COLORADO CHARTER SCHOOL EQUITY PROJECT

Open to all: Equitable Access for Students with Disabilities in Colorado Charter Schools

White Paper and Case Studies for December 2020 Convening

Center for Education and Policy Analysis, University of Colorado Denver School of Public Affairs

Background

As part of its federal Charter Schools Program grant, the Schools of Choice Unit at the Colorado Department of Education (CDE) directed a report and convening on the topic of ensuring equitable access to charter schools for students with disabilities. The report was conducted by the National Center for Special Education in Charter Schools (NCSECS) and is available on the CDE website.[1] The Equity Convening was facilitated by the Center on Education Policy Analysis on Dec. 11, 2020.[2] Through this work, the CDE Schools of Choice Unit seeks to support charter schools and authorizers in employing policies and practices that increase equity and access to school choice for all students.

Overview of the NCSECS Report

NCSEC's report, "*Shared Responsibility, Shared Accountability: An Analysis of Enrollment of Students with Disabilities in Colorado's Charter School Sector,*" analyzed data on enrollment trends at Colorado charter schools for students with disabilities compared to trends at traditional public schools.[3] The report also reviewed charter school websites for enrollment policies, considered existing policy structures, and conducted stakeholder interviews. Key findings centered on the disproportionately low share of students with disabilities enrolled at Colorado charter schools. NCSECS found, for example, that in 2015-16, "Colorado charter schools, on average, enrolled students with disabilities at the lowest rate of all states with charter schools."[4]

The report summarizes findings from its website analysis, noting that many charter schools have not posted descriptions of how they enroll students with disabilities or how they educate such students, which has been found to be a promising practice for supporting successful enrollment. In addition, NCSECS highlights several policy issues that may be acting as barriers for access, including low school funding levels, legal structures that set authorizers as the local education agencies, special education service and funding models, and lack of state agency oversight. NCSECS issues multiple recommendations for policymakers, CDE, authorizers and charter schools to improve access for students with disabilities at charter schools.

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[1] National Center for Special Education in Charter Schools [NCSECS]. (2020). S*hared Responsibility, Shared Accountability: An Analysis of Enrollment of Students with Disabilities in Colorado's Charter School Sector.* Available at: https://www.cde.state.co.us/cdechart/nationalcenterreport2020
[2] For an agenda and resources, visit: https://sites.google.com/view/cocharterschoolequitycon/toolkit?authuser=0
[3] NCSECS, 2020.
[4] NCSECS, 2020, p. 5.

Overview of the Equity Convening

Charter school leaders, authorizers, and organizations that provide support to the charter sector convened virtually in December 2020 to engage in solutions-focused inquiry to better understand and address the barriers to access faced by students with special needs. CDE's Schools of Choice Director opened the convening by saying: "It is my hope that by coming together, reviewing the data, hearing from our experts and engaging in a collective dialogue that includes schools, authorizers, the state and others, we will be able to identify practical improvement strategies that we can take with us to inform our work within our organizations."

Participants discussed the NCSECS report and shared ideas for next steps. Throughout the discussion, convening hosts and speakers asked participants to consider questions such as:
- Do we have a vision in Colorado for school choice that includes students with special needs?
- How can we create a system in which all kids truly do have a choice in schools?
- How do we shift mindsets from "Do we have what it takes to serve this student?" to "What does it take to serve the needs of every student"?

In considering these questions, many participants expressed concern about the fact that Colorado is an outlier in its low enrollment of students with disabilities at charter schools. Participants and speakers considered a variety of actions (discussed in more detail below) that can be taken to address the troubling trends highlighted in the NCSECS report and to ensure all students have access to charter schools.

While expressing the desire for improvement, many participants also noted the complex context surrounding this topic and how funding levels, service models, and authorizer relationships play a significant role in equitable access. Participants commented on the importance of emphasizing shared responsibility across all stakeholders and discussed the need to bring all parties to the table including schools, authorizers, school boards, district staff and state-level leaders. Some expressed a sentiment that continued, authentic dialogue can shine a light on this issue and push deeper inquiry. Not every stakeholder is aligned on the issues raised by the NCSECS report, but there are many who vocalized a desire (at the convening or in the case study interviews conducted for this report) that they wish to sustain the push to improve access and quality for students with disabilities at charter schools.

