



Between a Rock and a Hard Place: Educating Students with Disabilities in Charter Schools in the State of Connecticut

Inequity and Ambiguity Breed Anxiety

February 2020

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Acknowledgments

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Abstract

The challenges associated with educating students with disabilities in charter schools in Connecticut are symptoms of two broader issues—the state’s inequitable public education funding system and problematic ambiguity in the state charter law. Connecticut is a state of haves and have nots, and effectively advocating for more equitable funding statewide is a herculean task that cannot be achieved without the partnership of diverse coalitions. Compounding this inequity, charter schools, largely located in urban districts, must navigate ambiguity in the state charter law while fighting with cash-strapped districts in order to provide special education and related services to their students with disabilities. In practice, charter schools must navigate somewhat tenuous relationships with nexus districts (i.e., the districts of residence assigned responsibility for the provision of special education in the Connecticut charter statute) to ensure that students with disabilities can have ready access to charter schools equipped to provide special education and related services.

The state’s public education funding system and the state’s facilitation of functional charter-district relationships are in dire need of focused attention. To address the complexities that make it difficult for charter operators to develop robust supports and services for students with a wide range of disabilities, charter school leaders need additional guidance from the Connecticut State Department of Education, transparency related to how the construct of “reasonable cost” is being operationalized across the state, and technical support to broker better relationships with nexus districts. However, while these technical fixes may address some problems in the near-term, fundamental changes to the state education funding system are required to better position all urban districts in Connecticut to effectively educate students with disabilities for the foreseeable future.

Contributing to the challenges is the practical reality that charter schools in Connecticut represent a small constituency and the issue of special education lacks clear champions in the state legislature, which makes meaningful change to either funding or policy related to special education in charter schools difficult. Anti-charter sentiment among Democrats is increasing at the national level, which may make legislative change

even more challenging.¹ For charter schools to successfully live up to their potential to serve all students, a variety of stakeholders will need to advocate together for clear and robust state guidance.

Project Overview and Methodology

The purpose of this analysis was to examine qualitative and quantitative data to provide insight into the challenges and develop recommendations related to educating students with disabilities in Connecticut charter schools in order to improve the delivery of quality special education and related services.

The National Center for Special Education in Charter Schools (the Center) started the project in July 2019 and concluded in February 2020. The work was broken into five phases, beginning with a review of existing research and the launch of stakeholder engagement efforts. After outreach to charter schools and organizations across the state, the Center gathered quantitative data from the Connecticut State Department of Education (CSDE) and qualitative data from 32 interviews with 60 individuals across 27 organizations, including 21 of the 22 charter schools operating in the state. The Center developed preliminary recommendations based on the qualitative and quantitative data, shared those recommendations with stakeholders, and then refined and finalized recommendations for next steps regarding how to improve funding and quality service provision for students with disabilities in the state of Connecticut.

General Overview of the Connecticut Charter Landscape

The Connecticut state charter school law was passed in 1996 and established the Connecticut State Board of Education as the sole practicing authorizer. At this time, while the state is ultimately responsible for ensuring compliance with IDEA, the state has assumed a relatively passive and at times reactive position related to the education of students with disabilities in charter schools. For instance, it has not issued written guidance, and when it does issue guidance, it is generally via the phone or other informal communication and is not memorialized for the benefit of districts or charter schools. The CSDE charter schools webpage has very little information about special education, and the special education webpage has very little about charter schools. Absent more explicit guidance from CSDE and subsequent monitoring to ensure compliance with the guidance, individual districts and schools are essentially making it up as they go.

During the 2018–19 school year, there were 23 public charter schools in Connecticut and 895 traditional public schools. Table 1 provides a comparison of the number of charter schools to traditional public schools in Connecticut cities that host charters. There are six cities with only one charter school, while both Bridgeport and New Haven host six charter schools each. It is important to note, however, that Connecticut charter schools may serve students who reside in multiple different districts, and that each school must negotiate relationships with each of these districts.

¹ Erica L. Green, E. L., & Shapiro, E. (2019, November 26). Minority Voters Chafe as Democratic Candidates Abandon Charter Schools. *New York Times*. <https://www.nytimes.com/2019/11/26/nyregion/charter-schools-democrats.html>

City	Charter Schools	Traditional Public Schools
Bridgeport	6	36
Hartford	2	43
Manchester	1	12
New Haven	6	38
New London	1	8
Norwalk	1	21
Norwich	1	9
Stamford	3	21
Waterbury	1	29
Winchester	1	2

Table 1: Total Number of Public Schools in Connecticut Cities with Charter Schools (2018-19)

Source: Connecticut State Department of Education, *Biennial Report on the Operation of Charter Schools in Connecticut 2020*; Interactive Data Portal - Edsight: Student Counts by School and Special Education Status All Districts, All Schools

Most charter schools in the state are “single site,” but four multi-state charter management organizations (CMOs) operate schools in Connecticut: Achievement First, Capital Prep, Excellence Community Schools, and Great Oaks. Only one CMO, Achievement First, has multiple school sites within the state, operating campuses in Bridgeport, Hartford, and New Haven.

