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LOYOLA MARYMOUNT UNIVERSITY

Charter Schools as Leverage for Special Education Reform

by

Tommy Chang

A dissertation presented to the Faculty of the School of Education,

Loyola Marymount University,

in partial satisfaction of the requirements for the degree

Doctor of Education

2013

Charter Schools as Leverage for Special Education Reform

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ACKNOWLEDGMENTS

With sincere gratitude, I would like to acknowledge and thank the people who have helped, guided, challenged, and supported me throughout this process.

Dr. Shane P. Martin, my dissertation committee chair, whose is a beacon of positivity and hope, whose thoughtful advice is always appreciated and heeded.

Dr. Drew Furedi, my friend, whose is always a dependable thought partner in work and life.

Dr. Emilio Pack, my colleague, whose passion for high quality instruction for our youth inspires me regularly.

To my LMU professors and professional colleagues for setting an example of social justice, action, and scholarship.

DEDICATIONS

To my mother Tu-Mei for her unrelenting expectations;

To my wife Julie for her constant love and understanding;

To my daughter Vi for always reminding me about the importance of a positive spirit;

To my friends and colleagues who have always believed in me;

I thank you all for accompanying me through this wonderful journey.

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ABSTRACT

Charter Schools as Leverage for Special Education Reform

by

Tommy Chang

Few studies have examined the intersection of charter school and special education policies. The concerns around the serving of special education students in charter schools must be carefully studied, especially as charter schools continue to grow in numbers and continue to serve a greater percentage of public school students. New policies must not only address equity in access for special education students in charter schools but must also study how charter schools can be leveraged to generate innovative and promising practices in the area of special education.

This study examines a recent policy change in the Los Angeles Unified School District that provides great autonomy and increased accountability for charter schools in their provision of special education services. This policy change promotes key tenets of charter schools: (a) autonomy and decentralization, (b) choice and competition, and (c) performance-based accountability with the aim of increasing access for students with special needs and increasing the capacity of charter schools to serve them. The research design utilizes a mixed method approach to collect qualitative and quantitative data to evaluate the goals of this major policy change within this particular school district.

CHAPTER 1

INTRODUCTION

Background

Education, at its most fundamental level, can be characterized by the provision of learning in the environment most suitable to a student's needs. Special education and charter school policies hope to individualize the learning environment for students, albeit with two different approaches.

Under the federal special education law, known as the Individuals with Disabilities Education Act (IDEA), any student identified by one or more of the specific categories of disability is assured a free appropriate public education (FAPE) in the least restrictive environment (LRE). The Individualized Education Plan (IEP) outlines the educational goals and needs for each eligible student and IEPs are reviewed and updated annually. The intent of federal legislation is to ensure that students with special needs are provided access to a high quality public education, which is the fair and moral responsibility of a civilized society. Special education laws have secured greater educational success for many of the youth in our country. However, despite its intent to protect society's neediest individuals, special education is sometimes characterized as over-whelming, over-regulated, and overly complex even though special education laws, mandates, and regulations. Finn, Rotherham, & Hokanson (2001) explain that IDEA has resulted in many unintended consequences and unfortunately, it is often considered taboo to discuss such problems. "Well-intentioned people who have attempted to highlight deficiencies, inequities, and problems with special education have been criticized as interlopers with bad motives and political agendas" (p. 7).

Charter school policies, on the other hand, are fundamentally grounded on the ideals of deregulation and autonomy. Born out of the school choice movement, charter schools are exempt from many state and local regulations. When compared to special education laws, rules associated to operating charter schools tend to be less reaching and more localized to the agreement between the charter school and its authorizing agency. Known as the “charter,” this agreement acts as the guiding document for the work of the charter school and spells out the working relationship between the charter school and its authorizer. In return for greater autonomy, charter schools are subject to more accountability and expected to net greater returns. But, because charter schools are fundamentally public schools, they are subject to federal laws related to educating students with special needs. O’Neill, Wenning, and Giovannetti (2002) comment that federal special education laws can impose restrictions on charter schools that be seen as running counter to the intent of charter school policies and “because federal disability laws in general were enacted before the advent of charter schools; and courts have so far said very little on this point, the link between charters and special education is murky” (p. 1).

Los Angeles Unified School District (LAUSD) is the nation’s second largest school district and its largest authorizer of charter schools in the country with over 210 charter schools serving more than 110,000 students. The California Charter Schools Act (1992) outlines several purposes for charter schools. They include (a) providing parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system; (b) providing vigorous competition within the public school system to stimulate continual improvement in all public schools; and (c) holding the schools established under this

part accountable for meeting measurable pupil outcomes, thus shifting from a rule-based to performance-based accountability system.

Given this clear intent, it should not be surprising that charter schools are seen as unwelcome competitors by some supporters of the traditional school system. The issue of charter schools has clearly polarized the education community and the limitations of current resources have unfortunately exacerbated the “us vs. them” mentality. For some, charter schools represent “an exciting vehicle of school reform; for others, especially those in control of the traditional public school system, they are a threat” (Hill, 2006, p. 1).

As the greater education debate on choice and autonomy is occurring throughout the country, the microscope is squarely placed on the LAUSD as the school district continues to debate and define itself in light of the tensions between charter school supporters and those that support traditional public schools (TPS). Nowhere else in the nation is this debate more intense. Kerchner, Menefee-Libey, Mulfinger & Clayton (2008) believe that charter schools are creating a new paradigm for what a school district should be and blurring the line between public and private. They state, in reference to Los Angeles and the role charter schools play in school reform:

The very idea of a public school district is changing gradually. The district has a contractual relationship with the charters rather than a managerial one. Among metropolitan-sized school districts, LAUSD may be closer to contracting-out model proposed by policy scholars Paul Hill, Larry Pierce, and James Guthrie than any in the country. The district has become partly operator, partly contractor, and, through its choices of charter operators, partly the holder of a portfolio of schools (p. 199).

It is important to contextualize the role of charter schools in LAUSD's overall reform efforts and its push for school autonomy. From the work during the 1990s of Los Angeles Educational Alliance for Restructuring Now (LEARN) to Small Learning Communities that were the foundation of LAUSD's massive school building program over the last decade to more recent creation of pilot schools and Expanded School-Based Management Model schools, all these district reform efforts are grounded on the theory of change that shifting control closer to the school site leads to better educational decision making. Proponents for autonomy have argued that "granting schools additional flexibility can be an effective strategy for encouraging innovation and change in educational practice" (Dillion, 2011, p. 3). In LAUSD, reform efforts towards increased autonomy of schools have also been coupled with reform efforts to provide choice for families. The Belmont Zone of Choice, modeled after the Boston Pilot Schools Network, started in 2007 as a cluster of high schools near downtown Los Angeles. Students entering high school that live in Belmont attendance area may choose from 13 small learning communities, many of them pilot schools. These schools are given waivers from district policies and collective bargaining agreement so to provide increased flexibility and autonomy in exchange for increased accountability and the expectation to be more innovative. These in-district reforms blend the characteristics of TPS and charter schools.

Charter schools are seen as the ultimate form of autonomy and choice in public schools as charter schools are independently operated. They are freed from many of the policies and regulations of the traditional school districts, with control over their curriculum, scheduling, budgeting, and staffing as well coupled with an open enrollment process. Thus, it begs one to understand how charter schools can be used as part of a school district's strategy to provide the

best education for its students. Specifically, this study hopes to investigate whether policies that espouse the tenets of charter schools, such as autonomy, competition, and accountability, can be enacted to improve educational opportunities for students with disabilities (SWD).

Statement of Problem

The dichotomy between the highly regulated nature of special education and the less regulated nature of charter schools has often resulted in tension and misunderstanding as charter schools work through federal, state, and local mandates to meet needs of their special education students (Ahearn, Lang, Rhim, & McLaughlin, 2001). While charter schools are exempt from many state and local regulations, they are public schools and thus are subject to federal laws and regulations relating to the education of SWD. However, there is ambiguity and lack of specificity in regards to the role and responsibilities of charter schools versus its authorizer in regards to special education. Rhim, Ahearn, and Lange (2007) point out that policy makers have struggled to establish guidelines and parameters for the educating of SWD in charter schools. This is due to the highly nuanced nature of the statutes that shape the responsibility for special education in the charter sector. It is clear that charter schools, like all other publicly funded schools, must abide by the IDEA but what is unclear is the extent of that responsibility. The legal status of a particular charter schools can vary but two possible types of relationships dominate. A charter school can act as its own local education agency (LEA) or act as part of an existing LEA for purposes of special education. Under IDEA regulations, if a charter school is part of an LEA, the LEA is responsible for educating students with disabilities who enroll in charter schools as it would with any students who enroll in other district schools, including providing any supplementary and relative services as dictated through the IEP process. If a

charter school is its own LEA, it is completely responsible for the special education programs and services of all its special needs students and must ensure the provision of FAPE.

Historically, LAUSD has had an alternative arrangement with its charter schools. According to California state law, every school must belong in a Special Education Local Plan Area (SELPA), an entity that receives and allocates special education funding to individuals schools, districts, and counties that belong to its membership. (This topic will be discussed further in the next section.) Because LAUSD acts as its own SELPA due to its incredible size, charter schools approved by LAUSD belong, by default, in its SELPA. However, LAUSD does not take on the full responsibility of special education in charter schools as they do of their TPS and at the same time, charter schools do not act truly as their own LEA. The current arrangement is often described as a “hybrid” arrangement requiring charter schools to serve and provide services for the majority of students with special needs but, in exchange, receive only a portion of the charter school’s special education funding, currently 60-73%. This arrangement has caused significant confusion and policy tension. One such example is as follows: When a wheel-chaired bound student enrolls into a charter school that resides in a non-ADA (American Disabilities Act) compliant facility, how do the charter and the district share in the responsibility of ensuring access to that student? This confusion regarding jurisdiction and compliance with ADA access in non-district charter school facilities was highlighted in recent years by the press (Llanos, 2010). Another such example is as follows: When a student is placed in a non-public school placement by a charter school, which entity is responsible for that student’s education once the student reaches an age beyond the charter school’s grade span of operation, the charter

school or the authorizing district? These examples are a few of the myriad of perplexing predicaments that face charter schools and their authorizing school district.

Unfortunately, this confusion and tension has resulted in widespread criticism towards charter schools by many sectors of the education community, including researchers, advocates, politicians, and union leaders. It is often heard that charter schools are unwilling to serve students with disabilities and that schools “counsel out” families who wish to enroll their children that have disabilities. While some others acknowledge that charter schools do serve students with disabilities, they also point out that charter schools are unwilling and ill-prepared to serve students with the most severe needs and that charters are only willing to serve those students who have mild to moderate disabilities. A recent statement from a LAUSD board member underscores these criticisms, “this disturbing evidence in combination with some of the other statistics we are getting paint a very disturbing picture and raise questions on whether public charters really serve all children" (Llanos, 2010).

These criticisms politicize the discussion and serve as another example of the evolving relationship between researchers and public policy as noted by Jeffrey Henig (2008), a professor of political science and education at Columbia University. He explains that research is often used in partisan debates over educational policies and makes the case that researchers, editors, reporters, and policy makers all share in the blame for the polarization of the debate over charter schools. Unfortunately, the challenge of special education and the serving of students with disabilities have recently taken center-stage in this debate.

For example, Frankenberg, Siegel-Hawley, and Wang (2010) documented more stratification of students in charter schools as compared to TPS and pointed out research that

suggests “a propensity for charter schools to serve lower numbers of ELLs and students with disabilities” (p. 17). The foreword of this study, written by Gary Orfield, Professor of Education, Law, Political Science and Urban Planning at UCLA, makes the statement that “the charter school movement has been a major political success, but it has been a civil rights failure” (p. 1). More recently, in an article for the *Huffington Post* about the importance of magnet schools, he again points out the disappointing performance of charter schools as it pertains to increasing segregation (Orfield, 2011). It should be noted that a recent study by LAUSD’s Office of the Independent Monitor, “revealed several areas within magnet schools’ policies and procedures that appear to be in violation of federal and state laws pertaining to the education of SWD” (Office of the Independent Monitor, 2011, p. 1) and that less than 4% of students attending magnet schools are students with disabilities, a percentage significantly lower than found in charter schools.

While statistics support that the special education demographic in charter schools may differ from that of TPS, it is also clear that charter schools recognize the legal responsibility to serve all students and are working to provide “high quality and compliant special education services to an increased number and broader range of students with exceptional needs, by building a statewide infrastructure of resources that supports the flexible and autonomous nature of charter schools” (“Special Education in California,” n.d.).

The challenge of serving special education students should not be an arena of dispute but a challenge that is embraced by all sectors of education. Charter schools are designed to offer innovative educational strategies and this should include how they provide individualized support to meet the needs of SWD.

Overview of Knowledge Base

Charter schools are public schools operated apart from traditional school district bureaucracies and receive freedoms from many aspects of the state education code and district policies and procedures. For example, in California, charter schools are not bound to determining layoffs by seniority and following California education code for suspension and expulsion policies. The first charter school opened in Minnesota in 1992 as a result of the work between a coalition of progressives and conservatives that proposed and passed the first state charter legislation. Now, with continual growth over the last two decades, charter schools presently exist in some 40 states, including the District of Columbia, totaling over 5,000 schools and serving over 1.6 million students (“Charter Schools 101: The Most Frequently Asked Questions,” n.d.).

Charter Schools in California. Shortly after Minnesota enacted its charter school legislation, California became the second state in the country to pass a charter school law when Senator Gary Hart proposed a bill to create charter schools in California. Then-governor Pete Wilson signed the Charter Schools Act of 1992 which spells out the purpose of charter schools in California as follows:

- (a) Improve pupil learning.
- (b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.
- (c) Encourage the use of different and innovative teaching methods.
- (d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the schoolsite.

(e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.

(f) Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.

(g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools

(Charter Schools Act, 1992).

The language of the California Charter Schools Act of 1992 has caused much debate. On one side, some see charter schools as an attack to the existing, traditional public school system, and this policy is “part of a larger deregulation reform agenda in public” (Lubienski & Weitzel, 2010, p. 1). On the other side, some see charter schools as the reform effort needed to transform public education. Specifically, the California Charter Schools Act (1992) does outline key concepts that situate charter schools in the midst of the reform agenda.

Firstly, charter schools espouse the ideals of autonomy and decentralization. Charter schools are to operate outside the system of the traditional school district and governed outside the traditional school board. Charter schools typically set up their own board of directors and are free to create a governance structure that meets the needs of their schools. They are often directly funded and in California, charter schools receive greater flexibility by receiving block funding for categorical funds.

Secondly, California’s charter schools legislation dictates that choice and competition are intended to stimulate improvement in all public schools. Charter schools offer the opportunity to

increase competitive forces within the educational marketplace by ensuring that, as students move between charter and traditional schools, funding accompanies the students. For example, a high school student who leaves a TPS and enrolls in a charter school takes the funding associated with her. In other words, competitive forces are infused into public education as students “vote with their feet,” similar to the economic marketplace. As more charter schools come to existence, greater opportunity for competition comes into play. Theoretically, with increased marketplace competition, there is a greater incentive placed on educators to produce better results to attract more families and students.

Thirdly, legislators articulate quite clearly that there is intent to move from “rule-based” systems of accountability to more “performance-based” systems of accountability. By design, charter schools possess more flexibility and autonomy in governance, operations, and most importantly curriculum and instruction. In return for the flexibility and autonomy, charter schools are assumed to perform better. Miron (2010) describes three forms of accountability for charter schools: regulatory, market, and performance. While charter schools do have freedoms from district policies and procedures as well as freedoms from many constraints of California’s state education code, they must still be in compliance with relevant state and federal laws and regulations, including special education. In addition, charter schools are more accountable to parents and students because in most cases, charters school, unlike district schools, have no attendance boundaries and families can make the decision to leave a charter school and enroll into another charter school or district school. Lastly, charter schools are bound to meet goals and academic targets as stipulated in their charters. In California, authorizing agencies approve

charter schools to operate in 5-year cycles. Every five years, charter schools must be re-authorized through a process that involves the demonstration of progress through use of data.

