessori - Golden Charter School	Jefferson County R-1	Jefferson County R-1	2000	423	10.9%
Compass Montessori - Wheat Ridge Charter School	Jefferson County R-1	Jefferson County R-1	1998	286	10.1%
Coperni 2	Colorado Springs 11	Charter School Institute	2019	197	PP
Coperni 3	Colorado Springs 11	Charter School Institute	2019	226	10.2%
Crestone Charter School	Moffat 2	Moffat 2	1995	88	PP
Crown Pointe Charter Academy	Adams County School District 50	Charter School Institute	1997	469	12.4%
DC Montessori Charter School	Douglas County Re 1	Douglas County Re 1	1997	556	6.3%
Denver Justice High School	Denver County 1	Denver County 1	2009	109	PP
Denver Language School	Denver County 1	Denver County 1	2010	869	4.0%
Doral Academy of Colorado	Jefferson County R-1	Jefferson County R-1	2017	193	10.4%
Downtown Denver Expeditionary School	Denver County 1	Denver County 1	2013	344	7.8%
DSST Middle School @ Noel Campus	Denver County 1	Denver County 1	2019	309	5.8%
DSST: Byers High School	Denver County 1	Denver County 1	2016	529	8.5%
DSST: Byers Middle School	Denver County 1	Denver County 1	2013	482	7.1%
DSST: Cole High School	Denver County 1	Denver County 1	2014	362	15.5%
DSST: Cole Middle School	Denver County 1	Denver County 1	2011	346	13.0%
DSST: College View High School	Denver County 1	Denver County 1	2015	539	7.4%
DSST: College View Middle School	Denver County 1	Denver County 1	2012	471	12.5%
DSST: Conservatory Green High School	Denver County 1	Denver County 1	2017	442	8.4%
DSST: Conservatory Green Middle School	Denver County 1	Denver County 1	2014	472	10.4%

DSST: Green Valley Ranch High School	Denver County 1	Denver County 1	2010	556	9.2%
DSST: Green Valley Ranch Middle School	Denver County 1	Denver County 1	2010	482	9.5%
DSST: Henry Middle School	Denver County 1	Denver County 1	2017	215	14.9%
DSST: Montview High School	Denver County 1	Denver County 1	2004	577	9.0%
DSST: Montview Middle School	Denver County 1	Denver County 1	2004	474	9.9%
Eagle County Charter Academy	Eagle County RE 50	Eagle County RE 50	1994	346	4.6%
Eagle Ridge Academy	School District 27J	School District 27J	2010	522	3.1%
Early College of Arvada	Adams County School District 50	Charter School Institute	2008	335	6.9%
Eastlake High School of Colorado Springs	Colorado Springs 11	Colorado Springs 11	2009	163	17.2%
Empower Community High School	Adams-Arapahoe 28J	Adams-Arapahoe 28J	2019	120	29.2%
Excel Academy Charter School	Jefferson County R-1	Jefferson County R-1	1995	516	7.6%
Firestone Charter Academy	St Vrain Valley RE1J	St Vrain Valley RE1J	2009	601	11.5%
Flagstaff Charter Academy	St Vrain Valley RE1J	St Vrain Valley RE1J	2005	921	7.8%
Fort Collins Montessori School	Poudre R-1	Poudre R-1	2014	141	PP
Foundations Academy	School District 27J	School District 27J	2010	751	10.0%
Frontier Charter Academy	Greeley 6	Greeley 6	1997	1628	7.4%
Georgetown Community School	Clear Creek RE-1	Clear Creek RE-1	2006	107	PP
Girls Athletic Leadership School High School	Denver County 1	Denver County 1	2014	133	17.3%
Girls Athletic Leadership School Middle School	Denver County 1	Denver County 1	2010	297	10.8%
Global Village Academy - Douglas County	Douglas County Re 1	Douglas County Re 1	2015	389	7.7%
Global Village Academy - Northglenn	Adams 12 Five Star Schools	Charter School Institute	2017	883	7.2%
Global Village Academy Aurora	Adams-Arapahoe 28J	Adams-Arapahoe 28J	2007	947	7.2%
Globe Charter School	Colorado Springs 11	Colorado Springs 11	1996	176	10.8%
GOAL Academy	District 49	District 49	2008	4965	9.4%
Golden View Classical Academy	Jefferson County R-1	Charter School Institute	2015	678	0.0%
Grand Peak Academy	District 49	District 49	2008	760	6.2%
Great Work Montessori	Jefferson County R-1	Jefferson County R-1	2018	210	PP
Guffey Charter School	Park County RE-2	Park County RE-2	1996	38	#N/A
Heritage Heights Academy	Cherry Creek 5	Cherry Creek 5	2017	327	5.2%
High Point Academy	School District 27J	Charter School Institute	2006	715	6.7%
Highline Academy Northeast	Denver County 1	Denver County 1	2014	546	13.4%
Highline Academy Southeast	Denver County 1	Denver County 1	2004	520	6.2%