Enrollment and Demographic Differences

In the 2018-19 school year, there were 530,559 students enrolled in Connecticut public schools, with 10,433 of these students, or just under 2%, enrolled in charter schools. Table 2 compares enrollment numbers between charter schools and traditional public schools over time. Student enrollment statewide has declined by 15,656 students (roughly 3 percent) since the 2014–15 school year, but charter school enrollment has grown by more than 2,500 students (roughly one-half percent) over that same time frame.

Type	2014–15	2015–16	2016–17	2017–18	2018–19
Charter Schools (% of Total Enrollment)	7,899 (1.44%)	8,989 (1.65%)	9,416 (1.74%)	10,013 (1.87%)	10,433 (1.97%)
Traditional Public Schools²	538,316 (98.5%)	532,604 (98.3%)	529,247 (98.3%)	524,781 (98.1%)	520,126 (98.0%)
Total	546,215	541,593	538,663	534,794	530,559

Table 2: Total Enrollment Over Time, by School Type

Source: Connecticut State Department of Education, *Interactive Data Portal - Edsight: Student Counts by School and Special Education Status All Districts, All Schools*

² Data includes traditional school districts, inter-district magnet schools, open choice programs, Connecticut Technical High Schools, and Regional Agricultural Science and Technology Education Centers.

Figure 1 provides a snapshot of enrollment of students with disabilities in charter schools and traditional public schools over time as compared to national and state averages. According to 2017–18 school year data from the National Center for Education Statistics, students with disabilities make up 13.7% of enrolled students at schools nationwide. Connecticut enrolls slightly more students with disabilities than the national average but enrollment varies between all traditional public schools (13.9%) and charter schools (9.7%).

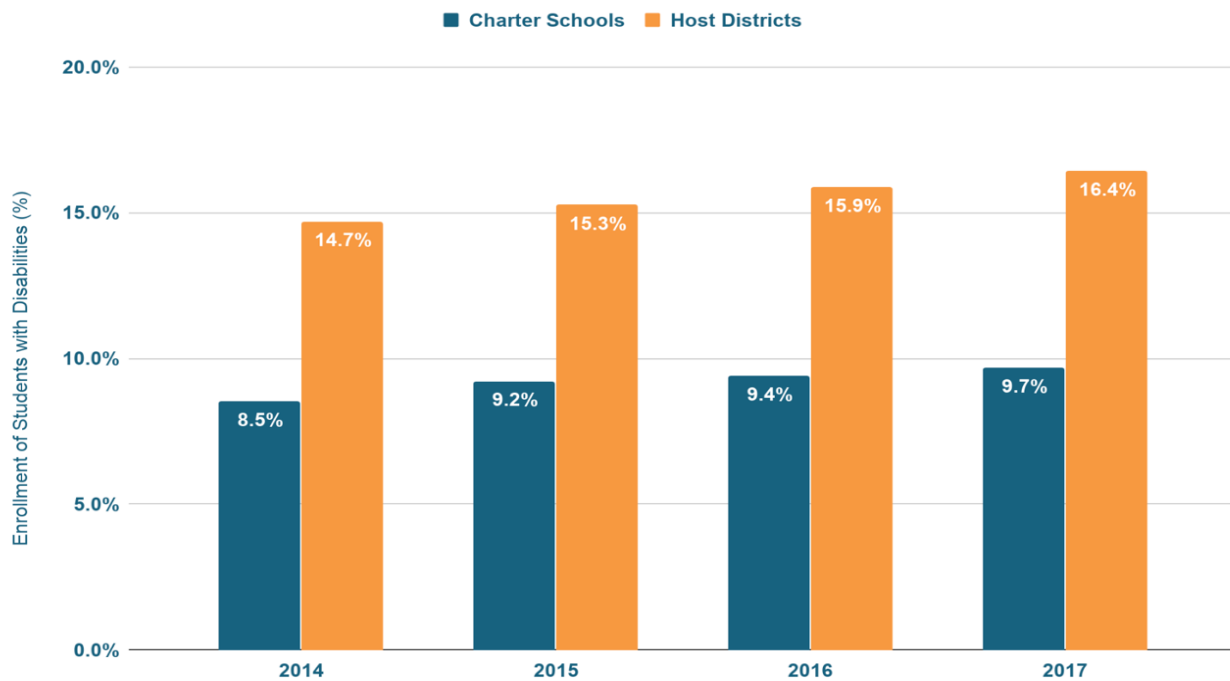


Figure 1: Enrollment of Students with Disabilities in Connecticut Charter Schools Compared to Host District Averages over Time (School Years 2014-15 to 2017-18)