While the simple market place model of competition coupled with high accountability seems logical, much more research is needed to truly determine if these forces lead to overall improvement in public schools. It is important to note that there is significant counter-narrative to the marketplace model in education. Ni and Arsen (2010) state that there is no clear evidence that competition by charter schools either induces improvements or causes harm in public school districts. “The state of current research recommends a wait-and-see position in the charter school policy debate. It is too early to draw firm conclusions on the systemic effects of charter schools” (Ni & Arsen, 2010, p. 119). In an essay on charter schools, Payne and Knowles (2009) state that:

When the stars are in alignment, charter schools give us a means to do an end-run around inflexible and incompetent bureaucracies to give some children a better education than they would otherwise have access to. But this doesn't mean charters are a panacea for the ills of urban systems writ large. They are a good deal more difficult to do well than was originally understood; and when done well, they are difficult to scale up. We see little evidence substantiating the early hopes that charters would, through healthy competition, spur improvements in traditional districts. That idea was probably always based on a series of false assumptions about the capacities of urban systems. However, we think that some of the recent flexibility demonstrated by some unions toward workplace regulations is partly in response. (p. 232)

Lubienski (2003) examines the lack of evidence that choice and competition have provoked innovation and change in charter schools. Rather, he suggests that policy intervention, rather than market forces, have spurred the more frequent innovations.

Special Education in California Charter Schools. In their study of 41 of the 50 states, Rhim et al. (2007) outlined five relationships between authorizing agencies and their charter schools: (a) all charter schools are LEAs; (b) all charter schools are part of an LEA; (c) status depends on the authorizer; (d) status depends on type of school; and (e) status chosen by the charter school. California is the lone state, other than the District of Columbia, that allows for charter schools to choose whether they would like to act as a LEA or exist as a LEA for the purposes of special education. While states that allow only one type of relationship struggle with the nuances between charter schools and their authorizer for purposes of special education, the complexities in California are exacerbated with the fact that charter schools have various choices.

In their extensive report to the U.S. Department of Education, Ahearn et al. (2001) elaborate on this point by stating that charter schools already struggle to understand their exact role and responsibility and thus fail to build the necessary systems and expertise to provide special education and related services to students with disabilities. In California, charter schools and their LEAs are influenced by a third element, the SELPA. The SELPA serves as the entity that receives funding from the state and allocates resources to its member schools, districts or counties. It also serves as a governance structure for its members and creates the operational policies and procedures for special education programs and service delivery within its members. Special education funding in California totaled \$4.7 billion in 2006-07 and these funds are

allocated to the 120 SELPAs that coordinate special education services between schools and school districts (Lipscomb, 2009). Funding in California is based on the average daily attendance (ADA) of a SELPA, not the disability counts and special education expenditures and not a “census-based or capitation model” (Lipscomb, 2009, p. 10) that is found in most other states. Thus, California’s relationship among charter school operators, authorizers, and SELPAs is fraught with confusion. Issues are further intensified by complicated funding systems, particularly for charter schools which tend to be small in size and lack knowledge regarding local, state, and federal funding and reporting policies and procedures.

In order to receive special education funding, charter schools in California must belong to the SELPA of its authorizing agency or they must become a LEA for the purposes of special education to join a LEA somewhere in the state. While charter schools are considered part of a school district for purposes of special education in most cases, few have membership within a SELPA as its own LEA (Snell, 2004, p. 12). According to Guarino and Chau (2003), charter schools create memorandums of understanding to establish their legal liability and working relationship with their SELPA.

Because special education is an under-funded mandate, special education expenditures typically exceed revenues. This results in “encroachment” of special education expenditures into a school’s general funds. In their study of charter schools in California, Guarino and Chau (2003) revealed that there was no significant disparity between the encroachment of charter schools versus TPS and that both cover 65 to 75% of special education expenditures with special education funding. Unfortunately, the situation with LAUSD charter schools is different, at least based on recent data.

Special Education in LAUSD Charters. LAUSD has historically an alternative arrangement with its charter schools. Because LAUSD is a single-district SELPA, charter schools authorized by LAUSD belong in its SELPA. However, using boilerplate language embedded within the charter petition document and a required memorandum of understanding, charter schools are required to act as a “hybrid” entity for purposes of special education.

Historically, charter schools have opposed becoming truly schools of the district for various reasons. Charter schools, in general, seek autonomy so any policies that take away from programmatic autonomies are confronted with resistance. In addition, TPSs of LAUSD pay an encroachment exceeding \$1,400 per ADA for the provision of special education services. For such reasons, charter schools compromised under a unique agreement between LAUSD and its authorized charter schools where charters currently pay 27-40% of their special education funding to the school district as part of their “proportionate” share. They retain the remaining percentage of their special education funding to be used for the serving students with disabilities. LAUSD retains the responsibility of non-public school placements and due process in cases when it is deemed necessary.

Furthermore, this complicated dilemma must be considered in the context of a school district that has experienced historical failures in the provision of special education. Since 1996, the Los Angeles Unified School District (LAUSD) has been under federal court oversight for its compliance with the federal laws as dictated by the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act. The original Chanda Smith Consent Decree of 1996 was amended in 2003 and a court-appointed Independent Monitor (IM) was assigned with the responsibility of ensuring LAUSD’s compliance with the Modified Consent Decree (MCD) and

relevant special education. At this moment, the IM has yet to certify that LAUSD has met the three necessary steps in order to disengage from the MCD: achievement of 18 outcomes, substantial compliance with applicable special education laws and regulations, and substantial compliance with program accessibility requirements.

In recent years, charter schools have become a subject of many of the IM's reports. While some charter schools and charter school organizations have argued that they are not party to the federal court oversight, the IM and LAUSD argue otherwise. They point to language within the MCD that implies that charter schools must adhere to the requirements of the MCD. Because of LAUSD's large number of charter schools, the performance of charter school students has a significant impact on the district's ability to exit from the MCD. According to the Office of the Independent Monitor (2009), students with special needs make up 11.3% of LAUSD's student population while only 7.6% of the charter school population. The report also found that students with severe disabilities only make up 1% of the total enrollment at charter schools while within LAUSD, they make up 3%. LAUSD officials state that charter schools are leaving an unfair financial and educational burden on traditional schools to serve special education students. LAUSD's special education expenditures exceed \$1.3 billion while special education funding comes in at approximately \$550 million, leaving an excess cost that encroaches into the general education funds of the school district. Charter schools, in their opinion, do not pay their equitable share of this encroachment.

Charter schools, on the other hand, claim that they should have the autonomy to create and operate their own special education programs that best meet their specific student needs. If charter schools in LAUSD were truly schools of the district, LAUSD would keep all the special

education funding and provides all services to charter schools, taking all the autonomy away from them. Furthermore, charter schools would be obligated to accept the same type and quality of district special education services as LAUSD traditional schools. This would take away all ability to leverage charter school policy to innovate for the needs of special education students. Charter schools argue that in order to be innovative, they should have the ability to access their full special education funding. Snell (2004) explains that because charter schools tend to be small, they lack the economies of scale to reduce the cost of special education services, making access to any available funding that much more crucial. In the case of LAUSD, due to the exceedingly high encroachment of special education, the proportionate share for charter schools continues to increase, costs that charters in LAUSD argue they should not have to share. This argument was highlighted in a 2003 Los Angeles Daily News article that reported LAUSD proposed taking 40% of special education funding from two charter schools awaiting renewal from the school district. The two schools, Vaughn Next Century Learning Center and Fenton Avenue Charter Schools in the Northeast San Fernando Valley, would have lost \$600,000 in special education funding, creating detrimental consequences for the 400 students of special needs served at those schools (Gao, 2003, p. N3). This issue highlights the policy tensions that grow ever more difficult to resolve given the steady increase of special education expenditures in education.

A significant state policy change occurred in January 2010 when the California State Board of Education (SBE) approved the California Department of Education's recommendation to allow charter schools to apply and gain membership into SELPA's outside of their region. No longer are charters bound to their authorizer or a geographic approximate SELPA for special

education membership. While LAUSD protested the legal authority of the California SBE to make such a decision, 21 charter schools authorized by LAUSD applied and were accepted as members of the El Dorado County Charter SELPA, a SELPA located near Sacramento, CA. (LAUSD Board of Education, 2011).

As a result of the SBE's decision and the looming expiration of the current "hybrid arrangement" after the 2010-2011 school year, 70 additional charter schools submitted written notices to LAUSD with their intent to exit LAUSD's SELPA in July 2011. While those charter schools that leave LAUSD to join another SELPA must demonstrate the program, fiscal capacity, experience and infrastructure to be deemed an LEA, it is LAUSD's position that charter schools that join out-of-geographic SELPAs will have negative consequences for students, families and the school district. The SELPA accepting the charter schools do not assume the responsibility for providing programs and services for students with disabilities attending the charter school. Families and students will likely be confused with the disconnection from LAUSD's SELPA. Parents who wish to seek direct answers to their questions must look to a SELPA that is possibly a far distance away. To make this even more problematic for LAUSD, the school district must still continue to monitor those charter schools that have departed because, as their authorizer, they are still bound by the MCD and LAUSD's progress on the outcomes.

Also, as a school district with declining enrollment, LAUSD continues to see a drop in their general education and special education funding. Simultaneously, special education enrollment has not decreased and with less funding, encroachment continues to increase. Charter schools that leave the SELPA will take special education funding to another SELPA. If charter

schools do not enroll and serve students with disabilities at the same level and with the same eligibilities as traditional LAUSD schools, the issue will be exacerbated.

A Major Policy Change

A solution for charter schools for purposes of special education must be accompanied with greater reform in special education throughout the school district. Reform efforts must center on both policy creation in the form of mandates, inducements, and capacity-building instruments as suggested by McDonnell and Elmore (1987) and the tenets of a portfolio approach to schools.

Thus, in order to prevent charter schools from leaving, a small workgroup was created by the Superintendent of LAUSD to explore a solution that would create a viable option for charter schools to stay in LAUSD's SELPA. The work group was faced with three key challenges:

1. A governance structure that allows charter schools a voice to inform the Board of Education and the Superintendent
2. A funding formula that allows charter schools to receive an equitable share of special education funding without significantly contributing to the excessive encroachment costs of the school district
3. A model for service delivery that allows for service sharing between charter schools and district schools

After months of work, a framework for a possible solution was taken to the LAUSD Board of Education in January 2011 and it passed unanimously. The framework integrates many of the recommendations set forth by Ahearn et al. (2001) including policy guidance for charters on its legal responsibilities under IDIEA and related state laws, and permitting charter schools to

consider a variety of options to meet their special education responsibilities different ways to operate within LAUSD's special education infrastructure.

The reorganization would maintain LAUSD SELPA's status as a single district SELPA, while creating two divisions of the SELPA, one for traditional district operated programs and one for the Charter Operated Programs (COP). The entire SELPA would be administered by a single SELPA Administrator and governed by the existing LAUSD Board of Education, who would each be advised by a committee of district and charter school representatives. A District Operated Program Director and COP Director would manage day-to-day operations and program oversight for each division, respectively.

The following diagram displays the two branches of LAUSD's SELPA. District schools and charter schools who choose to become truly schools of the district will belong to the left hand side of the SELPA called District Operated Programs. Charter schools that wish to act as LEAs for the purpose of special education will join the newly formed COP on the right hand side. (The dashed arrows represent potential sharing of services and programs.)

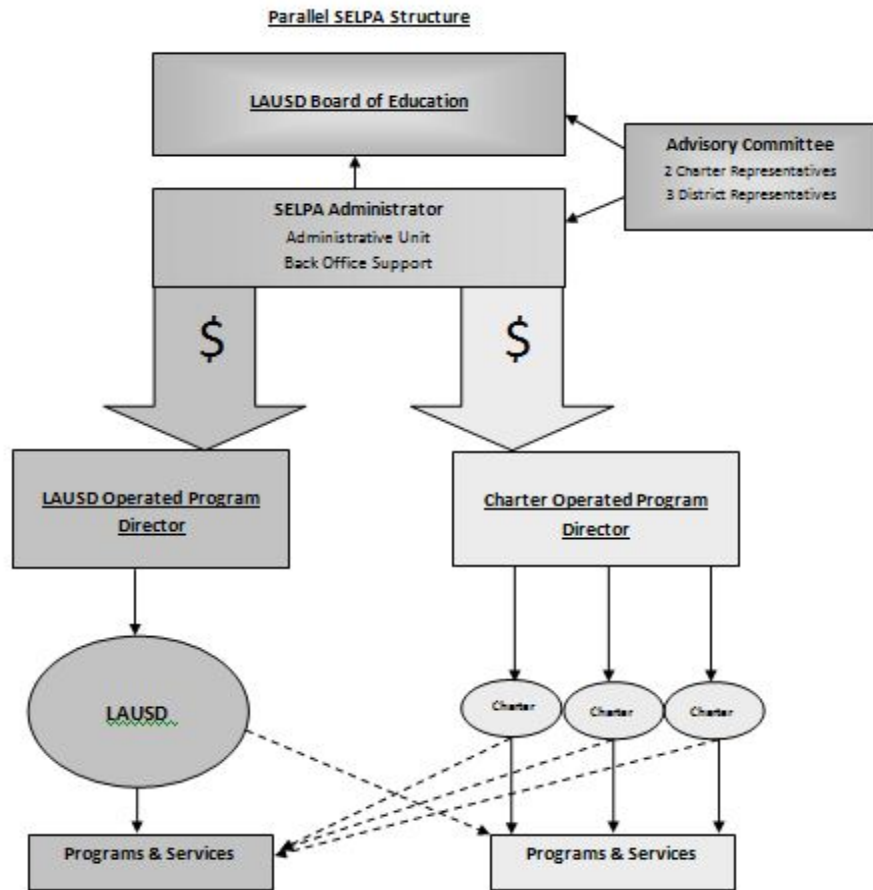


Figure 1. The reorganization diagram for the restructuring of LAUSD’s SELPA. Adapted from LAUSD Board of Education Report 149-10/11 on January 4, 2011.

The LAUSD Board of Education, with this reorganization, hopes to:

- Provide charters schools with the flexibility and autonomy to fully operate and be accountable for their own special education programs;
- Provide charters schools with the opportunity to participate in SELPA-level decisions affecting their school;

- Provide LAUSD revenue from charter operated schools towards administration of special education programs;
- Allow LAUSD and charter schools to mutually benefit from the programs, services and expertise available in both District operated and charter programs;
- Build capacity for charter and District operated schools to serve all students with disabilities regardless of eligibility status.

(LAUSD Board of Education Report 149-10/11, 2011)

Charter schools operating under the “hybrid” approach will be phased out as charter schools must become a school of the district with all responsibilities and privileges extended to any other school within LAUSD or become an LEA-like entity that operate autonomously for purposes of special education. If a charter school chooses to become a school of the district under the district operated program side, LAUSD will retain all special education funds in exchange for taking all responsibility and liability for serving students with disabilities. In addition, charter schools pay its “proportionate” share similar to any other school of the district, currently \$1,071 per students from its general education budget. If a charter school chooses to become LEA-like under the charter operated program side, it will receive all its special education funds, minus an administrative fee paid for using LAUSD’s existing SELPA infrastructure, for the complete responsibility of all special education and related services. The reorganization of LAUSD’s SELPA thus aims to remove the confusion of the hybrid relationship between the school district and its charter schools. The newly formed division provides the opportunity, in essence, to create a new SELPA within the support structure of an existing one and will be guided by a steering committee of the charter schools that choose to participate in this new

option. All charter schools must eventually become a member of this new division or become truly a school-of-the-district for the purposes of special education.

Charter schools and district schools will continue to participate in the current governance structure but charter schools will have a voice within the advisory committee that will inform decisions made by the SELPA administrator and the LAUSD Board of Education. Furthermore, a mechanism for the sharing of services will be created so best practices and service providing can be exchanged between the two programs. Lastly, data must be analyzed annually over a three-year period and a report submitted to the Board of Education to inform the Board of successes and challenges with this the reorganization.

Major reasons for charter schools' decisions to stay or leave LAUSD's SELPA center on autonomy and fiscal issues. It is the desire that the reorganization of LAUSD's SELPA provides fair options for charter schools to stay and meets the desires of the school district. More importantly, the reorganization hopes to ensure the equal access for students with special needs in all schools, particularly increasing access for students with special needs in charter schools and the increasing capacity within charter schools to serve those students.

Purpose and Significance of Study

Few studies have examined the challenges of charter school and special education policies. Those studies that do exist identify the issues associated with charter schools and special education but none offer up much in terms of policy solutions. The concerns around the serving of special education students in charter schools must be studied carefully as charter schools continue to grow in numbers and serve a greater percentage of public school students. Changes in policy must address issues beyond equity in access for special education students in

charter schools but must study how charter schools can be leveraged to generate innovative and promising practices in the area of special education.

