

# A Secondary Analysis of the Civil Rights Data Collection to Inform Policy and Practice

Key Findings and Guiding Questions that Examine the Experiences of Students with Disabilities in Charter and Traditional Public Schools



## *Enrollment of Students with Disabilities in Charter and Traditional Public Schools*

TECHNICAL BRIEF 1



# Introduction

*The Center for Learner Equity (CLE) is committed to ensuring that students with disabilities, particularly those in under-resourced communities, have the quality educational opportunities and choices they need to thrive and learn. We accomplish this through research, advocacy, coalition formation, and capacity building with national, state, and local partners, and recognize that successful advocacy, coalition formation, and capacity building is built on establishing and communicating the facts about educating students with disabilities in public schools.*

*The U.S. Civil Rights Data Collection (CRDC), maintained and released biennially by the U.S. Department of Education Office for Civil Rights (OCR) since 1968, publishes data on leading civil rights indicators related to access and barriers to education opportunities from early childhood to grade 12. The purpose of this project is to identify similarities and differences in the student populations and student experiences in public charter and traditional public schools to ensure that advocacy is designed to enable success for students with disabilities without regard to educational setting and placement. This analysis has taken on additional relevance in light of the disruption to education caused by the COVID-19 pandemic.*

This technical brief is part of an ongoing series CLE launched in 2015 that examines the enrollment and experiences of students with disabilities in different school settings. Using the 2017–2018 Civil Rights Data Collection (CRDC) data released earlier this year, this brief focuses on the number and percentages of students with disabilities educated in charter and traditional public schools and how the population of students with disabilities has changed over time.<sup>1</sup>

Nationally, the identification of students with disabilities eligible to receive special education and related services has increased over time.<sup>2</sup> Simultaneously, enrollment in charter schools has also increased.<sup>3</sup> In light of disruptions caused by the COVID-19 pandemic and potentially greater increases in charter school enrollment, it remains important to track the degree to which students with disabilities are accessing charter schools and to understand the characteristics of students and their experiences prior to the pandemic to examine shifts as schools focus on recovery.



<sup>1</sup> For a more detailed discussion of the methodology for analysis, please see [www.centerforlearnerequity.org/news/crdc17-18/](https://www.centerforlearnerequity.org/news/crdc17-18/).

<sup>2</sup> National Center for Education Statistics (n.d.). <https://nces.ed.gov/programs/coe/indicator/cgg>; [https://nces.ed.gov/programs/raceindicators/indicator\\_RBD.asp](https://nces.ed.gov/programs/raceindicators/indicator_RBD.asp)

<sup>3</sup> National Alliance for Public Charter Schools. (2021, July).

<https://data.publiccharters.org/digest/charter-school-data-digest/how-many-charter-schools-and-students-are-there/>



## Key Takeaways

The most recent release of the CRDC provides a robust view of how the population of students with disabilities across the country has changed over time.

- A growing number and percentage of students nationwide were identified as having a disability from 2016 to 2018 in both charter and traditional public school settings.
- The proportion of students with disabilities in charter schools has slightly decreased compared to the 2016 CRDC data from 10.8% to 10.7%, even as the absolute number of students with disabilities enrolled in charter schools increased from 294,000 students to 331,000 students over this time. This is because the growth in charter school enrollment has generally outpaced the growth in the number of students with disabilities over this time.
- Based on 2018 data, traditional public schools have a larger proportion of students with disabilities than charter schools (13.3% compared to 10.7%).
- The number and percentage of students provided services under Section 504 increased overall in both traditional public school and charter school settings from 2016 to 2018.
- Based on 2018 data, traditional public schools have a larger proportion of students receiving services under Section 504 than charter schools (2.7% compared to 2.6%).
- This difference, while small in magnitude, increased from .12% in 2016 to .19% in 2018.
- Charter schools that are their own local education agency (LEA; i.e., a school district) enroll a larger proportion of students with disabilities compared to charter schools that operate as part of an LEA (11.2% compared to 9.9%).