HOPE Online Learning Academy High School	Douglas County Re 1	Douglas County Re 1	2005	590	12.0%
HOPE Online Learning Academy Middle School	Douglas County Re 1	Douglas County Re 1	2005	489	9.8%
Horizons K-8 School	Boulder Valley Re 2	Boulder Valley Re 2	1991	348	10.6%
Independence Academy	Mesa County Valley 51	Mesa County Valley 51	2004	415	6.0%
James Irwin Charter Academy	Colorado Springs 11	Charter School Institute	2013	326	8.0%
James Irwin Charter Elementary School	Harrison 2	Harrison 2	2000	535	3.0%
James Irwin Charter High School	Harrison 2	Harrison 2	2000	441	PP
James Irwin Charter Middle School	Harrison 2	Harrison 2	2000	471	PP
James Madison Charter Academy School	Widefield 3	Widefield 3	2004	108	PP
Jefferson Academy	Jefferson County R-1	Jefferson County R-1	1994	1051	PP
Jefferson Academy Elementary	Jefferson County R-1	Jefferson County R-1	1994	749	6.1%
Jefferson Academy High School	Jefferson County R-1	Jefferson County R-1	1994	414	PP
Juniper Ridge Community School	Mesa County Valley 51	Mesa County Valley 51	2013	359	13.1%
Justice High Charter School	Boulder Valley Re 2	Boulder Valley Re 2	2006	98	27.6%
KIPP Denver Collegiate High School	Denver County 1	Denver County 1	2009	489	7.2%
KIPP Northeast Denver Leadership Academy	Denver County 1	Denver County 1	2015	543	11.0%
KIPP Northeast Denver Middle School	Denver County 1	Denver County 1	2011	492	9.3%
KIPP Northeast Elementary	Denver County 1	Denver County 1	2015	484	11.0%
KIPP Sunshine Peak Academy	Denver County 1	Denver County 1	2002	430	7.7%
KIPP Sunshine Peak Elementary	Denver County 1	Denver County 1	2019	115	13.9%
Knowledge Quest Academy	Johnstown-Milliken RE-5J	Johnstown-Milliken RE-5J	2002	402	9.2%
Lake George Charter School	Park County RE-2	Park County RE-2	1999	153	PP
Landmark Academy at Reunion	School District 27J	School District 27J	2007	749	10.0%
Launch High School	Colorado Springs 11	Charter School Institute	2017	77	PP
Legacy Academy	Elizabeth School District	Elizabeth School District	1997	465	6.0%
Leman Classical Academy	Douglas County Re 1	Douglas County Re 1	2019	748	6.8%
Liberty Common Charter School	Poudre R-1	Poudre R-1	1997	1148	PP
Liberty Tree Academy	District 49	District 49	2019	501	7.4%
Lincoln Charter Academy	Jefferson County R-1	Jefferson County R-1	1997	804	7.8%
Littleton Academy	Littleton 6	Littleton 6	1996	463	5.2%

Littleton Prep Charter School	Littleton 6	Littleton 6	1998	584	5.3%
Lotus School for Excellence	Adams-Arapahoe 28J	Adams-Arapahoe 28J	2006	916	4.5%
Loveland Classical School	Thompson R2-J	Thompson R2-J	2011	917	6.9%
Marble Charter School	Gunnison Watershed RE1J	Gunnison Watershed RE1J	1995	48	PP
Mesa Valley Community School	Mesa County Valley 51	Mesa County Valley 51	2014	396	8.3%
Monarch Montessori	Denver County 1	Denver County 1	2012	205	PP
Montessori del Mundo Charter School	Adams-Arapahoe 28J	Charter School Institute	2014	359	10.9%
Montessori Peaks Charter Academy	Jefferson County R-1	Jefferson County R-1	1997	476	6.7%
Monument Charter Academy	Lewis-Palmer 38	Lewis-Palmer 38	1996	966	6.2%
Monument View Montessori Charter School	Mesa County Valley 51	Charter School Institute	2018	46	PP
Mount View Core Knowledge Charter School	Canon City RE-1	Canon City RE-1	1996	252	11.5%
Mountain Middle School	Durango 9-R	Charter School Institute	2011	245	PP
Mountain Phoenix Community School	Jefferson County R-1	Jefferson County R-1	2011	664	8.0%
Mountain Sage Community School	Poudre R-1	Poudre R-1	2013	318	6.0%
Mountain Song Community School	Colorado Springs 11	Charter School Institute	2013	370	11.1%
Mountain Village Montessori Charter School	Steamboat Springs RE-2	Charter School Institute	2017	161	PP
New America School	Jefferson County R-1	Jefferson County R-1	2006	152	0.0%
New America School - Lowry	Adams-Arapahoe 28J	Charter School Institute	2005	285	PP
New America School - Thornton	Adams 12 Five Star Schools	Adams 12 Five Star Schools	2004	337	9.8%
New Legacy Charter School	Adams-Arapahoe 28J	Charter School Institute	2015	98	PP
New Summit Charter Academy	Academy 20	Academy 20	2019	554	6.3%
New Vision Charter School	Thompson R2-J	Thompson R2-J	2006	713	7.7%
North Routt Charter School	Steamboat Springs RE-2	Steamboat Springs RE-2	2001	99	16.2%
North Star Academy	Douglas County Re 1	Douglas County Re 1	2006	667	4.8%
Odyssey School of Denver	Denver County 1	Denver County 1	1998	233	7.3%
Omar D Blair Charter School	Denver County 1	Denver County 1	2004	716	6.8%
Pagosa Peak Open School	Archuleta County 50 Jt	Archuleta County 50 Jt	2018	102	PP
Paradox Valley Charter School	West End RE-2	West End RE-2	1999	38	PP
Parker Core Knowledge Charter School	Douglas County Re 1	Douglas County Re 1	2015	702	4.6%
Parker Performing Arts	Douglas County Re 1	Douglas County Re 1	2017	735	9.9%
Peak to Peak Charter School	Boulder Valley Re 2	Boulder Valley Re 2	2000	1450	5.9%
Pikes Peak School Expeditionary Learning	District 49	District 49	1999	407	9.6%