Source: Connecticut State Department of Education, Interactive Data Portal - Edsight: Student Counts by School and Special Education Status All Districts, All Schools

The difference in enrollment rates of students with disabilities in charter schools and the traditional school districts from which they draw students is even starker: 9.7% of students in charter schools have a disability versus 16.4% in nexus districts. Since 2014-15, the enrollment of students with disabilities has increased in both charter schools and host districts as a whole. However, the gap in enrollment between charter schools and host districts is growing—a troubling trend given that it runs counter to national enrollment trends.³

The types of students with disabilities served by charter schools and traditional public schools are also different. Students with specific learning disability, other health impairment, and speech and language impairments represent 82% of students with disabilities in charters versus 70% of students with disabilities in host district schools. Notably, some charter schools are enrolling two to three times as many students with speech and language impairments, typically characterized as a “mild” disability, as compared to their host districts. Conversely, host districts tend to enroll greater proportions of students with less prevalent disabilities who require more significant supports (e.g., emotional disturbance, intellectual disabilities, and autism) than

³ The Center’s [2019 analysis of 2015-2016 CRDC data](#) shows that the gap in enrollment of students with disabilities in charter and traditional public schools is narrowing over time.

charter schools. However, it was difficult to discern to what extent these enrollment trends are driven by district or charter practices. For instance, interviews with stakeholders surfaced concerns regarding the extent to which parents are being discouraged from enrolling their students with disabilities in charter schools during individualized education program (IEP) team meetings because districts already have established programs and concern that charter schools could not provide the types of services students required.

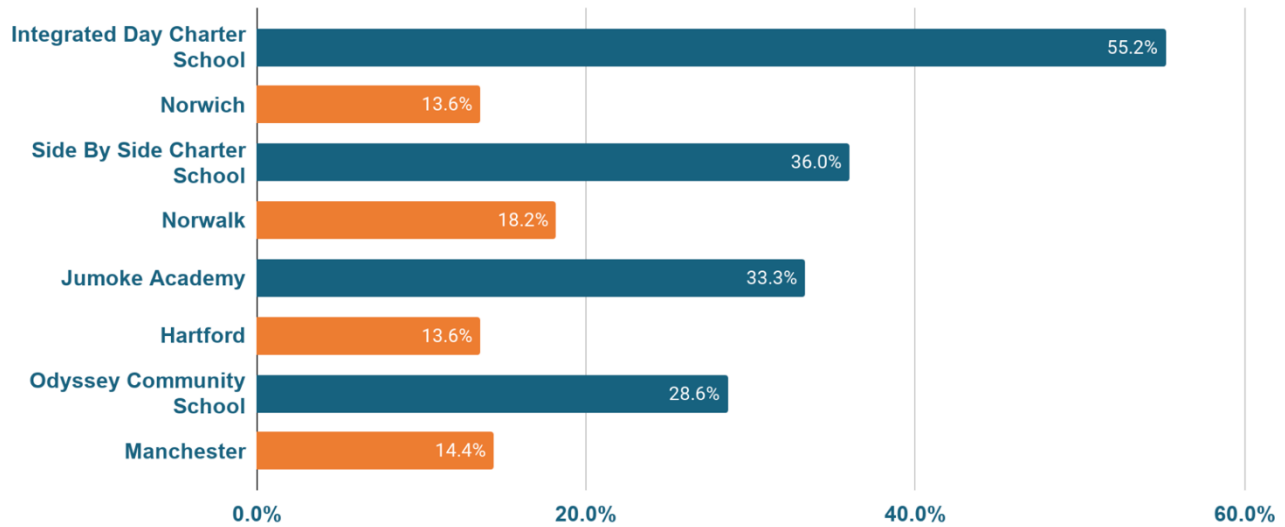


Figure 2: Speech Language Impairment Prevalence Among Students with Disabilities in Connecticut Charter Schools and Host Districts (School Years 2014-15 to 2017-18)

Source: Connecticut State Department of Education, Interactive Data Portal - Edsight: Student Counts by School and Special Education Status All Districts, All Schools <http://edsight.ct.gov/SASPortal/main.do>