Sustaining focus is not easy though, because as both participants and speakers noted, the issue of how to improve access for students with disabilities at Colorado charter schools is a "wicked problem." It is unlikely to be solved through any one avenue alone and requires operating at multiple levels of the system for an ongoing period of time. Wicked problems are not easily solved through quick policy fixes, and leaders and stakeholders in multiple roles across schools, districts and systems have to be involved. The Center for Education Policy Analysis stated at the start of the convening that: "Grappling with wicked problems through inquiry and dialogue builds capacity for shared understanding of established facts, empathy for the lived experience of others, and capacity for co-creation of previously unimagined, or once thought impossible, solutions." Thus, the convening grounded its focus on shared problem-solving and an understanding that all stakeholders are working towards a common goal of building a system that will serve all kids equitably and offer school choice to all families.

Source: Center on Education Policy Analysis, UCD School of Public Affairs

The following section highlights areas for action that were raised in the NCSECS report, at the Equity Convening and through case study interviews conducted after the convening. Additionally, an appendix of annotated resources is included.

Areas for Action

Access

Both the NCSECS report and the Equity Convening highlighted areas for improvement around marketing, outreach and recruitment of students. Websites that lack information about enrollment and services for students with disabilities could be unintentionally deterring some families from pursuing charter school enrollment. Further, the NCSECS found a small subset of charter schools that have language on their website that indicates potentially exclusionary practices. Section 504 clearly prohibits any form of discrimination against students with disabilities who wish to enroll at charter schools, which includes discriminatory recruiting and marketing practices.[5] Addressing any potentially discriminatory website language or recruiting practices should be done with urgency. For those schools whose websites do not contain any information, convening participants noted that adding website language that explicitly addresses how the school will enroll and meet the needs of students with disabilities is an area of "low-hanging fruit" that should be easily addressed.

In response to the NCSECS report, the Charter School Institute (CSI) released a guide for its charter schools on best practices for addressing special education on school websites.[6] The guide, which is helpful for district charter schools as well, includes a checklist of items to include on a website, sample anti-discrimination language and sample language for describing an inclusive enrollment process that welcomes all students.

In addition to addressing website language, convening participants discussed how to improve marketing and recruitment practices. Some noted that schools need to be more direct in communicating to families that their school is open to all students. The common perception that charter schools do not serve students with disabilities has, in a way, become self-fulfilling. Without intentional outreach, parents may assume incorrectly that charter schools cannot meet their child's needs, especially if a charter school's website conveys no indication of special education services.

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[5] 1 CCR 301-88, Section 2.02(D)

[6] Colorado Charter School Institute, "Addressing the Enrollment of Students with Disabilities on School Websites." Available at: https://resources.csi.state.co.us/wp-content/uploads/2020/12/Addressing-Special-Education-Enrollment-on-School-Websites.pdf

Given that the general perception that charter schools exclude students with disabilities is currently being reflected as such in the data, there needs to be an active strategy to recruit students with disabilities to attend charter schools. Moreover, guidance from the U.S. Department of Education's Office of Civil Rights on charter school practices states:

> "Section 504 also prohibits schools from using criteria, policies, practices, and procedures that are neutral in language and are evenhandedly implemented with respect to students with and without disabilities, but nonetheless have the effect of discriminating against students on the basis of disability."[7]

Continuing to be passive and sustain the usual practices will not only perpetuate the current data trends but could also be violating federal law prohibiting discrimination against students with disabilities.

For example, the OCR guidance uses the scenario of a school that has a policy that students who had more than 20 absences the prior year cannot enter the school lottery for admission. While that policy may be applied neutrally to all students, it may be indirectly discriminating against students with disabilities whose impairment was the cause of their school absences. In that case, the school has an obligation to modify the policy that is causing barriers to enrollment for students with special needs.[8]

Pre-screening enrollment processes is another area for revisement. Many stakeholders noted throughout the convening and the case study interviews that the best practice is to enroll students first, and then evaluate any IEP/504 Plan needs. This best practice is aligned with guidance on Section 504, which prohibits schools from asking about a student's disability status before enrollment unless the school is using a weighted lottery to increase numbers of students with disabilities, or the school is chartered to serve students with a particular disability.[9] Once a student is enrolled, the authorizer and school can request the student's IEP/504 Plan to determine if the school can provide a free appropriate public education (FAPE).