Launching July 1, 2011 with a group of charter schools and a newly hired director, the newly formed COP in LAUSD hopes to accomplish this very task. One purposeful outcome of this study can be to inform the LAUSD Board of Education of the successes and challenges of this new division within LAUSD's SELPA. Specifically, this study aims to evaluate changes in access for students with special needs over the course of the first two years of implementation and to evaluate programmatic changes as a result of changes in capacity. For this study, capacity is defined as financial resources, services and programs. Moreover, this dissertation hopes to determine if education policies that espouse charter school tenets can be used to drive special education reform.

As long as special education remains an underfunded mandate, there will continue to be a desperate need to strive for stronger programs and better services for students with special needs. Thus, this new opportunity anticipates the bringing forth of best practices that can inform reform efforts within the greater school system in Los Angeles for students of special needs.

Conceptual Framework

A conceptual framework was created for the purposes of this study that brings together policy instruments and charter school tenets to explain the particular outcomes of the recent LAUSD policy that reorganized its COP and created the COP.

Charter schools are public schools operated outside of the confines of traditional school district policies and procedures and receive freedoms from many constraints of state education codes. They are often, fairly or unfairly, considered by some as part of the neoliberal education

agenda that leverages ideals of accountability and competition in order to reform the challenges of our current education system. Sloan (2008) explains that neoliberalism refers to a free-market ideology that has shaped the U.S. education reform agenda over the last decade, hoping to shift the ways schools are structure and operated. Critics such as Lipman (2003) believe that such ideals resonate with communities and the general public that are frustrated with the current situation of public schools and given “an absence of counterhegemonic discourses” (p. 373), the neoliberal ideology has caught hold in many current educational practices.

Critical theorists would argue that a marketplace view of education will only “work against the class interests of those students who are most politically and economically vulnerable within society” (Darder, Baltodano & Torres, 2003, p. 10). Thus, within the context of a capitalistic system found in our country, an education system that encourages competition between schools will only serve to exacerbate the gap between the haves and the have-nots. Recent critics such as Ravitch (2010) denounce free market model of competition and choice and state that “the rhetoric of many charter school advocates has come to sound uncannily similar to the rhetoric of voucher proponents and of the most rabid haters of public schooling” (p. 146).

Despite the criticisms, neoliberal ideals are prevalent in the current educational reform movement. The California Charter Schools Act (1992) outlines several purposes for charter schools that clearly delineate a theory of change that can supports such neoliberal ideals. They include: (a) providing parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system; (b) providing vigorous competition within the public school system to stimulate continual improvement in all public schools; and (c) holding the schools established under this part accountable for meeting

measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems. Thus, it is clear that policy makers, in writing the Charter Schools Act, believe that market forces can elicit school improvement.

Policy makers use instruments in order to elicit particular results. McDonnell and Elmore (1987) explain that “policies work by bringing the resources of government—money, rules, and authority—into the service of political objectives; and by using those resources to influence the actions of individuals and institutions” (p. 133). In their discussion about alternative policy instruments, they classify policies into four generic classes of instruments: mandates, inducements, capacity-building, and system-changing. Successful policies utilize multiple instruments to capture the various dimensions and nuances of complex systems, considering motivations (rules, money, and authority), expected effects, primary costs and benefits, and the time-frame. In order to accomplish policy objectives, the choice of instrument, the context, and the implementation are all critical to its effectiveness.

The policy to reorganize LAUSD’s SELPA leverages characteristics of all four classes of policy instruments. It mandates rule changes for charter school participation in LAUSD’s SELPA. It induces charter schools to take on more responsibilities in exchange for more financial resources. It seeks to build capacity by networking charter schools to work collaboratively on program development and service delivery. It also changes the system in which charter schools participate in the governance of LAUSD’s SELPA.

More importantly, the SELPA reorganization promotes key tenets of charter schools: (a) autonomy and decentralization, (b) choice and competition, and (c) performance-based accountability within the construct of LAUSD’s SELPA with the hope of bringing about greater

change within the system. It is hypothesized that these tenets can be leveraged, within the highly regulated, centralized, and compliance-driven context of special education, to lead to greater access and capacity to serve students of special needs in charter schools. Figure 2 displays this conceptual framework.

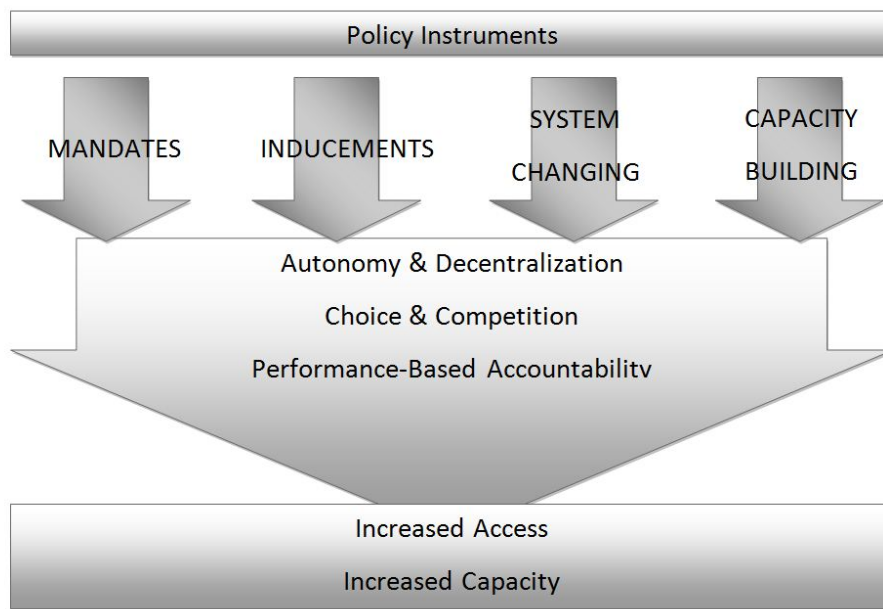


Figure 2. Conceptual framework for LAUSD SELPA reorganization.

On a higher policy level, it is critical to understand if charter schools, alongside other school choice reforms, are the best approach of a school district to provide the best education for its students. More specifically, do policy makers in LAUSD strategically utilize charter schools or tenets of charter schools to improve the educational outcomes for all students? This is critical

part of the conceptual framework for this research project. Can charter schools, as delineated by the California Charter Schools Act (1992), provide expanded choices for students with special needs as well as improve programs and services in all public schools through vigorous competition? While answering this question is not the purpose of this study, it is the hope that the outcomes of this study can be used to further the understanding of whether the role of charter schools will continue to grow and/or important characteristics found in charter schools will continue to gain prominence in all LAUSD schools.

The key tenets of the conceptual framework to be explored are summarized below.

Autonomy and Decentralization. Hill, Pierce, and Guthrie (1997) espouse the concept of a contractual school system in which school boards and central school staff move out of the operational role into the contracting role. Instead of focusing on the day-to-day operations of running schools, school boards and a small central office oversees “a portfolio of diverse schools operated by a private group” (p. 6) and individual schools would truly manage their own operations, make their own decisions, and be completely accountable for their performance. In visualizing this system, many have used the analogy of a lattice or spider web and “at the center of the network, a small core staff provides strategic direction and support” (Kerchner et. al., 2008, p. 221).

Charter schools serve as an ideal participant in this concept of a portfolio approach to running a school district. They are independent from the governance structure of a school district, operated by its own governance board and management team and can receive funding directly from the state. In California, charter schools receive the vast majority of their funding from a general purpose grant and a categorical block grant that substitute for dozens of state

categorical programs. Charter schools may spend this funding at their discretion and are not bound by the many programmatic requirements that district schools must follow.

While the ideals of autonomy and decentralization may seem simple in concept, Hill et. al. (2009) have identified that the change has forced the recognition that “many of the things traditional school districts were originally built to do are at odds with operation of schools by diverse providers” (p. 1). These technical, organizational, and political challenges are as evident in Los Angeles as they are in other cities in America implementing these ideas of autonomy and decentralization. School districts and charter school operators must continuously work out legal and political challenges such as issues pertaining to facility use agreements, collective bargaining agreements, and compliance issues (Kerchner et. al., 2008, p. 224). For example, in Los Angeles, a charter school advocacy organization is in a legal battle against Los Angeles Unified School District over the use of facilities space (Palmer, 2001). These sorts of tricky issues lead to important policy questions as school districts grapple with providing schools more autonomy in a more decentralized system.

Choice and competition. The values of choice and competition are hallmarks of the charter schools movement. While the history of American schooling has featured a good deal of choice, Hess (2004) points out that choice has not always been accompanied with true competition. Choice has primarily come in the form of parents exercising their “residential choice” of purchasing a home due to the quality of the local school or leaving the public school sector for private schools. Charter schools offer a bolstering of competition in the educational marketplace by ensuring that money follows the student so that as students moves from a traditional school to a charter school or vice versa, they take the funding associated with them to

the new school. Thus, on the supply side, greater incentive is placed on educators to produce better results to attract more families. On the demand side, parents are truly able to make choices on behalf of their children by choosing the best programs, and not be bound to just the neighborhood school.

In Los Angeles Unified, choice and competition play out in various forms. Firstly, parents have a variety of different choices in school options. Beyond the option of attending one of the 210 charter schools located throughout the city, there are many communities that are part of a zone of choice for schools. Families living in such a zone of choice have the opportunity to choose from a myriad of school options- including thematic pilot high schools, span schools, traditional comprehensive high schools, and small learning communities. Example of such zones of choice include the Belmont Zone of Choice in the Pico Union community, the Eastside Zone of Choice in the East Los Angeles and Boyle Heights neighborhoods, and the Robert F. Kennedy Zone of Choice in the mid-Wilshire and Koreatown neighborhoods directly west of Downtown Los Angeles. Also, there are nearly 170 magnet programs located through the geography of LAUSD and students selected for magnets are provided transportation to such programs. Secondly, LAUSD's Public School Choice (PSC) resolution created an annual process that identifies low performing schools and offers up those schools, along with newly constructed schools, to the best applicant teams to operate. This annual competitive process pits district teams, pilot school teams, and charter school organizations against each other to design the best plans for identified schools that are eligible on the PSC list. PSC has become the centerpiece for LAUSD's school reform efforts.

Under a portfolio management approach to a school district, it is critical to remain neutral about who runs a school. Lake and Hill (2009) explain that neutrality “opens possibilities for innovation and sends a message that student performance matters” (p. 21). As the number of education and service providers increase, competition and innovation become more likely. Of course, this approach is fraught with significant political ramifications and public suspicion and “As public agencies in other countries and businesses worldwide have found, vertically integrated bureaucracies are not always good at solving unfamiliar problems or responding to tough competition” (Lake & Hill, 2009, pp. 46-47).

Performance-based accountability. By design, charter schools receive more flexibility and autonomy in governance, operations, and instruction than TPS. In return for the flexibility and autonomy, charter schools are expected to perform better. Miron (2010) categories charter school accountability into three categories: regulatory, market, and performance. Charter schools are bound to some of the same state and federal laws and regulations as traditional schools, albeit fewer in most cases. However, charter schools are bound to more market-place accountability as parents and students can choose to enroll and leave charter schools as they wish while, and at the same time, charter schools must also meet performance benchmarks as dictated by their charter petition with the authorizer.

In California, charter schools operate on five-year contracts with a school district, county office of education, or the California State Board of Education. Every five years, charter schools must be re-authorized through a process similar to the initial charter petition but must also show data demonstrating school progress and success. If a charter school is not achieving, an authorizer can refuse a charter school’s renewal. In this way, a process is created to hold

students accountable for measurable student outcomes and schools can be closed in a systemic way for under-performance.

While charter schools are intended to be held to higher forms of accountability, Miron (2010) has synthesized research that suggests that charter schools may, in reality, not be subjected to effective oversight and sufficient accountability. Gau (2006) points out that “almost half of all authorizers practice limited oversight of their schools, demonstrating scant concern either for school quality or for compliance. However, national trends do point out that authorizers have grown choosier over time about approving schools and “there are signs of the field’s growing commitment to quality, accountability, and results” (Gau, 2006, p. v). For example, in recent months, the California State Board of Education voted in favor of approving new regulations that lay out a process of review of charter school performance based on established academic standards that may result in their revocation by the State Board (California Charter Schools Association, 2010).

Summary. These three tenets provide possible mechanisms for how charters schools can induce greater school reform. The research and debate is constantly evolving. It is crucial to point out that research in the performance of charter schools and debate on how charter schools impact school reform efforts are as polarized as ever. While the debate and research is highly nuanced, the broader messages remain divergent in their support or challenge of charter schools. Specific to this ongoing charter schools debate, Henig (2008) in his book “Spin Cycle” ponders:

Yet—and this is what puzzled me—in their public pronouncements, some of the same researchers who seemed to be moving toward some common ground were as likely as ever to be quoted as representing sharply divergent views. This was partly, but not only,

a matter of how they were selectively quoted by journalists and advocates. The resistance toward acknowledging a more nuanced and complex common ground was not revealed just in the popular press, however; it showed too in what the researchers themselves were writing. Whereas data and findings often provided weak and mixed pictures, these scholars' papers revealing framing and policy conclusions that often seemed to go further to reinforce the polarized positions, to resist—as if it would be a sign of muddy-headedness or lack of confidence—staking out a reformulated understanding of the charter school debate that did not fit neatly into the pro- and anti-parameters in which the school choice argument originally was born. (p. 7)

Using this conceptual framework, this research will answer whether this new policy change results in increased access and increased capacity for students of special needs in charter schools. As public schools of choice that operate autonomously from much of LAUSD's policies and procedures, the new COP mandates that charter schools act as LEAs for purposes of special education while affording them increased funding and ability to operate autonomously within the LAUSD's SELPA structure.

Key Research Questions

This research will study the effects of this major policy change. Using the conceptual framework as outlined, the following questions will be answered about the new COP:

1. How has access for students with special needs changed for charter schools participating in the COP? Specifically, what changes have occurred in these schools

- specific to the number of students with special needs served and the number of students served across the spectrum of needs after joining the new COP?
2. What additional programs and services are being afforded to these students? What resources or expertise support these programs that were unavailable before the policy change?

Research Design and Methodology

The research design utilized a mixed method approach to collect qualitative and quantitative data to evaluate the goals of the new COP of LAUSD's SELPA.

The qualitative aspect of this investigation used individual interviews to gather the experiences and perspectives of various staff working in the LAUSD or charter schools participating in the COP. The formal interviews were semi-structured with participants receiving the guiding questions prior to the interview session and during the session; questions were used to direct the discussion. However, follow-up and elaboration questions arose during the course of the discussion as suggested in a semi-structured interview (Hatch, 2002, p. 94). The entire session was recorded on an audio recorder.

Using a strategy that Hatch (2002) terms as "politically important case samples" that "strategically include or eliminate individuals who represent certain political positions" (p. 99), interviews included individuals in LAUSD who had an intimate understanding of broader charter school issues and the implications recent policy changes can play in the school district's reform efforts. Selection was based on the researcher's understanding of their political viewpoints, organizational roles and historical actions. Thus, these individuals were likely to be apologetic towards charter school issues or have an understanding of LAUSD's strategic approach to

leverage charter schools in improving outcomes for all schools in the district. The researcher has asked for the identities of these individuals to not be concealed because their roles are significant for the purposes of this study.

Quantitative data were gathered from LAUSD's Division of Special Education, utilizing reports that are readily available within the school district's data systems. Such readily available reports show student enrollment data disaggregated by type of disability, special education expenditures, and multiple other factors relevant to this study. Data reports not readily available were also requested through LAUSD's Division of Special Education.

In addition, further evidence was gathered through collecting artifacts such as informational materials, formal agreements, and professional development materials. These artifacts were used to triangulate the conclusions drawn from both the qualitative and quantitative data.

The data gathering occurred in three phases. The first phase was a semi-structured interview with six participants, focusing on capturing their hopes and expectations of the SELPA reorganization and the COP. The second phase was focused on gathering quantitative data as well as relevant artifacts. The third phase was again a semi-structured interview of the same six participants. In the third phase, the quantitative data was shared with participants and their reactions were captured. For the participants, they engaged in a reflective process of analyzing the quantitative data, drew their own conclusions, and compared those conclusions to the previous hopes and expectations they had shared in the first interview. Therefore, in chapter 3, the researcher will report the data phase by phase as well in order to reveal an evolution of thinking.

