

Charter School Authorizer Special Education Program Implementation Tool

August 15, 2025

Purpose

Understanding the extent to which charter schools are enrolling and providing specialized services and supports to students with disabilities allows authorizers to provide support early should problems start to surface. This tool is designed to **provide new and experienced Colorado charter school authorizing staff with a two-tiered special education program implementation checklist** and a structure to guide discussions with charter schools focused on **optimizing access and quality programming for students with disabilities.**

Colorado Charter School Policy Context

Colorado has 179 local school districts (i.e., local education agencies or LEAs),¹ most of which are granted exclusive chartering authority within their geographic region per state charter law. Charter applicants can apply directly to their LEA or, in limited circumstances, can apply to the independent Colorado Charter School Institute (CSI).² CSI has statewide chartering authority in LEAs that do not have exclusive chartering authority. Once authorized, charter schools operate as a part of the entity that authorized them (i.e., an LEA or CSI that serves as an Administrative Unit (AU)³). There are 46 authorizers (i.e., 45 LEAs and CSI) overseeing 262 charter schools that account for approximately 14% of all public schools in Colorado.⁴

The Intersection of Federal and State Law⁵

Under the federal Individuals with Disabilities Education Act (IDEA), The Colorado Department of Education (CDE), as the state education agency (SEA), has ultimate responsibility and accountability for ensuring that students identified as having a disability in Colorado are identified and evaluated (“Child Find”), and provided a “free appropriate public education” (FAPE) in the “least restrictive environment” (LRE). CDE, in turn, delegates much of this responsibility for Child Find, FAPE, and LRE to LEAs (e.g., developing and implementing individual education programs [IEPs] and providing the full continuum of special education placements to eligible students with disabilities). Colorado charter schools, as part of an LEA or the CSI LEA, play an important role in providing services to students with disabilities. As part of the

¹ Colorado State Education Snapshot. (2025). <https://www.cde.state.co.us/schoolview/explore/statesnapshot>

² In Colorado, both local school districts and CSI serve as LEA and authorizer. For the purposes of this toolkit, we will use “local school districts” or “LEA” when discussing the role of the LEA.

³ An Administrative Unit (AU) may be a school district, Board Of Cooperative Educational Services (BOCES), multi-district administrative unit, a charter school network, a charter school collaborative, or the State Charter School Institute, that provides educational services to exceptional children and that is responsible for the local administration of state special education regulations. Colorado Department of Education. (2025). *Rules for the administration of the Exceptional Children’s Educational Act (1 CCR 301-8)*. Code of Colorado Regulations. <https://www.sos.state.co.us/CCR/>

⁴ Colorado Association of Charter School Authorizers.

<https://coauthorizers.org/#:~:text=Colorado%20has%2046%20charter%20school,state's%20districts%20are%20potential%20authorizers>

⁵ For more details regarding educating students with disabilities in the Colorado charter policy context see the [CACSA Special Education resource page](#).

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typical charter contract, LEA authorizers may delegate key special education responsibilities to the charter school (more below). They are also subject to all federal and state laws regarding nondiscrimination, including “constitutional provisions prohibiting discrimination based on disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or need for special education services.”⁶

Shared Responsibility for Educating Students with Disabilities

How responsibility for educating students with disabilities is operationalized varies, even within individual authorizing districts. Once charter school applications are approved, authorizers execute a contract with each of their charter schools that specifies terms related to the operation of the school (e.g., requirements for renewal, special education service model, and federal, state, and local funding allocation) and the role of the authorizer in overseeing compliance with the contract. The state charter school law dictates that charter schools must “not engage in or adopt discriminatory recruiting, marketing, or enrollment policies or practices” and must “not establish undue barriers to students applying for enrollment, such as mandated testing before acceptance, that have the effect of excluding students based on socioeconomic, family, or language background, prior academic performance, special education status, or parental involvement.”⁷ On an annual basis, each charter school must review its “discipline and enrollment records to ensure that its policies have been applied equitably to all students.”⁸

In practice, authorizing LEAs typically negotiate one of four special education service delivery approaches with the charter schools they authorize:

- **Insurance model:** Under the insurance model, the charter school pays a per-pupil “insurance” premium to the LEA to provide all special education and related services (e.g., behavioral, occupational, physical, or speech therapy, or transportation to school) for the subgroup of children with disabilities attending the charter school.
- **Contracted model or Fee for Service Model:** Under the contracted model, the AU passes through special education funding to the charter school, which then hires or contracts with third-party special education service entities to provide special education and related services for children with disabilities attending the school. In rural areas, LEAs can also enter into agreements with a *Board of Cooperative Educational Services (BOCES)*, which acts as an intermediate AU between the state and LEAs to provide support to LEAs and schools, including charter schools.
- **Combination/modified insurance model:** Under the combination/modified insurance model, the charter school and its authorizer negotiate responsibility and funding for special education and related services. The charter school may hire staff and negotiate with its authorizer for the AU to provide some services (e.g., initial assessments, behavioral, occupational, physical, or speech therapy, or transportation to school).
- **Independent Administrative Unit:** In 2022, the legislature amended the Colorado charter law to permit individual or a group of charter schools to apply to become their own AUs outside of their authorizing LEA, and be solely responsible for providing special education services analogous to traditional LEAs. No charter schools have sought this status as of the 2024-25 school year.

Regardless of the model by which the charter school and its authorizer have agreed to handle the provision of special education services, the authorizer should annually review the health of the charter school's programming for students with disabilities. At the foundation of this review is a confirmation that the charter school is fulfilling its responsibilities under the respective service-delivery model. Figures 1 and 2 display a visual representation of the recommended key steps and check-in pathways involved with the review process.

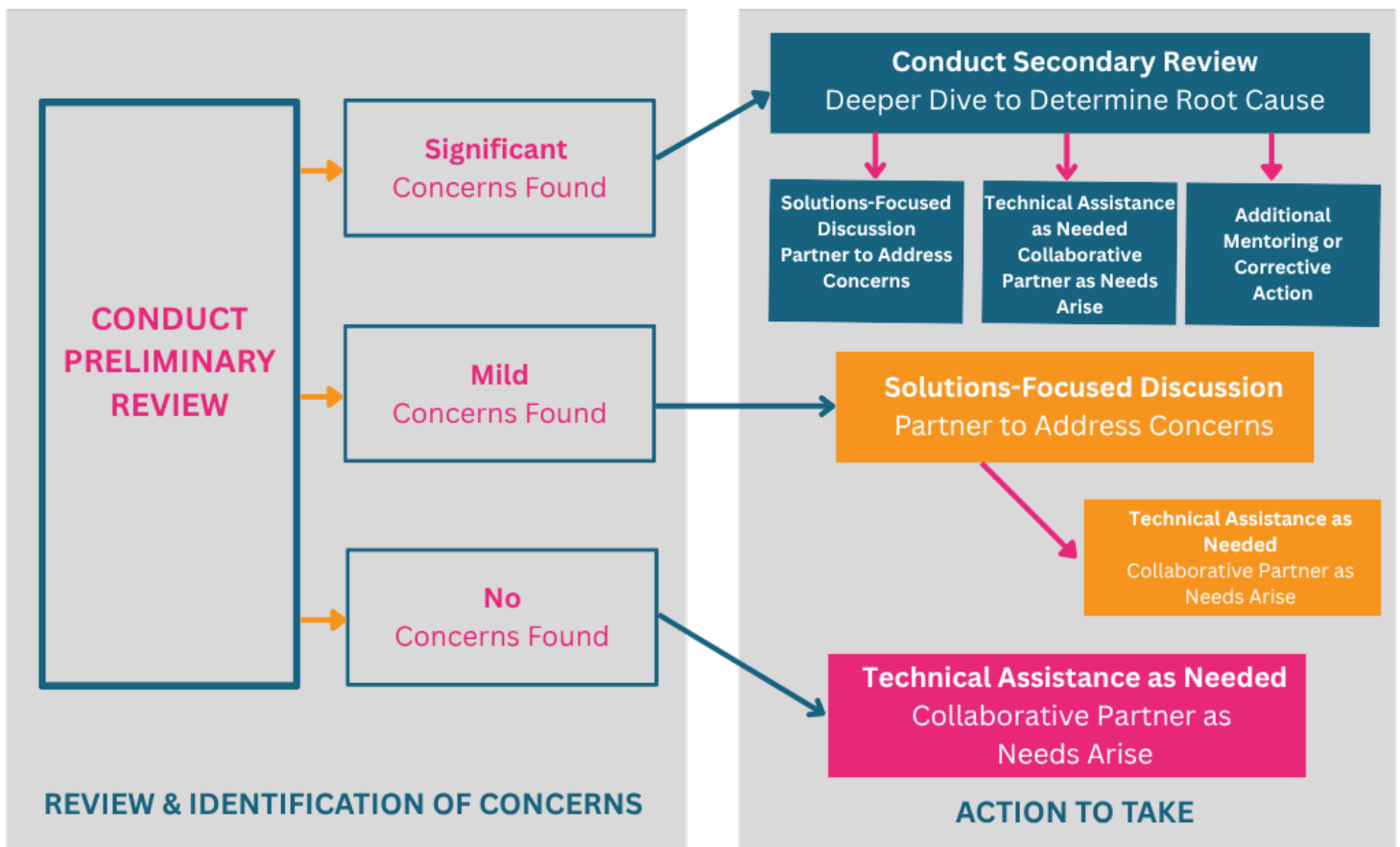
⁶ CO Rev Stat § 22-30.5-104 (2016)

