



Enrollment of Students with Disabilities in Charter and Traditional Public Schools

OCTOBER 8, 2024

For families of students with disabilities to take advantage of public school choice, they must be able to access multiple schools in the first place.

IN MOST STATES, charter schools are now an option for families. But choice is only meaningful when more than one school is willing and able to successfully educate a child.

While identifying disabilities is complex for all schools, and the overidentification of students with disabilities introduces its own concerns,¹ identification and enrollment are the first steps in ensuring students receive the support they need to reach their full potential. The data in this brief cannot answer the question of whether all families of students with disabilities have meaningful public school choices, but it does shed important light on issues of access and enrollment across charter schools and traditional public schools. The brief provides concrete data on differences across the two sectors.

The “enrollment gap” — the difference between the percentage of students in charter schools identified as students with disabilities and the percentage of students in traditional public schools identified as students with disabilities — can provide one important measure of whether and how charter schools are serving all students.

In 2021, charters enrolled 418,260 identified students with disabilities, an increase of 87,444 compared with data from 2018. Still, traditional public schools continue to serve a greater proportion of students with disabilities than charter schools: 14.1% of students in traditional public schools are eligible to receive services under the Individuals with Disabilities Education Act (IDEA) compared with 11.5% of students in charter schools.

In 2021, charters enrolled 418,260 students with disabilities, up 87,444 from 2018.

In this first of six briefs analyzing the latest available data from the U.S. Civil Rights Data Collection (CRDC), covering the 2020–21 school year, we explore enrollment of students with disabilities by school sector, state, grade level, and charter legal status — that is, operating as a local education agency (LEA) or as part of an LEA. The goal is to understand the major trends affecting students with disabilities.

¹ National Center for Learning Disabilities. (2023). Significant Disproportionality in Special Education: Current Trends and Actions for Impact. https://nclld.org/wp-content/uploads/2023/07/2020-NCLD-Disproportionality_Trends-and-Actions-for-Impact_FINAL-1.pdf.



The Center for Learner Equity (CLE) is committed to catalyzing student success and eradicating the complex, pervasive, and systematic barriers that prevent students with disabilities from accessing quality educational opportunities and choices, robust support, and inclusive environments. We accomplish this through research, advocacy, coalition formation, and capacity building with national, state, and local partners.

The Civil Rights Data Collection (CRDC), maintained and released biennially by the U.S. Department of Education's Office for Civil Rights (OCR) since 1968, publishes data on leading indicators related to access and barriers to education opportunities from early childhood through grade 12. With each biennial release, CLE analyzes similarities and differences in student populations and student experiences in public charter schools and traditional public schools for students with disabilities. Understanding these national-level data supports success for students with disabilities without regard to educational setting and placement.

The findings shared in this brief are based on data reported in the 2020-2021 CRDC, collected from 97,575 schools. This report uses a data-cleaning methodology that selected a sample of these schools. For more information about the methodology used in these briefs, including a data file and accompanying instructions, [see our methodology brief here](#).

Students with disabilities receive services under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and both or neither of those laws. Unless otherwise noted, statistics in this brief refer to students eligible to receive services under IDEA.

Key Takeaways

The population of students with disabilities across the country has increased over time.

- ✓ Students with disabilities receive services under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, both, or neither of those laws. Unless otherwise noted, statistics in this brief refer to students eligible to receive services under IDEA.
- ✓ The proportion of students with disabilities in charter schools increased from 2018 to 2021, from 10.7% (330,816 students) to 11.5% (418,260 students).
- ✓ Notwithstanding those increases, traditional public schools continued to enroll a greater proportion of students with disabilities (14.1%) than did charter schools (11.5%). The differences in the “enrollment gap” between traditional public schools and charter schools vary widely by state, and between elementary, middle, and high schools.
- ✓ In 2021, traditional public schools had a greater proportion of students receiving services under Section 504 (3.3%) than charter schools (3.0%). While this difference is small (0.3%), it represents a 0.1% increase over 2018 rates.
- ✓ Charter schools acting as their own local education agency (LEA; i.e., acting as their own school district) enrolled a greater proportion of students with disabilities (11.8%) compared to charter schools that operated as part of a traditional LEA (11.1%). These percentages increased in both types of charter schools since 2018 (11.2% and 9.9%).



