

Executive Summary



Key Trends in Special Education in Charter Schools:

A Secondary
Analysis of the
Civil Rights Data
Collection 2011-2012

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IN CHARTER SCHOOLS

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Findings

Scant information exists regarding the status of students with disabilities in the charter sector. While we have some understanding of several high-profile issues (e.g., enrollment gaps, counseling out, the provision of special education services, and growth of specialized charter schools), to date, little has been published to verify or disprove perceptions. With the release of the most recent U.S. Department of Education's Civil Rights Data Collection (CRDC), the National Center for Special Education in Charter Schools (NCSECS) embraced the opportunity to examine these issues across the universe of states with charter schools. In conducting the analysis, we sought to provide policymakers and stakeholders with a more robust comparison between traditional public schools and charter schools regarding key data points. Our aim in making the comparisons is to leverage data to inform the ongoing dialogue related to access and provision of services to students with disabilities in the growing charter sector. While it raises important questions that need to be explored in future analyses, this ground breaking research is a significant step forward for our field.

Following are highlights of key questions, findings, and recommendations for federal, state, and local policymakers.

Enrollment: What proportion of students enrolled in traditional and charter schools have a disability for which they receive services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 (Section 504)?

- The national average of enrollment of students receiving special education across *all public schools* in the 2011-12 academic year was 12.47%.
- On average, students who receive special education support and related services made up 10.42% of total enrollment in charter schools, whereas traditional public schools had 12.55% of their total enrollment made up by students who received special education services.
- Students who qualify for Section 504 support made up 1.53% of all students at traditional public schools and 1.52% of all students in charter schools.

Placement: Where do students with disabilities spend their day?

- Charter schools place relatively more students with disabilities in *more inclusive settings* (within regular education classrooms) than do traditional public schools. More specifically, charter schools place relatively more students with disabilities in high inclusion settings (i.e., 80% or more of the day in the regular education classroom) and relatively fewer students with disabilities in lower inclusion settings (i.e., 79% or less of the day in the regular education classroom).

- 84% of students with disabilities in charter schools were in the general education classroom for 80% or more of the day compared to 67% of students with disabilities in traditional public schools.
- 10% of students with disabilities in charter schools were in the regular education classroom between 40% and 79% of the day compared to 19% of students with disabilities in traditional public schools.
- 4% of students with disabilities in charter schools were in the regular education classroom for 39% or less of the day, compared to 12% of students with disabilities in traditional public schools.

Suspension and Expulsion: What percentage of the student population has been suspended or expelled from school?

- Charter schools *suspend* a greater proportion of students overall, but in terms of suspension rates for students with disabilities, charter schools and traditional public schools are similar.
- A greater proportion of all students are suspended by charter schools than traditional public schools (7.40% vs. 6.88%).
- In both charter and traditional schools, students with disabilities are suspended at a rate higher than the average suspension rate for all students (13.45% of students with disabilities vs. 7.40% of all students in charter schools and 13.40% of students with disabilities vs. 6.88% of all students in traditional public schools).
- In both types of schools, approximately 13.4-13.5% of the students with disabilities had been given at least one suspension.
- Both charters and traditional public schools expel students with disabilities at a rate higher than students without disabilities, but charter schools expel students with disabilities *at a slightly higher rate* than traditional public schools.
- In both charter and traditional schools, students with disabilities are expelled at a rate higher than the average expulsion rate for all students (0.55% of students with disabilities vs. 0.25% of all students in charter schools and 0.46% of students with disabilities vs. 0.23% of all students in traditional public schools).
- Charter schools expel students with disabilities at a slightly higher rate than traditional public schools do (0.55% vs. 0.46%).

Specialized charter schools: How prevalent are specialized charter schools (defined as charter schools with 25% or more enrollment by students with disabilities that self-identify as "special education schools" and/or schools that report that 50% or more of their students qualify for special education)? Such schools serve students across the entire disability spectrum.

NCSECS verified the existence of 115 charter schools that focused primarily or entirely on students with disabilities. Of these 115, only 99 had enrollment data available within the CRDC.

