



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

Synthesis | July 2020

The challenges associated with educating students with disabilities in charter schools in Connecticut are symptoms of two broader issues—the state’s inequitable public education funding system and problematic ambiguity in the state charter law. Fundamental changes to the state education funding system are required to better position urban districts in Connecticut to effectively educate all students, particularly students with disabilities. For Connecticut charter schools, primarily clustered in the state’s largest cities, greater clarity and consistency in implementation of the state charter law are critical to enabling schools to successfully live up to their potential to provide students with disabilities with meaningful educational choices on par with their peers.

## Project Overview and Methodology

The purpose of this analysis, which was conducted between July 2019 and February 2020, was to identify and quantify the challenges related to educating students with disabilities in Connecticut charter schools and to develop recommendations to improve the delivery of quality special education and related services. Additional project background and a detailed methodology can be found in the [full report](#). The National Center for Special Education in Charter Schools (the Center) gathered quantitative data from the Connecticut State Department of Education (CSDE) and qualitative data from 32 interviews with 60 individuals across 27 organizations, including 21 of the 22 charter schools operating in the state. The Center developed preliminary recommendations based on that qualitative and quantitative data, shared those recommendations with stakeholders, and then refined and finalized recommendations.

## Acknowledgments

This policy brief is excerpted from a [longer report](#) of the same name. Both documents reflect the collaborative efforts of Rachel Hastings, Shani Kothari, Lauren Morando Rhim, Megan Ohlssen, Paul O’Neill, and Jessica Sutter. We are grateful to The Peter and Carmen Lucia Buck Foundation for commissioning this report and to the charter school leaders and staff, district personnel, and stakeholders across the state of Connecticut who provided us with invaluable insights regarding the manner in which Connecticut charter law is translated into practice for students with disabilities. In addition, we would like to acknowledge the contributions of the School & State Finance Project and the Connecticut Charter Schools Association, who served as thought partners on this project. The Center is solely responsible for any errors or omissions in this work.

## General Overview of the Connecticut Charter Landscape

The Connecticut state charter school law establishes the Connecticut State Board of Education as its sole practicing authorizer. Charter schools operate as autonomous local education agencies (LEAs), except for the purpose of educating students with disabilities. Instead, an individual student’s district of residence (nexus district) retains responsibility for provision of specialized supports and services. While the state is ultimately responsible for ensuring compliance with IDEA, CSDE has assumed a relatively hands-off approach to the education of students with disabilities in charter schools. Absent uniform or explicit guidance from CSDE and subsequent monitoring to ensure compliance, individual districts are afforded discretion to formulate their relationship with the charter schools within their boundaries or that enroll students from their boundaries.

During the 2018–19 school year, there were 23 public charter schools in Connecticut and 895 traditional public schools. Table 1 provides a comparison of the number of charter schools to traditional public schools in cities that host charters. It is important to note that Connecticut charter schools may draw students from multiple districts, and that each school must negotiate relationships with each of these respective districts.