Platte River Charter Academy	Douglas County Re 1	Douglas County Re 1	1997	565	5.0%
Power Technical Early College	District 49	District 49	2017	317	8.2%
Prospect Ridge Academy	Adams 12 Five Star Schools	Adams 12 Five Star Schools	2011	1392	4.2%
Pueblo Charter School for the Arts & Sciences	Pueblo City 60	Pueblo City 60	1994	454	4.4%
Pueblo School for Arts & Sciences at Fulton Heights	Pueblo City 60	Pueblo City 60	2018	227	12.8%
Reach Charter School	Denver County 1	Denver County 1	2015	140	35.7%
Renaissance Secondary School	Douglas County Re 1	Douglas County Re 1	2018	327	20.8%
Ricardo Flores Magon Academy	Adams County School District 50	Charter School Institute	2007	261	8.0%
Ridge View Academy Charter School	Denver County 1	Denver County 1	2001	109	PP
Ridgeview Classical Charter Schools	Poudre R-1	Poudre R-1	2001	690	PP
RiseUp Community School	Denver County 1	Denver County 1	2015	129	12.4%
Rocky Mountain Academy of Evergreen	Jefferson County R-1	Jefferson County R-1	2001	320	12.5%
Rocky Mountain Classical Academy	District 49	District 49	2006	1102	6.2%
Rocky Mountain Deaf School	Jefferson County R-1	Jefferson County R-1	1997	62	100.0%
Rocky Mountain Prep: Berkeley	Denver County 1	Denver County 1	2019	304	9.5%
Rocky Mountain Prep: Creekside	Denver County 1	Denver County 1	2012	608	12.2%
Rocky Mountain Prep: Fletcher	Adams-Arapahoe 28J	Adams-Arapahoe 28J	2017	545	14.9%
Rocky Mountain Prep: Southwest	Denver County 1	Denver County 1	2015	490	11.8%
Roosevelt Charter Academy	Colorado Springs 11	Colorado Springs 11	1996	582	7.4%
Ross Montessori School	Roaring Fork RE-1	Charter School Institute	2005	292	8.2%
Salida del Sol Academy	Greeley 6	Greeley 6	2006	665	9.3%
Salida Montessori Charter School	Salida School District R32J	Charter School Institute	2015	86	PP
Skyview Academy	Douglas County Re 1	Douglas County Re 1	2010	1292	5.4%
SOAR at Green Valley Ranch	Denver County 1	Denver County 1	2010	437	5.9%
Southwest Open Charter School	Montezuma-Cortez RE-1	Montezuma-Cortez RE-1	1999	122	15.6%
St. Vrain Community Montessori School	St Vrain Valley RE1J	St Vrain Valley RE1J	2009	258	7.0%
Stargate Charter School	Adams 12 Five Star Schools	Adams 12 Five Star Schools	1994	1421	6.0%
STEM School Highlands Ranch	Douglas County Re 1	Douglas County Re 1	2011	1750	6.5%
Stone Creek School	Eagle County RE 50	Charter School Institute	2006	321	18.7%

STRIVE Prep - Federal	Denver County 1	Denver County 1	2006	355	14.1%
STRIVE Prep - Green Valley Ranch	Denver County 1	Denver County 1	2012	359	7.0%
STRIVE Prep - Kepner	Denver County 1	Denver County 1	2017	249	13.3%
STRIVE Prep - Lake	Denver County 1	Denver County 1	2010	284	17.3%
STRIVE Prep - Montbello	Denver County 1	Denver County 1	2012	243	14.8%
STRIVE Prep - Rise	Denver County 1	Denver County 1	2017	513	11.5%
STRIVE Prep - Ruby Hill	Denver County 1	Denver County 1	2014	484	17.4%
STRIVE Prep - Smart Academy	Denver County 1	Denver County 1	2012	484	15.1%
STRIVE Prep - Sunnyside	Denver County 1	Denver County 1	2010	254	16.9%
STRIVE Prep - Westwood	Denver County 1	Denver County 1	2009	333	13.8%
Summit Middle Charter School	Boulder Valley Re 2	Boulder Valley Re 2	1996	359	PP
Swallows Charter Academy	Pueblo County 70	Pueblo County 70	1996	550	6.7%
Swallows Charter Academy High School	Pueblo County 70	Pueblo County 70	1996	149	PP
TCA College Pathways	Academy 20	Academy 20	1997	522	PP
The Classical Academy Charter	Academy 20	Academy 20	1994	2196	4.4%
The Classical Academy High School	Academy 20	Academy 20	1994	596	3.5%
The Classical Academy Middle School	Academy 20	Academy 20	1994	433	7.2%
The Connect Charter School	Pueblo County 70	Pueblo County 70	1993	279	0.0%
The Cube	Denver County 1	Denver County 1	2019	81	PP
The Juniper School	Durango 9-R	Durango 9-R	2018	138	PP
The Pinnacle Charter School	Adams 12 Five Star Schools	Charter School Institute	1997	2018	8.4%
The Vanguard School (Elementary)	Cheyenne Mountain 12	Cheyenne Mountain 12	2006	1011	3.2%
The Vanguard School (High)	Cheyenne Mountain 12	Cheyenne Mountain 12	2006	271	PP
The Vanguard School (Middle)	Cheyenne Mountain 12	Cheyenne Mountain 12	2006	230	PP
Thomas MacLaren State Charter School	Colorado Springs 11	Charter School Institute	2009	867	4.6%
Twin Peaks Charter Academy	St Vrain Valley RE1J	St Vrain Valley RE1J	1997	729	7.4%
Two Rivers Community School	Roaring Fork RE-1	Charter School Institute	2014	349	12.6%
Two Roads Charter School	Jefferson County R-1	Jefferson County R-1	2010	635	4.9%
Union Colony School	Greeley 6	Greeley 6	1997	864	6.9%
University Prep - Arapahoe St.	Denver County 1	Denver County 1	2011	330	8.5%
University Prep - Steele St.	Denver County 1	Denver County 1	2017	329	10.3%
University Schools	Greeley 6	Greeley 6	1999	1774	6.0%
Vanguard Classical School - East	Adams-Arapahoe 28J	Adams-Arapahoe 28J	2014	702	9.3%