- About 57% of specialized charter schools served students with a variety of disabilities, as opposed to a single disability type, or a specific focus on two or more disabilities.
- There were 49 schools that specialized in a single disability category (e.g., Autism or Deaf-blindness).
- Enrollment trends at specialized charter schools indicate much higher proportions of students with disabilities—77% on average—compared to the national average of 12.4%. The average proportion of students with disabilities is lower in specialized charter schools than it is in specialized traditional public schools: 77% vs. 84%.

Snap Shot Comparisons

| Data Point | Traditional Public Schools | Charter Schools |
|--|----------------------------|-----------------|
| Enrollment of students with disabilities (K-12) | 12.55% | 10.42% |
| Placement of students with disabilities in general education 100% of the day | 67% | 84% |
| Suspension of students with disabilities | 13.40% | 13.45% |
| Expulsion of students with disabilities | 0.46% | 0.55% |

Notes:

1. The national average of enrollment of students receiving special education across all public schools was 12.47%.
2. A student with a disability is defined as a student receiving special education or related services for the purposes of this chart.
3. Due to privacy protections, dataset has greater representation of larger schools for both types of schools.

Discussion

The CRDC data confirm an ongoing enrollment gap of students with disabilities in charter schools relative to traditional public schools but when compared to prior research, appear to indicate that the gap is decreasing. For instance, the U.S. General Accountability Office (GAO) found that in 2008-2009, the percentage of students with disabilities enrolled in charter schools compared to traditional public schools was 7.7% to 11.3%, respectively. Based on data reported by the GAO in 2009-2010, 8.2% of all students enrolled at charter schools were students with disabilities, compared to 11.2% observed in traditional public schools. Our secondary analysis of 2011-2012 data found those proportions have changed to 10.42% and 12.55%, respectively. The gap in percentages has been dropping over time: 3.6%, 3%, and most recently 2.13%. There remains significant variation at the state level, and presumably also within states themselves.

Once students with disabilities enroll in charter schools, the CRDC confirms perceptions that charter schools are serving students *in less restrictive settings* (i.e., they spend a greater proportion of their day in the regular education classroom with their peers). However, these descriptive data do not shed light on whether charter schools are serving students with the same level of needs *in different settings* or if charter schools are serving students *with different needs*. Additional research examining enrollment trends *by disability type* is required to more thoroughly understand the implications of the service provision data. The discipline data confirm that students with disabilities are disproportionately disciplined in both types of schools but appear to challenge perceptions that charter schools discipline students with disabilities notably more than traditional district schools. Regardless of school type, the discipline data are disconcerting given the significant protections in place and the long-term negative impact of discipline on at-risk-students. Finally, the data related to specialized charter schools, long a concern of special education advocates given implications for efforts to educate students in the least restrictive environment, confirm that these schools are a small niche of the broader charter sector but apparently less segregated (i.e., fewer schools are 100% students with disabilities) than similar schools in the traditional system.

Policy Recommendations

Our secondary analysis of the CRDC significantly advances the discussion regarding the status of special education in the charter sector but work remains to be done to ensure that students with disabilities are positioned to benefit from the autonomies extended to charter schools. Based on our analyses of the data and experience working in the field of special education in charter schools, we propose the following recommendations for federal, state, and local policy makers and practitioners:

Federal

- The U.S. DOE's National Center for Education Statistics and Office of Civil Rights should continue to support and improve large-scale data collection efforts, such as the CRDC, and secondary analyses of these large data sets and provide detailed information about methodological details such as privacy protection decision rules to optimize analyses and identify information critical to development of sound policy at the federal and state level.
- The USDOE should connect key datasets such as the CRDC and IDEA indicators reported as part of the Results Driven Accountability to facilitate correlational analyses that may provide insights into how key traditional public as well as charter schools' policies and practices influence outcomes for students with disabilities.
- The Office of Special Education and Rehabilitation Services and Office of Innovation and Improvement in the USDOE

Policy Recommendations (continued)

should collaborate to identify mutual interests and facilitate development of guidance that support students with disabilities accessing charter schools and development of quality special education programs within these schools.