Key Questions for Policymakers and Researchers

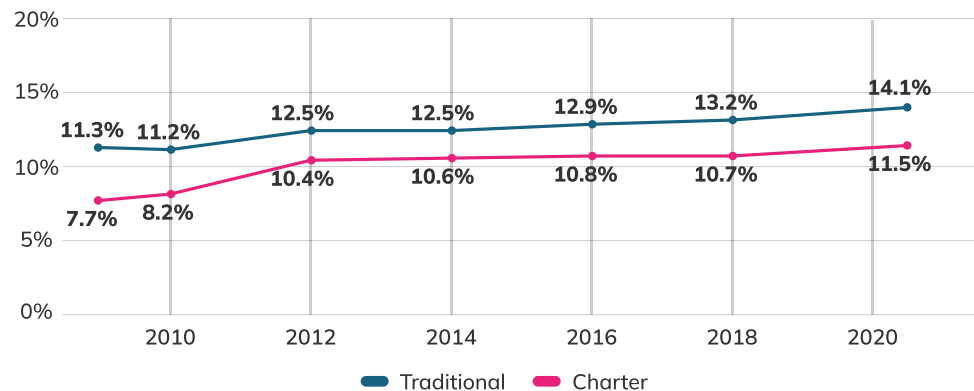
- 1** The number and proportion of students with disabilities has risen across all school sectors and types since 2018, particularly during and after the COVID-19 pandemic. What forces are driving this shift, and how have state or local policies played a role in influencing the shift?
- 2** Despite absolute increases in students with disabilities, the proportion of students with disabilities in charter schools continues to lag behind the proportion of students with disabilities in traditional public schools. However, this difference varies widely across states. How might differences in authorizing, school finance, accountability policies, and the broader charter support ecosystem between states be influencing these differences?
- 3** While the enrollment gap is significant, it is driven almost exclusively by elementary and middle schools. What policy changes at the high school level in recent years may have helped to close the enrollment gap? What policies or procedures unique to elementary and middle schools may be helping to perpetuate the gap?
- 4** In 2021, a greater proportion of students with disabilities enrolled in charter schools that act as their own LEA than was the case for charter schools that are part of a larger LEA, consistent with our findings in 2018. What policies might explain this difference?

1. Enrollment by School Sector

Individuals with Disabilities Education Act (IDEA)

While more students with disabilities served under the Individuals with Disabilities Education Act (IDEA) gained access to charter schools in 2020–21, an enrollment gap remained when compared with traditional public schools.

Figure 1. Percentage of Enrolled Students Served Under IDEA by School Sector (2008–2021)



Sources: (1) Data from 2008 and 2010 are from a report by the U.S. Government Accountability Office (GAO) published in June, 2012. [Charter Schools: Additional Federal Attention Needed to Help Protect Access for Students with Disabilities](#). (2) U.S. Department of Education, Office for Civil Rights, 2012–21 Civil Rights Data Collection.

- The number of students eligible to receive services under IDEA increased to 418,083 in charter schools and 6,308,229 in traditional public schools in 2021.
- The proportion of students receiving IDEA services in both school sectors (14.1% in traditional public schools and 11.5% in charter schools) increased in 2021 from 2018 (13.2% in traditional public schools and 10.7% in charter schools). The gap between traditional public schools and charters has also increased slightly, from 2.5% in 2018 to 2.6% in 2021.

Section 504

Enrollment gaps for students assigned Section 504 plans between traditional public schools and charter schools also increased from 2016 to 2021.