Vanguard Classical School - West	Adams-Arapahoe 28J	Adams-Arapahoe 28J	2007	422	9.5%
Vega Collegiate Academy	Adams-Arapahoe 28J	Adams-Arapahoe 28J	2018	237	12.2%
Victory Preparatory Academy High State Charter School	Adams County 14	Charter School Institute	2013	123	PP
Victory Preparatory Academy Middle State Charter School	Adams County 14	Charter School Institute	2013	204	PP
Villa Bella Expeditionary School	Pueblo County 70	Pueblo County 70	2019	192	PP
Vision Charter Academy	Delta County 50(J)	Delta County 50(J)	2015	476	14.1%
Vista Charter School	Montrose County RE-1J	Montrose County RE-1J	2004	209	12.9%
West Ridge Academy	Greeley 6	Greeley 6	2011	434	4.6%
Westgate Charter	Adams 12 Five Star Schools	Adams 12 Five Star Schools	2009	523	6.1%
Windsor Charter Academy Early College High School	Windsor RE-4	Windsor RE-4	2015	302	PP
Windsor Charter Academy Elementary School	Windsor RE-4	Windsor RE-4	2001	685	3.6%
Windsor Charter Academy Middle School	Windsor RE-4	Windsor RE-4	2001	351	PP
Woodrow Wilson Charter Academy	Jefferson County R-1	Jefferson County R-1	2000	931	2.6%
World Compass Academy	Douglas County Re 1	Douglas County Re 1	2015	619	8.1%
Wyatt Academy	Denver County 1	Denver County 1	1998	178	PP

Appendix Table 2. Five Charter Schools with the Highest Enrollment of Students with Disabilities in Colorado in 2019, from Highest Enrollment to Lowest Enrollment¹¹¹

Charter School	Authorizer	Enrollment of Students with Disabilities	Notes About School Model
Rocky Mountain Deaf School	Jefferson County R-1	100%	The school “offers a bilingual education for Deaf and Hard of Hearing students preschool-12th grade and provide[s] a language rich environment in both American Sign Language (ASL) and English.”
Reach Charter School	Denver County 1	35.70%	The school “offers a personalized whole-child learning experience, in fully inclusive classrooms, to meet the unique needs of every student, regardless of background or abilities. At REACH, “all means all” and each student has the opportunity to access a standards-based curriculum through differentiation and project-based learning that tailors instruction to the child’s unique talents, skills, learning style, and growth needs. Teams of teachers at every grade level collaboratively plan instruction, curricular adaptations, and any necessary specialized interventions. By learning, playing, and creating side-by-side with diverse peers, REACH students not only achieve personal success academically, physically,

¹¹¹ School model notes were pulled during the website review and reflect excerpts from charter schools’ respective websites.

			emotionally, and socially, but they also develop empathy and collaborative problem-solving skills."
Empower Community High School	Adams-Arapahoe 28J	29.20%	"Co-creation is central to [the school's] design as it ensures that students feel a sense of ownership and reasoned purpose. The instructional approach is dynamic; the co-creation process ensures that instruction and learning is always personally, culturally, and civically relevant. Every lesson, every course, every project has meaning to the individual student and to her community. The student-led instructional approach integrates applied practice of all academic fields by grounding learning in student-designed projects."
Justice High Charter School	Boulder Valley RE 2	27.60%	The school's "curriculum and program design is ideal for at risk youth who are disconnected from the traditional school system because of juvenile delinquency, drugs and alcohol, alienation, or other factors." The school "provides its students with a structured academic setting with high expectations."
5280 High School	Denver County 1	21.10%	The school "prepares all students for success in college, their future career, and anything life throws at them through authentic academic experiences and a culture of holistic wellness embedded in strong diverse community." 5280, "founded on the principle that success today requires more than just academic, factual knowledge," "fosters the ability to dynamically engage with the world and others around them through project based learning, or PBL. PBL is an approach which transforms education from 'teachers telling' to 'students doing.'"

Appendix Figure 1. Example Charter School Contract Language: Special Education Service Agreements with District LEA¹¹²

Example 1: Combination/Modified Insurance Model Special Education Services.

For each student with an IEP enrolled in the School, the District shall provide all federally required educational services at the School, except those typically provided by mild/moderate teachers which shall be the responsibility of the School. The federal required educational services that the District will provide to the School are as follows:

- The District will provide support in the form of a learning disabled (LD) teacher, a speech language pathologist (SLP), an occupational therapist (OT), and a psychologist for SPED testing and IEP services only based on the number of students with Individualized Education Plans (IEPs).
- Professional development opportunities are available to School special education teachers at a level consistent with other schools in the District serving the same grade levels.
- The District will also provide consultation and support from the District Executive Director of Student Achievement Services or his/her designee on educational programming and IEP development.

