



August 24, 2017

Dear Members of the National Council on Disability,

My name is Lauren Morando Rhim and I am the Executive Director and Co-Founder of the National Center for Special Education in Charter Schools, a national non-profit devoted to ensuring that students with disabilities can access and thrive in charter schools. I have a background in research and in the early 1990's, I was at the University of Maryland and a member of a team that partnered with the National Association of State Directors of Special Education to examine what the new and rapidly expanding charter school sector meant for students with disabilities. Between 1993 and 2013, I conducted research, directed federally funded research studies, and served as a consultant to a variety of local, state, and national organizations regarding special education in the charter sector. I co-founded NCSECS in 2013 because 25 years into the evolution of the charter sector, discerning how and how well charter schools serve students with a diverse array of learning differences remains a significant concern. Now, as we approach our fourth anniversary, operating in a policy environment that will most likely foster additional growth in the charter sector, the need for thoughtful and nuanced discussion of the issue of special education in decentralized public school systems is more pressing than ever.

I would like to use my testimony to introduce you to NCSECS, share a few key data points, and offer a few recommendations that I hope will inform your work.

National Center for Special Education in Charter Schools

NCSECS has positioned itself as the leading national voice regarding special education in the charter sector. This is demonstrated by publication of thought-provoking policy papers, blogs, editorials and research studies, development of key partnerships linking the special education and charter school communities and targeted fieldwork in Colorado, Louisiana, New Jersey, Massachusetts, Minnesota, and Tennessee. Our work centers on four priorities:

- ***Communicate vital facts*** to policy makers, advocates, operators, and authorizers about the status and progress of students with disabilities in charter schools;
- ***Inform policy*** so Congress and states can address barriers and create opportunities for charter schools to enroll and provide effective instructional programs and individualized support to students with disabilities;
- ***Develop coalitions and form essential partnerships*** to both protect student rights and honor the core tenets of the charter sector: choice, autonomy, and accountability; and
- ***Create opportunities for excellence*** that highlight and support exemplary and innovative programs for diverse learners in the charter sector.

A few examples of our current work include:

- Leading the Equity Coalition, comprised of leaders in the charter and special education sectors, to create a unified policy voice on critical issues such as discipline in schools, charter funding and model state charter legislation.
- Examining key data sets to establish valid and reliable reports on the status of students with disabilities in charter schools.
- Launching initiatives such as our most recent special education finance initiative in response to the urgent need for stakeholders to better understand how special education is funded in the charter sector. This project is focused on reducing confusion and creating transparency

regarding not only how, but also how much funding, charter schools receive to support provision of special education programs.

Current Status of Special Education in Charter Schools: Key Data Points

It's important for NCD to fully understand what we know from the data regarding special education in the charter sector. To provide a basic framework of the numbers, there are approximately 7,000 charter schools serving 3 million students nationwide. The Civil Rights Data Collection (or CRDC), most recently examined in 2013-2014, provides a way for researchers to look at school-level trends and analyze over time what is/is not changing. Today, we know the following:

- On enrollment, the CRDC shows an average of 12.52% of all students in public schools receive special education services - in charter schools, the average is 10.62%. The difference between the two sectors is 1.9% and reflects a decrease from 2.1% according to the prior CRDC;
- Regarding educational environments, charter schools are serving more students in inclusive settings than traditional public schools - 84% of students with disabilities are in general education classrooms 80% or more of the day compared to 68% of their peers in traditional public schools; and
- Regarding school discipline, in 2013-14, traditional public schools suspended 11.6% of their students with disabilities at least once whereas charter schools suspended 12.3%.

In aggregate, while these data do raise certain questions, they also demonstrate that the widely held perception that charter schools do not serve students with disabilities or that they disproportionately discipline them relative to traditional public schools is simply incorrect.

Furthermore, when the press, advocates or policymakers hold onto the unfounded notion that students with disabilities are not being served by charter schools, the perpetuation of this belief exacerbates the problem because parents hear that charter schools do not serve or do not have to serve students with disabilities, which then limits their willingness to explore a charter school as a option for their child. Based on our work in places like Denver, Memphis, Newark and New Orleans, parents enrolling their students in charter schools is a critical lever required to drive schools to develop robust special education services and supports.

Recommendations

In conclusion, I offer the following recommendations for you to consider:

1. Develop an agenda that is agnostic about school type and advocate for holding all schools accountable for ensuring the rights of students are protected as outlined in civil rights statutes and IDEA. Breaking the discussion down by school type is distracting and dilutes critical efforts to improve outcomes for students with disabilities;
2. Examine the role of charter authorizers relative to ensuring that applicants to operate charter schools understand and fulfill their responsibilities related to ALL students;
3. Invest in research regarding special education funding to develop more nuanced approaches that ensure dollars reach students while minimizing incentives to over-identify or serve students in restrictive settings; and
4. Pursue opportunities to leverage charter school autonomy to accelerate innovation.

Respectfully,



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Data Notes and Sources

Year	Percentage of students with disabilities enrolled in...		Difference	Source
	Traditional Public Schools	Charter Public Schools		
2008-2009	11.3%	7.7%	3.6%	Government Accountability Office. (2012, June 2010). <i>Additional Federal Attention Needed to Help Protect Access for Students with Disabilities</i> GAO-12-543. Washington, DC: Retrieved July 31, 2015 from: http://www.gao.gov/products/GAO-12-543
2009-2010	11.2%	8.2%	3%	Ibid.
2011-2012	12.55%	10.42%	2.13%	Rhim, L. M., Gumz, J., & Henderson, K., (2015). <i>Key Trends in Special Education in Charter Schools: A Secondary Analysis of the Civil Rights Data Collection 2011-2012</i> . New York, NY: National Center for Special Education in Charter Schools.
2013-2014	12.52%	10.62%	1.9%	NCSECS (In press). <i>Enrollment of Students with disabilities in charter schools: A Secondary Analysis of the Civil Rights Data Collection 2013-2014</i> . New York, NY: National Center for Special Education in Charter Schools