Despite this guidance, the practice of pre-screening for a student's disability status does occur, and it is more likely to happen at schools that manage their own enrollment process. One

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[7] U.S. Department of Education, OCR. (2016). *Frequently Asked Questions about the Rights of Students with Disabilities in Public Charter Schools under Section 504 of the Rehabilitation Act of 1973*, p. 16. https://www2.ed.gov/about/offices/list/ocr/docs/dcl-faq-201612-504-charter-school.pdf
[8] U.S. Department of Education, OCR, 2016, pp. 17-19.
[9] U.S. Department of Education, OCR, 2016, p. 20.

promising practice promoted during the convening was a centralized enrollment system, such as the one used by Denver Public Schools (DPS), which ensures more fair and equitable treatment for all students. Once students have been enrolled, DPS then works with charter schools to collect IEP/504 Plans and conduct meetings with families to determine how the school will meet student needs. The centralized choice system has contributed to the increased numbers of students with disabilities attending the district's charter schools, including students with high needs. DPS has also supported charter schools in opening up specialized center programs.[10]

The case study on Aurora Science and Tech Middle School describes how DSST is replicating the DPS best practices with a centrally managed lottery enrollment system for the middle school, which is authorized by Aurora Public Schools. The case study also offers suggestions for how other charter schools could run an enrollment process at the school-level in a way that would mimic the best practices of a centrally managed process.

Quality

Improving school choice access for students with disabilities is an important and necessary first step. Many Equity Convening participants, however, emphasized that access is just a first step. Access is meaningless if a school cannot provide quality services to meet student needs. One participant representing an authorizer commented, "Certainly equity of enrollment is important. I also want to be sure schools are serving those students well." A key responsibility of authorizers should be to emphasize accountability and support for quality of services for students with disabilities.

Several participants commented on the need for authorizers and outside entities, such as the Council for Exceptional Education, to provide support to charter schools to build capacity for quality programming. Supporting charter schools to serve students with moderate to severe needs is especially critical, as schools may not have the internal capacity built up yet to serve a high range of needs.[11] The case study on D49 provides an example of an authorizer that has developed a supportive relationship with its charter schools to build up a wide range of quality special education services.

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[10] NCSECS, p. 21.
[11] NCSECS, pp.18-19

In addition, speakers and participants throughout the Equity Convening offered up several strategies for improving the quality of special education programming at charter schools. Some examples include:

Focus on Culture
- Create a culture that values parents and honors their perspectives about their children, including their requests for evaluations.
- Build special education into school schedules from the start of the year instead of leaving it as an afterthought that case managers have to figure out. Authorizers can support schools in thinking through schoolwide programming and how schools prepare and plan for special education so that schools are ready to meet student needs from day one of the school year.

Robust MTSS
- Implement a robust multi-tiered system of supports (MTSS) at schools, which will make it more likely that a school will intervene proactively at the first sign of difficulties. One interviewee said that having a strong intervention process for all students tends to lead to a stronger special education program as schools have a better understanding of the continuum of services and place high value on research-based specialized instruction.

Self-Assessments
- Examine implementation practices on a regular basis to identify shortcomings and make improvements. At the convening, SWIFT presented their tools and resources to support schools, including their Fidelity Integrity Assessment.[12] Convening participants and speakers recommended the tool as a useful framework for guiding different stages of work to improve access and quality for students with disabilities. The tool can help schools address targeted concerns such as disproportionality in types of disabilities served. Another tool recommended at the Equity Convening was the Special Education School Self-Assessment tool provided by the Collaborative for Exceptional Education. The

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[12] More information on the SWIFT Fidelity Integrity Assessment is available at https://guide.swiftschools.org/resource/232/fidelity-integrity-assessment-swift

tool helps schools take stock of where they are on a number of practices related to access, identification and quality of programming.[13]

Facilitated IEP Meetings

- Train staff on facilitated IEP meetings to achieve more organized and productive meetings. The facilitated IEP meeting process includes a roadmap for how meetings are conducted with a clear agenda and norms and clear roles for all participants. Parents have an equal voice in the meetings. Some authorizers have trained facilitators, and CDE also provides IEP meeting facilitators.[14]

Policy Environment: Funding

Conversations at the Equity Convening about access and quality, among both participants and speakers, often circled back to the issue of funding. One participant commented that "resource allocation and funding is a huge challenge driving many of the outcomes we are seeing." Without resources, schools cannot offer certain services. School districts are often able to leverage economies of scale in providing special education services throughout their district-run schools, while small charter schools are not able to do so. A participant emphasized "If we want to see real change, we have to address the funding issue."