⁷1 Colo. Code Regs. § 301-88-2.02

⁸ Ibid

Figure 1

Potential Special Education Check-In Pathways



Annual Special Education Check-In

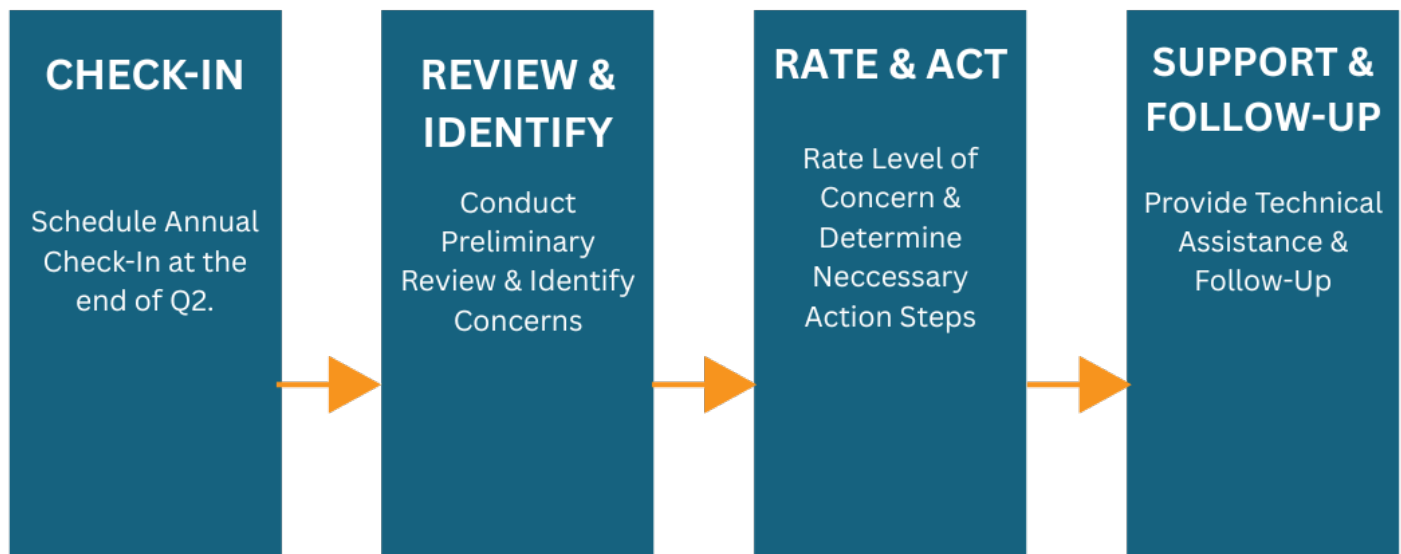
Purpose

This check-in aims to create a structure for authorizers to efficiently examine data confirming that a charter school's programming for students with disabilities is meeting baseline expectations or, conversely, surface potential concerns related to enrolling and educating students with disabilities. It initially uses readily available data to determine whether the authorizer should request additional, detailed data from the school regarding its policies and practices.