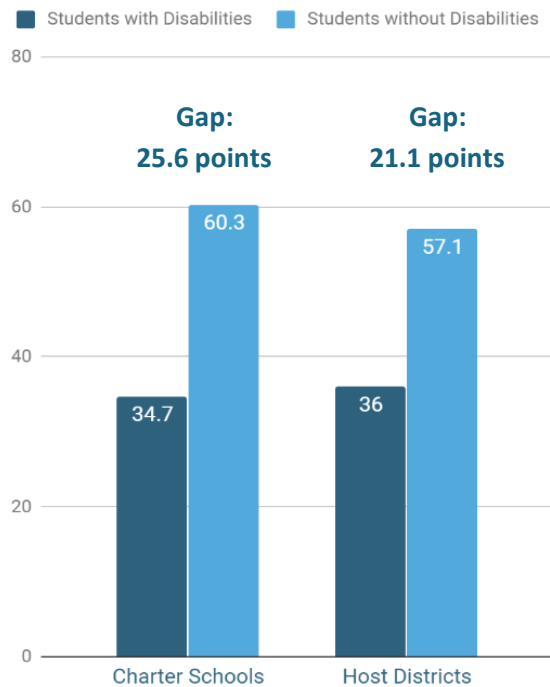
Charter schools also serve their enrolled students with disabilities differently than do traditional school districts in the state of Connecticut. In charter schools, 84% of all students with disabilities spend at least 80% of the day in the general education classroom as compared to 69% in the state and 59% in host districts.

Academic Performance of Students with and without Disabilities

There is a wide performance gap between students with and without disabilities in both charter and district schools within Connecticut. However, it's notable that, despite the lower enrollment of students with disabilities who typically require more supports in charter schools, the performance gap in charter schools is wider than that in traditional public schools.

While this data points to potential issues with the recruitment and education of students with disabilities in charter schools, enrollment and outcomes vary widely between individual charters and district schools. These findings require additional attention including but not limited to advocating for policy changes that will ensure equitable funding and services for all students. Absent greater attention to equitable funding, charter schools do not have a level playing field to devote the resources required to special education teachers and related service providers.

Average Performance Index - Math



Average Performance Index - ELA

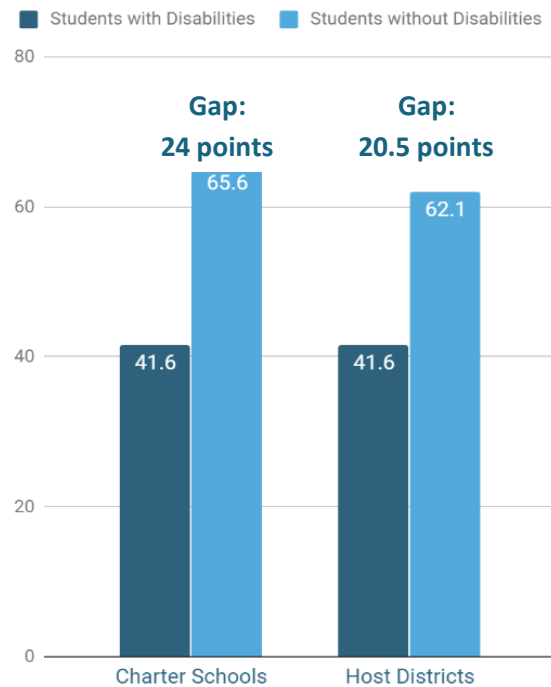


Figure 3: Performance Gap Between Students with and without Disabilities in Connecticut Charter Schools and Host Districts (2017-18)⁴

Source: Connecticut State Department of Education, Interactive Data Portal - Edsight: Student Counts by School and Special Education Status All Districts, All Schools <http://edsight.ct.gov/SASPortal/main.do>

Federal Policy Context

The education of students with disabilities is shaped by rules and regulations stemming from multiple federal statutes, including the Americans with Disabilities Act (ADA), Individuals with Disabilities Education Act (IDEA), and Section 504 of the Rehabilitation Act of 1973 (Section 504). The federal government assigns responsibility for implementing the laws to state education agencies (SEAs), which in turn delegate responsibility to local education agencies (LEAS or districts). As per Connecticut state charter law, nexus districts (i.e., the district of residence) retain the responsibility for the education of students with disabilities and provision of special education services. Nexus districts and the charter schools that enroll students from these districts share responsibility for implementing federal statutes related to educating students with disabilities. In practice, most nexus districts provide funds and the charter schools actually employ staff and deliver special education supports and services.

⁴ Data are current as of school year 2017-18 and exclude Trailblazers Academy and Path Academy which were operating in 2017-18 but subsequently closed. For charter schools, 11 report data for students with disabilities and 17 report data for students without disabilities for both ELA and Math. Booker T. Washington, Elm City Montessori, Explorations, Stamford Academy and Stamford CSE have suppressed values for Performance Index for both Math and ELA for students with and without disabilities (excluded from all analyses). Brass City, Common Ground, Highville, Integrated Day, Side by Side and Bridge Academy have Performance Index values suppressed for students with disabilities (excluded from analysis of performance of students with disabilities). The Performance Index is the average performance of students in a subject area on the state summative assessments. It ranges from 0-100 and is reported for all students and for students in each individual student group. Connecticut's ultimate target for a Performance Index is 75.

Connecticut’s state special education laws and regulations essentially mirror the provisions of the IDEA, with a few exceptions. While the federal Department of Education is empowered to directly act against any LEA that violates federal special education law and regulations, oversight of LEAs within a state falls first to the SEA. The CSDE is thus accountable to the federal Department of Education for appropriately carrying out its responsibility for oversight of all LEAs within the state.