## Key Questions for Policymakers and Researchers

- What is driving the increasing number and proportion of students identified as eligible to receive special education supports and services across the nation?
- How will disruptions caused by the pandemic impact child find and referrals to special education?
- Between 2009 and 2014, the difference in the enrollment of students with disabilities between the two sectors decreased, but starting in 2016 the difference started to increase. What if any federal, state, or local policies might be influencing this trend?
- What policies (e.g., state charter statutes or funding provisions) correlate with enrollment trends, and specifically, among states, are there policies or practices that drive the extremes (e.g., the 10 states in which charter schools enroll a greater proportion of students with disabilities)?
- What practices lead to more students with disabilities enrolling in charter schools that operate as LEAs and conversely, to fewer enrolling in charters that operate as part of a traditional LEA?



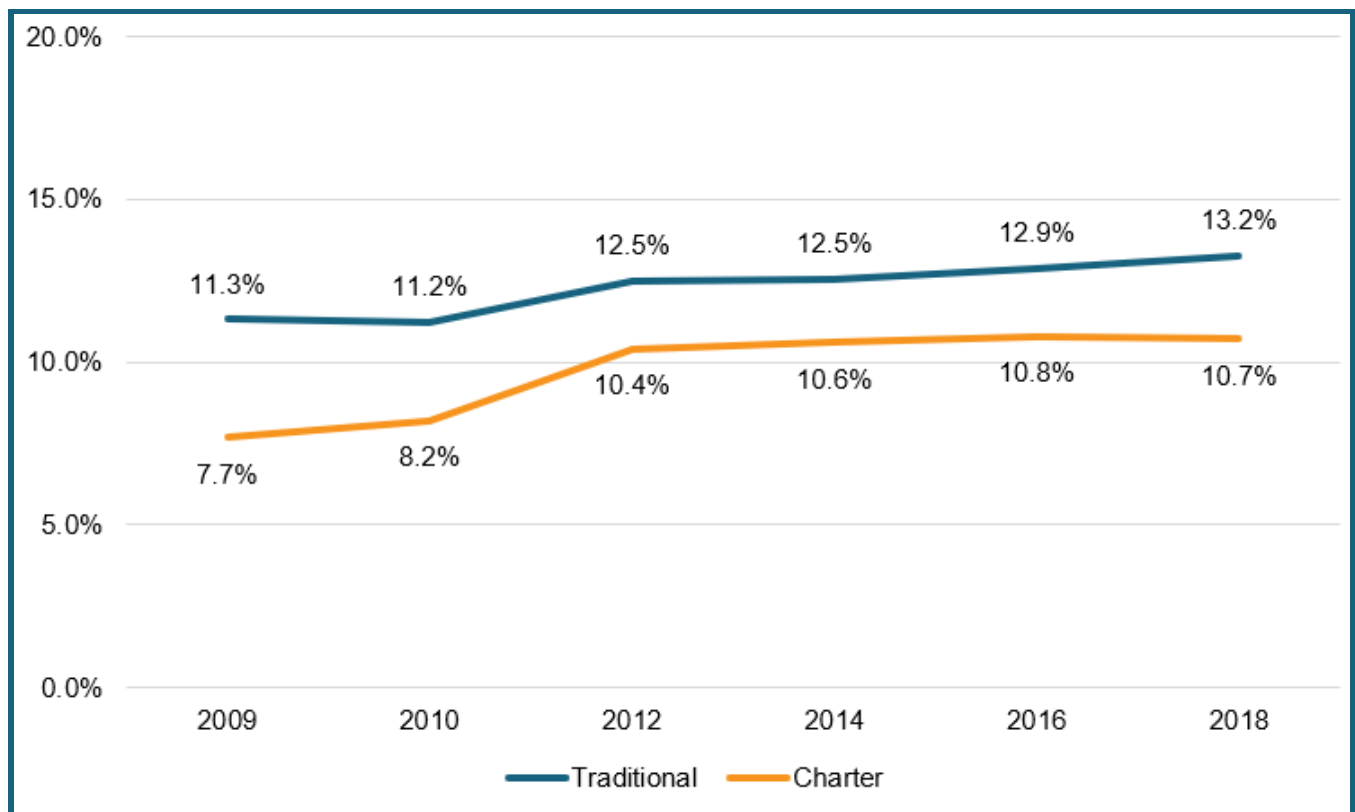


### >> Enrollment Variances

The latest iteration of the CRDC saw increases in the enrollment of students with disabilities in total, in charter schools, and in traditional public schools nationwide. Figure 1 provides a robust view of the proportion of students with disabilities from each iteration of the CRDC for traditional public schools and for charter schools.<sup>4</sup>

While the number of students with disabilities eligible to receive services under the Individuals with Disabilities Education Act (IDEA) has increased in all settings, the percentage of students in charter schools identified as eligible to receive special education and related services has declined slightly from the last CRDC analysis, as seen in Figure 1. The difference in the percentage of students with disabilities enrolled in traditional public schools versus charter schools increased from 2.1% in 2016 to 2.5% in 2018. In the most recent (2018) CRDC data set, the difference has widened slightly. In charter schools, the proportion of students with disabilities has stabilized over the past three data years with minimal change. These data support potential concerns that students with disabilities do not have the same access to charter schools that students without disabilities have available to them.

*Figure 1: Enrollment of Students with Disabilities in Traditional vs. Charter Public Schools*