In consideration for these services during the 2020-2021 school year, the School shall pay to the District \$5,798 for each student with an IEP that is enrolled in the School. This amount shall be revised annually based on the District's then-current excess cost accounting.

¹¹² Sample charter school contracts provided by the Colorado Department of Education, 2020. Language was copied verbatim from school contracts but the name of the district/authorizer and charter school have been masked.

Example 2: Contracted Model

5.6 Education of Students with Disabilities. [Charter School] is a school of the School District. The School District is the “Local Educational Agency” (LEA) responsible for special education at [Charter School]. For students who are eligible to receive special education under the Individuals with Disabilities Education Act (IDEA), special education and related services will be provided at [Charter School] using District special education staff and procedures, except as provided in 5.6.2. As a recipient of federal funds, [Charter School] is responsible for complying with the provisions of Section 504 of the Rehabilitation Act of 1973 as to student with disabilities who qualify for the protections thereunder. [Charter School] agrees to follow School District policy in identifying students who are Section 504 eligible and providing them with reasonable accommodation.

5.6.1 [Charter School] Responsibilities. [Charter School] will comply with federal and state laws and regulations concerning the education of students with disabilities, District Board of Education Policies and Regulations concerning the education of students with disabilities, and District special education and Section 504 policies and procedures, to the extent not otherwise waived. With respect to IDEA-eligible students, [Charter School] will comply with this obligation by contracting with the School District to provide special education, related services, and accommodations during the term of this contract under an “insured model” that equally distributes on a per-pupil basis the total District-wide costs of providing such services among the total number of District funded Student FTEs, including [Charter School] students.

[Charter School] will cooperate with and assist the School District in the identification (Child Find), referral, assessment, eligibility determination, IEP development, and the delivery of special education services for IDEA-eligible students. This includes but is not limited to, making available an appropriate workplace for District staff which ensures the maintenance of confidentiality; providing an educational setting during the regular school day for the provision of special education and related services; providing an appropriate meeting room at the [Charter School] site for meetings with parents; providing time at [Charter School] expense for the students’ general education teachers to attend individualized education program (IEP) meetings and other relevant meetings, and to provide consultation to the School District’s special education staff concerning students; access to technology for the purpose of conducting the duties of a special education provider; providing any educational, social-emotional, and behavioral assessments for the use of special education staff; access to all relevant student data; and, materials appropriate to support the implementation of students’ IEPs, Behavior Intervention Plans, Health Care Plans, and other IEP-related plans.

A Response to Intervention model will be implemented for the purposes of determining initial eligibility and continued eligibility of students with a Specific Learning Disability.

Homebound services shall be provided by and at the expense of [Charter School] for students who are temporarily unable to attend [Charter School] for medical or other qualifying reasons. If a student’s needs change such that he/she requires a homebound setting to receive a free appropriate public education under the IDEA or Section 504, the matter will be addressed and a change of placement may be made by the student’s IEP or Section 504 team in accordance with applicable law. Such services, if provided under the Exceptional Children’s Education Act (“ECEA”) and/or IDEA shall be, consistent with the “insured model” provided by and at the expense of the School District.

[Charter School] will be responsible for compliance with Section 504 and applicable School District practices in handling the referral, evaluation, eligibility determination, development and implementation of a Section

504 plan, annual reviews, and reevaluations for qualified students with disabilities. Additionally, in compliance with Section 504, [Charter School] will maintain a learning environment free from discrimination, harassment, and/or retaliation on the basis of disability; identify one or more Section 504 coordinator(s) who will be trained by a qualified School District trainer; provide annual and other notice of nondiscrimination in admission or access to its programs (including non-academic and extracurricular programs and activities) and training consistent with the District Policy AC (unless waived); provide a free, appropriate public education to all qualified students with disabilities; periodically notify persons with disabilities and their parents/guardians of students with disabilities their procedural rights under Section 504; notify parents/guardians of their rights, including the right to examine relevant records, request an impartial hearing, and to challenge decisions regarding the identification, evaluation, or placement of their child; and provide parents the opportunity to examine records.

5.6.2 The School District's Responsibilities. The School District, as the LEA and responsible administrative unit, is responsible for ensuring that the requirements of federal special education law and regulations are met in [Charter School], and that special education and related services are provided in [Charter School] in the same manner as they are provided in other schools in the School District. [Charter School] may elect to hire its own 1.0 FTE special education teacher for whom it will receive a credit against the costs to be paid to the School District for special education services. The [Charter School] recommended selection of a special education teacher from among the candidates provided by the School District's Director of Special Education shall be forwarded to the Board of Education for approval. Additionally, the School District will provide support staff in [Charter School] to the same extent that such services are available in all other schools in the School District. Staff will use district forms, documents and procedures, and will conduct and/or oversee all referral processes, evaluations, reevaluations, eligibility determinations, placement decisions, and development and implementation of IEPs for IDEA-eligible students with disabilities at [Charter School]. Additionally, the School District will oversee procedural compliance with federal and state law and regulations concerning the education of students with disabilities. In matters in which [Charter School] and the School District may have a disagreement as to the correct interpretation of a particular statute or regulation concerning the education of students with disabilities, the School District's interpretation will control.