Connecticut Policy Context

While Connecticut shares many of its challenges around providing equitable and effective education to students with disabilities with other states, its specific funding and governance model poses a number of unique problems.

Special Education Funding

Unlike many states, Connecticut does not have a designated state-level special education funding formula. Instead, the Connecticut Charter Schools Law dictates that “a student’s resident town is statutorily required to pay the state charter school the **reasonable** cost of educating the student with special education services” (emphasis added). Lack of clarity around what the state deems a “reasonable cost” currently complicates reimbursement negotiations between charter schools and districts.

While districts have flexibility under this model, it does not explicitly set aside or earmark funds to support special education and related services as is typical in other states.⁵ The challenges of adequately funding special education are particularly significant in districts facing financial problems, such as Bridgeport and Hartford.

In fact, Connecticut’s hyper-local system of funding public schools— combined with multiple types of funding formulas that vary by school type (i.e., charter, magnet, and traditional neighborhood school)—creates fundamental inequities that influence every aspect of public education in the state. The state provides charter schools with a foundational grant of \$11,250 per student, as outlined in the state charter law. Traditional public schools, by contrast, receive \$11,525 in foundational funding from the state plus local, property-tax based, funding contributions from their city or township. In wealthy towns, these local contributions often far exceed the state foundation funding. As a result, property-rich suburban districts have adequate resources, while property-poor urban districts do not.

Charter School Governance

To understand the challenges around educating students with disabilities in Connecticut charter schools, it’s important to discuss the policy context in which they operate. The Connecticut Charter Schools Law⁶ outlines the main requirements for charter schools in the state, including those relating to students with disabilities. Connecticut allows for two types of charter schools: state charter schools and local charter schools. The Connecticut State Board of Education acts as the sole authorizer for all state charter schools and must provide secondary approval, after local school boards, for all local charter schools.

⁵ Connecticut School Finance Project (2016). Improving how Connecticut Funds Special Education.

<http://ctschoolfinance.org/assets/uploads/files/Improving-How-CT-Funds-Special-Education-FINAL.pdf>

⁶ Conn. Gen. Stat. Ann. § 10-66aa et seq. Available at https://www.cga.ct.gov/current/pub/chap_164.htm#sec_10-66aa.

Charter schools in Connecticut are autonomous local education agencies (LEAs) for most legal purposes. However, **for purposes of educating students with disabilities**, charter schools share LEA responsibilities with the local school district of residence (i.e., nexus district) for each enrolled student with a disability.

The “nexus district” is the LEA that formally has the legal responsibility to provide a free and appropriate public education (FAPE) in the least restrictive environment (LRE) for a student with disabilities under the IDEA. In Connecticut, the nexus district is always the student’s LEA of residence. While the manner in which the responsibility is operationalized varies across the state, nexus districts are responsible for Child Find (i.e., the federal mandate to locate and evaluate children with disabilities), scheduling and leading IEP team meetings, and providing charter schools with staff or funding to provide the services outlined in the IEPs.

Charter schools may serve students from multiple nexus districts and most serve students from the nexus district in which they are located and other nexus districts nearby. The school district in which a charter is physically located is referred to as the “host” nexus district. The other districts from which charter schools draw students are referred to as “sending” nexus districts. Throughout our analysis, we will refer to “nexus” districts generally as well as “host districts” and “sending districts” when relevant.

It is worth noting that the respective special education responsibilities for charter schools and local districts in Connecticut are less clear cut than in most states with charter schools. For instance, Pennsylvania and Massachusetts allow charter schools to be designated as independent LEAs wholly responsible for provision of special education and related services. Other states, such as New York and Colorado, leave primary responsibility for provision of special education with the district where the school is located. In these states, the host district remains the LEA for purposes of providing special education and related services; charter schools are simply schools within the larger district LEA. However, unlike Connecticut, the state laws and related guidance in these states provide more explicit information related to how responsibilities are shared between the LEA and schools within the LEA. For example, the New York State Education Department has posted detailed guidance on its website⁷ addressing the respective roles of charter schools and districts. It includes sections on topics such as LEA Status, IEP Implementation, and Oversight and Monitoring. The statewide authorizing office in Colorado--called the Colorado Charter School Institute--requires all of the schools it oversees to enter into a 13-page memorandum of understanding that addresses the full range of relevant issues.

Findings

The limited funding for charter schools and legal ambiguity with respect to special education responsibilities undermines students with disabilities’ ability to enroll in charter schools and to receive the critical supports and services outlined in their IEPs.