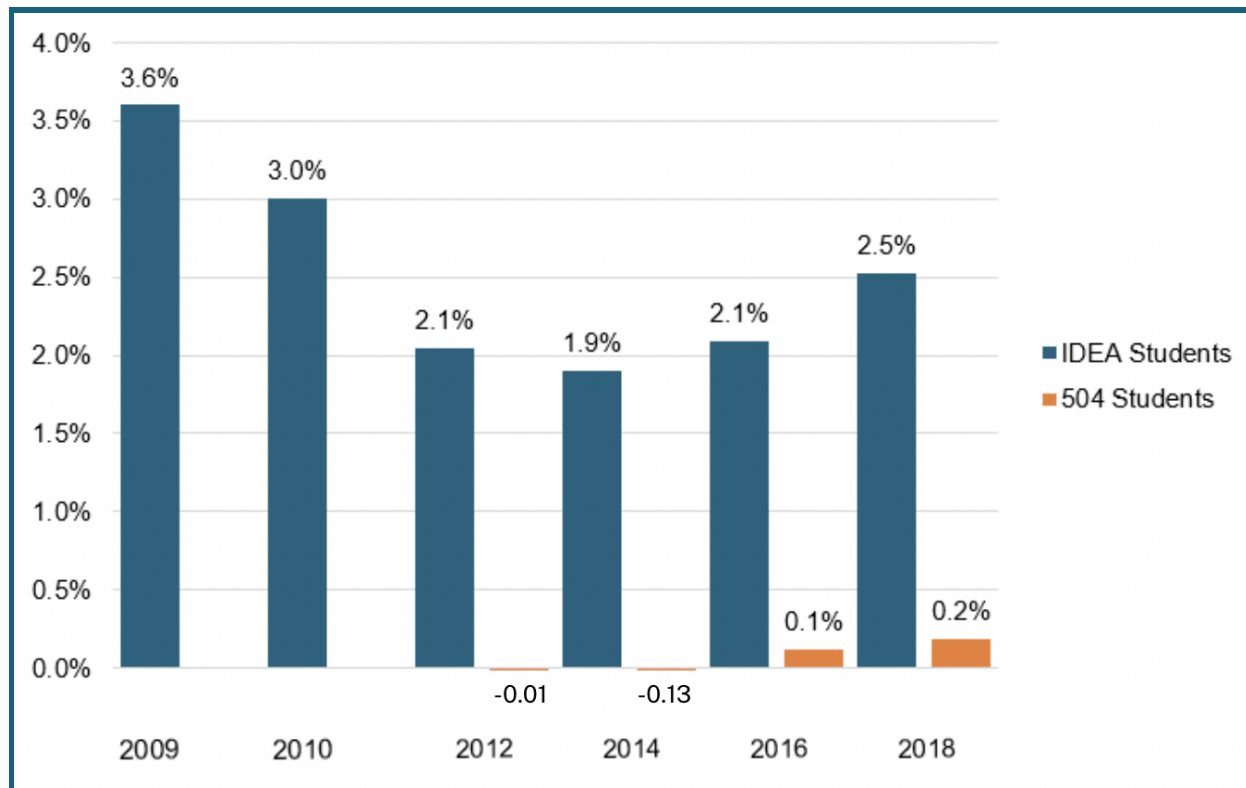


<sup>4</sup> Data from 2008–2010 come from the Government Accountability Office (2012), which was provided a custom data file by USED with extracted data elements from the large-scale EDFacts data system reported by SEAs through the Education Data Exchange Network's (EDEN) submission system.



Figure 2 below shows the difference in the percentage of students enrolled by school type between students with disabilities (IDEA) and students served under Section 504.<sup>5</sup> A number greater than 0 indicates that a larger percentage of students in traditional public schools are identified when compared to students in charter schools. The difference in the proportion of students with disabilities in traditional versus charter schools has started to increase after a steady decline from 2009 to 2014. In addition, the difference in the proportion of students served under Section 504 in traditional versus charter schools, although smaller, has also begun to increase.

**Figure 2: Difference in SWD Enrollment Percentages by School Type**



As seen in Figure 2 above, the difference in the enrollment of students with disabilities in traditional public versus charter schools has increased in the latest CRDC data release. This trend is observed for both students identified under IDEA and students receiving services under Section 504.<sup>6</sup> Differences also exist between charter schools based on legal status, which is an important part of how charter schools are governed and operate.<sup>7</sup>

Based on state charter school laws, charters can operate as their own LEA or as part of an LEA for the purposes of special education. Charters operating as their own LEA are typically responsible for the placement of students with disabilities and the provision of services for such students, while charters that are part of an LEA may share the responsibility for identifying placements and providing services with the LEA itself. Based on the 2017–18 CRDC, 64.4% of charter schools operate as their own LEA while 35.6% operate as part of an LEA.<sup>8</sup>

<sup>5</sup> Data from 2008–2010 come from the Government Accountability Office (2012), which was provided a custom data file by USED with extracted data elements from the large-scale EDFacts data system reported by SEAs through the EDEN submission system. In addition, the previous versions of this analysis, from which these figures are sourced, did not calculate figures for students served under Section 504.