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

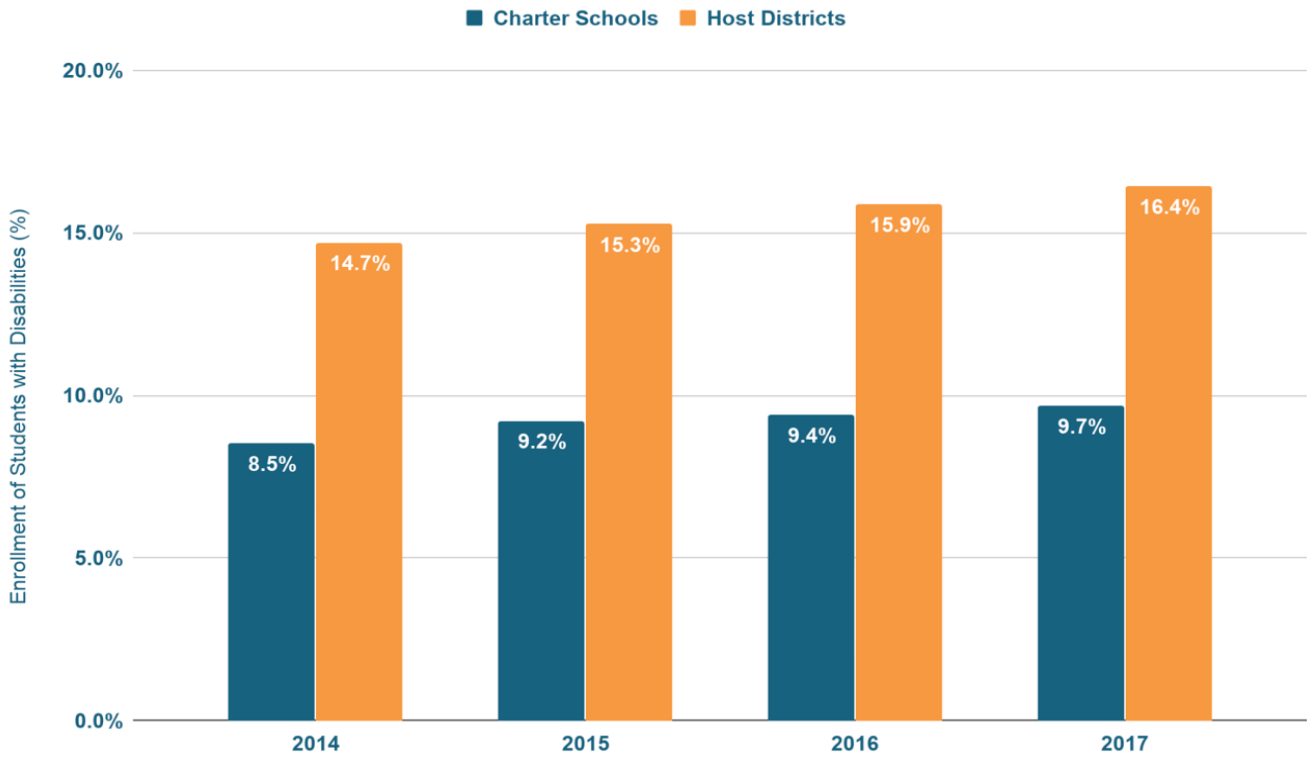
**Table 1: Total Number of Public Schools in Connecticut Cities with Charter Schools (2018-19)**

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

## Enrollment and Demographic Differences

In the 2018-19 school year, there were 530,559 students enrolled in Connecticut public schools, 10,433 (or just under 2%) of whom enrolled in charter schools. Figure 1 provides a snapshot of enrollment of students with disabilities in charter schools and traditional public schools over time. According to 2017-18 school year data from the National Center for Education Statistics, students with disabilities make up 13.7% of enrolled students nationwide. Connecticut enrolls slightly more students with disabilities than the national average, but across the state, average enrollment of students with disabilities varies between traditional public schools (13.9%) and charter schools (9.7%).

The difference in enrollment rates of students with disabilities in charter schools and the traditional school districts *from which they draw students* is even larger: 9.7% of students in charter schools have a disability versus 16.4% in host (i.e., “nexus”) districts.



**Figure 1: Enrollment of Students with Disabilities in Connecticut Charter Schools Compared to Host (i.e., “nexus”) District Averages over Time (School Years 2014-15 to 2017-18)**

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

## Connecticut Policy Context

### Public Education Funding

The system of funding public schools in Connecticut creates fundamental inequities on multiple levels for all schools and charter schools in particular. On average across the state, 40% of dollars devoted to public schools come from the state education agency, 56% come from local property taxes, and 4% from federal sources.<sup>1</sup> Traditional public schools receive \$11,525 in foundational funding from the state, but, as outlined in the state charter law, charter schools’ foundational grant is \$11,250 per student. Traditional public schools also receive local, property-tax based funding contributions from their city or township. In wealthy towns, these local contributions often far exceed the state foundation funding. As a result, property-rich suburban districts typically have far more resources than property-poor urban districts.