Several participants noted that the insurance model does not provide an incentive to build capacity at charter schools, rather because resources go back to the district, the incentive is to build capacity at the authorizer level. As one speaker noted, this leaves a "genuine question for charter schools around what to set aside for special education and how to build capacity for programming." The insurance model can be effective, particularly in districts that have strong, supportive relationships with their charter schools and actively seek to build capacity for special education services at the charters. The insurance model, however, can also create a motive for both charter schools and authorizers to place students with more severe needs in district schools that have robust services.

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[13] The Collaborative for Exceptional Education Self Assessment Tool is available at:
https://docs.google.com/spreadsheets/d/1wCvcnIqGr7VB3sWoyExeo-5zYnRI70VThv78g_RoyUQ/copy
[14] For more information, see: https://www.cde.state.co.us/spedlaw/adr

The NCSECS report describes the impact of these factors: "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."[15]

Policy Environment: Authorizers as LEAs

Under IDEA, the local education agency (LEA) is responsible and liable for the provision of special education status. In Colorado, authorizers (local school districts or the Charter School Institute) are the LEA. Rural districts may use their BOCES as the LEA for the purposes of special education. Prior research notes that there are both benefits and disadvantages to charter schools being part of an LEA rather than being their own LEA, as is the case in some other states.[16]

Charter schools that are their own LEA have greater autonomy around service provisions, but they also have greater responsibility and are obligated to provide a full range of programming that can be costly without economies of scale. Charter schools as LEAs are also liable and can be sued if they fail to meet a student's IEP needs. When the authorizer or BOCES is the LEA, the authorizer is responsible for ensuring a full continuum of services is provided throughout the district, and the authorizer is liable and can be sued for failing to do so. Under this scenario, which is Colorado's context, charter schools may not have final decision-making authority over student placement decisions. As participants at the Equity Convening noted, because authorizers are ultimately responsible for providing FAPE, if a school district has cause to believe a student's needs cannot be met at a charter school, they can place that student at a district-run school. District policies around placement, programming, and service models are not usually items that a charter school controls. This context necessitates collaboration between school districts and charter schools to ensure appropriate services are provided to all students.

State Education Agency Oversight

NCSECS highlights in their report the need for increased oversight and support from CDE and the State Board of Education concerning special education at charter schools. CDE delegates responsibility for the provision of special education to LEAs, but they still have a responsibility to provide oversight of the special education system as a whole and to ensure that all schools,

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[15] NCSECS, 2020, p.32.
[16] CACSA Special Education Needs Assessment https://coauthorizers.org/wp-content/uploads/2019/12/CACSA.SpecialEducation.NeedsAssessment.final_.pdf

including charter schools, are complying with state and federal law. Several stakeholders reported to the NCSECS and to the authors of this report their belief that CDE should conduct more oversight of how special education is provided at all types of individual schools within districts. Stakeholders raised concerns regarding oversight of special education enrollment, services and outcomes. Stakeholders encouraged CDE to explore ways to increase its oversight in these areas. Stakeholders also encouraged more coordination between CDE's Schools of Choice Unit and the the Exceptional Student Services Unit (ESSU), and more direct involvement from ESSU in charter school oversight.

The NCSECS report also flagged state-level oversight as an area of concern. The report summarizes:

> "As the state education agency, CDE holds ultimate accountability under IDEA for ensuring that the needs of students with disabilities are met. CDE's Exceptional Student Services Unite (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.*" (NCSECS, 2020, 35, emphasis added)

Stakeholders believe there is a role for CDE to play that would still honor local control but that would create a system of support, accountability and incentives for authorizers and charter schools to improve access and outcomes for students with disabilities. One specific recommendation given by NCSECS, for example, is for CDE to "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" (NCSECS, 2020, 38). Another recommendation from NCSECS is to invest in independent peer reviews of charter schools and authorizers to continually learn and grow practices related to the provision of special education. Stakeholders encouraged CDE to explore these and additional strategies used by other states.

Shared Problem-Solving

The NCSECS report emphasizes "shared responsibility, shared accountability" to indicate the cross-cutting nature of this problem. Those who have the greatest potential for improving

access and quality for students with disabilities sit in a number of roles including positions as school leaders, authorizers, policymakers and state agency staff. At the Equity Convening, a similar focus was highlighted: learning from shared struggles and collaborating on problem-solving.