Year	% of Students with 504 plans in Traditional Public Schools	% of Students with 504 plans in Charter Schools	Difference
2012	1.50%	1.60%	0.00%
2014	1.90%	2.00%	-0.10%
2016	2.30%	2.20%	0.10%
2018	2.70%	2.60%	0.20%
2021	3.30%	3.00%	0.30%

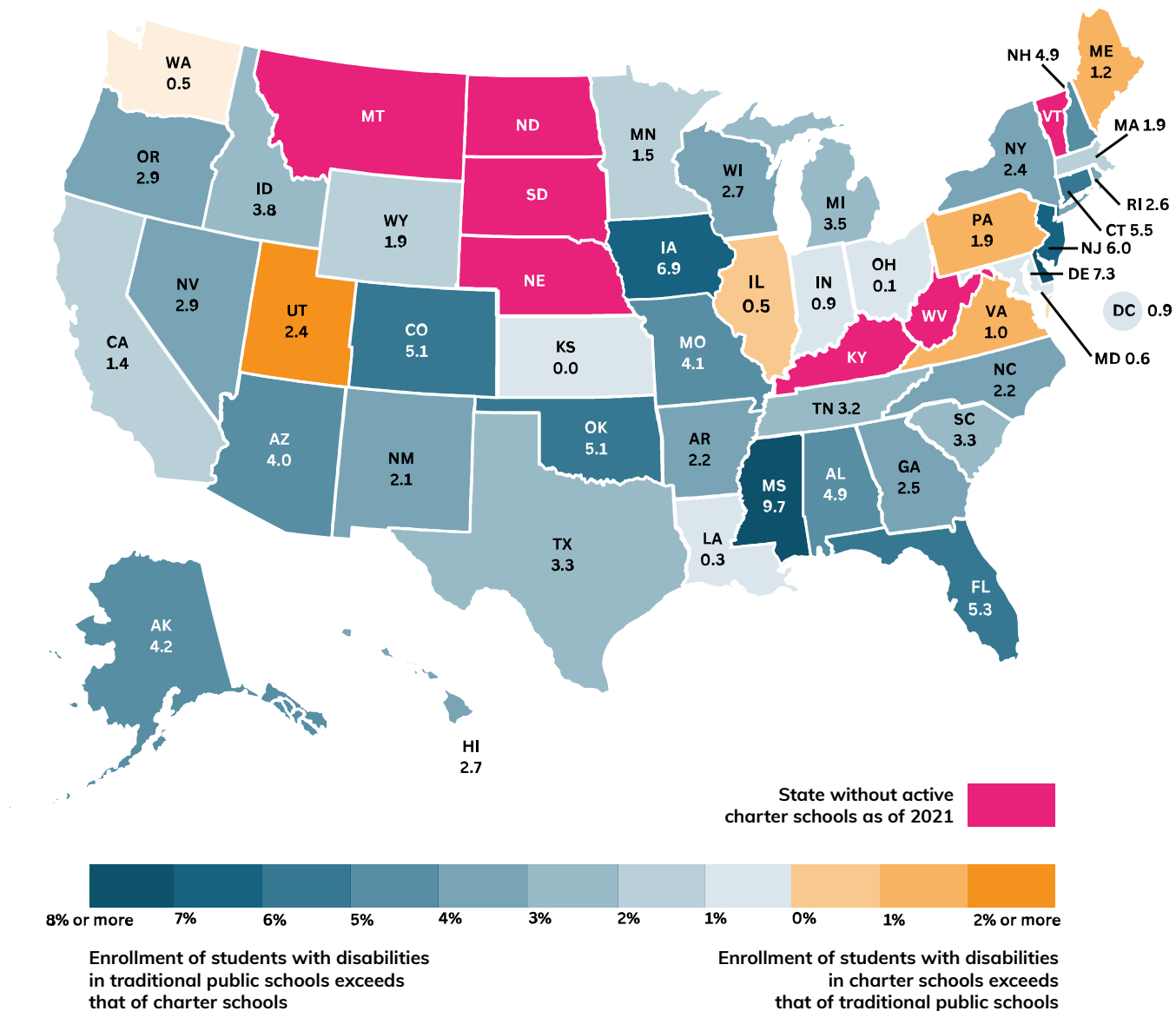
Data from 2008–2010 comes from the U.S. Government Accountability Office (2012), which was provided a custom data file by the U.S. Department of Education with extracted data elements from the large-scale EDFacts data system reported by SEAs through the Education Department's Data Exchange Network (EDEN) 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. Figures may not sum correctly due to rounding.