<sup>1</sup> National Center for Education Statistics (2020). The Condition of Education: Public School Revenue Sources. Washington, DC. Available at: [https://nces.ed.gov/programs/coe/pdf/Indicator\\_CMA/coe\\_cma\\_2019\\_05.pdf](https://nces.ed.gov/programs/coe/pdf/Indicator_CMA/coe_cma_2019_05.pdf)

Within this already challenging context, Connecticut does not have a designated state-level special education funding formula, as is typical in other states.<sup>2</sup> Rather, school districts in Connecticut are responsible for determining how to allocate funding to educate students with disabilities from their state and local general operating funds, along with whatever funding they receive from the U.S. Department of Education (e.g., Title I of the Every Student Succeeds Act or Part B of the Individuals with Disabilities Education Act). This approach extends districts significant discretion in how they allocate their funding at the local level. In turn, the Connecticut charter law dictates that “a student’s resident town is statutorily required to pay the state charter school the **reasonable** cost of educating the student with special education services” (emphasis added).<sup>3</sup> While the Connecticut General Statutes provide a definition for “reasonable cost,”<sup>4</sup> in practice the implementation of the definition varies notably and currently complicates reimbursement negotiations between charter schools and districts. The challenges of adequately funding special education are particularly significant in districts facing financial problems—such as Bridgeport and Hartford—due to lower revenue associated with property taxes.

### **Charter School Governance**

The Connecticut Charter Schools Law<sup>5</sup> outlines the main requirements for charter schools in the state, including those relating to students with disabilities. Charter schools in Connecticut are autonomous local education agencies (LEAs) for most legal purposes. However, **for purposes of educating students with disabilities**, charter schools share LEA responsibilities with the local school district of residence (i.e., “host” or “nexus” district) for each enrolled student with a disability.

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

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<sup>2</sup> Connecticut School Finance Project (2016). Improving how Connecticut Funds Special Education. <http://ctschoolfinance.org/assets/uploads/files/Improving-How-CT-Funds-Special-Education-FINAL.pdf>

<sup>3</sup> According to [CT Gen Stat § 10-66ee \(2012\)](#), (d)(3) *In the case of a student identified as requiring special education, the school district in which the student resides shall: (A) Hold the planning and placement team meeting for such student and shall invite representatives from the charter school to participate in such meeting; and (B) pay the state charter school, on a quarterly basis, an amount equal to the difference between the reasonable cost of educating such student and the sum of the amount received by the state charter school for such student pursuant to subdivision (2) of this subsection and amounts received from other state, federal, local or private sources calculated on a per pupil basis. Such school district shall be eligible for reimbursement pursuant to section 10-76g. The charter school a student requiring special education attends shall be responsible for ensuring that such student receives the services mandated by the student’s individualized education program whether such services are provided by the charter school or by the school district in which the student resides.*

<sup>4</sup> Ibid

<sup>5</sup> Conn. Gen. Stat. Ann. § 10-66aa et seq. Available at [https://www.cga.ct.gov/current/pub/chap\\_164.htm#sec\\_10-66aa](https://www.cga.ct.gov/current/pub/chap_164.htm#sec_10-66aa).

## Findings

### *State of District-Charter Relationships*

The ambiguity of Connecticut charter school law results in variability in how nexus districts interpret their responsibilities and define their relationships related to both funding and service provision. That ambiguity and variability can lead to strained relationships between charter schools and districts. Charter-district relationships are especially troubled in several of the state’s major cities. We categorized these relationships on a spectrum ranging from “satisfactory” to “in need of improvement” based on our assessment of 1) degree of transparency, 2) the extent to which each charter school can readily secure funding and services, and 3) equitability of funding distribution.

Relationships between charter schools and districts in Connecticut are complicated across the board and especially troubled in several of the state’s major cities.



Figure 4: Typology of Charter-District Relationships\*

\*Analysis limited to participating schools (n=21)

### *Relationships Influence Practice*

The variation in the quality of district-charter relationships in Connecticut translates into differences in how charter schools and nexus districts work together to educate students with disabilities. For instance, while a few charter schools have successfully negotiated Memoranda of Understandings (MOUs), the vast majority do not have the specifics of the relationship memorialized in writing. The lack of an explicit document reportedly hinders charter schools’ ability to seek district compliance with stated agreements. Furthermore, our interviews surfaced examples of charter schools’ hesitance to push districts too aggressively for support due to concerns about losing hard-fought ground or facing retaliation that could undermine their ability to provide students with adequate or timely services.