The keynote speaker, the Chief of Student Success for Jeffco Public Schools, described some challenges that traditional public schools have with serving students with disabilities. She stated that she was sharing these challenges as an "attempt to normalize some of the issues we are all facing as educators, whether you are in a traditional public school, a charter school or private school. We are more alike than we are different and we are struggling with many of the same issues." She went on to note that: "Where the story is today doesn't have to predict the ending of the story. There are things that are within our power to do to change the trajectory and increase the likelihood of having more positive outcomes for students with disabilities." Some of the strategies she has found to work at traditional public schools and charter schools alike were highlighted above in the section on quality. It is difficult, however, to share strategies and collaborate on solutions if stakeholders are not in agreement about the severity of the problem or who is responsible.

Mindset

The NCSECS report found that some stakeholders reported that their communities were tolerant of practices that were leading to lower enrollment of students with disabilities at charter schools. The report notes that: "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."[17] For example, one convening participant noted that some school models such as college preparatory models are often perceived as incongruent with serving students with disabilities and used as an excuse for lower enrollment and retention of students with special needs. Further research is needed to confirm if data reflects that perception.

As mentioned above, Section 504 prohibits any policies or practices that discriminate, even unintentionally, against students with disabilities, to include using a school model to screen certain students out. As one interviewee for this report commented, every school, including

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[17] NCSECS, 2020, 33.

charter schools, that receives public funding has a nonnegotiable obligation to serve all students within their school model. If a student has needs that require a specialized program at a different school, in that instance it may be in the best interest of the student to attend the other school, but that decision should be made carefully, in consultation with the IEP team and parents, and not used with frequency.

In general, the NCSECS report, conversations at the Equity Convening and the case studies in this report indicate that there needs to be a shift in mindset (at both the authorizer level and the school level) from defaulting to placing a student with high needs at a traditional public school to recognizing that charter schools can serve a wide range of students. One Equity Convening speaker said a school leader's mindset should be: 'What does it take to serve the needs of every child' rather than 'Do we have what it takes to serve all students?'" Another speaker commented, "What I assume is understood may not be a shared understanding by everyone in my organization. What I communicate needs to be intentional so that the culture I want to have is strong within my community in which I am a leader."

Thus, a key step of moving forward is accepting shared responsibility and approaching the wicked problem with a lens of shared problem-solving rather than continuing to discount the issue or assign blame to other parties. As Jeffco's Chief Student Success Officer put it, the stakeholders at the convening have an opportunity to alter the landscape of special education in charter schools in Colorado, and "to be able to expand the breadth of learners that you serve is really the essence of school choice."

Lastly, an authorizer interviewed for this report stated that CDE, charter schools and authorizers need to come together to agree on a set of principles for serving students with disabilities, noting that "everyone says they want to serve kids well but there are no common agreements. It's hard to run best practices without a shared understanding." As a result of a lack of common principles there is not effective accountability, and, ultimately, "parents and students are losing out."

Collaborative Efforts Underway

While there is room for improvement in stakeholder conversations on this issue, there are some important and meaningful efforts underway. The Colorado Association of Charter School

Authorizers (CACSA) has been working on this issue for several years. In 2019, they contracted with the Colorado League of Charter Schools to complete a needs assessment and landscape analysis of special education in Colorado.[18] CACSA followed up on the recommendations from the needs assessment with an action plan.[19] In 2020, CACSA responded to the NCSECS report by partnering with the Collaborative on Exceptional Education on a work plan to roll out specific strategies and resources. As part of that work plan, CACSA and CEE have launched a Joint Working Group on Special Education Enrollment. The group includes members from CACSA's committee on special education and the Collaborative for Exceptional Education's advisory board. The group is meeting regularly to discuss how to increase access to charter schools for students with disabilities.[20] CACSA is also working on other tools such as revised model contract language and a special education memorandum of understanding (MOU). The Charter School Institute has also released useful tools, including website language for special education[21], a special education MOU[22], and a student services screener[23], which is described in the case study section of this report.