Given the relatively small size of this gap, the rest of the analysis in this brief focuses solely on the gap among students identified under IDEA and not those identified under Section 504. The appendix provides additional information on both groups of students.



2. Enrollment by State

State policies play a major role in influencing educational opportunities for historically marginalized students. State education agency practices, district practices, and state statutes governing the provision of services and funding for special education can all impact state-level enrollment trends for students with disabilities in both charter and traditional public schools. See **Table 1** in Appendix (page 11) for more information.



Source: U.S. Department of Education, Office for Civil Rights, 2020–21 Civil Rights Data Collection, released November 2023, available at <https://civilrightsdata.ed.gov>.

- In most states with charter laws, the proportion of students with disabilities was greater in traditional public schools than in charter schools during the 2020–21 school year.
 - Of the 44 states with charter laws reporting data, 37 states (84.1%) reported a higher proportion of students with disabilities in traditional public schools than charter schools, and seven states (15.9%) reported a greater proportion of students with disabilities in charter schools than traditional public schools: the District of Columbia, Illinois, Maine, Pennsylvania, Utah, Virginia, and Washington. Proportions in Kansas were equal.
 - The largest state-level gaps in favor of traditional public schools occurred in Delaware (7.3% higher), New Jersey (6% higher), and Connecticut (5.5% higher).
 - The largest state-level gaps in favor of charter schools occurred in Utah (2.4% higher), Pennsylvania (1.9% higher), and Maine (1.2% higher).
- Maine reported the highest proportion of students with disabilities in both charter schools (19.9%) and traditional public schools (18.7%), while Hawaii reported the lowest proportion of students with disabilities in traditional public schools (11.4%) and Colorado reported the lowest proportion in charter schools (7.5%).
- Two states — Iowa and Mississippi — reported smaller populations of students with disabilities in 2021 than 2018. In Iowa, a smaller population of students with disabilities aligns with significant declines in the charter school population overall. In Mississippi, state education data for 2021 show different values than those reported in the CRDC, suggesting CRDC data may undercount students with disabilities there.



3. Enrollment by School Grade Level

The enrollment gap between traditional public schools and charter schools differed depending on school grade level.

- ✓ For elementary and middle schools (i.e., those serving primarily grades K–8), the gap widened from a 1.5% in 2012 to a 3.6% in 2021.
- ✓ For high schools (i.e., those serving primarily grades 9–12), the gap has functionally disappeared, moving from 0.9% in 2012 to 0.1% in 2021.

Figure 2. Percentage of Elementary and Middle School Students with Disabilities by School Sector (2012–2021)

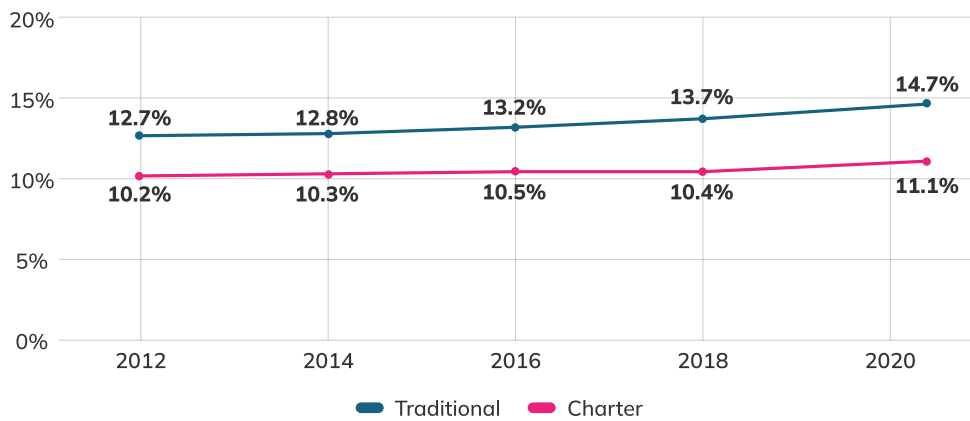
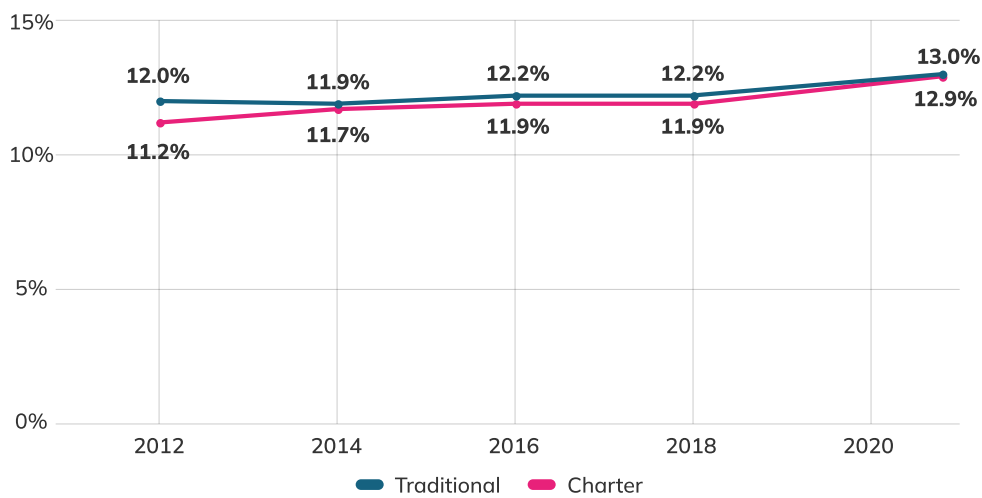