Limitations, Delimitations and Biases

A key limitation to this research study is that special education data reporting within LAUSD is inconsistent. The current methodology of collecting the data can vary from charter school to charter school and frequently unfair comparisons and conclusions are drawn from the data. While LAUSD's data systems are robust, some of the data are collected through self-reporting mechanisms of the charter schools. This limitation will need to be carefully considered in this research study.

A major delimitation to the study is that only a segment of the charter school community will join the COP during the first and second years of operation. It can be speculated that charter schools that volunteer to be LEAs for the purposes of special education are more sophisticated in their programs and services, especially at the outset of the COP. It can also be reasoned that some of these charter schools are larger in size or belong in larger networks of charter schools so to leverage economies of scale. Thus, it was important to collect available data of all charter schools, as well as those participating in the COP, for comparison purposes.

The major bias of this research study is that this researcher was a charter schoolteacher and principal for seven years and also worked as a regional director for policy and advocacy for the California Charter Schools Association (CCSA). During my tenure as a regional director for policy and advocacy, I played an intimate role in the efforts to plan and propose the reorganization of LAUSD's SELPA and advocated for its passage by the LAUSD Board of Education. While I is no longer employed by CCSA and no longer directly involved in the work around the SELPA reorganization, I am now employed by LAUSD. Currently, this researcher is the Instructional Superintendent for LAUSD's Intensive Support and Innovation Center.

Organization of Dissertation

The dissertation is organized in four chapters. The first chapter sets the stage by presenting the statement of the problem, provides an overview of the literature and knowledge base, and explains the major policy changes in LAUSD's SELPA structure. It also explains the purpose of the study, lays out a conceptual framework, and identifies the key research questions.

Chapter 2 explains the research design and the mixed methods approach for gathering data and analyzing the data. It also outlines the selection process and the procedures utilized throughout the data gathering and analysis.

Chapter 3 presents the data from the mixed methods study and explains the findings.

Chapter 4 provides a discussion in the context of the conceptual framework and its implications for special education in LAUSD as well as other policies regarding special education and charter schools in LAUSD and beyond.

Definition of Terms

The following are key terms used in this research study.

Individuals with Disabilities Act (IDEA): a law passed in 2004 that ensures services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services.

Individualized Education Plan (IEP): a document, written by a team, designed to meet the unique needs of individual students who have a disability. The IEP is intended to outline each child's educational goals and explain how teachers and other service providers tailor the educational experience to help the child reach the goals. Details in the IEP should include an

understanding of the child's disability, how the disability affects the learning process, and choosing a placement in the Least Restricted Environment (LRE) possible for that student.

Special Education Local Plan Area (SELPA): a structure found in the state of California that coordinates with school districts, County Office of Education, and other local educational agencies to provide a continuum of programs and services for disabled individuals from birth through 22 years of age

Charter Operated Programs (COP): the newly formed branch of LAUSD's SELPA that serves independent charter schools by providing the infrastructure for the administration of special education programs and a voice in LAUSD's governance structure.

Neoliberalism: the ideology that free-market ideals of competition, choice, autonomy, and accountability can drive reform in the current education system. This ideology is a pervasive in the U.S. education reform agenda over the past two decades (Sloan, 2008). This ideology is both widely supported and scrutinized by those in education.

CHAPTER 2

METHODS

Introduction

Special education is perceived by many as a layer of complexity in the form for laws, regulations, and rules to the multidimensional nature of schooling. These structures have been put in place to protect some of the most at-risk students within schools, in particular students with learning disabilities and other special physical, emotional and mental needs. In the case of the Los Angeles Unified School District (LAUSD), the district has been under federal court oversight for its systemic non-compliance of special education law since 1996. Therefore, the regulatory nature of special education is even more pronounced in LAUSD.

Charter schools are fundamentally grounded on the ideals of deregulation and autonomy, and thus exempt from many state and local regulations. However, because charter schools are public schools, they are bound by the same federal laws relating to the education of students with special needs. Unfortunately, this dichotomy has caused much ambiguity in terms of roles and responsibilities between charter schools and their authorizing agencies, and has led to tension and misunderstanding. According to historic data, charter schools authorized in LAUSD have served fewer students identified with special needs and fewer students with moderate/severe disabilities as compared to the district as a whole, leaving an unfair burden on TPS to serve the neediest students. Charter schools contend that the data do not tell a complete story. One argument is that charter schools are serving students in a more individualized setting so fewer students are identified with special needs. A second argument is that charter schools have operated under an agreement with the district that is ambiguous with their roles and

responsibilities. In that arrangement, charter schools have not had access to the same available special education funding as schools of the district and thus many of the responsibilities were shifted to the school district.

Recently, a major policy change led to a reorganization of LAUSD's special education division and aims to clarify the roles and responsibilities of charter schools authorized by the school district. This reorganization removes some of the ambiguity and creates mechanisms to provide more resources in return for more responsibilities. It hopes to ensure equal access for students with special needs in charter schools and increase capacity of charter schools to serve SWD in more innovative ways. Over the long-term, this opportunity anticipates the sharing of best practices throughout the greater school system.

Research Questions

The literature on the confluence of charter school and special education policies is rather limited. Few studies have examined best practices in charter schools in serving students with special needs and “even fewer have attempted to disseminate these practices. Moreover, special education practices, in general, have yielded less than remarkable outcomes for students with disabilities” (Finkel, 2006, p. 42).

Additionally, little has been written regarding policy instruments that encourage charter schools to not only serve students of special needs but to also spawn innovative and promising special education practices. Much of the literature focuses on explaining the disparity between charter schools and TPS in regards to equity and access for students with special needs (Wilkens, 2009; Marcell, 2010) but the literature is virtually silent on policy instruments that can be used to not only bring forth equity and access in charter schools but to leverage charter schools in

identifying promising practices for students with special needs. In other words, the issues are regularly identified but rarely are solutions. When policy recommendations are made, they typically focus on bringing forth equity between charter schools and TPS such as requiring charter schools to expand enrollment of students with disabilities or allocating special education dollars based on actual enrollment of students with disabilities. However, as Finkel (2006) points out, current special education practices are generally unremarkable and policy instruments should not push to bring forth just equity but to encourage better practices.

Thus, a critical study of the convergence of charter schools and special education policies is needed. This study sets out to examine the perspective of various school district and charter school leaders and to capture the effects of an unique policy change in the second largest school district in the United States, the same school district that has authorized the great number of charter schools and is under a keen microscope by the federal courts for its special education practices. Using the conceptual framework that by leveraging key charter school tenets of autonomy and decentralization, choice and competition, and performance-based accountability, charter schools will increase their access and capacity to serve students with special needs with the new resources.

Using a mixed methods approach, I seek to answer the following questions with this research:

1. How has access for students with special needs changed for charter schools participating in the COP? Specifically, what changes have occurred in these schools specific to the number of students with special needs served and the number of students served across the spectrum of needs after joining the new COP.

2. What additional programs and services are being afforded to these students? What resources or expertise support these programs that were unavailable before the policy change?

Study Design

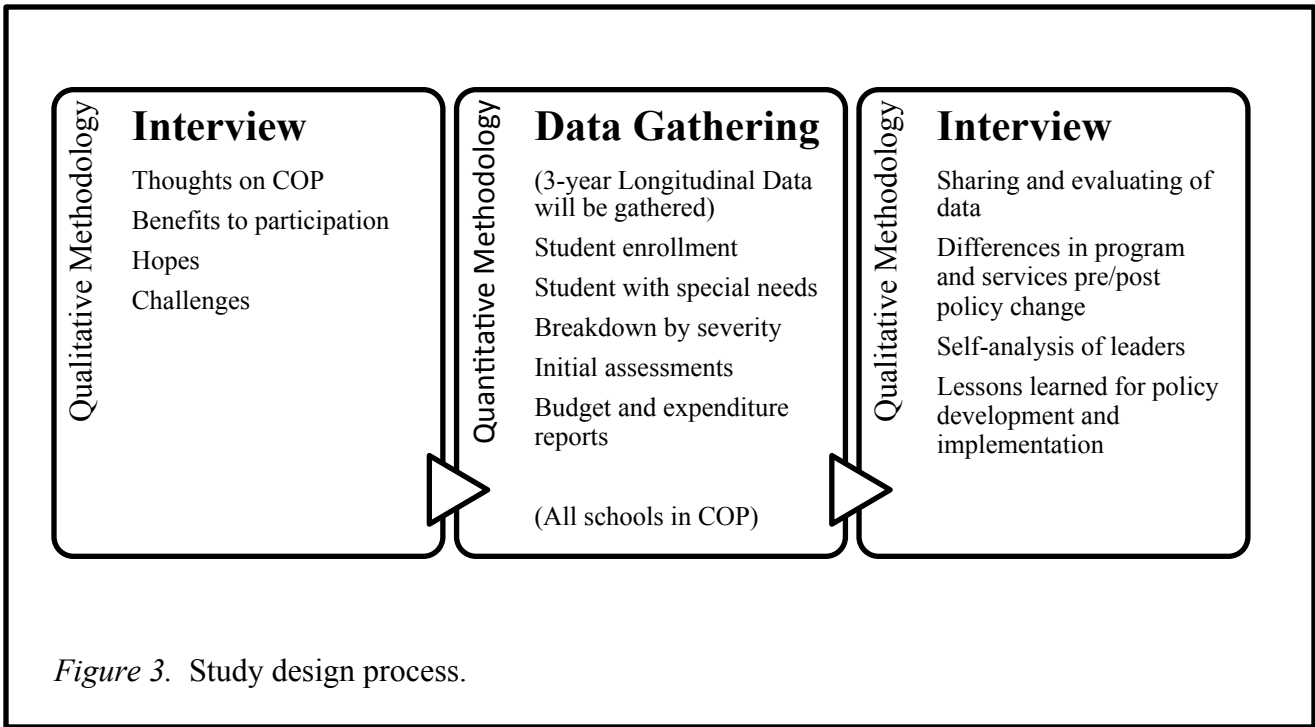
The study was designed to examine the perspectives of various leaders responsible for the implementation of this new policy change at the onset of the research, to gather and share quantitative data, and to interview the same leaders after they have had time to reflect on the data. Thus, the study occurred in three phases:

Phase 1: Round One Interviews with District and Charter Leaders. In this first phase of the study, qualitative data were gathered through semi-structured individual interviews and/or focus groups. The interview sought to gather the experiences and perspectives of various district and charter leaders on the new policy change that reorganized LAUSD's SELPA, including the benefits to charter schools participation, their hopes for this new structure, and the challenges to the current implementation of this new structure.

Phase 2: Data Gathering. In the next phase of study, quantitative data on charter schools participating in the new COP were gathered as well as artifacts associated with the COP. Quantitative data were gathered through LAUSD's Division of Special Education. A robust database exists for students with special needs through the school district's web-based IEP software system called Welligent. This database tracks student-level data found in the standard IEP as well as related services entitled to students. The Welligent system allows administrators to monitor IEP timelines and service delivery, and generate reports to ensure compliance with special education laws and regulations. Much of this data is reported to the California Special

Education Management Information System (CASEMIS) that acts as a depository of special education student-level data for local education agencies throughout the state. Data that is reported to CASEMIS was retrieved for the purposes of this study. Other quantitative data included financial reports as available through other internal reporting mechanisms. While much of the data was not readily public, the information was requested from the LAUSD's Division of Special Education in consultation with LAUSD's Charter Schools Office. The data were reformatted for deeper analysis. A summary of all quantitative data can be found in Appendix C. Artifacts developed for the implementation of the COP were also gathered as part of Phase 2. Such artifacts included informational materials, formal agreements, and professional development materials. A compilation of the quantitative data along with the artifacts was prepared by this researcher to be distributed to all participants prior to Phase 3 of the study.

Phase 3: Round Two Interviews with District and Charter Leaders. In this last phase, a second round of semi-structured interviews took place with the same district and charter leaders to capture their reflections on the data. Particular attention was paid to issues of access and capacity within charter school special education programs, in particular any differences in programs and services prior and post policy change. Questions asked were intended to elicit the self-analysis and reflections of leaders with the aim of providing lessons learned for policy development and implementation.



Selection Process

The process for selecting individuals to participate utilized a strategy that Hatch (2002) terms as “politically important case samples” that “strategically include or eliminate individuals who represent certain political positions” (p. 99). The individuals must have an intimate understanding of the policy change as well as a broad understanding of charter schools in the context of LAUSD.

These individuals included leaders within LAUSD’s Division of Special Education, a special education advisor for the California Charter Schools Association (CCSA), and charter school leaders that have direct responsibility over special education programs. The charter schools leaders represent various roles such as executive directors, principals, and special educator directors. Representation from large charter school management organizations as well

as stand-alone charter schools was included. Charter school leaders represented charter schools that are members of the COP.

Selection of these individuals was informed by this researcher’s understanding of their political viewpoints, organization roles and historical actions. Thus, these individuals were likely to be apologetic towards the success of this policy change as well as invested in an outcome that is positive to charter schools as well as LAUSD as a whole. In the presentation of the finding, roles are used rather than actual names.

Table 1

Interview Participants

| Role | Role / Organization | Abbreviation |
|---|---|--------------|
| Director of Special Education | Los Angeles Unified School District | DSE LAUSD |
| Director of Charter Operated Programs | Los Angeles Unified School District | DCOP LAUSD |
| Special Advisor of Special Education | California Charter Schools Association | SA CCSA |
| Director of Inclusion and Special Education | Partnership for Uplifting Communities Charter Schools | DISE PUC |
| Executive Director | Fenton Avenue Charter School | ED Fenton |
| Chief Executive Officer | Inner City Education Fund Charter School | CEO ICEF |

Procedures

An introductory and consent letter was sent to all participants prior to the first interview. The letter explained the purpose of the research study, provided context, shared the overall research questions, and provided sample interview questions.

Guiding interview questions were formulated prior to the interview but because interviews were semi-structured, this researcher responded to the situation at hand and adjusted accordingly. Questions designed prior to the interviews were constructed to elicit individual perceptions, values, and beliefs so the use of probing questions was necessary. Probes are questions that deepen the response to a question, increase the richness and depth of a response, and give clues to the interviewee about the level of response that is desired” (Patton, 2002, p. 372). These questions can be found in Appendix A and B. A consent letter explained this process to each interviewee and each interviewee granted consent.

The researcher knew each of the interviewees prior to this research, so personal relationships were already established. Spontaneous conversations were more likely because rapport there was already rapport. Interviews were conducted at a location and time convenient to each interviewee and lasted 45-60 minutes. The researcher took notes by hand during each interview and the interview was recorded on a voice-recording device. Audio files were transcribed by a third-party paid transcriber.

In addition to consent forms, the research proposal was approved by LAUSD’s Committee for External Research Review (CERR). The CERR is housed in the Research Unit of the Office of Data and Accountability and they are charged with the review process of all research proposals using guidelines prescribed by LAUSD. This approval was necessary for

interviews of LAUSD employees as well as the gathering of all quantitative data on special education programs and services in LAUSD authorized charter schools. The researcher gathered consent from all organizations connected to interview participants as well. Lastly, the Loyola Marymount University Institutional Review Board reviewed and granted approval prior to the research study.

Summary

The research hopes to reveal in this study whether particular policy levers, grounded in charter school tenets, will increase access and capacity for SWD. This was accomplished through a study of the recent SELPA reorganization in LAUSD that led to the formation of the new COP. Qualitative and quantitative data was gathered in three phases and findings will be in phases to reveal the participants' own reflective journey as each of them are intimately involved in the creation and implementation of the COP. The findings will be presented in the next chapter.

CHAPTER 3

RESULTS AND FINDINGS

Introduction

This chapter summarizes the findings from a mixed method approach to answer the key research questions in this study. Specifically, this researcher analyzed: (a) transcriptions of 12 semi-structured interviews conducted over the course of several months; (b) quantitative data compiled from raw data provided by LAUSD’s Division of Special Education; and (c) artifacts such as informational materials, formal agreements, and professional development resources.

The two key research questions that guided this study:

1. How has access for students with special needs changed for charter schools participating in the COP? Specifically, what changes have occurred in these schools specific to the number of students with special needs served and the number of students served across the spectrum of needs after joining the new COP.
2. What additional programs and services are being afforded to these students? What resources or expertise support these programs that were unavailable before the policy change?