State of District-Charter Relationships

Connecticut charter law is ambiguous regarding how nexus districts should educate students with disabilities who enroll in charter schools. This results in variability in how nexus districts interpret their responsibilities and define their relationships related to both funding and service provision—and that ambiguity and variability can

⁷ See “Charter Schools and Special Education,” available at <http://www.p12.nysed.gov/psc/Footer/specialeduc.html>.

lead to strained relationships between charter schools and districts. The CSDE is perceived to be reluctant to proactively increase transparency or mediate relationships between nexus districts and charter schools. Charter schools themselves struggle to pressure districts because of the potential for retaliation, risk of damaging relationships with their districts, and in some instances because they understand the resources pressures districts face. During our interviews, charter school personnel shared instances in which communication and the determination of students’ services or mandates were more difficult as a result of the school expressing concern or escalating issues related to the district.

Charter-district relationships are complicated across the board and are especially troubled in several of the state’s major cities. We categorized these relationships* on a spectrum ranging from “satisfactory” to “in need of improvement” based on our assessment of 1) degree of transparency, 2) the extent to which each charter school can readily secure funding and services, and 3) equitability of funding distribution.



Figure 4: Typology of Charter-District Relationships

**We were unable to interview anyone associated with ISAAC or New London Public Schools and thus do not include them in this typology*

Relationships Influence Practice

The variation in the quality of district-charter relationships in Connecticut translates into serious discrepancies in how charter schools and nexus districts work together to serve students with disabilities. While a few charter schools have successfully negotiated Memoranda of Understandings (MOUs), the vast majority do not have the specifics of the relationship memorialized in writing. This absence of transparency means that the parameters of the relationships tend to emerge on a case-by-case basis. The lack of a contractual document can make it difficult for charter schools to seek district compliance with stated agreements. For instance, our interviews surfaced examples of districts writing IEPs for district settings rather than the charter school the student attends or removing or reducing services such as paraprofessionals or related services.

However, charter schools are hesitant to push districts too aggressively for support due to concerns about losing hard-fought ground in their relationships with nexus districts or facing retaliation that impacts their ability to provide students with the services they need in a timely manner. One important finding for Connecticut, where most charter schools are single-site schools, is that charter schools that fill a niche market (e.g., an alternative high school) seem better positioned to negotiate with nexus districts, while charters that are viewed as competitors to nexus districts, as CMOs often are, seemed to have less negotiating power.

Charter school leaders spoke candidly about their efforts to “make it work” for students in spite of challenging relationships with their nexus districts. They balance these efforts with caution to maintain the relationships with districts that they need.

“You don't want to upset the applecart because they're going to get you in another way. You have to keep that peace at all costs so when there's something that you really need, you increase the likelihood of getting it.”

“You have to be really pragmatic. The first thing is getting the kids the services they need and then having a working relationship with people.”

“At the end of the day, we're going to make sure that our students are getting what they need, regardless of what's in the IEP, what's not in the IEP, and what the district is going to pay for and not pay for. We're never going to limit their resources and their needs based on the adults who can't get their stuff together. If pre-K kids who don't have an IEP have special needs, we still have to give them support. We don't pretend the needs doesn't exist because we aren't getting money for them.”

District-Charter Relationship Challenges by City

City	Challenges
Bridgeport	All charter stakeholders in Bridgeport reported funding challenges. The district rate of reimbursement for special education full time equivalents (FTEs) is based on the number of students and does not account for student service needs.
Hartford	Charter schools reported rates of reimbursement for services equal to those paid to local magnet schools but not commensurate with surrounding districts. This lack of competitive rate reimbursement affects the quality of providers charter schools can afford.
New Haven	Within New Haven, nearly all charter schools reported politically contentious relationships with the district, as well as lump sum rates of reimbursement that seem unconnected to the number of students with disabilities enrolled or the level of services provided.

Funding

As described above, Connecticut’s failure to specifically define appropriate dollar amounts and mechanisms of district support for students with disabilities has led to inequities across the state. Even charter schools with a working relationship with nexus districts often felt they were not being reimbursed for the full cost of providing services to enrolled students with disabilities. In a few instances, charter schools shared that their district has capped reimbursement for the cost of special education teacher at \$65,000 a year in total compensation even though the average teacher in Connecticut earns more than \$75,000 a year, excluding benefits.⁸ Our interviews revealed that nexus districts’ inconsistent service delivery and/or funding

⁸ National Education Association. (2019, April). Rankings of the States 2018 and Estimates of School Statistics 2019. http://www.nea.org/assets/docs/2019%20Rankings%20and%20Estimates%20Report.pdf?_ga=2.111878979.690351481.1583133885-1385393248.1583133885

reimbursement makes it difficult for charter schools to plan for meeting the needs of their enrolled students with disabilities.

One of the major challenges regarding funding is that, reflecting the ambiguity embedded in the charter law, districts are deploying multiple approaches. Though all charter schools receive special education resources from the nexus districts in which their enrolled students with disabilities reside, districts may provide reimbursement for services, in-kind service delivery, or a combination of the two.