Figure 3. Percentage of High School Students with Disabilities by School Sector (2012–2021)



Source: U.S. Department of Education, Office for Civil Rights, 2020–21 Civil Rights Data Collection, released November 2023, available at <https://civilrightsdata.ed.gov>.

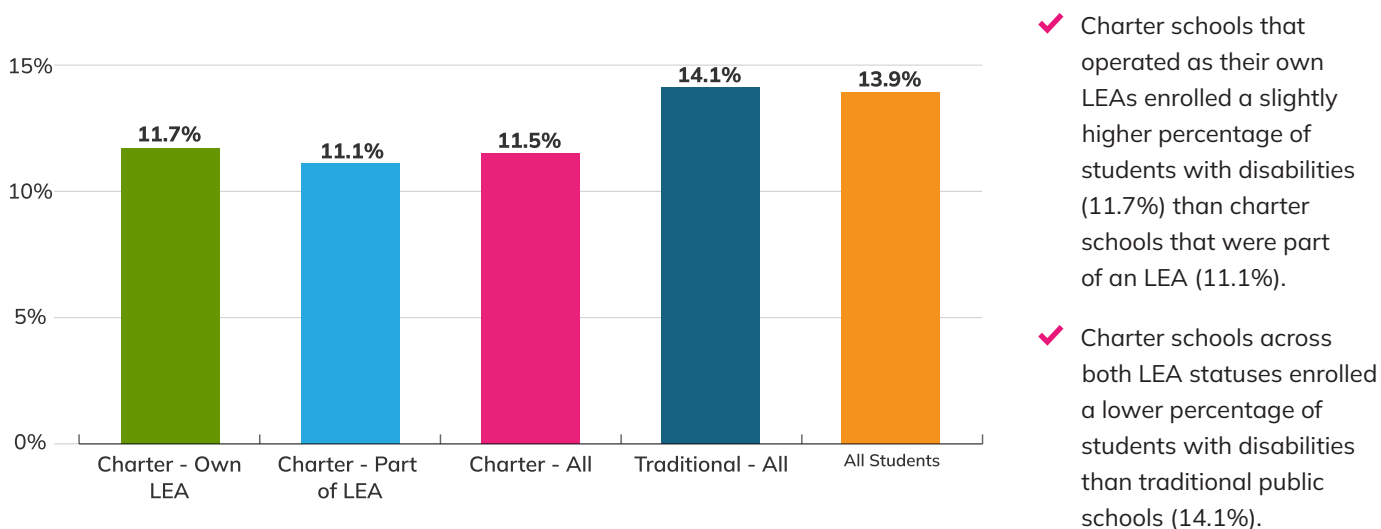
The CRDC classifies as an “alternative school” any “elementary or secondary school that addresses the needs of students that typically cannot be met in a regular school program,” due to “academic difficulties”, “discipline problems”, or both.² These schools tend to enroll a higher proportion of students with disabilities. To better understand whether the prevalence of alternative schools in either sector might be influencing overall sector enrollment trends, we examined what percentage of charter versus traditional public high schools identify as alternative. However, given that 3.5% of charter high schools, compared to 2.9% of traditional public high schools, identify as alternative, it does not appear to explain the change in enrollment patterns.