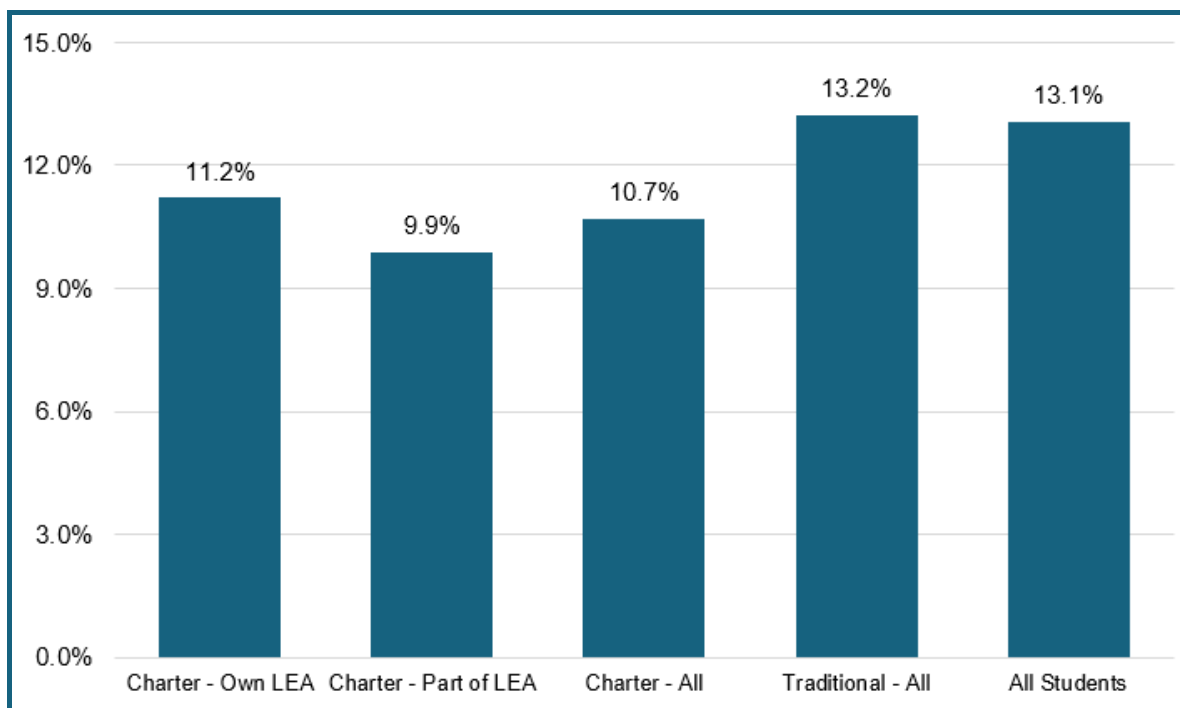
<sup>6</sup> Data from the Government Accountability Office did not include figures for students served under Section 504 prior to 2012.

<sup>7</sup> Charter schools were classified as operating as their own LEA or as part of an LEA for the purposes of this analysis using a combination of historical CRDC analyses, NCES Common Core of Data variables, and manual data review. For more information on how this classification was conducted, please see [www.centerforlearnerequity.org/news/crdc17-18/](http://www.centerforlearnerequity.org/news/crdc17-18/).

<sup>8</sup> In the analysis of the 2015–16 CRDC, 57.0% of all charter schools operated as their own LEA, while 43.0% operated as part of an LEA. The significant change is due to more schools operating as their own LEA and further refinement of our ability to identify charter schools' legal status.

Charters that operate as their own LEA enroll a higher proportion of students with disabilities than charters that operate as part of an LEA, as seen in Figure 3. This may not reflect actual population differences between schools, however, as charter schools that are part of an LEA may have students with disabilities educated at other, traditional public schools within the LEA (i.e., placed by their IEP team).

**Figure 3: Charter School Enrollment of Students with Disabilities by Legal Status**



## >> Enrollment Variances by State<sup>9</sup>

While the difference in national enrollment averages of students with disabilities in charter schools compared to traditional public schools has been relatively stable over time, significant differences exist at the state level based on the 2018 CRDC data. Such differentials may be explained by the practices employed by state education agencies and districts as well as state statutes governing the provision of services and funding for special education. Figure 4 details the enrollment of students with disabilities in each state by school type. Maine reported the highest proportion of students with disabilities in both charter schools (19.8%) and traditional public schools (17.8%), while Texas reported the lowest proportion of students with disabilities in both charter schools (6.6%) and traditional public schools (9.2%).<sup>10</sup>

In most states with charter laws, the proportion of students with disabilities was greater in traditional public schools than in charter schools. Of the 44 states with charter laws reporting data, 34 states (77%) reported a higher proportion of students with disabilities in traditional public schools than in charter schools, and 10 states (23%) reported a higher proportion of students with disabilities in charter schools than in traditional public schools.

<sup>9</sup> For the sake of clarity, the state-level data solely include students identified under IDEA and do not include students served under Section 504.