- **Reimbursement for Services**

In **Hartford**, charter schools have negotiated reimbursement based on an hourly rate for teachers and related services multiplied by the service hours dictated by students' IEPs.

- **Lump Sum Reimbursement**

In **New Haven**, the school district negotiates a lump sum reimbursement for charters serving its resident students without any apparent formula.

- **Reimbursement Plus In-Kind Service Delivery**

In **Bridgeport**, the district provides reimbursement for special education teachers in the amount of \$65,000 per FTE, based on a ratio of 20 students to one teacher. The reimbursement amount is consistent, irrespective of the number of service hours students receive according to their IEPs. All related services such as speech or occupational therapy for Bridgeport students who enroll in charter schools are provided in-kind by district staff. This appears to be nearly the same arrangement as used by **Stamford** for its nexus students.

Individual charter schools in smaller host districts described a range of funding scenarios, most mirroring one of the models used by Bridgeport, New Haven, or Hartford.

The type of funding arrangements each charter school has with its nexus district influences the quality of the relationship between the charter and the district. Charter schools that bill nexus districts for the reimbursement of actual service hours provided generally reported more positive relationships with those districts. However, none of these funding approaches were identified as wholly adequate or exemplary.

Overall, Connecticut charter schools are not, generally, receiving the special education funding or services that they—and their students—are guaranteed under IDEA. For instance, schools reported that when nexus districts provide instructional personnel, charter schools sense that they are allocated the weakest teachers, which is why they prefer seeking reimbursement. However, both reimbursement models also pose challenges. When schools are reimbursed by FTE based on the number of pupils, rates do not reflect the number of service hours individual students are receiving, while when charter schools receive reimbursement via hourly rates for services, the reimbursement rates often do not reflect higher actual costs of services. Additionally, charter schools within the same nexus district do not always receive equivalent dollars or services from that nexus district.

Reimbursement models can impact staffing levels. When charter schools are reimbursed at an hourly rate for related services, providers are often hard to find, but the downside of district-provided services is that the charter school is rarely the provider's first priority. Our interviews yielded reports of related service providers coming to the charter school after working full day at district schools, or only on single, pre-selected days.

Staffing

Charter school special education staff in Connecticut have a more significant caseload for lower salaries than do their traditional district colleagues. On average, over the last three years, special education teachers in charter schools educated three more students per full-time equivalent (FTE) than their counterparts in host districts, and the difference is increasing over time. However, that difference in caseload is not reflected in salaries. Over the last three years and with notable variance between schools, charter schools paid their special education teachers an average of approximately \$23,00 less than host districts, and the difference is increasing over time.



Special education teachers in charter schools in **Stamford, Bridgeport, Winchester** and **New Haven** serve **MORE** students with disabilities per FTE than their host districts



Special education teachers in charter schools in **New London, Hartford, Norwalk, Manchester** and **Norwich** serve **FEWER** students with disabilities per FTE than their host districts

Special education paraprofessionals in charter schools also face disproportionate caseloads. Over the last three years, they educated six more students per FTE than their counterparts in host districts on average. However, for paraprofessionals, the difference in caseload is decreasing over time.

Charter schools are often faced with meeting student service needs with inadequate staff. Schools shared stories of impossible workloads for their funded special education staff and a desire — and sometimes attempts — to hire additional staff to meet the needs of their students with disabilities.

“So if you ask about what we really need, we really need them to hire the people that are needed or let us hire them. That would be my number one ask. We don't need Bridgeport to oversee this process. We could do it well without the district hovering over us if we could get the funding. I'd like to see the state pass through some funds on top of our \$11,250 per pupil so that we could hire our own team of psychologists and related services staff members to get the job done because we're qualified.”

“...in upper school there are 178 hours of special ed services, and in lower there's 150 something. If they worked every day all day, seven days a week, they can't meet the hours.”

“...they do provide us with a para ...I think it's 13 or 14 hours a week. It's really ridiculous. And we actually pay that para to be here full time. We pick up the additional hours, so she's with us full time.”

Analysis and Discussion

Our interviews and analysis of enrollment, service provision, and finance data revealed three key conclusions pertaining to underlying statutory challenges. The conclusions shape our recommendations.

First, the underlying inequity of funding may lead to practices that either deny students educational options or educational services. For example, districts and charter school personnel may counsel students with disabilities away from charter schools to avoid the cost of providing services or in light of limited resources in those schools. Conversely, districts and charter schools might counsel students and families that waiving their rights to special education services is a tradeoff required to enroll in charter schools. When hosting planning and placement team⁹ meetings for students enrolled in charter schools, districts may write IEPs based on the types of services available in district school placements, ignoring the context and educational program of the charter school. Charter schools may limit service delivery to what they can provide based on nexus district reimbursement, regardless of actual service requirements for students.

