



National Association of State Directors of Special Education, Inc.

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Good Morning, Mr. Chairman, Senior Republican Member Kline and Committee Members:

Thank you for the opportunity to appear before you and discuss important issues related to charter schools.

My name is Eileen Ahearn and I come to this discussion with a long background in both general and special education. I have been a public school teacher, a director of a special education collaborative, a district director of special education and the superintendent of a school district. I came to NASDSE (the National Association of State Directors of Special Education) in 1991 to work on national and state policy issues. NASDSE is a nonprofit national organization that represents the state directors of special education in all 50 states, the District of Columbia, the Bureau of Indian Education, the Department of Defense Education Agency, the federal territories and the Freely Associated States.

I have directed three federally funded projects that specifically focused on special education in charter schools. These projects have produced targeted resources, especially the series of *Primers on Special Education in Charter Schools*, which provide information and assistance for authorizers, operators and state officials who are involved with charter schools. The *Primers* are now part of a website that includes additional resources that my colleagues and I developed on the topic of special education in charter schools. I currently serve as a consultant to the charter school community on special education issues while continuing to work part-time at NASDSE on other projects.

I see many parallels between the special education and charter school movements. At their core, special education and charter schools are different approaches to providing students with educational opportunities that ideally match their unique educational needs.

Any discussion of special education in charter schools must start with a clear understanding of the basic feature of charter schools, that is, parental choice. Students can be enrolled in charter schools only if their parent makes that choice. States have adopted charter school laws to provide additional options for parents so they can access what they consider to be the best type of school program for their child to succeed.

Charter schools may be waived from state or local requirements, but they are a part of the public education system and, as such, they are subject to all federal laws and regulations related to students with disabilities, especially the Individuals with Disabilities Education Act (IDEA). The requirements can pose problems for charter schools that are also mandated by state law to fulfill the mission for which they were approved when they were authorized to operate. Research has identified the policy tension between the prescriptive requirements of IDEA and the identifying features of charter schools that include the exchange of autonomy for accountability and placement based on parental choice.

Most people are not aware of the many complexities involved in providing special education in a charter school. For example:

- The majority of charter schools are considered to be part of the school district that authorized them, i.e., their LEA, and it is the LEA that can decide what, when and how special education will be provided in the charter school.
- Conversely, a charter school may be considered to be its own LEA under state law and hold full responsibility for all special education services its students may need. That means that this type of charter school must provide all special instruction and related services in a student's IEP, such as speech or occupational therapy or even the assignment of an aide specifically for that student.
- Further, the state location of a charter school is one of its predominant and most critical characteristics because requirements differ so widely among states. However, most states have not developed technical assistance to help charter schools meet their special education responsibilities. Some, however, have developed state-specific technical assistance that could be replicated for other states so that future charter schools can be better prepared to meet the special needs of students with disabilities before they open their doors.

Over the more than 30 years that IDEA and its implementing regulations have been in effect, many changes have occurred. A major theme that has come from those revisions is an increased emphasis on educating students with disabilities with their nondisabled peers to the maximum extent possible. This approach is known as inclusion, that is, keeping students with disabilities in the general education classroom, learning through the standards-based general education curriculum. There are many charter schools that are prime examples of successful inclusion. There are also charter schools that are designed primarily to serve

students with disabilities and they also provide an important resource to parents and school systems.

There is a significant need for policy clarification and technical assistance to help charter schools carry out their responsibilities for special education. The application process of many authorizers pays little or no attention to how the charter school will amass the capacity to meet the needs of students with disabilities who enroll in their schools. Many of the charter school administrators I have worked with have sincerely demonstrated their interest in and support for serving students with disabilities. Charter schools have become an important addition to America's public education system and many of them have successfully served students with disabilities just as many traditional public schools have done.

Thank you again for this opportunity to appear before the Committee and I would be happy to answer any questions that you might have.

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