<sup>10</sup> It is worth noting that the state of Texas was cited by the U.S. Department of Education due to an aspect of the state accountability system that was designed to decrease the proportion of students with disabilities receiving services under IDEA. For more details about the investigation by the [Houston Chronicle](#) and findings, [see details related to the U.S. Department of Education 2018 Monitoring letter](#)

Reflecting the variation in the rates of both identifying and enrolling students who are eligible to receive special education services, 30 states reported a higher proportion of students with disabilities in traditional public schools than the national average, while 22 states (of the 44 states reporting data) reported a larger proportion of students with disabilities in charter schools than the national average.

States in which the difference in the proportion of students with disabilities enrolled in traditional public schools far exceeded the proportion in charter schools were Delaware (6.6% points), New Jersey (6.1 percentage points), and New Hampshire (5.6 percentage points). Conversely, states in which the difference in the proportion of students with disabilities in charter schools far exceeded the proportion in traditional public schools were Iowa (7.1 percentage point difference), Virginia (5.3 percentage points), and Washington (2.4 percentage points).

**Figure 4: Enrollment of Students with Disabilities in Charter and Traditional Public Schools by State 2017–18<sup>11</sup>**

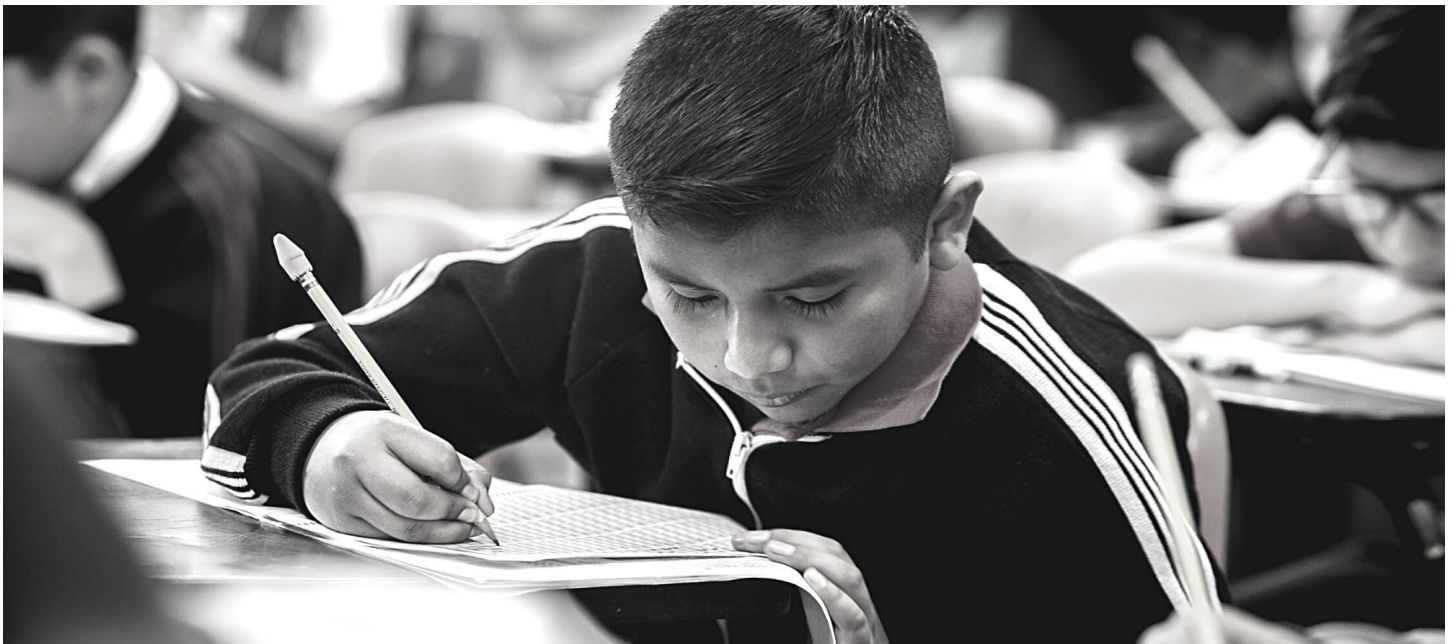
| State                | Traditional  | Charter      | Difference in Proportion |
|----------------------|--------------|--------------|--------------------------|
| <b>National</b>      | <b>13.2%</b> | <b>10.7%</b> | <b>2.5%</b>              |
| Alabama              | 13.7%        | 11.4%        | 2.2%                     |
| Alaska               | 13.4%        | 10.2%        | 3.2%                     |