4. Enrollment by Charter LEA Status

Based on state charter school laws, charters can operate as their own LEA or as part of a larger LEA for the purposes of special education. LEA legal status is an important part of how charter schools are governed and operate. Charters operating as their own LEA are typically solely responsible for providing the full continuum of placements for students with disabilities and the entirety of service provision for those students. Charters that are part of an LEA, by contrast, may rely on other schools in their LEA for placement or service provisions.

In 2021, more charter schools operated as their own LEAs (59.2%) than operated as part of an LEA (40.8%).

Figure 5. Percentage of Enrolled Students with Disabilities by School Sector and Charter LEA Status (2021)



Source: U.S. Department of Education, Office for Civil Rights, 2020–21 Civil Rights Data Collection, released November 2023, available at <https://civilrightsdata.ed.gov>.

² U.S. Department of Education, Office for Civil Rights, 2020–21 Civil Rights Data Collection School Form, 2023, <https://www2.ed.gov/about/offices/list/ocr/docs/2020-21-crdc-school-form.pdf>

Appendix

Table 1: Enrollment Percentages of Students with Disabilities (SWD) by Sector and by State, 2020–21³

State	% SWD: Traditional Public Schools	SWD Count: Traditional Public Schools	% SWD: Charter Schools	SWD Count: Charter Schools	Difference in SWD Proportion (Traditional P.S. – Charter)
Alabama	14.97%	102,910	10.07%	194	4.90%
Alaska	14.44%	14,732	10.23%	795	4.20%
Arizona	13.41%	115,596	9.44%	21,198	3.97%
Arkansas	13.20%	57,573	11.02%	4,642	2.19%
California	12.74%	668,988	11.34%	76,785	1.40%
Colorado	12.61%	94,578	7.48%	9,852	5.13%
Connecticut	15.79%	78,201	10.26%	1,118	5.53%
Delaware	17.59%	21,525	10.25%	1,722	7.33%
District of Columbia	15.52%	7,661	16.45%	6,531	-0.94%
Florida	15.18%	363,863	9.84%	33,430	5.34%
Georgia	12.94%	210,738	10.44%	8,929	2.50%
Hawaii	11.37%	10,322	8.66%	682	2.71%
Idaho	11.55%	32,208	7.72%	2,251	3.82%
Illinois	14.30%	255,167	14.77%	9,275	-0.48%
Indiana	14.77%	143,494	13.86%	6,865	0.91%
Iowa	12.56%	61,647	5.69%	*	6.87%
Kansas	15.23%	71,150	15.21%	278	0.02%
Kentucky	15.67%	102,953	NA	NA	NA
Louisiana	12.43%	73,655	12.10%	10,647	0.33%
Maine	18.68%	30,727	19.89%	530	-1.21%
Maryland	11.62%	99,662	11.07%	2,668	0.55%
Massachusetts	18.19%	155,177	16.34%	8,362	1.85%
Michigan	13.90%	168,372	10.41%	15,635	3.49%
Minnesota	16.23%	131,865	14.77%	9,567	1.46%
Mississippi	13.37%	58,467	3.69%	98	9.68%
Missouri	13.84%	119,630	9.72%	2,216	4.12%
Montana	12.54%	17,814	NA	NA	NA
Nebraska	15.71%	50,702	NA	NA	NA

[Continues on the next page](#)

³ Seven states, shown as “NA,” did not have operational charter schools in the 2020–21 CRDC. Values referring to more than 0 but less than 10 students are replaced with “*” to limit student identifiability; for more information, please review the technical brief.