Preliminary Review

At the end of Q2, the authorizer should request the data and meet with the charter school leadership team to review it and identify where the school lands on the preliminary list to determine whether to require a more intensive secondary review. The following table contains a list of key indicators, related data sources, and specific metrics or ranges that should correspond with an authorizer's level of concern (i.e., green, yellow, red). However, these are relatively subjective guidelines, and individual authorizers will need to determine the seriousness of their concern based on these data points and broader contextual factors (e.g., age and size of school and whether it is a new or ongoing concern). In aggregate, these indicators utilize readily available data to signal the degree to which students with disabilities can access the school and obtain specialized supports critical to their academic success.

Figure 2



Preliminary Review

For an editable version of this table that you can customize according to your needs, please visit [this link](#) (make a copy before editing, please).

Indicator	Data Source	DATA ⁹		
What is the enrollment of students with disabilities, as measured by the percentage of students with an Individualized Education Program (IEP), relative to the district average?	Student Information System (e.g., Infinite Campus, PowerSchool)	~ 2% District average	-4% District average	-6% District average ¹⁰
Is there disproportionality of a single disability classification (e.g., Speech or Language Impairment, Specific Learning Disability, Emotional Disturbance, etc.), as measured by any one disability classification that comprises 60% or more of the total population of students with disabilities in K-12 programs?	Student Information System	No		Yes
	IEP Platform (e.g., Enrich)			
Is the rate of transfers/withdrawals/mobility of students with disabilities different than the rate of their non-disabled peers?	CSI Equity Screener	~0% Non-Disabled Peer average	+1% Non-Disabled Peer average	+2% Non-Disabled Peer average
	Student Information System			
Is the Out-of-School Suspension Rate of students with disabilities (relative to IEP enrollment) higher than the rate of their non-disabled peers (relative to non-IEP enrollment)? ¹¹	Student Information System	~1% Non-Disabled Peer average	+2% Non-Disabled Peer average	+3% Non-Disabled Peer average
Has the school been the subject of a complaint related to IEP timeliness (i.e., Concern with Initial Eligibility and reevaluation)?	Input from AU or LEA Special Education Dept	No		Yes
Has the school been the subject of a compliance finding(s), and/or have parent complaint logs identified that manifestation determination hearings have not been held for all students for whom they are legally required before expulsions or suspensions are implemented?	Input from AU or LEA Special Education Dept	No		Yes
What is the average growth in English language arts and mathematics of the subgroup of students with disabilities on prior-year benchmark assessments? ¹²	Colorado State Assessment (i.e., CMAS) Reports	+/- 3% District average	-% 5 District average	-%7 district average

⁹ Where available, the green, yellow, and red benchmarks were established based on examination of averages of schools in CSI's portfolio published by CDE: https://www.cde.state.co.us/cdesped/sped_data

¹⁰ Note: In 2023-24, 13.54% of all students in Colorado public schools were eligible for special education services whereas 9.19% of those in CSI authorized charter schools qualified for services. Source: https://www.cde.state.co.us/cdesped/sped_data

¹¹ We acknowledge that there is variability in the quality and consistency in accuracy of discipline data reported.

¹² While difficult to benchmark given variance in student enrollment, authorizers should contemplate growth rates within context of other data points to inform their assessment of the overall status of the school's special education programming.

Solutions-Focused Discussion Questions

The preliminary checklist may surface concerns that warrant a discussion with the charter school focused on identifying potential solutions or technical assistance needs. The following questions are provided to assist authorizers in generating a productive and solutions-oriented discussion with schools in their portfolio. The goal of the questions is to surface potential root causes of barriers and changes the school could make to increase access and improve the learning environment for students with disabilities.