| Arizona              | 12.7%        | 9.0%         | 3.7%                     |
| Arkansas             | 12.1%        | 9.8%         | 2.4%                     |
| California           | 11.6%        | 10.2%        | 1.5%                     |
| Colorado             | 11.5%        | 6.7%         | 4.8%                     |
| Connecticut          | 14.4%        | 10.3%        | 4.1%                     |
| Delaware             | 16.2%        | 9.5%         | 6.6%                     |
| District of Columbia | 14.0%        | 14.5%        | -0.5%                    |
| Florida              | 14.0%        | 9.0%         | 5.0%                     |
| Georgia              | 12.3%        | 9.8%         | 2.6%                     |
| Hawaii               | 10.6%        | 8.0%         | 2.6%                     |
| Idaho                | 10.1%        | 8.0%         | 2.1%                     |
| Illinois             | 13.7%        | 15.1%        | -1.4%                    |
| Indiana              | 14.6%        | 13.3%        | 1.3%                     |
| Iowa                 | 12.1%        | 19.2%        | -7.0%                    |
| Kansas               | 14.1%        | 11.5%        | 2.7%                     |
| Kentucky             | 15.5%        | N/A          | N/A                      |
| Louisiana            | 11.6%        | 11.0%        | 0.5%                     |
| Maine                | 17.8%        | 19.8%        | -2.0%                    |
| Maryland             | 11.5%        | 12.6%        | -1.1%                    |
| Massachusetts        | 17.4%        | 15.2%        | 2.2%                     |
| Michigan             | 13.1%        | 10.4%        | 2.7%                     |
| Minnesota            | 15.2%        | 14.4%        | 0.8%                     |
| Mississippi          | 12.3%        | 8.2%         | 4.1%                     |
| Missouri             | 13.9%        | 9.5%         | 4.4%                     |
| Montana              | 12.2%        | N/A          | N/A                      |