Six individuals were selected for semi-structured interviews conducted in two rounds. Using a strategy termed by Hatch (2002) as “politically important case samples,” the individuals were selected by the researcher based on his personal understanding of the charter school special education landscape. Each of the interviewees played a significant role in the implementation of this major policy change. In the first round of interviews, it was important to share a summary of

the participants' understanding of the COP and their hopes for the COP in increasing access for SWD in charter schools and increasing the capacity of charter schools to serve such students. While a structured protocol was used and pre-written questions were shared with interviewees, the researcher adjusted the line of questioning as needed, probing to deepen understanding when appropriate.

Following the first round of interviews, the request was made to LAUSD's Division of Special Education for three-year longitudinal data on LAUSD charter school total student enrollment as well as total SWD enrollment. Enrollment of SWD was also requested by disability per the IEP so the number of SWD identified with moderate/severe disabilities can be separated from SWD identified with mild/moderate disabilities. Financial records were also requested for each charter school in order to determine special education revenues as well as special education expenditures. Simple calculations were also made to determine the percentage of SWD as compared to total enrollment as well as special education expenditures per SWD. All the quantitative data was gathered over the course of several weeks through electronic mail correspondences as well as in-person meetings with representatives from LAUSD's Division of Special Education. The data was formatted into a one-pager that was used as the basis for the second round of interviews.

In the second round of interviews, the researcher sought to capture the participants' understanding of the quantitative data and to gather their overall over-all impression of the COP. Attention was paid to issues around access and capacity pre and post-implementation of the SELPA reorganization. It was the hope that the analysis and reflection of these leaders would inform important policies pertaining to charter schools and special education.

Again, the findings will be reported in phases to show evolution of thinking of the participants and to reveal the participants' own reflective process of analyzing the quantitative data, drawing their own conclusions, and comparing those conclusions to the previous hopes and expectations they had shared in the first interview.

Participants

SA CCSA is the Senior Advisor for Special Education at the California Charter School Association. Her background includes being a special education teacher in the traditional system as well as being a special education teacher and administrator in nonpublic schools for students with emotional and behavioral disorders. Prior to joining the California Charter Schools Association, she served as director of education at the Seneca Center from 1996 to 2010. Her passion lies in representing children with emotional and behavioral needs that were in the child welfare system, especially those kids that are in foster care with need for special education support.

ED Fenton is the Executive Director of Fenton Avenue Charter School, an elementary school located in the Lakeview Terrace community of the Northeast San Fernando Valley. She has been in education 43 years in a variety of capacities including teacher, mentor teacher, coordinator, assistant principal, and executive director. She was employed by Los Angeles Unified School District prior to July of 1993 when Fenton Avenue Elementary converted into a charter school. Under her leadership, Fenton Avenue Charter School was named a California Distinguished School. She has served leadership roles as a Commissioner (Environmental Affairs) for the City of Los Angeles as well as the California State Superintendent for Public

Instruction's Public School Accountability Advisory Committee. She is currently a member of the Board of Directors of the California Charter Schools Association.

DISE PUC is the Director of Inclusion and Special Education for Partnerships for Uplifting Communities (PUC), a charter management organization with 13 schools within its network. She holds an Education Specialist Credential, is a licensed therapist, and is certified as a professional level educational therapist and as the Director of Inclusion and Special Education for PUC. She currently supports resource specialist teachers, general education teachers, administrators, students and families. Prior to joining PUC, she spent her more than 35 years in education as a principal, assistant principal, school counselor, resource specialist, curriculum coordinator, and teacher.

CEO ICEF is currently the Chief Executive Officer of Inner City Education Foundation Public Schools (ICEF), a network of 15 charter schools throughout Los Angeles County. Prior to taking on his current role, he served as the Executive Director of the Innovation and Charter Schools Division in LAUSD where he worked closely with the Division of Special Education and the Independent Monitor of the MCD. He also currently serves on the governing council for Option 3.

DSE LAUSD is the Executive Director of the Division of Special Education in LAUSD, serving more than 86,000 SWD in both traditional district schools as well as charter schools. She has been in education for over 40 years as both a general education teacher and administrator as well as a special education administrator, working in schools systems both in Canada and the United States. She holds an advanced degree in policy development around special education

and has served on committees at both the federal and state levels regarding the reauthorization of IDEA and NCLB as it pertains to special education.

DCOP, LUASD is the Charter Operated Program Director for LAUSD and oversees the special education programs for over 70 independent charter schools. Her primary responsibility is to lead and guide the Division of Special Education and charter organizations in working collaboratively to meet the needs of all SWD in charter schools. Prior to coming to LAUSD, she served as the coordinator for charter schools in the Southwest SELPA and prior to that, worked as both a special education teacher, program specialist and coordinator in both Green Dot Public Schools and Inglewood Unified School District.

Results and Findings: Round One Interviews

In the first round of interviews, this researcher sought to understand whether there was a common understanding for the purpose of the COP, whether the various individuals shared a common understanding of the benefits of the policy change. Also, questions sought to uncover how the COP would hope to bring increased access for students in charter schools and increased capacity for charter schools to serve students with special needs. Lastly, the first round of interviews sought to capture, if there were any, the fears and challenges that charter schools may have of taking on the increased responsibilities and greater accountabilities for serving SWD.

Interview questions can be found in Appendix A.

Several common themes emerged throughout the first round of interviews among the six interviewees. Some of the themes would have inevitably surfaced as a result of the questions but what is more surprising is that other themes surfaced without guidance by the interviewer's line of questions. The themes will be presented each in turn.

1. The COP addresses capacity concerns. McConnell and Elmore (1987) explained that policy instruments that build capacity are used in situations to deal with “fundamental failures of performance by some set of individuals or institutions” (p. 16). It also assumed that capacity does not exist prior so investment is needed to mobilize change for future benefit. Alternatively, McConnell and Elmore also explained that inducements can be used when capacity is assumed to exist and money is needed to elicit the desired outcome. In situations where the desired results are inconsistent or infrequent, policy instruments can “induce” intended behaviors through addition resources, in particular money. Based on the feedback from the various interviews, the policy changes to establish the COP were both acted to build capacity as well as induce. When asked about the purpose of the COP, DCOP LAUSD explained:

The purpose of the Charter Operated Programs is to really build capacity for charters to serve a broader range of students with disabilities. To be successful at and not just do it on the surface and say ‘Oh yeah, we’ve taken in more students, we have students with autism here.’

We’re heavy on professional development and support to charters to make sure that they have the knowledge that they need to be able to serve students. We’re working on a way to develop some programs specifically targeting students with more moderate to severe disabilities in charters.

In explaining how the COP will bring forth increased capacity, DISE PUC shared similar sentiments when she explains it is about “training, space, and of course money. I think one of

the potential downfalls of the charter system [is that] charter schools are really young fabulously excited inexperienced people.”

In her interview, she explained a cautionary tale of a charter school that made a philosophical change to move to a more inclusive environment. While the intent was positive and potentially beneficial, the lack of expertise led to poor executive and unfortunate results.

DISE PUC explained:

It is about training, training, and training. There was a charter school who used to have lots and lots of special day classes and they made a philosophical decision at the top to become full inclusion over one summer. ‘Welcome back! You’re all inclusion teachers now.’ There’s such dissension, unhappiness, they were scrambling. They had me come over, they had me talk to them, and they had other people come in. They were just doing anything they could to rescue, frankly, their general education teachers. But, it was the top’s fault for doing that to them. You can’t do that and can’t say all of a sudden you should be competent in this. If you’re going to implement something that is so radically different that some people may not even agree with then you better find some way to philosophically get them on board and then provide the support they need in order to be successful in doing that. Or it’s not going to be successful.

While DCOP LAUSD and DISE PUC explained the establishment of the COP as a capacity-building policy, DSE LAUSD provides the additional perspective of the COP as an inducement by explaining how additional funding provided the opportunity to build up programs. In her description, the new policy provided relief for charter schools by lowering their fair share contribution to lower than those in district operated programs. She elaborated:

The money that was saved and kept for them in reserve was used for them to develop programs to serve students w/disabilities that had the more severe disabilities. It gave them an opportunity to run their own programs. It gave them some fiscal relief to do that so that they would have the resources to serve the more severe students. It gave them a reserve where they can work together... One school might serve a class of students who have the most disturbances. One school might serve a class with students of autism. [Charter schools] can use these funds to set up those programs to support and train the staff, [to provide] a fee for service with each other and act like a family in serving kids like we do in the district.

It appears clear that special education costs have always been a concern and a limiting force in the building of special education programs and services. The reorganization afforded additional resources to induce the building of capacity to increase access for SWD. ED Fenton expressed these sentiments in her interview and reminded the interviewer that the charter community had tried to create a similar structure outside the LAUSD's SELPA structure by establishing joint powers authority between a group of charter schools. She explained:

Charter schools were concerned with funding levels and encroachment levels and felt that we needed to get involved ourselves. Something that I think it's important to remember is those of us who were the very first schools who started doing the joint powers authority were concerned with the encroachment levels that were being put forward. We were also concerned that there were charter schools that weren't servicing special education students. We knew there were charter schools saying, 'I can't service your child, so you

need to leave.’ That was something we felt would only hurt the charter movement. We felt it was something it was our responsibility to do something about.

While the joint powers authority provided a forum for collaboration and potential resource sharing, it lacked the actual fiscal resources to truly build up programs and services that Option 3 has the potential to do.

The viewpoint that charter schools must build increased capacity to serve SWD through training for staff while using additional funding for programs and services was a recurring theme throughout the first round of interviews. Such capacity building instruments was made possible by the creation of the COP.

2. The COP provides needed flexibility. The policy change to create the COP Unit within LAUSD’s SELPA also intended to provide flexibility by allowing charter schools to, in essence, operate independently for the purposes of special education and to change the existing SELPA governance structure to allow for more input by charter schools. Option 3 is similar to charter schools operating as an LEA in another SELPA, just within the context of LAUSD’s SELPA. The charter school will receive their state and federal special education funds, minus a 20% contribution to the SELPA, for full responsibility in providing all special education and related services to students at the charter school, in the same manner as an LEA for special education. The contribution to the SELPA includes a 10% contribution to support the existing administration and infrastructure while the other 10% contribution supports personnel of the COP Unit and to establish shared charter school special education programs. In addition, the reorganization created a new governance structure to incorporate the management staffs from participating charter schools to foster participation in decision-making. The governance

structure is made up of a Director of the COP and an Executive Council, with the intent that the COP Director engages Executive Council in policy development and implementation procedures.

Using the definitions established by McConnell and Elmore (1987), these changes can be categorized as “system-changing” and “mandates” by nature. While charter schools that choose Option 3 have the responsibility of LEAs for providing all special education and related services for their students, they retain the fiscal and programmatic autonomy to determine how services will be provided. For charters, the responsibility of ensuring access to the full continuum of services and placements along with all related costs is a new “mandate” for those in the COP. However, it was evident through the interviews that charter schools are seeing the changes associated with Option 3 more as a system-changing policy tool and less as a mandate. Charter schools now have a direct voice to inform decisions within the SELPA as well as gaining fiscal and programmatic flexibility. For the flexibility, charter schools are bound to higher accountabilities. To use a common phrase, Option 3 is “tight on the goals while loose on means.”

The theme of flexibility permeated throughout the interviews in response to the benefits of the COP. SA CCSA explained “Option 3 schools have the flexibility around the funding and how they use it. We are now seeing some trends that tell us that flexibility is resulting in more kids with disabilities.” DSE LAUSD agreed that:

The purpose of the COP really was to give [charter schools] the autonomy to serve students. It was to give the District the opportunity to work with them to make sure they have the kinds of supports and services that enable them to serve any students who come to their door and to give them some assurance that there is help for them to do that.

DISE PUC confirmed, “The decision to go that quickly was for the freedom. One of the things that I have found as a person in charter schools is that when you teach the children you actually have, you’re not trying to do is one size fits all for everybody.”

CEO ICEF connected the theme of flexibility to an important tenet of charter schools by explaining how flexibility can lead to increased access and capacity while creating the conditions for innovation that is much needed in education, in particular the education of students with disabilities. He explained that:

The purpose of the Charter Operated Programs is twofold; both are equally important. The first one allows charters to move independently yet, still with the very strong oversight and support of the district run programs that creatively and cost effectively support the needs of students. That flexibility was not possible before the COP was formed. I think secondly and equally important because of that flexibility goes back to the core of why the charter law was passed. So that things that we learned in the COP schools can be easily translated into the district by the district to save them money for their support of all the tens of thousands of students the district serves with special needs. So, I see those as both mutually beneficial and critically important to why the COP is so important.

I think now that the flexibility is built in the COP, we are already seeing programs and an innovation starting because charters realize that now they have the opportunity to spread their wings and do what they believe is most important for students. That is something that has already started that I am very excited about seeing progress on in the coming years. I also believe that hand in hand with that is a sense of ownership that has

started and a sense of pride. Historically, special education was always a political hot potato and it meant that charters were usually attacked for special education practices. Now, there's an opportunity to celebrate special education practices. I think that's critically important.

It is also giving the district so far an example of a very big political decision to relinquish control. The districts love control, LAUSD in particular. But, by giving up control it's actually going to end up benefitting everyone, especially the district. I'm very excited about being able to have that example.

3. The COP provides the conditions for collaboration. This research was based on a conceptual framework that the LAUSD SELPA reorganization used the four policy instruments discussed in the previous sections to operationalize key tenets of charter schools that include (1) autonomy and decentralization, (2) choice and competition, and (3) performance-based accountability. These tenets are a hallmark of the a neo-liberal approach to educational reform and outlined in the California Charter Schools Act (1992) as some of the purposes for the creation of charter schools. Interestingly, these principles were not prevalent in the interviewee's discussions about interactions between charter schools and district schools regarding special education. Instead, the dominant theme from the interviews was one of an immense sense of collaboration. According to the interviews, it was through collaboration that access for SWD to enroll in charter schools increased and capacity to serving these students also increased. SA CCSA explained:

I think that the charter operated program structure offers to the school is critical because it binds the school together at all levels. It binds the schools to continue talking about

their innovation. The people responsible for programs and service delivery or people in charge of service delivery have a structure where they come together regularly and talk about innovation and how they're moving forward. They have an incentive through the use of shared funds to continue to grow and to continue to be innovative, and continue to take risks in areas that charters traditionally have not taken risks when it comes to serving that full continuum of need.

DISE PUC underscored the sense of collaboration and even expressed great surprise at the differences in personal interactions between District personnel and charter school staff. She explained, "There was a period of time not so long ago when we'd call Los Angeles Unified and they'd hang up on us. [Now], I find much more cooperation between Los Angeles Unified and us in this Charter Option. Amazing actually! Almost like the veil lifted."

ED Fenton explained that both charter schools and district schools have always intended to properly serve students with special needs and the power struggle was more about money. However, according to her, the policy change made finances less of an issue. She explained:

I hope that we all live to the letter of the law (federal and state law). I hope that we again put aside the financial issues to do what we need to do. You can't say you want to be a charter school and be independent because you know the best thing for your community and you want to put that into place and then forget about students with special needs. Or say, "It's so expensive I can't do that." My hope is that we can work this out so that it's in the best interest of all children.

We're able to offer some different and innovative programs in the charter world. If we can put that into place for students with special needs as well and put aside our

differences. I kind of see that happening right now with the Charter Operated Programs. We do talk about children more. We do talk about the kinds of needs that are out there. We do talk more about how to work together. We are working together with the district. Absolutely incredible! I've said before too at district meetings this is the most positive thing that I have been involved with since the charter movement and that's almost 20 years. There's always been such a push back. I don't know so much if it's competition. We always say it's good to have competition. It's not even competition. It was always very negative. It was always about money. It does get very expensive. This has been the most positive collaboration I have ever seen between charter schools and the district.

It cannot be underestimated the importance of finances when it comes to special education.

Special education is an underfunded mandate for all schools and it forces groups of schools to come together to pull resources in servicing youth across the spectrum of needs. ED Fenton emphasized this point by continuing:

I think it has really forced everyone to collaborate. I'm being naïve about this. I feel that the district and special education staff have been very honest with us. They have been very honest about their challenges and they're the same challenges as ours. In the past, they have not been so honest. They have said, "Well you just don't do it in the charter world." Now that's a real key to partnership when you can be honest with one another.