State

- Leveraging the data published by the CRDC, state education agencies (SEAs) should annually track and report data regarding special education enrollment, service provision, discipline rates, and academic outcomes as leading indicators of the extent to which students with disabilities are accessing and succeeding in charter schools. In instances where schools are determined to be outside an acceptable range to be identified by the SEA, actions should be taken to ensure students with disabilities are not being discriminated against when seeking access to or services in charter schools.
- SEAs should periodically review state policies and authorizing practices relative to their impact on recruitment, admission and retention practices, especially in states experiencing notable differences in the enrollment of students with disabilities in traditional and charter public schools. Such examination and review will help SEAs better understand why major differences in enrollment exist.

Local

- Authorizers should examine charter school discipline policies and procedures, including the need for personnel training to help support development of charter school culture that is focused on providing a safe and positive learning environment for all.
- Authorizers should rigorously monitor indicators of their charter schools' performance in providing a free appropriate

public education to all students with disabilities and nondisabled peers, in line with the intent and mandates of IDEA, Section 504, and Elementary and Secondary Education Act (ESEA).

- Charter schools should ensure they understand their legal status as either an independent local education agency (LEA) or part of an existing LEA and the respective responsibilities articulated under ESEA, the IDEA and Section 504 related to access and provision of special education and related services.

Conclusions

In the aggregate, the data from the CRDC confirm that students with disabilities are enrolling in charter schools, but there appears to be evidence there is room to improve access. When considered across the universe of schools, it does seem reasonable to expect that roughly 12% of the students enrolling in charter schools would be eligible for special education. However, some states or districts report that 15–18% of students qualify for special education. Given that identification decisions may be subjective, historic concerns about over-identifying students for special education, and that some state funding systems provide incentives to identify students as having a disability, closing the apparent enrollment gap at the local level is not necessarily a universal goal. Rather, the goal should be to ensure that charter schools not only welcome students with disabilities in line with federal civil right statutes but that they also operate robust programs that enable all students to succeed, including students with a diverse array of disabilities. Future analyses of enrollment, service provision, discipline, and specialized school trends, along with explorations of other key data points, such as enrollment by disability type and performance outcomes, will further inform and catalyze efforts to guarantee access.

The National Center for Special Education in Charter Schools (NCSECS) is an independent, non-profit organization formed by a coalition of national experts on special education in charter schools. It is committed to proactively ensuring that students with disabilities have equal access to charter schools and to fostering innovations that will benefit students with disabilities in both charter and traditional public schools. To fulfill its mission, NCSECS focuses on four key areas: Establish and Communicate Facts, Inform Policy, Build Bridges Between a Diverse Coalition of Stakeholders, and Identify and Foster the Creation of Models of Excellence

This report represents a key pillar of our effort to establish and communicate the facts about special education in charter schools. To date, much of the discussion regarding the extent to which charter schools serve students with disabilities has been driven by anecdotes and single cases. The purpose, historically, was to advance an agenda either for or against charter schools as a construct, as opposed to credible data or a commitment to ensuring that students with disabilities are guaranteed their right to a free appropriate public education in the least restrictive environment in every public school across the country. Our secondary analysis of the Civil Rights Data Collection stands as the first comprehensive examination of the status of students with disabilities in charter schools compared to traditional public schools according to: enrollment; service provision; and, discipline; as well as an examination of the prevalence and focus of specialized charter schools. In conducting the respective analyses, our goal was to provide federal and state policy leaders as well as practitioners and researchers with a solid foundation for a more productive examination of the issues in an effort to drive changes that could discernably benefit students with disabilities.

This report reflects our deep commitment to students with disabilities and using data to inform both policy and practice to ensure equity for them in the growing charter sector.

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NATIONAL CENTER FOR SPECIAL EDUCATION



The National Center for Special Education in Charter Schools (NCSECS) is an independent, non-profit organization formed in 2013 to fill a void that has existed since the inception of the charter school movement in the United States, namely a coordinated effort to address the challenges associated with providing special education and related services in charter schools.

NCSECS is committed to ensuring that students with disabilities have equal access to charter schools and to fostering innovations that will benefit students with disabilities in both charter and traditional public schools by proactively working with states, authorizers, charter school and special education advocates, as well as other stakeholders.

NCSECS's Mission: To ensure that students with diverse learning needs are able to fully access and thrive in charter schools.

Vision: The charter school sector will fully embrace its responsibilities to meet the needs of all students and serve as a model of innovative and exemplary programs for students with disabilities.

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