<sup>11</sup> Kentucky, Montana, Nebraska, North Dakota, South Dakota, Vermont, and West Virginia did not report charter schools in the 2017–18 CRDC.





| State          | Traditional | Charter | Difference in Proportion |
|----------------|-------------|---------|--------------------------|
| Nebraska       | 15.1%       | N/A     | N/A                      |
| Nevada         | 12.4%       | 9.7%    | 2.8%                     |
| New Hampshire  | 15.6%       | 10.0%   | 5.6%                     |
| New Jersey     | 15.8%       | 9.7%    | 6.1%                     |
| New Mexico     | 15.2%       | 13.2%   | 2.1%                     |
| New York       | 16.8%       | 14.4%   | 2.4%                     |
| North Carolina | 12.4%       | 10.1%   | 2.3%                     |
| North Dakota   | 13.2%       | N/A     | N/A                      |
| Ohio           | 14.8%       | 15.0%   | -0.2%                    |
| Oklahoma       | 16.5%       | 13.6%   | 2.9%                     |
| Oregon         | 13.4%       | 10.5%   | 2.9%                     |
| Pennsylvania   | 16.3%       | 18.3%   | -1.9%                    |
| Rhode Island   | 14.8%       | 12.4%   | 2.4%                     |
| South Carolina | 13.3%       | 10.3%   | 3.1%                     |
| South Dakota   | 13.7%       | N/A     | N/A                      |
| Tennessee      | 12.8%       | 8.6%    | 4.2%                     |
| Texas          | 9.2%        | 6.6%    | 2.6%                     |
| Utah           | 13.1%       | 14.5%   | -1.4%                    |
| Vermont        | 15.3%       | N/A     | N/A                      |
| Virginia       | 13.2%       | 18.5%   | -5.3%                    |
| Washington     | 12.8%       | 15.2%   | -2.4%                    |
| West Virginia  | 16.6%       | N/A     | N/A                      |
| Wisconsin      | 14.2%       | 11.4%   | 2.8%                     |
| Wyoming        | 13.8%       | 11.6%   | 2.2%                     |