We seemed to lose sight of the fact that we were here to educate all children. Children with learning disabilities or special needs need our help as well. We seemed to have forgotten that. I think that's what's happening; we talk about that more than we talk about the money now. Money isn't the key focus. It became the key focus for so long.

It was the main issue. Often times, I think we forgot about the kids, I think we forgot about the parents. I think that goes for both sides.

In general, there was a great sense of optimism about the creation of the COP from all six participants of the interviews. While the most common mentioned fear was a fiscal one, interviewees tended to frame fiscal realities of special education as challenges rather than fears. DSE LAUSD explained that she does not have any particular fears and believes that most people generally have positive intentions:

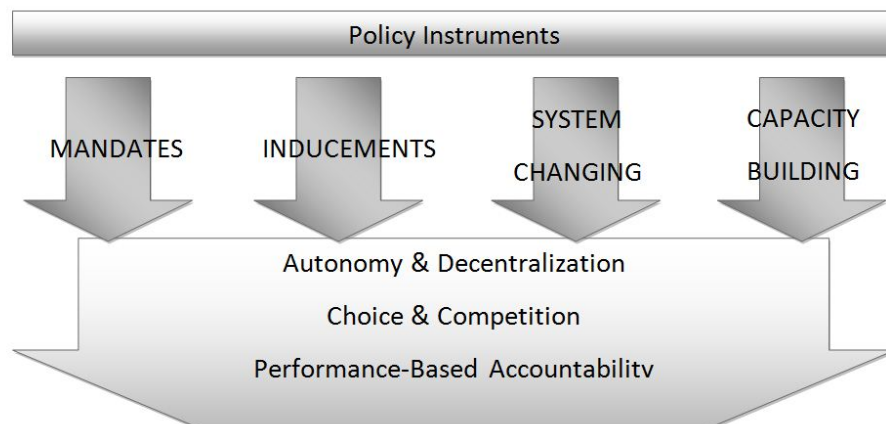
I don't believe that people go into education in most cases saying "Good heavens, if a student with disabilities comes to my door. I don't want them." I think that people at schools have fears. It's not even the fiscal fear; it's the fear of a teacher who's not used to serving a certain type of disability. Who gets a child in their classroom and it's the fear of "I don't know how to do my best for that child. I need help." It is that kind of fear. So I personally don't have fears.

I've seen this District in the last 10 years grow so much and how students with disabilities are served here instructionally from students having a place to go, students being educated in a very meaningful way. I only can see that getting better and having more successes for our students. I do think we have challenges. One of the big challenges is fiscal as far as the way it's funded from the state. Urban districts like Los Angeles are always going to attract families of students with significant disabilities because this is where all the hospitals are, the social services. So our population is going to stay.

Lastly, CEO ICEF framed challenges in a positive light by stating, “There are certainly some challenges but that’s just because it’s never been done before. So those are good challenges, exciting challenges that all the folks in the COP are excited and to be honest the folks in the district also because we are paving the way as a national example for how a traditional public school setting can work collaboratively on special education with their charter.”

In using the policy instrument framework of McConnell & Elmore (1987), it can be concluded from the first round of interviews that the LAUSD policy that reorganized its SELPA and created the COP sought to change the system and to build capacity. While new mandates were created, they were not viewed as a driving force in the ongoing changes.

Figure 4. Policy Instruments



| | |
|-------------------|--|
| Mandates | No consideration for capacity; Forces action and pushes for compliance. |
| Inducements | Assumes capacity exists and provides resources (money) to mobilize change. |
| System-Changing | Changes existing institutions and redistributes authority to produce change. |
| Capacity-Building | Assumes that capacity does not exist so skill, knowledge, and competence is needed for future value. |

Figure 4. This figure overlays the conceptual framework for LAUSD SELPA Reorganization (Figure 27) with the definitions of policy instruments as defined by McConnell and Elmore (1987).

Results and Findings: Quantitative Data

To answer the critical question whether access for students with special needs changed for charter schools participating in the COP, this researcher requested three years of longitudinal data on all charter schools as it pertains to total student enrollment, SWD enrollment by disability, total special education allocation, and special education expenditures. The overall

summary of the quantitative data can be found in Appendix C. This researcher organized the raw data into three categories: (a) Total Independent Charters, (b) Schools Included in Option 3 in SY 2011-12, and (c) Schools Not Included in Option 3 in SY 2011-12. The SELPA reorganization that created Option 3 occurred during the 2010-2011 school year with full implementation during the 2011-2012 school year.

Table 2

Summary of Quantitative Data, By Totals

| | <u>SY 2009-10</u> | <u>SY 2010-2011</u> | <u>SY 2011-12</u> |
|--|-------------------|---------------------|-------------------|
| <u>Total Independent Charters</u> | | | |
| Number of Schools | 147 | 149 | 155 |
| Total ADA | 49,912 | 57,637 | 68,552 |
| Total SWD | 4,580 | 4,992 | 6,458 |
| <u>Schools Included in Option 3 in SY2011-12</u> | | | |
| Number of Schools* | 33 | 39 | 47 |
| Total ADA | 21,962 | 23,460 | 27,367 |
| Total SWD | 1,864 | 2,110 | 2,711 |
| <u>Schools Not Included in Option 3 in SY2011-12</u> | | | |
| Number of Schools | 93 | 108 | 110 |
| Total ADA | 27,950 | 34,177 | 39,145 |
| Total SWD | 2,716 | 2,882 | 3,747 |

Note. Option 3 came to existence in SY 2011-12 when 47 schools joined the COP. In 2009-10, 33 out of the 47 were in existence and in SY 2010-11, 39 out of the 47 were in existence. Several new charter schools immediately joined Option 3 upon their opening in SY 2011-12.

During the first year of full implementation, 47 independent charter schools participated in the Option 3, allowing these charter schools to operate as a LEA for purposes of special education. Of these 47 charter schools, 39 were operating in the 2010-2011 school year and 33 were operating in the 2009-2010 school year. Option 3 schools represent about 30% of the total independent charter schools, serving 27,367 SWD. In the 2011-2012 school year, there were 110 Non-Option 3 schools serving 39,145 total students and 3,747 SWD.

The presentation of data was provided to all participants as seen in Appendix D, several days prior to the second interview. This data served as a starting point for the second interview. The research aimed to capture each participant's reaction to the data as well as their reflections on the policy change in light of the data.

Two important trends that this researcher is confident about surfaced during the organizing of the data. The two important trends are as follows:

1. The total number of SWD, as well as the percentage of SWD as part of the total enrollment, has increased in independent charter schools over the last three years. The increase has been more significant for schools that participated in Option 3 in the 2011-2012 school year.
2. The total number of moderate-severe students as well as the percentage of moderate-severe students as a part of the total SWD has increased in independent charter schools over the last three years. The increase has been more significant for schools that participated in Option 3 in the 2011-2012 school year.

While these are two general trends that are obvious, a deeper analysis into each of these trends follows.

Increase in the number of SWD served by charter schools. Over the last three school years, the number of charter schools increased from 147 to 155 and the total number of students enrolled in charter schools also increased from 49,912 to 68,552. During this time, the number of SWD served by charter schools has also increased from 4,580 to 6,458, which is an increase from 9.18% of the student population to 9.42% of the student population. This change has been even more significant for schools included in Option 3 that showed an increase from 8.49% in 2009-2010 to 8.99% in 2010-2011 to 9.91% in 2011-2012. During this time, the percentage of SWD actually decreased in schools not included in Option 3 from 9.72% in 2009-2010 to 8.43% in 2010-2011 to 9.57% in 2011-2012.

Table 3

Summary of Quantitative Data, By Percentages

| | <u>SY 2009-10</u> | <u>SY 2010-2011</u> | <u>SY 2011-12</u> |
|--|-------------------|---------------------|-------------------|
| Total Independent Charters | | | |
| Number of Schools | 147 | 149 | 155 |
| Total SWD | 4,580 | 4,992 | 6,458 |
| % SWD of Total ADA | 9.18% | 8.66% | 9.42% |
| Schools Included in Option 3 in SY2011-12 | | | |
| Number of Schools | 33 | 39 | 47 |
| Total SWD | 1,864 | 2,110 | 2,711 |
| % SWD of Total ADA | 8.49% | 8.99% | 9.91% |
| Schools Not Included in Option 3 in SY2011-12 | | | |
| Number of Schools | 93 | 108 | 110 |
| Total SWD | 2,716 | 2,882 | 3,747 |
| % SWD of Total ADA | 9.72% | 8.43% | 9.57% |

Increase in the number of moderate-severe students served by charter schools.

Moderate-severe disabilities include designations such as autism, deaf-blindness, emotional disturbance, hard of hearing, and traumatic brain injury. These disabilities include students with low incidence disabilities that are defined as severe disabling conditions such as severe hearing and vision impairments or severe orthopedic impairments. During this time period, the percentage of moderate-severe students served in all independent charter schools showed an increase. The total number of moderate-severe students served increased from 477 in 2009-2010 to 889 in 2011-2012, which is an increase from 10.41% to 13.63% of the total special education population. For this population of students, there was an 84% increase over the three years as compared to a 36% increase in mild-moderate students during the same time.

For schools in option 3, the number of moderate-severe incidence students increased from 228 in 2009-2010 school year to 417 students in the 2011-2012 school year, which equated to an increase from 12.23% to 15.38% of the SWD population. During this same time, the percentage of moderate-severe students served in non-Option 3 charter schools increased approximately the same percentage, from 9.17% to 12.36%.

Table 4

Summary of Data, By Totals and Percentages of Low Versus High Incidence Students

| | <u>SY 2009-10</u> | <u>SY 2010-2011</u> | <u>SY 2011-12</u> |
|--|-------------------|---------------------|-------------------|
| <u>Total Independent Charters</u> | | | |
| Number of Schools | 147 | 149 | 155 |
| Total SWD | 4,580 | 4,992 | 6,458 |
| Total Low Incidence Students | 477 | 620 | 880 |
| Total High Incidence Students | 4,103 | 4,372 | 5,578 |
| % Low Incidence Students | 10.41% | 12.42% | 13.63% |
| % High Incidence Students | 89.59% | 87.58% | 86.37% |
| <u>Schools Included in Option 3 in SY2011-12</u> | | | |
| Number of Schools | 33 | 39 | 47 |
| Total SWD | 1,864 | 2,110 | 2,711 |
| Total Low Incidence Students | 228 | 304 | 417 |
| Total High Incidence Students | 1,636 | 1,806 | 2,294 |
| % Low Incidence Students | 12.23% | 14.41% | 15.38% |
| % High Incidence Students | 87.77% | 85.59% | 84.62% |
| <u>Schools Not Included in Option 3 in SY2011-12</u> | | | |
| Number of Schools | 93 | 108 | 110 |
| Total SWD | 2,716 | 2,882 | 3,747 |
| Total Low Incidence Students | 249 | 316 | 463 |
| Total High Incidence Students | 2,467 | 2,566 | 3,284 |
| % Low Incidence Students | 9.17% | 10.96% | 12.36% |
| % High Incidence Students | 90.83% | 89.04% | 87.64% |

Concerns with fiscal reporting must be pointed out here. Special education expenditures are self-reported by charter schools using a template provided by LAUSD’s Division of Special Education. Cost allocation methodologies, documentation, and oversight have been inconsistent.

During the course of this research, LAUSD's Office of the Inspector General published an audit report on this specific matter (LAUSD Office of the Inspector General, 2011). Some of the findings in the report include the following: (a) Some charter school administrators lacked clear guidance and knowledge of what constituted allowable and appropriate special education expenditures and some charter schools have charged or allocated inappropriate and unreasonable costs to special education funds charter schools; (b) Most charter schools were unable to substantiate the methodology of allocating indirect costs, support costs, and central administrative costs; (c) The responsibility of fiscal oversight and monitoring of charter school special education expenditures needed to be strengthened by the LAUSD's Division of Special Education and LAUSD's Charter Schools Division. The recommendation for the report was that appropriate assistance related to special education program compliance was immediately needed and fiscal oversight and monitoring needed to be clearly defined and established by LAUSD.

While self-reported expenditure was recorded as part of the quantitative data gather, the research determined that expenditure data was unreliable for the purposes of this study as a result of the concerns raised in the audit report.

Results and Findings: Round Two of Interviews

In the last phase of the data gathering, the researcher returned back to the same six individuals who were interviewed in the first round of interviews. The quantitative data displayed in Appendix D were shared individually with each interviewee and each of them was asked to share their impressions of the data. The goal of the second interview was to collect each individual's perspective on whether they believed there has been increased access and increased capacity in charter schools participating in the COP. Also, the researcher desired to capture if

there has been additional programs and services afforded to students, even though the COP had only been in existence for one year. Lastly, follow-up questions were asked with the intention to elicit the analysis and reflections of leaders with the aim of providing lessons learned for policy development and implementation. The questions for the second round can be found in Appendix B. The results and findings of the second round of interviews have been organized around answering the two key research questions.

Access—How has access for students with special needs changed for charter schools participating in the COP? The comments of the interviewees support trends in the quantitative data that show that there has been increased access for students with special needs in charter schools, for those schools participating in the COP, but also across all independent charter schools as well. SA CCSA explained in the context of all charter schools:

What the data is telling me is that our ultimate goal of creating a structure that gave flexibility to the charter schools or that would result in them expanding the number of students with disabilities. The increase in scope of the type of students they serve is happening. For the most part, the data validated my assumptions and I was happy about it. I think that is revealing a trend and it's trending in the direction that we had hoped. Again it's still the beginning but it is meeting the hopes that we had when we initially started the discussions around the COP.

CEO ICEF drew similar conclusions for charter schools participation in Option 3 and provided the importance of Option 3 in the context of driving collaboration between the school district and its independent charter schools.

The data at a high level is telling me the goals of Option 3; we appear to be heading in the right direction to meet the goals of Option 3... There's less of a gap between District and Charter and I think that is helping create a more healthy conversation about special education between charters and traditional schools. I'm very happy with the data. Obviously, it's not going to change overnight but the trends, look very positive to meeting the intended outcomes of Option 3.

His comments reiterated the important theme of collaboration that was repeated throughout the first round of interviews. The idea of collaboration runs counter to the unfortunate perceived reality that there was little common ground in the dialogue between "District and Charter" found in the voices of many district and charter educators previous to the reorganization.

ED Fenton is especially frank in her comments regarding outcome of serving low incidence students as a result of the policy change. She states that, "We've set some goals in terms of looking at serving a variety of special needs students particularly the low incidence which charter schools typically have not done." For her, the changes are credited to several factors that are the result of strong leadership, factors that include transparency, communication and autonomy in decision-making. These factors, again, support the comments made by other participants that through collaboration that other factors are becoming a reality. ED Fenton explains:

You know we contribute the 20% and we actually know where it goes. We have a SELPA Director that is doing an outstanding job. We see her working hard. She is totally transparent in the hard work she does. I feel like we have a Director of Special Education for each of our schools because she communicates with us very regularly. She

gets a piece of information that she thinks will really help our programs, she sends it to us. I'm going to look into this; I'm going to share it with you. Look at this piece I think it's going to work well for some of your schools that are looking at whatever. So she's very transparent and frankly she's like that Nordstrom person. I fell like she works for us. She's just great! So we see where our money is going for that. The other piece is that we have been able to make some decisions.

DCOP LAUSD, sharing her thoughts as a new employee in LAUSD, adds:

What I have heard is that [charter schools] do feel a sense that there's collaboration with the District in most aspects. I definitely think they see the relationship as being far better than it was. They see an openness of the District to want to collaborate and I don't see any hostility which I have heard there was prior.

Capacity—What additional programs and services are being afforded to these students? Quantitative data shows only a portion of the actual picture. While it is clear that charter schools are serving increasing numbers of SWD across the spectrum of needs over the three school years from 2009-2012, it is also important to evaluate whether there are additional programs and services that have been developed. Equally important, it is important to determine whether a process has been created to build out new programs and services.

Through the second round of interviews and the review of artifacts, there is strong evidence that the building of capacity is a major priority for the COP and a key responsibility for the Charter Operated Program Director. In the review of several documents, the stated mission of the COP is to “facilitate a community of charter schools working together to provide innovative, high quality educational services for students with unique needs.” The Charter

Operated Programs Director is responsible for ensuring effective coordination of special education services so that “access to innovative, high quality, and appropriate special education services for all eligible students enrolled in member schools is assured.” One of that individual’s key duties and responsibilities is to “provide guidance in program development to ensure all students receive a free and appropriate public education at participating charter schools.” In the Memorandum of Understanding (MOU) between LAUSD and participating Option 3 charter schools, explicit funding is ensure increased access and increased capacity. Specifically, the MOU states that 10% of Option 3 charter school’s special education revenues will be retained by the District and allocated as directed by the Advisory Board and members of the Charter Operated Program, with the leadership of the Charter Operated Program Special Education Director. According to the MOU:

These funds will be used to support the personnel for the Charter Operated Program section of the SELPA; build management and operating procedures to create an infrastructure to support schools in meeting the needs of students with mild to severe disabilities; and, to create and implement new programs that serve students in charter schools.