Second, discriminatory practices, such as counseling out, may reduce access to school choice in Connecticut for students with disabilities and thereby undermine the legitimacy of the sector. Many Connecticut charter schools were created explicitly to change the face of what educational opportunities and outcomes look like for low-income children of color. In order to accomplish this goal, they need the resources to serve all students, including students with disabilities.

Third, there does not appear to be a clear sense of urgency in Connecticut to drive policy change, despite these complex challenges. The vagueness of Connecticut charter law allows nexus districts to interpret their legal obligations related to educating students with disabilities differently. While districts vary in their interpretations, most of their decisions appear to prioritize limiting expenses rather than equalizing access for students with disabilities. These interpretations of the law are problematic. However, charter schools and their nexus districts are muddling through the murky policy and funding context in the state and the ambiguity in the law make it hard to prove specific examples of clearly unlawful behavior.

Recommendations

Based on our analysis, we propose seven recommendations for charter schools, their advocates, nexus districts, and the CSDE that could improve district-charter school relationships and the extent to which students with disabilities can readily access charter schools similarly to their peers without disabilities. While these recommendations need not happen in any given order or even sequentially, they are ordered below based on the projected level of impact.

Form Coalitions to Advocate for Equitable Funding for All Connecticut Students

The small charter sector and difficult relationships between charter schools and traditional districts has resulted in a lack of strong coalitions for needed education reforms within the state of Connecticut, though the state is long overdue for an overhaul of its funding system. The overarching inequities baked into the public education system in Connecticut require focused advocacy from diverse constituents. Traditional public

⁹ In Connecticut, the term “planning and placement team” (PPT) is used synonymously with “individualized education program team” (IEP team).

schools and charter schools in urban areas have far more to gain by working collectively than against one another. Advocacy for changes to the numerous school funding formulas currently in use in Connecticut would require a significant investment of time, resources, and political capital but hopefully increase the funding for all schools in urban districts. It could also bring essential and needed clarity to the current ambiguity in how services for students with disabilities are funded in charter schools in the state.

Establish Shared Understanding of “Reasonable Costs” and Associated Expectations

In order to reach greater clarity under the existing state law and funding formula, the charter sector should push the CSDE to develop guidance around state law on charter schools and their shared LEA relationship with nexus districts. Charters and advocates should then partner with CSDE to have the guidance adopted, published, and promoted across the state. In particular, stakeholders should partner with CSDE to clarify the specific meaning of the word "reasonable" in the current state statute. That understanding will aid charter schools in negotiations about reimbursement with nexus districts.

Conduct Research to Develop Standard Regional Service Provider Rate Schedule

The charter sector in Connecticut is small and dispersed across the state, with schools largely operating as islands. However, charter schools could benefit from greater transparency. An inventory of salaries and related service provider rates would enable charter schools to benchmark against one another and other traditional public schools and magnets to standardize billing and reimbursement rates based on actual costs to schools. Since the rates may vary by region within the state, the inventory may show that a range of rates is sensible.

Identify Technical Solutions

Charter schools and their advocates should collaborate to develop an inventory of challenges (e.g., districts failure or delay in processing invoices for special education services or lack of written guidance from CSDE) and potential solutions (e.g., create a standard rate schedule for special education teachers and related service providers, research and draft guidance related to the definition of “reasonable costs,” and develop and disseminate a boilerplate letter to the state regarding unpaid invoices) to be shared with all charter schools in the state. This inventory should be kept updated over time and can serve as a valuable tool for all those muddling through the ambiguity in the current policy and funding context.

Engage Parents to Advocate for their Children

Parents are their students’ first and primary advocates. To ensure parents are aware of their children's rights and equipped to advocate for them during PPT (i.e., IEP) meetings, charter schools should proactively train and coach parents regarding the services the child needs to access the general education curriculum. More specifically, the training should make certain that parents understand that their child with a disability has a right to attend a charter school, the IEP must be individualized to reflect the charter school instructional program, and their child should not have to waive rights or services (e.g., support of a paraprofessional or related services provided by an external therapist) when they enroll in the charter school.

Develop Tools to Assist Charters and Nexus Districts to Negotiate Productive Relationships

Charter schools should share tools individual schools have developed (e.g., MOUs, parent complaints, nonpayment requests, and invoices etc.) that may be of use to other schools facing similar challenges with their own nexus districts. The Connecticut Charter Schools Association might serve as a repository for such tools and may help facilitate sharing resources across the state.

Establish a Troubleshooting Resource with Legal Expertise

To augment the general technical solutions and tools, charter schools would benefit from access to highly individualized strategic legal advice to assist them in navigating specific challenges with nexus districts. While

enhanced transparency and tools may reduce the number of unresolved challenges, some relationships are so complicated and acrimonious, they may require individualized support to identify the legal basis of concerns regarding the manner in which the nexus district is fulfilling its responsibilities to educate students with disabilities who elect to enroll in charter schools.