The School District will provide training, consultation, and advice to [Charter School] as needed with regard to Section 504 compliance, including legal interpretations, but not limited to, training related to the identification and evaluation of students suspected of having disabilities and the development of Section 504 Plans, recommendations for intervention strategies and accommodations, and assistance in conducting Section 504 Plan meetings.

5.6.3 Limitations to Special Educations Services at [Charter School]. [Charter School], like other district schools, does not offer a full continuum of services. Specific services for students with more significant needs are not available at [Charter School]. For residents of the School District, such services are available at designated school sites. For non-residents, provision of such services are the responsibility of the administrative unit of residence.

Example 3: Insurance Model

f. Education of Students with Disabilities. [Charter School] agrees to comply with all District Board-approved policies and regulations and the requirements of federal and state law concerning the education of children with disabilities.

(i.) [Charter School] shall comply with this obligation by contracting with the District to provide special education and related services during the term of this Contract under a Charter Directed - Full Cost Insured Model ("insured model"). Under this insured model, the cost to [Charter School] is determined as follows and shown on the pro-forma spreadsheet attached and incorporated as Exhibit A:

(A) The previous fiscal year's total expenditures for providing all special needs services district-wide, including at [Charter School], are totaled and reconciled ("total district special education costs"). Of this total, all amounts spent on district-provided "overarching" special needs services including, without limitation, special needs transportation, indirect costs from any grants received, general supervision and oversight, child-find services, parent liaison services, out-of-district placements, and legal costs for special education issues are calculated ("district overarching costs"). The district overarching costs are divided by the total district (including [Charter School]) "pupil enrollment," as defined in C.R.S. § 22-54-103(1) (hereinafter "Student FTE"), to determine the per-pupil amount of district overarching costs. This per-pupil overarching cost amount is then multiplied by the number of Student FTEs enrolled in [Charter School] to determine [Charter School]'s share of district overarching costs that will be retained from [Charter School]'s per pupil revenue ("PPR") by the School District.

(B) It is the intention of [Charter School] and the School District that the weighted special education enrollment at [Charter School] will be equal to that of the District to the extent reasonably possible and that [Charter School] and the School District will share equally the direct costs of serving students with disabilities in the District. To accomplish this, the direct costs will be allocated as follows: The total of district overarching costs, as determined above, is subtracted from the total district special education costs to determine the district's direct special education costs ("direct special education costs"). The direct special education costs are then allocated among the District's previous year's December 1 special education students based on the severity of their needs (i.e. mild, moderate or severe categories). Students in the mild category receive a weight of 1. Students in the moderate category receive a weight of 1.85, and students in the severe category receive a weight of 3. The current year's December 1 counts of special needs students (including funded Student FTE Preschool Students) in the various categories of severity are multiplied by the weighting factors to determine the respective weighted totals for each category district-wide and, as part of that number, at [Charter School]. The direct special education costs are divided by the weighted total to determine a unit cost per weight. This unit cost per weight is multiplied by [Charter School]'s weighted total to determine [Charter School]'s share of direct special education costs. To the extent that [Charter School]'s special needs enrollment does not meet the weighted average special education enrollment based on [Charter School]'s percentage of total district student enrollment, [Charter School] will contribute funds to the School District for the difference based upon the same weighted unit formula. [Charter School] will expend its share of direct special education costs towards meeting the IEP requirements of its students (see example provided in Exhibit A).

(C) Finally, as required under C.R.S. § 22-30.5- 12(a.8), [Charter School] shall receive or be credited for its share of the allocation of federal and state moneys that are received by the School District for providing special education services, such amount to be based upon the assumption and reconciliation in subparagraph (B) above that [Charter School]'s percentage of weighted special education enrollment to the total [Charter School] Student FTEs should be the same as the School District's average percentage of weighted special education enrollment to the District total Student FTEs. (For example, on Exhibit A, if [Charter School]'s percentage of Student FTEs divided by total School District enrollment is 14.69% (900.5/6130), the District will retain 85.31% (100% - 14.69%) of reimbursements and [Charter School] will be credited with 14.69%.)

(ii.) Upon request for enrollment of a School District resident student, the School District and [Charter School] shall determine whether the student has been identified as a child with disabilities. If so, the parties shall obtain a copy of the student's individualized education program ("IEP"). A properly constituted IEP team, including the School District's Director of Special Education, [Charter School]'s principal, the parent of the child, and professionally qualified personnel designated by the Director of Special Education in accordance with C.R.S. § 22-20-108 (1), shall be convened to determine if a free appropriate public education is available for the student at [Charter School] and, if so, what services are to be provided by the School District and what services will be provided by the [Charter School] classroom teacher.

(iii.) In the event of a disagreement between [Charter School] and the School District as to any and all aspects of the acceptance, placement or education of a student with disabilities, the School District's Director of Special Education, after consultation with [Charter School]'s principal, shall make the final decision, which shall not be subject to dispute resolution under this Contract. To the extent that special education or related services are required pursuant to a student's IEP that cannot be provided by [Charter School] staff, the School District will do so, subject to and in consideration of the provisions for funding in Paragraph 7.a.iii. below. Should a student with disabilities be removed from [Charter School], special needs funding and reimbursement allocations should be prorated.