This MOU specifically calls out the building out of new programs as well as the support for students with across the spectrum of disabilities, including students with moderate-severe disabilities, a subset that charter schools have historically not served in as high numbers.

Also, there is evidence that a process has been created to build out new programs and services. Charter schools who wish to develop programs and services to be funded must meet with the Director of the COP and a specialist a minimum of three times during the planning

stages to ensure that systems are established to ensure collaboration, progress monitoring, and accountability. Charter schools that receive funding for their programs and services must also agree to quarterly reviews and be open to feedback and support from Option 3 personnel and members. Funding is guaranteed on a yearly cycle so the effectiveness of the program determines re-approval. Most importantly, charters must be willing to all other charter school and District staff to visit the programs.

The process has resulted in additional programs and services being afforded to students within Option 3, confirming the quantitative data that indicates an increased capacity in charter schools to serve more SWD as well as more SWD with moderate-severe disabilities. Based on the document review, approximately \$1 million worth of programs have been funded in the 2012-2013 school year and there is currently an estimation of \$1.7 million in programs for the 2013-2014 school year. CEO ICEF explained that the COP has created a forum to foster innovation through dialogue and the sharing of ideas:

Through the COP those conversations were fostered, encouraged under the leadership of the [COP Director]. She helped the school take care of the paperwork and the service agreements that they would need to set up to essentially become a contractor with one another. That has now led conversations to people being able to start programs that previously would never have been considered starting. Now these conversations are happening and the COP is sponsoring some preliminary pilots because there is actually money to help get programs like that off the ground. That to me is incredibly important. For a small charter school spending \$50,000 to buy the equipment to help with a particular disability is not possible. The COP helps make that easier then that program

for years to come can help students not only at that school but at surrounding schools where students have similar disabilities and those schools are struggling to meet the needs of those students. The COP is proving to be hugely helpful as fostering innovation and creativity at the entire COP schools. Our collective hope is that will also then translate into further partnerships.

CEO ICEF then provided an example of a specific program that has been created where Granada Hills Charter High School is working in partnership with an LAUSD special education center. He stated, “Granada Hills actually sponsors groups of students coming to their campus and having Granada Hills students go to the special education campus. It’s a real relationship to be blunt would never happen without the COP.” According to document reviews, this program currently provides community-based instruction (CBI) for six mild-severe students with the plan to expand to 28 students in the 2013-2014 school year from both charter schools and District schools. The program will be a collaboration between Granada Hills Charter High School and Leichman High School, a LAUSD special education center that will provide mild-severe students core instruction as well as career-technical training in the context of a general education setting.

Funding to disseminate best practices is another form of collaboration. Dissemination empowers successful programs to share their proven practices and assist other schools in implementing their programs. ED Fenton explained:

Charter schools were created to service students in need but also to share best practices and innovative practices to give teachers that ability to share what they know how to do best. I don’t think we’ve ever done that in special education and the COP has allowed

that as well. There are pilot programs that are being funded where District Schools and Charter Schools will be able to apply to participate in those Pilot programs and professional development programs.

She elaborated about a pilot program being developed by the COP and the CHIME Institute, a non-profit organization that is widely considered a national leader in the development and implementation of a unique model of inclusive education:

The institute began with an early childhood program based at California State University, Northridge. The success of the early childhood program, coupled with the needs of the community and sound research, prompted a group of parents and Cal State Northridge faculty to develop a charter elementary school in 2001 and a charter middle school in 2003 (“CHIME Institute,” n.d.).

Its program focuses on many best practices including thematic and project-based learning, co-teaching, embedded related services, school-wide positive behavioral support, family partnerships, and university partnerships. Through funding from the COP, 20 schools will in 2013-2014 will participate in a series of professional developments to bring best practices in creating inclusive educational environments to their respective school sites. The three-day professional development will include the observation of the CHIME model in action and the development of an action plan for helping schools to be more inclusive. Participating schools would receive three online follow-up webinars as well as two in-person follow up PD sessions from a CHIME professional development provider. ED Fenton expounds:

Everyone wonders what CHIME is doing. Now they will actually be able to go and be trained in the CHIME model. Then come back to your school and have a mentor come

out and check and see how you're implementing their practices. This is how you change the philosophy of this school really to do the CHIME model. We have never done anything like that. Yes, on our own, I've visited CHIME and I've sent my teachers to visit CHIME. This is much more formal and this is accessible to everyone now. It recognizes a model that everyone talks about as this great model. It gives the ability to share best practices and at the same time not do it by themselves because they're getting funding for this. We never had that happened before, at least not in a formal way. I think it's formalized some things we've been trying to do informally.

Summary

This chapter answered the key research questions of this study through the finding of 12 semi-structured interviews, quantitative data compiled through LAUSD's Division of Special Education, and artifacts such as informational materials, formal agreements, and professional development resources. The findings will be reported in in three phases, similar to the process used to gathered data, in order to reveal the participants' own reflections through this process.

In general, it was found that access and capacity to serve SWD in charter schools increased as a result of the creation of the COP. The prevailing reasons provided through the qualitative interviews and document analysis include increased communication and collaboration as well as increased participation and transparency in decision-making.

The discussion of the findings along with implications for future research will be presented in the next chapter.

CHAPTER 4

DISCUSSION AND IMPLICATIONS

Introduction

This dissertation attempts to answer the question whether education policies that espouse charter school tenets can be used to drive special education reform. To begin the conversation, a more general conversation regarding the role of charter schools in educational reform should be discussed. Charter schools are public schools that operate outside the governance structure of traditional school systems, considered by many as part of the “neoliberal” education agenda. This agenda is founded on the ideals of autonomy, accountability and competition and has been widely criticized by critical theorists and more popular writers such as Diane Ravitch, who has in recent years been a vocal critic of charter schools. Ravitch (2010, Nov. 10) states “charter schools are promoted not as ways to collaborate with public schools but as competitors that will force them to get better or go out of business.” She further explains that charter schools are incentivized to “push out” or “not accept” lower performing students. In her view, such practices should be rejected because “Public education is one of the cornerstones of American democracy. The public schools must accept everyone who appears at their doors, no matter their race, language, economic status, or disability.” Despite such criticism, charter schools are continuing to grow in numbers nationally and in California.

The California Charter Schools Act (1992) outlines several purposes for charter schools. For this discourse, three important purposes will be discussed. The legal language states, among many things, that charter schools are to provide “vigorous” competition to stimulate improvement in all public schools, to encourage the use of difference and innovative teaching

methods, and to be held accountable for pupil outcomes. Charter schools are to operate outside the traditional governance structure and serve as the most autonomous school model in the context of most school systems. However, it is still a question whether charter schools that are meeting the goal of improving all public schools.

Ni and Arsen (2010) make the appeal that while there is no clear evidence that competition of charter schools improve or cause harm in public schools overall, it is still too early to draw conclusions on the systemic effects of charter schools. Payne and Knowles (2009) and Lubienski (2003) also make similar claims that competition, in of itself, is not spurring improvement and innovation in traditional districts. Rather, they are more likely to argue that charter schools are a way to escape the perceived inflexibilities of the bureaucracies found in large school systems and collective bargaining agreements. In other words, they may argue that those who operate charter schools or work in charter schools are choosing “autonomy from” the traditional school systems as opposed to “autonomy to” operationalize innovative practices. While this mindset is unfortunately prevalent in the deeply polarized local and national dialogue on charter schools, the narrative that was formed in this research points to something different in the context of the COP in LAUSD.

In her dissertation, Kindel (2011) discusses the intended and unintended consequences of the California Charter Schools Law and describes the complex relationship between charter schools and TPS as the “ying yang of competition versus collaboration” (p. 67) In her qualitative study, she interviewed twenty-two individuals who played a role in the passage of the California Charter Schools Law as well as other prominent educators, policy makers, and practitioners. The perspective of those individuals varied on whether market-based forces such

as competition are needed in education. A few felt strongly that competition is needed as a way to reform bureaucracy and school boards. A few others took the opposite viewpoint and rationalized that education in a high stakes, competitive environment is unhealthy. However, most stood somewhere in middle with nuanced beliefs and uncertainty about whether competition is truly driving improvement throughout the education system. When asked whether competition is a force of change in the culture at traditional schools, a prominent charter school leader and advocate explains that “[charter schools] is very spotty thus far” (Kindel, 2011, p. 116).

For this research, I used a conceptual framework that to increase access and capacity for charter schools to serve SWD, the tenets espoused by charter schools such as autonomy and decentralization; choice and competition; and performance-based accountability must be constructed through policy instruments as described by McDonnell and Elmore (1987). I sought to understand whether these tenets would lead to increasing access and capacity in charter schools for SWD. Furthermore, an extended goal for this research is to understand if these tenets of charter schools can improve the educational outcomes for all students. In other words, will providing schools autonomy within a very centralized and bureaucratic system facilitate increased access and increased capacity in charter schools to serve SWD? Will competition between schools and providing more choice for parents and students facilitate increased access and increased capacity to serve SWD? Will performance-based accountabilities for charter schools facilitate increased access and increased capacity to serve SWD? I pose these questions for the purpose of discussion later in this chapter.

Research Questions

I will first draw conclusions to the key research questions of this dissertation. Conclusions will be extracted from qualitative data from two rounds of semi-structured interviews of “politically important case samples” as termed by Hatch (2002); artifact analysis of informational documents, formal agreements, agendas and minutes, and professional development materials; and quantitative data gathered from LAUSD’s Division of Special Education. The two key research questions again are:

1. How has access for students with special needs changed for charter schools participating in the COP? Specifically, what changes have occurred in these schools specific to the number of students with special needs served and the number of students served across the spectrum of needs after joining the new COP?
2. What additional programs and services are being afforded to these students? What resources or expertise support these programs that were unavailable before the policy change?

Access. First, the data are showing that access for students with special needs has increased over the last three years for all independent charter schools as defined by the total number of SWD served as well as the percentage of total student enrollment. Furthermore, the total number of students with moderate-severe disabilities has increased at a greater rate than students with mild-moderate disabilities. Thus, access has not only increased for SWD in general but access has increased across the spectrum of needs, in particular those students who are most challenging to serve.

For schools participating in the COP, SWD represent a slightly higher percentage of the total student enrollment than schools not participating in the COP in the 2011-2012 school year, 9.91% and 9.57% respectively. The more significant difference rests in the percentage of students with special needs that have disabilities in the moderate-severe range. For schools in the COP, the percentage is 15.38% versus 12.36% for schools not in the COP. This difference in access is supported by the interpretations of interviewees as well as the artifact analysis. As one participant concludes,

If you look at the Option 3 schools, there's been a steadily increase in the number of students with disabilities that they're serving which is really what we wanted Option 3 to do. The data for Option 3 as far as the percentage of students with disabilities, their total ADA, that's the trend that we were hoping to see with this. You see these trends whether you look at the percentage of moderate-severe or whether you look at the high incidence students.

In the review of documents, new programs have been developed or are in the process of being developed with the 10% set aside. For the 2013-2014 school year, funding has been allocated to develop or enhance 15 programs in the COP and 14 out of the 15 programs are focused on serving students with moderate-severe students. Examples include the creation of four programs focused on serving students with autism and three programs focused on students with emotional disturbance. Thus, one can conclude that there has been an increase in access for charter schools in Option 3.

Capacity. The creation of the COP provided the opportunity for charter schools to create programs and services for students with special needs. From the interviews and artifact analysis,

the mission of the COP is clearly focused on providing innovative and high quality educational services for students with unique needs. There is a coordinated effort to sustain, enhance, and build programs for SWD, especially those with moderate-severe disabilities. Even more importantly, there is thinking invested and resources allocated to ensure that programs are of high quality as well. All programs must go through an extensive planning with a commitment to quarterly reviews. The review process is facilitated by the director of the COP and elicits the participation of a broader range of peers. Also, funding runs on a year-to-year cycle and covers only 50% of the total program costs, ensuring that schools have “skin in the game” and thus are invested in the building up of the programs with quality and fidelity.

It is powerful to see well-regarded programs such as CHIME disseminating their best practices around inclusion across the charter school community through professional development funding provided by the COP. Collaboration of this sort occurred previous to the creation of the COP but as explained by charter school leaders, such collaboration was informal and minimal. Now, formalized structures have been created along with the resources necessary to ensure continuous dialogue and quality professional development. In the case of CHIME, four charter schools will participate in a pilot program during the end of the 2012-2013 school where they will receive professional development on site at CHIME Institute's Schwarzenegger Community School along with three online webinars. Then, professionals trained in the CHIME model will visit implementation sites for two days of follow-up sessions. As school leaders, they are keenly aware that professional development that is experiential, collaborative, progressive, and sustained over time is more effective. The systems being put place are laying the groundwork for quality professional development for future years. For the next school year,

funding has been allocated to increase the scope from four pilot charter schools to twenty District and charter schools beginning in the Fall of 2013.

It is also powerful to see capacity building through new forms of collaboration between the District and charter schools. It is unfortunate that formalized collaboration between charter schools and LAUSD has been historically minimal. The school district, in its past, has not always been a willing partner to charter schools and the opposite can also be said. To change the perception requires time and trust needs to be built but there are strong hints that things are changing. ED Fenton states:

I want to say our relationship with LAUSD is so much better on every level than I could have imagined. I think we're availing ourselves of the trainings much more. I think that because we're having our Coordinator Council meetings that people from the District are coming in and sharing with us information that we didn't used to get until sometime someone got in trouble for it. The flow of information between LAUSD and PUC was so horrible. The difference is just not notable. It is shockingly notable!

Recently the Gates Foundation recently invested \$25 million in seven cities for collaboration between traditional schools and charter schools. Unfortunately, Los Angeles was unable to secure any funding, even though LAUSD is the largest authorized of charter schools in the country with over 210 charter schools serving more than 110,000 students. Instead of seeking for sincere collaboration with charter schools, many in LAUSD has seen charter schools as unwelcome competitors. That is why the partnership between Granada Hills Charter High School and LAUSD to serve students in a CBI are critical in changing the paradigm. As DSE LAUSD articulates in one interview:

It just feels like we're all working together for the benefit of students. It's an opportunity for us to use our different schools as learning labs. We can send teachers, our staff to one of the COP schools to see how they're doing something. We take that back to our schools, and then they get an opportunity to come visit our programs as well and see how we're doing.

Thus, based on the evidence collected, charter schools in Option 3 have increased their capacity to serve SWD.

In summary, there are strong signs that access and capacity have both increased as a result of the COP through both quantitative as well as qualitative measures. One may argue that the data also indicates that charter schools that chose to participate in the COP already had greater access and capacity to serve SWD across the spectrum of needs. As compared to their counterparts, there has been a steady increase in SWD enrollment numbers even prior to SELPA reorganization in COP charter schools. However, access and capacity has increased even more and there is the foundation for even more accelerated growth.

Lastly, and most importantly, the interviews surfaced a great sense of optimism for charter schools and District collaboration around special education. While there are suggestions that there may still be some fears, excitement abounds for the collaborative work. Collaboration of this sort was not the norm previously, in particular with issues pertaining to special education. Interestingly though, collaboration between charter schools and TPS is not explicitly stated as a purpose of the California Charter Schools Act (1992).

Discussion of the Conceptual Framework

The conceptual framework as seen in Figure 2 of this study is based on a merger of policy instruments as described by McDonnell and Elmore (1987) and charter school tenets of autonomy and decentralization; choice and competition; and performance-based accountability. This study explained how such tenets led to greater access and capacity for SWD in charter schools. At the highest level, can policies that espouse such tenets improve special education outcomes for students not only in charter schools but all students, in general? Since I concluded that there has been increased in access and capacity, I will now pose the following questions based on my conceptual framework for more discussion:

1. Did providing autonomy within a very centralized and bureaucratic system increase access and capacity to serve SWD?
2. Did competition between schools and providing more choice for parents and students facilitate increase access and capacity to serve SWD?
3. Did performance-based accountabilities for charter schools increase access and capacity to serve SWD?