Enrollment and Mobility

- Are special education enrollment trends typical of the last two years, or is this year an outlier? If an outlier, what factors contributed to it being an outlier?
- Is there any messaging on your website or recruitment materials that may inadvertently lead parents of students with disabilities to believe their child may not be supported or successful at your school? If yes, how could you modify the language to welcome all students to the school more intentionally?¹³
- What steps have you taken to ensure that staff members who interact with prospective families are familiar with your open enrollment policies and the support you provide to students with disabilities?
- How does your school determine whether to offer both push-in and pull-out supports for students with disabilities and related services such as occupational, speech, and physical therapy that would enable a student who requires moderate to significant supports to enroll and be successful?
- When students exit the school mid-year, do you request a meeting with families and record the reason for their departure? What have you learned from these discussions, and how has it informed your practice?

Discipline

- Has the school developed a Code of Conduct that specifically defines infractions and consequences, and includes a section on special education considerations that tracks federal law and regulations?
- Does the school consistently and uniformly implement the Code of Conduct? Is the school providing staff training regarding the Code and its requirements annually?
- Do your policies and practices ensure that students with disabilities are disciplined in accordance with applicable federal and state law? School policies and practices should reflect an understanding of which entity is primarily responsible for special education issues, such as discipline, and how this is operationalized in the charter school. Students with disabilities should be afforded due process protections, such as a manifestation determination review before any proposed long-term suspension or expulsion.
- Are school personnel aware that federal protections apply to students who may need special education and related services but do not yet have an IEP? School policies and practices should direct staff to abide by special education due process protections when disciplining students they believe may be eligible to be identified as having a disability.
- When a SWD needs an Interim Alternative Educational Setting (IAES) due to a long-term disciplinary removal, what location have you designated to host alternative education services?

Complaints

- Did the receipt of a complaint lead to an examination of practices that were the focus of the complaint, including discussions with individuals with diverse perspectives, and how did it change practice?
- Was the issue that was the focus of the complaint an isolated incident or symptomatic of a larger problem that requires attention? If the latter, what is your strategy to address?
- What, if any, policies or procedures did you change due to the complaint? Did you elect to provide any training or coaching to staff?

¹³ For more information from an analysis of Colorado charter school websites, see: [“Shared Responsibility, Shared Accountability: An Analysis of Enrollment of Students with Disabilities in Colorado’s Charter School Sector. \(2020\).”](#)

Secondary Review

If two of the measures from the preliminary review indicate that students with disabilities are not enrolling or having success at the charter school (i.e., show up in the yellow or red categories), the authorizer should initiate a secondary review. The secondary review could include a combination of the following:

- School site visit including special education desk audits (i.e., review of 5-7 randomly selected IEPs), observations of at least 20% of classrooms by a qualified special education professional, and meetings with the principal, special education lead, and special education data manager or other persons responsible for student data.
- Review of annual special education teacher and paraprofessional retention data.
- Inventory of special education personnel qualifications, caseloads, LRE, and instructional and related services plan.
- Conduct “mystery-shopper” calls to assess responsiveness to hypothetical parents of students with disabilities. For more information about this process, see *“All Welcome to Apply? “Mystery Parent” Initiative Found to be Cost-Effective Diagnostic Tool for Charter Authorizers Concerned about Equity.”*

Based on the findings of the secondary review, the authorizer should schedule a meeting with the school principal to review the data and discuss the next steps, including, but not limited to, provision of technical assistance, engagement of an external mediator, articulation of corrective actions, or, in the event of egregious or recurring noncompliance, probation or charter revocation.

Accountability

Under the Colorado charter school statute, LEAs and CSI, acting as an LEA, are financially and legally responsible for ensuring that students with disabilities can access the full continuum of special education services (i.e., the provision of FAPE under the IDEA). Depending on the manner in which authorizers and schools negotiate how responsibility will be operationalized (e.g., insurance, contract/fee-for-service, or hybrid model), this responsibility can lead to tensions if check-ins surface concerns related to access, quality of programming, and outcomes for students with disabilities. Authorizers should be transparent and explicit regarding the actions they will take when concerns surface during informal and formal monitoring, including but not limited to additional monitoring, the provision of technical assistance, engagement of an external mediator, articulation of corrective actions, or, in the event of egregious noncompliance, probation, or charter revocation.

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