(iv.) If a student with disabilities who is not a resident of the School District applies for admission into [Charter School], enrollment acceptance is contingent upon an appropriate IEP team, including the School District's Director of Special Education, [Charter School]'s principal, the parent of the child, and professionally qualified personnel designated by the Director of Special Education in accordance with C.R.S. § 22-20-108(1), being convened to determine if a free appropriate public education is available for the student at [Charter School]. The student will not be accepted as a student at [Charter School] if the IEP team finds that a free appropriate public education is not available for the student at [Charter School]. If the non-resident student with disabilities enrolled in [Charter School] is one for whom tuition may be charged or excess costs collected, [Charter School] is entitled to collect and retain said monies on behalf of [Charter School]. Neither the School District nor [Charter School] shall be responsible for providing transportation for any non-resident student with disabilities. If a student with disabilities who is not a resident of or enrolled in the School District applies for admission into [Charter School] after October 1, [Charter School] desires to consider the student for enrollment notwithstanding the provisions of C.R.S. § 22-36-101, and the IEP team finds that a free appropriate public education is available for the student at [Charter School], then [Charter School] will assume, or reimburse the School District for, all costs of serving the student for the remainder of that school year.

(v.) [Charter School] shall remain solely responsible for all costs of providing those services required under all IEPs for students at [Charter School], as provided under the insured model, described in this subparagraph 5.f. [Charter School] shall be responsible for ensuring that its employees properly carry out the applicable requirements of each IEP.

(vi.) In the event the Parties disagree with the amounts derived in any fiscal year from applying the formula in this Contract for calculating special education costs, including the application of CDE's standards for determining the various degrees of disability in the formula within this Contract, and that dispute cannot be resolved between the District's Superintendent and the Executive Director of [Charter School] within fifteen (15) business days from the time either party notifies the other of the dispute, then within five (5) business days thereafter the Parties shall jointly request review and mediation of the dispute by CDE's Exceptional Student Services Unit, Office of Special Education.

(vii.) If [Charter School] operates a preschool program, before and after school program, summer program, tuition-based extended kindergarten program, or other program outside the its regular kindergarten through twelfth grade, then [Charter School] will be responsible for all costs of providing services to any students with disabilities or students who qualify for the protections of Section 504 of the Rehabilitation Act of 1973 or other applicable state and federal non-discrimination laws. However, the School District shall provide [Charter School] with all associated funding to the extent received under C.R.S. § 22-20- 109(4)(a) as indicated in subparagraph 5.f.(i.) (C) above. Enrollment or participation in any of [Charter School]'s authorized programs, above, shall not give any student priority admission into [Charter School].

Appendix D. Best Practices for Increasing Enrollment of Students with Disabilities Toolkit

Addressing the low enrollment rates of students with disabilities in Colorado’s charter school sector will require action at the state, LEA, authorizer, and charter school levels. This toolkit provides ideas for specific ways in which stakeholders across the state can collaborate to operationalize the recommendations in this report. The resources highlighted in this toolkit demonstrate viable options for the sector to consider as it works to ensure students with disabilities are able to access and thrive in charter schools. We developed a curated list of tools below, including broad descriptions of each tool, links to practical examples, and considerations for effective implementation.

TOOL 1: ROOT CAUSE ANALYSIS AND NEEDS ASSESSMENT	
Best Practice	Implementation Considerations
<p>Our analysis of enrollment of students with disabilities in Colorado charter schools reveals that there are multiple and at times overlapping factors that contribute to relatively low enrollment rates. Stakeholders can complete a root cause analysis and needs assessment to 1) identify which practices, policies, and procedures contribute to the under-enrollment of students with disabilities in individual charter schools, and 2) create targeted intervention plans to address those underlying causes.</p>	<p>Charter schools and other stakeholders responsible for the education of students with disabilities (i.e., the Colorado Department of Education (CDE), authorizers, and the district as the LEA) can leverage root cause analyses and needs assessments through their respective roles. Key parameters of effective implementation include 1) identifying a diverse group of stakeholders to involve in the process, 2) completing the needs assessment and root cause analysis, 3) developing a plan for strategically addressing the identified issues, and 4) implementing and monitoring identified solutions.</p>
<p>Practical Examples</p> <ul style="list-style-type: none"> • Sample Snapshot of Special Education Enrollment Review and Excerpt from Special Education Enrollment Review Follow Up Report by the <i>Collaborative for Exceptional Education</i> 	

TOOL 2: ACCOUNTABILITY DRIVER	
Best Practice	Implementation Considerations
<p>Our analysis of Colorado charter schools’ enrollment of students with disabilities demonstrates that accountability systems at all levels can improve and more intentionally address issues of access. Stakeholders can 1) take an active approach to collecting data, tracking trends, and measuring access for students with disabilities in individual charter schools, and 2) respond to indicators with individualized support or action.</p>	<p>Oversight entities such as CDE and authorizers can actively improve their accountability systems and leverage them to drive positive change in the schools they are charged with holding accountable by 1) more actively overseeing school-level data on enrollment of students with disabilities and 2) providing support to schools in addressing problematic indicators. Districts, as the LEAs, and charter schools can ensure they meet external monitoring requirements by revising their internal accountability systems, closely measuring student-level and school-level data, and responding to data with corrective action if needed.</p>
<p>Practical Example Student Services Screener by the <i>Colorado Charter School Institute</i></p>	