Colorado Case Studies: Profiles of Practice in Supporting Access and Quality for Students with Disabilities at Charter Schools

District 49

Best Practice: Strong authorizer relationships

District 49 (D49) has worked intentionally as an authorizer over the past several years to build proactive, supportive relationships with its charter schools, particularly around special

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[18] CACSA Special Education Needs Assessment, 2019, Available at: https://coauthorizers.org/wp-content/uploads/2019/12/CACSA.SpecialEducation.NeedsAssessment.final_.pdf
[19] CACSA Special Education Action Plan, 2019, Available at: https://coauthorizers.org/resource/cacsa-special-education-action-plan/
[20] More information on the CACSA-CEE Joint Working Group: Special Education Enrollment available at: https://coauthorizers.org/event/cacsa-cee-joint-working-group-special-education-enrollment/
[21] Colorado Charter School Institute, "Addressing the Enrollment of Students with Disabilities on School Websites." Available at: https://resources.csi.state.co.us/wp-content/uploads/2020/12/Addressing-Special-Education-Enrollment-on-School-Websites.pdf
[22] Colorado Charter School Institute, "Special Education MOU." Available at: https://coauthorizers.org/resource/csi-special-education-mou/
[23] Colorado Charter School Institute, "Student Services Screener." Available at: https://resources.csi.state.co.us/student-services-screener/

education. The district's focus on relationship building was well received by charter schools who were wanting to improve the quality of their special education services.

The authorizer has built out a clear enrollment process for its charter schools that supports equity in the placement of students. The number of students who are not able to attend the charter school they want due to needing intensive services in a more restrictive environment is extremely small. For the vast majority of students, D49 and charter schools collaborate to develop a service plan that will meet the students' needs at the school of their choice.

The D49 team that oversees charter schools, known as the iConnect Zone, has a strong partnership with the district's Director of Special Education, which further supports the quality of services at schools. A key best practice noted by D49 is not to just have strong authorizer relationships with charter schools, but to also work to ensure that there are strong relationships between the iConnect Zone team that supports and provides oversight to charter schools and the rest of the departments in the district. The cross-district collaboration in support of charter schools is evident by their practice of opening up professional development opportunities to charter schools.

The focus on supportive relationships with charters has created a strong foundation for the authorizer to push on increased quality of special education. D49 leaders emphasize that they want their charter schools to be genuinely equipped and ready to serve all special education students, rather than engage in "gotcha oversight." To that extent, the district provides coaching and training for special education teachers, while also leveraging data to monitor progress. For example, the district is currently analyzing internal data to understand what percentage of students with disabilities are meeting their IEP goals by disability code and service minutes. Analyzing these gaps helps the authorizer and schools to better allocate resources and staff.

D49's iConnect Zone embodies the mindset that charter schools have the ability to be creative and innovative in meeting the needs of students with disabilities. Traditionally, our education system focuses on treating symptoms rather than identifying and addressing the root cause of a student's struggles. Charter schools can be a space in the education system to buck that trend and do things differently -- and better. To do that requires partnership and collaboration between schools and authorizers and a commitment to the highest levels of quality. Overall, D49 leaders say they are relying on relationships, credibility, and teamwork to move the needle at their

schools, not policy and rules. While policy might be a lever in some cases, leading by example has gotten them on a path to excellence.

Aurora Science and Tech Middle School

Best Practice: CMO-managed lottery enrollment system

Aurora Science and Tech (AST) Middle School is a new DSST Public school authorized by Aurora Public Schools. AST Middle School is currently in its second year of operation, serving 6th and 7th graders.

In their first year of operation (2019-2020), 10.5 percent of AST Middle School students were identified as in need of special education services. By the second year (2020-21), the share of the incoming class grew to 16 percent. The school had high re-enrollment of students with disabilities from year one to year two, in addition to enrolling new students. DSST attributes this high share of students with disabilities to a variety of factors including strong enrollment and recruitment practices, a centrally managed lottery system, and a mindset at both the school and DSST that all students who want to attend AST Middle School should have the opportunity to do so.

DSST, as the charter management organization (CMO), has provided significant support to AST Middle School around recruitment and enrollment of students and coordination of special education services and programming. As the school prepares for its third year, DSST is transitioning much of that work to the school, but will keep managing the lottery enrollment system at the CMO level. This helps ensure that students are encouraged to enroll regardless of special education needs. Once a student is enrolled, school staff will review records, and if a student has an IEP or has a need for services, the school will discuss how they can meet the student's needs. The goal is to be ready to serve all students on day one of the school year.

DSST has helped AST Middle School set up a lottery system and create structures and practices around recruitment and enrollment that prioritizes equitable and inclusive access. This practice has been new for DSST. The CMO's other schools are authorized by DPS, which runs a centralized enrollment system for school choice.