To answer these questions, it is critical to look back at the interview responses from the six individuals selected for this study. These individuals, as Hatch (2002) terms as “politically important case examples” have an intimate understanding of the SELPA reorganization and the historical context of charter schools and special education from which the COP formed. Two of the participants and the researcher played were the key negotiators in the reorganization of the SELPA. One participant was the founder of a charter school that converted a LAUSD

elementary school to a charter school soon after the passage of the California Charter Schools Act (1992) and continues to operate the school after 20 years. The other participants have all worked in both charter schools and district schools and play critical roles in the COP.

Autonomy and decentralization. In their interview responses, the theme of autonomy and decentralization was prevalent. The preferred terminology that was used was “flexibility” and flexibility came in many forms. There was discussion around flexibility around funding and how to use it. There was flexibility in programming and not a “one size fits all” approach to special education. There was even flexibility in which charter schools could participate in the new SELPA as Option 3 was one of three potential options for charter schools in LAUSD. DDSE LAUSD has the primary responsibility of ensuring special education compliance and achievement outcomes under the pressure of federal court oversight. For her to divert from the norm and support a flexible and autonomous approach to special education, often characterized as over-regulated and compliance-driven, demonstrates a willingness to be innovative and courageous. In a reflective moment during the interviews, DDSE LAUSD shares that:

I think a lot was caused by the fact that we had not planned for how things could be done differently. Everybody had that we were going down a certain path, we have a Consent Decree, this is where we’re going and now all of a sudden there were people working with us who didn’t have the same kind of guidelines, necessary policies to follow. Some of the public school operated programs and administrators felt that they had to do more or did not get the same kind of fair shake as charter schools. I think the charters schools felt that they were paying to support programs that were not there, that they were serving students in a different way.

Thus, in my opinion, providing autonomy did play a critical role to increase access and capacity for SWD in charter schools as a result of the policy change. In the context of special education, the autonomy to self-govern and self-dictate is a critical factor to driving performance and innovation.

Competition and choice. Competition is a hallmark of the charter schools movement and as stated in the California Charter Schools Act (1992), charter schools are to provide vigorous competition within the public school system to stimulate continual improvement in all public schools. Charter schools act as a potential competitive force because students who move from a traditional school to a charter school takes the funding associated with their attendance along with them. However, competition does not reveal itself as an impetus for change in the context of special education. The term “competition” was never used by any of the participants to explain changes have occurred after the reorganization of the SELPA. In the stated purposes for the LAUSD SELPA reorganization as spelled out by the LAUSD Board of Education Report 149-10/11 (2011), terms such as flexibility, autonomy, and accountability were used, yet there is no mention of competition. While it can easily be understood that the term “competition” is not desirable on a highly politically-charged issue in a highly politicized environment, the term was not even mentioned once in twelve interviews. There are several reasons why I believe this to be the case. First, special education is an encroaching program. The funding provided for the purposes of serving SWD is insufficient to the actual needs and in LAUSD, the actual costs exceed \$1,400 per ADA. To be specific, \$1,400 of general funds associated with each child, not just special education children, goes towards the overall contribution to special education programs in LAUSD. Thus, there is not competitive desire to enroll SWD. Secondly, choice in

special education programs has historically been limited, in particular for students with moderate-severe disabilities, in both charter schools and TPS. For example, if you are a parent of a child with autism, your choice in education may be limited to only those schools that have programs and services to support children with autism. For many charter schools, they argue that because specific programs are unavailable at their schools, children with specific needs are better served in alternative programs. Lastly, and most significantly, the structure resulting from the reorganization sets up incentives for collaboration rather than competition. Charter schools are provided significantly more resources and autonomy for programming but these autonomies are accompanied with more accountability. Charter schools have no choice but to serve all SWD, across the spectrum of needs, so resource sharing and pool risking is critical. This incentivizes to not work independently and forces charter schools to collaborate. Also, the funds created by the 10% set-aside, amounting to nearly \$2 million for the 2013-14 school year, must be allocated through a governance council composed of charter school operators. The governance council is a formalized forum for dialogue that has resulted in collaborative rather than competitive efforts to improve educational outcomes both in charter schools and in District schools.

Performance-based accountability. Lastly, it is important to discuss the tenet of performance-based accountability in the context of special education in LAUSD. Over the last several years, charter schools have drawn attention publicly, fairly or unfairly, for their provision of special education. The construct of charter schools acting as a “hybrid” entity for purposes of special education was created as a policy compromise, creating complications with compliance and operations. As the LAUSD moves to improve its special education outcomes

during the MCD, scrutiny on charter schools has drawn additional attention by the LAUSD's Independent Monitor. With the modernization of data systems such as Welligent in LAUSD, information can be extracted at real-time such as enrollment data, IEP compliance, service provision, etc. Charter schools are required now required to sign a MOU regarding the provision and funding of special education services as a requirement for charter school approval and renewal. The MOU dictates matters of responsibility, safe-guards, funding, and SELPA participation. All these have contributed to the increased accountability for charter schools in the performance of SWD.

Of the three tenets of autonomy and decentralization, choice and competition, and performance-based accountability, the one that is not found to be a factor in increasing access and capacity for students with special needs in charter schools is choice and competition. Instead, the interviews and the artifacts revealed a clear sense of increased collaboration between LAUSD and charter schools. As previously stated, competition is stated by the State of California as a purpose for charter schools to drive improvement for all schools but in the case of special education, there is no evidence of such found in this research.

Implications for Future Research

The COP is a new construct that has only existed for one year. The longitudinal data gathered was for three years but the COP was only implemented the last of the three years. The long-term effects of this policy change must continue to be studied. It would be important to understand whether access and capacity continue to increase. Also, will there continue to be

collaboration and innovation that results from the COP and how will the best practices inform both District and charter schools?

As new programs are developed, it will be important to understand the effectiveness of such programs. Systems that are being established by the COP should allow for regular program evaluation to determine the most effective programs for dissemination.

The ultimate goal should not be to have equal number of SWD in charter schools and district schools. Past research has already pointed out that there is over-identification as it pertains to SWD across the nation and the case is no different in LAUSD. Also, the cost of special education needs to be examined along with the numbers of students identified with special needs. The costs associated with special education is ever increasing and encroaching more into general funds every year. Thus, future research should focus on innovation in the area of programming and service delivery to support the learning of SWD, in both charter schools and TPS.

As an education community, we continue to explore more effective approaches to serving students with disabilities and as school leaders and policy makers, we must continue exploring the necessary conditions where innovation can be brought forth. As DDSE LAUSD explains:

So, if this can operate for the charter schools, if we give our schools autonomy and if we can do something with our own schools, should they not be able to function and operate in the same method. It's important for us that it works because it really is have the model for us to say would this work with our pilot schools, would this work with our small learning communities, would this work with this type of school. Can we give them that flexibility?

Policy instruments that utilize certain charter school tenets showed promising results in this research. However, more investigation is needed to understand whether such results will sustain over time. Furthermore, it would be important to understand if such policies would have similar effects in other context. For example, could such policies be utilized in the context of District schools, such as pilot schools? It is critical to exploring necessary policy levers to drive innovation in schools, especially as it pertains to serving the most needy youth.

Implications for Public School Policy

In her dissertation, Kindel (2011) points to the dissatisfaction with public education as a major force that contributed to the passing of the California Charter Schools Act but then examines many of the law's unintended consequences on education. Some of the unintended consequences include inconsistent oversight and authorization practices, reliance on social and political capital for money and support, and persistent opposition from groups such as teacher unions. These unintended consequences have contributed to the schisms that have always existed in the American education ecosystem. In a rather personal and lucid moment, Kindel (2011) shares:

Although my life in politics has taken me deep into the land of sharp opinions and grand egos, I have never been among people who hold such strong and often polarizing opinions as in the education environment. Many times during the research process and event recently, I have been unwilling to state an opinion on an issue in education because I feel I will be regarded as favoring a certain camp, which would be limiting to my effectiveness and progress. The children lose when adults are so polarizing (p. 96).

While she does not explicitly call it out, another unintended consequence of the 1992 California Charter Schools Act is the exacerbation of adult segregation in the public schools system. The public call for less isolation and more collaboration cannot be mandated; the right incentive structures must be put in place. System changing practices such as co-locations between charter schools and TPS are grounded in the aspirations that placing schools side-by-side will force collaboration and hopefully lead to the sharing of best practices. However, there is extensive anecdotal evidence that would conclude otherwise. Inducements from grant funding for district-charter collaboration assumes that capacity already exists and additional resources will just mobilize change. Such inducements have not proven to have long-lasting impact. As demonstrated by LAUSD's SELPA reorganization to establish the COP, a combination of incentive structures is needed to drive the necessary changes to encourage collaboration. In this particular case, a combination of all four policy instruments as described by McConnell and Elmore (1987) in varying degrees brought about the necessary incentives to address capacity concerns, provide needed flexibility, and provide the conditions necessary for authentic collaboration. Only through the combination of these forces did access and capacity increase for charter schools to serve SWD.

As an individual who served as a teacher, school administrator, and district leader for his entire professional career, I have witnessed and experienced first-hand a public education system that can often leave an individual powerless, isolated, and repressed. Those who are called to take on the important duty of educating youth, especially those who serve youth living in circumstances of poverty and in historically underserved communities, deserve to work in a professional ecosystem that provides them with the necessary training and resources, the

autonomy to make sound judgments for their students, and the opportunity to engage with other professionals in problem-solving and idea-sharing. As a young and inexperienced teacher, I was left to “sink-or-swim” in my classroom. As I slowly developed to be a somewhat competent teacher, I took on the persona of a “Rambo” teacher, one who trusts no one and takes on all challenges individually, asking for no assistance from others. Those years left me being isolated and often powerless professionally. My feelings are not atypical of many educators in American public education. Only in later years did I finally start experiencing the professional growth and transformative powers of networking and authentic collaboration.

Johnson (2010) describes innovation as the collision of great ideas. Great ideas are cobbled together through the sharing of ideas, typically in group settings. Historically, these “liquid networks” are places such as coffee houses during the Enlightenment or the atypically designed workplaces of today’s Silicon Valley companies. In such environments, ideas are connected and cultivated rather than protected and depressed. The greatest innovations in human history stem from many great ideas coming together through human interactions rather than the isolated genius having an eureka moment.

Public education, like all segments of our society, is rapidly reinventing itself. As our country is moving ever more closely to a set of national standards, the incentive to increase networking and collaboration will grow between educators, schools, and organizations will grow. Education policies that just drive for autonomy and decentralization, competition and choice, and performance-based accountability cannot be successful. The right incentive structures must be in place to offer necessary resources, provide true flexibility, and encourage authentic

collaboration. Policy makers must take all these factors into consideration so to elicit the appropriate actions of individuals and institutions.

Appendix A

Interview #1 Protocol with District and Charter Leaders

Introduction

- Thanks for their time
- Review of introductory and consent letter

General background information

- Name and professional experience
- Experience working with students with disabilities
- Experience working with special education policy
- Experience working with charter schools

Questions

- What is your current role with charter schools and/or special education?
- What are the challenges to serving students with special needs in charter schools?
- What is the purpose of the COP? What are the benefits?
- What changes do you hope to see as charter schools participate in the COP?
- Will the COP bring about increased access to students with special needs in charter schools?
- Will the COP bring forth increased capacity within charter schools to serve students with special needs?
- Will the COP bring forth innovative special education practices and why?

- What are the fears and challenges you face currently and what future fears and challenges do you anticipate?

Appendix B

Interview #2 Protocol with District and Charter Leaders

Introduction

- Thanks for their time
- Review first interview

Questions

- Have you had a chance to review the quantitative data? What is the data telling you?
- Is the data meeting the hopes you had for the SELPA reorganization and the COP?
- Are there any surprises? Are there any issues that you see? What is lacking?
- What practices differ since the creation of the COP? What practices remain the same?
- What programs or services were made possible by participating in the COP?
- In your opinion, did the policy change to create the COP meet its purpose?

Appendix C

Quantitative Data Collection

- 1) Student enrollment overall
- 2) Number of SWD overall along with % of overall enrollment
 - a. Number of SWD identified as mild/moderate along with % of overall enrollment
 - b. Number of SWD identified as moderate/severe along with % of overall enrollment
- 3) IEP / Compliance Data
 - a. Initial assessment numbers- students entering special education
 - b. Exit IEPs- students existing special education
 - c. % of SWD meeting annual IEP goals
 - d. Compliant IEP as % of overall caseload
- 4) Financial reports
 - a. Total special education revenues
 - b. Expenditures (as self-identified)
 - c. Expenditures as % of Revenues
 - d. Special education revenues- rate per SWD
 - e. Special education expenditures- rate per SWD

Appendix D

Summary of Quantitative Data

| Total Independent Charters | | | |
|-------------------------------------|-----------------|-----------------|-----------------|
| | SY 2009-10 | SY 2010-2011 | SY 2011-12 |
| Number of Schools | 126 | 147 | 157 |
| Total ADA | 49,912 | 57,637 | 68,552 |
| Total SWD | 4,580 | 4,992 | 6,458 |
| Total Low Incidence Students | 477 | 620 | 880 |
| Total High Incidence Students | 4,103 | 4,372 | 5,578 |
| % Low Incidence Students | 10.41% | 12.42% | 13.63% |
| % High Incidence Students | 89.59% | 87.58% | 86.37% |
| % SWD of Total ADA | 9.18% | 8.66% | 9.42% |
| Gross Allocation | \$38,900,570.44 | \$48,532,777.37 | \$51,082,078.18 |
| Fair Share Contribution (10% - 40%) | \$11,392,214.01 | \$14,544,118.30 | \$11,828,720.35 |
| Self Reported Expenditures | \$47,875,955.68 | \$51,045,166.00 | \$47,146,234.00 |
| % Expenditure / Gross Allocation | 123% | 105% | 92% |
| Expenditure / Total SWD | \$10,453.27 | \$10,225.39 | \$7,300.44 |

| Schools Included in Option 3 in SY2011-12 | | | |
|---|-----------------|-----------------|-----------------|
| | SY 2009-10 | SY 2010-2011 | SY 2011-12 |
| Number of Schools | 33 | 39 | 47 |
| Total ADA | 21,962 | 23,460 | 27,367 |
| Total SWD | 1,864 | 2,110 | 2,711 |
| Total Low Incidence Students | 228 | 304 | 417 |
| Total High Incidence Students | 1,636 | 1,806 | 2,294 |
| % Low Incidence Students | 12.23% | 14.41% | 15.38% |
| % High Incidence Students | 87.77% | 85.59% | 84.62% |
| % SWD of Total ADA | 8.49% | 8.99% | 9.91% |
| Gross Allocation | \$17,116,681.21 | \$19,754,671.00 | \$20,222,674.43 |
| Fair Share Contribution (10% - 40%) | \$5,033,369.78 | \$5,983,442.61 | \$2,022,267.44 |
| Self Reported Expenditures | \$19,862,747.30 | \$22,205,637.00 | \$18,824,184.00 |
| % Expenditure / Gross Allocation | 116% | 112% | 93% |
| Expenditure / Total SWD | \$10,655.98 | \$10,524.00 | \$6,943.63 |

| Schools Not Included in Option 3 in SY2011-12 | | | |
|---|-----------------|-----------------|-----------------|
| | SY 2009-10 | SY 2010-2011 | SY 2011-12 |
| Number of Schools | 93 | 108 | 110 |
| Total ADA | 27,950 | 34,177 | 39,145 |
| Total SWD | 2,716 | 2,882 | 3,747 |
| Total Low Incidence Students | 249 | 316 | 463 |
| Total High Incidence Students | 2,467 | 2,566 | 3,284 |
| % Low Incidence Students | 9.17% | 10.96% | 12.36% |
| % High Incidence Students | 90.83% | 89.04% | 87.64% |
| % SWD of Total ADA | 9.72% | 8.43% | 9.57% |
| Gross Allocation | \$21,783,889.23 | \$28,778,106.37 | \$29,330,601.32 |
| Fair Share Contribution (10% - 40%) | \$6,081,752.24 | \$8,560,675.70 | \$9,806,452.91 |
| Self Reported Expenditures | \$23,341,044.53 | \$28,839,529.00 | \$26,640,660.78 |
| % Expenditure / Gross Allocation | 107% | 100% | 91% |

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