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

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

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

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

## Funding

As described above, Connecticut's approach to funding public education broadly, and special education specifically, has led to inequities across the state. Even charter schools with a working relationship with nexus districts often felt they were not being reimbursed for the full cost of providing services to enrolled students with disabilities. Though all charter schools receive special education resources from the nexus districts in which their enrolled students with disabilities reside, districts may provide reimbursement for services, in-kind service delivery, or a combination of the two. Individual charter schools in smaller host districts described a range of funding scenarios, most mirroring one of the models used by Bridgeport, New Haven, or Hartford.

### Reimbursement for Services

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

### Lump Sum Reimbursement

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

### Reimbursement Plus In-Kind Service Delivery

In **Bridgeport**, the district provides reimbursement for special education teachers in the amount of \$65,000 per full-time teacher, based on a ratio of 20 students to one teacher. The reimbursement amount is consistent, irrespective of the number of service hours students receive according to their IEPs. However, the average teacher in Connecticut earns more than \$75,000 a year, excluding benefits.<sup>6</sup> This appears to be nearly the same arrangement as used by **Stamford** for its nexus students. In practice, charter schools are making up the difference between the amount they are reimbursed and their actual costs out of their general operating funds.

<sup>6</sup> National Education Association. (2019, April). Rankings of the States 2018 and Estimates of School Statistics 2019. [http://www.nea.org/assets/docs/2019\\_Rankings\\_and\\_Estimates\\_Report.pdf?\\_ga=2.111878979.690351481.1583133885-1385393248.1583133885](http://www.nea.org/assets/docs/2019_Rankings_and_Estimates_Report.pdf?_ga=2.111878979.690351481.1583133885-1385393248.1583133885)

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

## Analysis and Discussion

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

First, the underlying inequity of funding can lead to practices that either deny students educational options or educational services. For example, some districts and charter school personnel may counsel students with disabilities away from charter schools to avoid the cost of providing services or in light of limited resources in those schools. When hosting planning and placement team<sup>7</sup> meetings for students enrolled in charter schools, districts may write IEPs based on the types of services available in district school placements, ignoring the context and educational program of the charter school where the student actually attends school. And, charter schools may limit service delivery to what they can provide based on nexus district reimbursement, regardless of actual service requirements for students.

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

Third, there does not appear to be a clear sense of urgency in Connecticut to drive policy change, despite complex challenges. The vagueness of Connecticut charter law and the apparent reluctance of the CSDE to commit to proactive directives allows nexus districts significant discretion to interpret their legal obligations related to educating students with disabilities. While district interpretations vary, most appear to prioritize limiting expenses rather than equalizing access for students with disabilities.

## Recommendations

Based on our analysis, we arrived at the following recommendations for charter schools, nexus districts, the CSDE and the Connecticut General Assembly to improve the extent to which students with disabilities can readily access and succeed in charter schools similarly to their peers without disabilities. While these recommendations need not be implemented sequentially, they are ordered below based on the projected level of impact.

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<sup>7</sup> In Connecticut, the term “planning and placement team” (PPT) is used synonymously with “individualized education program team” (IEP team).

### *Advocate for Equitable Funding for all Connecticut Students*

Remedying inequities baked into the public education finance system in Connecticut will require focused advocacy from diverse constituents. Traditional public schools and charter schools in urban areas have more to gain by working collectively than against one another. Advocacy for changes to the numerous school funding formulas currently in use in Connecticut would require a significant investment of time, resources, and political capital, but could increase funding for all schools in urban districts. It could also bring needed clarity to the current ambiguity in how services for students with disabilities are funded in charter schools in the state.

### *Establish Shared Understanding of “Reasonable Costs” and Associated Expectations*

In order to reach greater clarity under the existing state law and funding formula, the CSDE should develop guidance around state law on charter schools and their shared LEA relationship with nexus districts. Charter schools and nexus districts should partner with CSDE to clarify the specific meaning of the word "reasonable" in the current state statute. Adopting, publishing, and promoting guidance on a common understanding of that term will improve negotiations on reimbursement between charter schools and nexus districts.

### *Conduct Research to Develop Standard Regional Service Provider Rate Schedule*

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

### *Identify Technical Solutions to Assist Both Charters and Nexus Districts*

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

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