

Part in 1802.10
as needed or law

APPENDIX 4

CHARTER SCHOOL ELECTION OF DCPS AS LEA FOR SPECIAL EDUCATION

§ 38-1802.10. Application of law.

(c) *Education of Children With Disabilities.* -- Notwithstanding any other provision of this chapter, each public charter school shall elect to be treated as a local educational agency or a District of Columbia public school for the purpose of part B of the Individuals With Disabilities Education Act (20 U.S.C. 1411 et seq.) and § 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

Description: Parrish, et al., American Institutes for Research, Special Education Financing Study for the District of Columbia, November 28, 2007, p. 55:

Charter Schools Selecting DCPS as LEA for Special Education

The DC School Reform Act of 1995 requires that each charter school determine whether it will be its own LEA (“LEA-charter”) or elect DCPS (“District-charter”) as its LEA for special education. This issue was a point of considerable confusion among our stakeholder group, in terms of the exact nature of the relationship and funding implications. Of the 60 charter sites included in our analyses, 22 had selected DCPS as the LEA for special education, representing more than a quarter of the special education population enrolled in charter schools.

According to the D.C. Public Charter School Board (PCBS) website, “District-charters will be required to meet DCPS standards for certification and evaluation of special education personnel and to implement Individualized Education Programs developed in conjunction with DCPS special education staff.”⁵⁹ DCPS is responsible for special education assessments for these charter schools; however, District-charters can seek reimbursement for the costs of evaluations they conduct on their own.

From a funding standpoint, District-charters receive their full UPSFF amount, but DCPS retains their federal IDEA funds in exchange for the assessment services.⁶⁰ In Fiscal Year 2006, the “state” retained 15 percent of the \$14.98 million in Part B IDEA funds. DCPS received \$11.06 million, of which approximately \$650,000 was on behalf of charters that selected DCPS as their LEA for special education. This averaged to \$1,430 per special education students attending DCPS and District-charter schools. Charters serving as their own LEA for special education were allocated \$1.67 million, or about \$1,050 per special education student.⁶¹

The distinction between LEA-charters and District-charters seems to end there. The guidance provided on the PCSB website states that if a charter (whether an LEA- or District-charter) determines that it cannot serve a student with disabilities within the UPSFF allocations, it should contact DCPS. As DCPS has a dual role as the LEA for District-charters and as the “State Educational Authority (SEA)” for special education for LEA-charters, DCPS assumes responsibility for charter students for whom the IEP team approves placement in an NPS or public special education school. In the case of alternative placements, the charter school must remit to DCPS the student’s UPSFF amount, prorated for the time remaining in the school year.

History: Mary Levy – participant in drafting process of the DC School Reform Act of 1995.

Section 1802.10 was put into the School Reform Act to protect individual public charter schools from having to pay tuition for students found to need special education placement in a private or county school, the intention being that the DC government should pay. At the time DCPS as the State Education Agency

paid such costs; that function was transferred to OSSE as of FY 2009. The provision became unnecessary with the adoption of the Uniform Per Student Funding Formula, which put tuition, along with other costs for which charter schools were not responsible, into a separate funding stream that covers all private/county placements, whatever their provenance. In the absence of any formal explanation of the presence of section 1802.10, DC and DCPS officials apparently concluded that it meant that DCPS should be responsible for special education assessments of dependent charter schools and for monitoring any former charter school students in alternative placements.