*Figure 5: Enrollment of Students with Disabilities by School Type*

|                        | 2012                 | 2014                 | 2016                 | 2018                               |
|------------------------|----------------------|----------------------|----------------------|------------------------------------|
| <b>IDEA Enrollment</b> |                      |                      |                      |                                    |
| Total                  | 5,995,910<br>(12.4%) | 6,027,812<br>(12.4%) | 6,275,303<br>(12.8%) | <b>6,609,814</b><br><b>(13.1%)</b> |
| Traditional            | 5,803,104<br>(12.5%) | 5,781,792<br>(12.5%) | 5,981,559<br>(12.9%) | <b>6,278,998</b><br><b>(13.2%)</b> |
| Charter                | 192,806<br>(10.4%)   | 246,020<br>(10.6%)   | 293,744<br>(10.8%)   | <b>330,816</b><br><b>(10.7%)</b>   |
| <b>504 Enrollment</b>  |                      |                      |                      |                                    |
| Total                  | 744,138<br>(1.5%)    | 901,265<br>(1.9%)    | 1,133,883<br>(2.3%)  | <b>1,380,076</b><br><b>(2.7%)</b>  |
| Traditional            | 715,413<br>(1.5%)    | 855,417<br>(1.9%)    | 1,074,203<br>(2.3%)  | <b>1,301,270</b><br><b>(2.7%)</b>  |
| Charter                | 28,725<br>(1.6%)     | 45,848<br>(2.0%)     | 59,680<br>(2.2%)     | <b>78,806</b><br><b>(2.6%)</b>     |

## >> Endnotes

The findings shared in this brief are based on the data reported in the 2017–2018 CRDC. The 2017–2018 CRDC collected information from 97,632 schools; however, the findings in this report rely on a data cleaning methodology that selected a sample of schools from the CRDC. The methodology is outlined in an accompanying file and details the decisions made regarding data cleaning, the variables used for each calculation, manual classifications, and how the findings were reported.<sup>12</sup>

## >> Acknowledgements

We would like to acknowledge Patrick Gibson and Ashley Robles from the State & School Finance Project for their analysis of the data and synthesis of findings and Powers Solutions for design and layout. Lauren Morando Rhim, Megan Ohlssen, Paul O'Neill, Bryan Rotach, and Wendy Tucker from the Center for Learner Equity contributed to the brief. Support for our secondary analysis of the Civil Rights Data Collection comes from the Oak Foundation and Walton Family Foundation.

**Our Mission:** We are committed to ensuring that students with disabilities, particularly those in under-resourced communities, have the quality educational opportunities and choices they need to thrive and learn. We accomplish this through research, advocacy, coalition formation, and capacity building with national, state, and local partners.

**Our Vision:** Students with disabilities will have the same opportunities for success as their peers.

© 2021 Center for Learner Equity

Citation: Center for Learner Equity. (November, 2021). Technical Brief 1: Enrollment of Students with Disabilities in Charter and Traditional Public Schools. New York, New York. Author.

<sup>12</sup> For more information, please see [www.centerforlearnerequity.org/news/crdc17-18/](http://www.centerforlearnerequity.org/news/crdc17-18/).