Even as AST Middle School becomes more experienced and takes on additional responsibilities at the school level, the CMO will support the lottery process to ensure that students are being enrolled before conversations about special education are occurring. This division of responsibilities is critical to maintaining neutrality and not letting unintentional biases affect enrollment and placement processes.

Charter schools that are managing their own enrollment systems can mimic this division of responsibility by having an operations staff member oversee enrollment as a first phase, and then having instructional staff come into the process in a second phase to assess IEP needs and determine a plan for meeting those needs.

Charter School Institute

Best Practice: Student Services Screener

The Charter School Institute (CSI) is a statewide authorizing entity that currently authorizes 40 charter schools across Colorado. CSI launched an equity audit in 2017, called the Student Services Screener, to assess the quality of school access, instructional support, and outcomes for special populations. The tool screens schools to identify gaps in equity on five indicators, listed in Figure 1. These indicators go beyond academic data to help schools understand how they are meeting the comprehensive needs of diverse student groups, including students with disabilities, students with 504 plans, English learners, and gifted and talented students.[24]

Figure 1: Screener Indicators

Is the school **enrolling** special populations at rates proportional to nearby schools/districts?

Are special populations **remaining enrolled** at rates proportional to their peers?

Are special populations **progressing** academically from year to year on the state standards?

Are special populations **completing** high school at rates proportional to their peers?

Is the school **disciplining** special populations at rates proportional to their peers?

Source: CSI, Student Services Screener

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[24] Charter School Institute, "Student Services Screener." Available at:
https://resources.csi.state.co.us/student-services-screener/

CSI conducted intentional outreach to build trust with schools in advance of launching the Screener.[25] The screener is a support tool, not an accountability mechanism, and CSI staff created messaging to reflect that and highlight the tool as a way to build capacity and improve practices. CSI states, "One of the key challenges to rolling out the Screener was gaining buy-in from schools and in particular, shifting mindsets from 'we're in trouble' to, 'these are the things we need to work on,' when viewing the report results."[26] By focusing on building relationships between authorizing staff and school leaders and emphasizing the capacity-building focus of the Screener, CSI was able to gain trust from the field. Since then, the Student Services Screens has been a way to initiate honest and open conversations with schools about how they serve special populations including students with disabilities. CSI describes their approach to implementing the Screener: "authorizing staff have assumed that all schools are seeking to serve all students well, an assumption often confirmed by reports that school leaders want to have diverse and inclusive schools but are simply unsure of how to achieve those goals. The Screener helps pinpoint the areas of need and allows CSI staff to target specific resources and training to schools."[27]

After a school goes through the Student Services Screener process, CSI staff work with school leaders and staff to sift through the data and co-create an action plan to improve practices. As the work of the Screener has evolved over the past three years, CSI staff have learned to ensure that any action steps identified through the Screener fit within the broader school improvement efforts. Integrating efforts to improve equity and access with other school improvement work being conducted ensures that the work is not redundant or contradictory and increases overall efficacy.[28]

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[25] Marks, R., & Vickland, C. (2021). Expanding Equity and Access in State-Authorized Charter Schools. In Griffen, A. J. (Ed.), *Challenges to Integrating Diversity, Equity, and Inclusion Programs in Organizations* (pp. 42-61). IGI Global. http://doi:10.4018/978-1-7998-4093-0.ch004
[26] Marks & Vickland, 2021, p. 53.
[27] Marks & Vickland, 2021, p. 50.
[28] Marks & Vickland, 2021, p. 53.

Appendix: Resources

Colorado Charter School Equity Convening Website

Equity Convening Website with Event Agenda and Resource Toolkit

Charter School Institute

Student Services Screener

Addressing the Enrollment of Students with Disabilities on School Websites

Collaborative for Exceptional Education

Sample Snapshot Special Education Enrollment Review

SPED Enrollment School Self-Assessment

National Center for Special Education in Charter Schools

Diagnostic tool for charter authorizers concerned about equity

Promising practices to improve special education services

Leveraging policy to increase access and quality opportunities for students with special needs in charter schools

SWIFT Education Center

Discussion Guide: Strong LEA/School Relationship

Actionable Steps to Get You Started: Strong LEA/School Relationship

SWIFT Fidelity Integrity Assessment

SWIFT Field Guide

SWIFT Intro Packet