State	% SWD: Traditional Public Schools	SWD Count: Traditional Public Schools	% SWD: Charter Schools	SWD Count: Charter Schools	Difference in SWD Proportion (Traditional P.S. – Charter)
Nevada	13.05%	53,742	10.17%	6,268	2.88%
New Hampshire	16.99%	27,813	12.08%	568	4.91%
New Jersey	16.36%	208,291	10.34%	6,050	6.02%
New Mexico	16.78%	47,000	14.71%	4,361	2.07%
New York	18.01%	417,750	15.57%	26,192	2.44%
North Carolina	12.29%	170,732	10.11%	12,711	2.17%
North Dakota	14.19%	16,762	NA	NA	NA
Ohio	15.44%	237,427	15.32%	18,356	0.12%
Oklahoma	16.71%	99,049	11.60%	8,889	5.12%
Oregon	14.28%	71,076	11.39%	5,414	2.89%
Pennsylvania	17.49%	264,910	19.42%	32,731	-1.93%
Rhode Island	15.45%	19,582	12.89%	1,252	2.56%
South Carolina	13.67%	97,895	10.32%	4,913	3.35%
South Dakota	14.25%	19,802	NA	NA	NA
Tennessee	12.65%	117,250	9.45%	4,130	3.21%
Texas	11.52%	546,240	8.19%	33,467	3.33%
Utah	12.54%	74,167	14.98%	11,950	-2.44%
Vermont	17.61%	13,782	NA	NA	NA
Virginia	13.71%	169,115	14.70%	186	-1.00%
Washington	13.48%	145,223	13.98%	513	-0.50%
West Virginia	17.82%	45,213	NA	NA	NA
Wisconsin	14.65%	112,510	11.97%	5,779	2.69%
Wyoming	14.41%	13,521	12.50%	76	1.91%

Table 2: Enrollment Total and Proportion of Students with Disabilities by School Sector Under IDEA and 504

	2012	2014	2016	2018	2021
IDEA Enrollment					
Total	5,995,910 (12.4%)	6,027,812 (12.4%)	6,275,303 (12.8%)	6,609,814 (13.1%)	6,726,312 (13.9%)
Traditional	5,803,104 (12.5%)	5,781,792 (12.5%)	5,981,559 (12.9%)	6,278,998 (13.2%)	6,308,229 (14.1%)
Charter	192,806 (10.4%)	246,020 (10.6%)	293,744 (10.8%)	330,816 (10.7%)	418,083 (11.5%)
504 Enrollment					
Total	744,138 (1.5%)	901,265 (1.9%)	1,133,883 (2.3%)	1,380,076 (2.7%)	1,594,130 (3.3%)
Traditional	715,413 (1.5%)	855,417 (1.9%)	1,074,203 (2.3%)	1,301,270 (2.7%)	1,483,638 (3.3%)
Charter	28,725 (1.6%)	45,848 (2.0%)	59,680 (2.2%)	78,806 (2.6%)	110,492 (3%)



About the Center for Learner Equity (CLE)

CLE is a nonprofit organization dedicated to ensuring that students with disabilities have equitable access to high-quality public education. CLE provides research, policy analysis, coalition building, and technical assistance to a variety of stakeholders nationwide.

Mission

We are committed to catalyzing student success and eradicating the complex, pervasive, and systematic barriers that prevent students with disabilities from accessing school choice, educational opportunities, quality support, and inclusive environments.

Vision

All students with disabilities are respected, learning, and thriving.

Acknowledgments

We would like to acknowledge Patrick Gibson, Morgan Considine, and Ashley Robles from the State & School Finance Project for their data cleaning, analysis, and synthesis of findings and Atelier LKS for design and layout. Li Ma, Chase Nordengren, and Lauren Morando Rhim from the Center for Learner Equity contributed to the brief, with review feedback from Wendy Tucker, Jennifer Coco, Amanda Fenton, Laura Kaloi, Erik Robelen, and data verification support from Lauren Davis and Kate Dove.

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Citation: The Center for Learner Equity. (2024). *Fast Facts Brief #1: Enrollment of Students with Disabilities in Charter and Traditional Public Schools*.