TOOL 3: SCHOOL WEBSITE AUDITS	
Best Practice	Implementation Considerations
<p>Our analysis of Colorado charter schools’ websites and enrollment and application materials indicates that potentially discriminatory and exclusionary policies and procedures exist across the sector. Stakeholders can complete a detailed audit of individual schools’ websites to 1) understand how schools communicate their processes around enrollment and 2) identify potential barriers for students with disabilities and their families.</p>	<p>Oversight entities such as CDE and authorizers can leverage website audits by 1) incorporating their use in accountability frameworks, 2) clarifying requirements surrounding charter schools’ communication about enrollment on websites and in other materials, and 3) providing training and guidance on best practices around marketing and recruitment of specific populations. Districts, as the LEAs, and charter schools can use website audits to drive self-evaluations, improve the content on websites and in enrollment materials, and proactively ensure they meet monitoring requirements.</p>
<p>Practical Example Schools Choosing Students: How Arizona Charter Schools Engage in Illegal and Exclusionary Student Enrollment Practices and How It Should Be Fixed by the <i>ACLU of Arizona</i></p>	

TOOL 4: MYSTERY SHOPPER PROGRAM	
Best Practice	Implementation Considerations
<p>Two of the many factors identified during our analysis of Colorado’s charter school sector as influencing enrollment of students with disabilities are 1) exclusionary enrollment policies and other potential mechanisms of coaching away, and 2) community perceptions about the capacity of charter schools to educate students with disabilities. Stakeholders can examine how charter schools address questions about application and enrollment from families and determine whether responses are legal and appropriate.</p>	<p>Oversight entities such as CDE and authorizers can leverage mystery shopper programs by 1) incorporating their use in accountability frameworks, 2) providing financial support to launch and sustain program implementation, 3) creating guidance materials for participating schools, and 4) monitoring program findings to assess and meet school needs with training and support. Districts, as the LEAs, and charter schools can use mystery shopper programs to drive self-evaluations, improve how they communicate about enrollment with families, identify potential barriers, and develop a plan for addressing identified issues.</p>
<p>Practical Example All Welcome to Apply? “Mystery Parent” Initiative Found to be Cost-Effective Diagnostic Tool for Charter Authorizers Concerned about Equity by the <i>National Center for Special Education in Charter Schools</i></p>	

TOOL 5: MODEL POLICY GUIDE	
Best Practice	Implementation Considerations
<p>Stakeholders on the ground shared that one factor contributing to enrollment trends of students with disabilities in charter schools is the complex relationship between charter schools and their LEAs. The parameters of these relationships are typically iterated in the schools’ contracts with their authorizers. Stakeholders can identify areas in which both CDE’s sample contract and charter schools’ contracts with their authorizers can be strengthened.</p>	<p>Oversight entities, in partnership with districts, as the LEAs, and charter schools can leverage this sample policy guide through their respective roles. Key considerations for effective implementation include 1) identifying a representative group of stakeholders to be involved in the process via a working group or design team, 2) identifying the contracts or contract elements to be reviewed, 3) completing a strategic examination of the contracts in alignment with the model policy guide, 4) amending policies and procedures as needed, and 5) communicating, enforcing, and supporting the implementation of amendments.</p>
<p>Practical Example Leveraging Policy to Increase Access and Quality Opportunities for Students with Disabilities in Charter Schools by the <i>National Center for Special Education in Charter Schools</i></p>	

TOOL 6: PUBLICLY AVAILABLE SCHOOL-LEVEL REPORTS ON ENROLLMENT AND OUTCOMES	
Best Practice	Implementation Considerations
<p>Our analysis of enrollment of students with disabilities in Colorado charter schools demonstrates that perceptions of and choices made by families and communities are integral factors influencing enrollment trends across the state. Stakeholders can provide transparent, reliable, comparable information on schools to families and communities through publicly available reports that offer insight into enrollment and outcomes of identified subgroups for every school.</p>	<p>Oversight entities such as CDE and authorizers can leverage publicly available school-level reports on enrollment and outcomes by 1) providing funding and resources to launch and support implementation, 2) publishing the reports and facilitating outreach efforts, and 3) monitoring findings to determine where technical assistance and intervention may be needed. Districts, as the LEAs, and charter schools can utilize publicly available school-level reports to measure their enrollment and outcomes relative to other local schools and identify respective strengths and areas of improvement.</p>
<p>Practical Examples</p> <ul style="list-style-type: none"> • The DC School Report Card by the <i>DC Office of the State Superintendent of Education</i> • School Equity Reports by the <i>DC Public Charter School Board</i> 	

TOOL 7: TARGETED TECHNICAL ASSISTANCE	
Best Practice	Implementation Considerations
<p>Our analysis of Colorado charter schools’ enrollment suggests that schools across the sector struggle to meet a diverse range of student needs for a variety of interrelated reasons. Stakeholders can prioritize the provision of targeted technical assistance through collaborative efforts, including support with 1) building out a wider continuum of services in individual schools, 2) improving multi-tiered systems of support and response to intervention systems, and 3) developing the capacity of special educators and special education leaders.</p>	<p>Charter schools and other stakeholders responsible for the education of students with disabilities can leverage targeted technical assistance by investing in and prioritizing the provision of ongoing and differentiated professional development and technical assistance to build capacities of all school and district staff and shifting mindsets around ability and commitment to educating students with disabilities. Key elements of effective technical assistance include 1) implementation of evidence-based practices for educators and leaders, 2) facilitated collaboration across stakeholders, 3) clarity in stakeholder expectations and quality indicators for high-quality programming, 4) progress monitoring and capacity building frameworks, and 5) intentional relationship building across entities and stakeholders.</p>
<p>Practical Examples</p> <p>Building Capacity to Provide Quality Special Education Services and Supports: A Toolkit of Emerging Best Practices and Opportunities for Charter Support Organizations and Promising Practices: Building Relationships Leads to Improved Special Education Services for Students in Michigan by the <i>National Center for Special Education in Charter Schools</i></p>	