

Examining Three Myths about Students with Disabilities and Charter Schools

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Summary

Despite ongoing debates and controversies, charter school legislation in the U.S. has expanded to forty-four states, with some states overseeing charter school development for more than thirty years. Research examining charter schools has proliferated in the last decade with the bulk of studies focusing on students' academic outcomes, community impact, and the charter movement's effect on school segregation. In this policy memo, we focus on an urgent yet less studied topic in relation to charter schools: students with disabilities. We examine and address three prominent myths circulating about students with disabilities in charter schools: that (1) charter schools have increased school options for students with disabilities, that (2) charter schools have improved the quality of educational services for students with disabilities, and that (3) the special education enrollment gap between charter and district run schools (DRS) is due to pushout practices. We conclude with several recommendations to improve the educational access and experiences of students with disabilities in charter schools.

Key Points

MYTH ONE - Charter schools have increased school options for students with disabilities.

- With significant variability across states and charter school networks, charter schools enroll and classify less students with disabilities than DRS. The special education enrollment gap between charter schools and DRS is closing, steadily but slowly, except for students with more extensive support needs (e.g., students with autism, intellectual disabilities, multiple disabilities, deaf-blindness, serious emotional disturbance) who demand more specialized services and are more costly to educate. So, while school options do exist for some, a large portion of families are either offered no new options or do not choose them when available.

MYTH TWO - Charter schools have improved the quality of educational services for students with disabilities.

- In some cases, test scores have improved, which may have resulted from charter schools' higher rates of inclusion of students with milder disabilities in general education classrooms. These scores, however, do not account for the negative impact of students sidelined or harmed by pushout practices, which deserve further study.

MYTH THREE - The special education enrollment gap between charter and DRS is due to pushout practices.

- While students with disabilities experience some pushout actions from charter schools, the emerging picture is that charters' primary method of avoiding enrolling students with disabilities is preemptive.

A Case for Urgent Action

The enrollment of students with disabilities in charter schools has been rising over time and with it the enrollment gap of students with disabilities between charter schools and DRS is shrinking. Yet, despite this positive trend, students with disabilities, particularly those with more extensive support needs, continue to experience steer away (before enrollment) and pushout practices (after enrollment) in implicit and explicit ways. Furthermore, the burden of action continues to fall on parents who are often managing difficult life circumstances. They may decide to move to another school or stay despite the limited services and trained personnel for their children, which in turn result in little changes in charter schools. Action is needed immediately to align charter school policy, school accountability, and IDEA so that ALL students with disabilities can truly exercise parental choice.

Introduction

Charter schools have been one of the most controversial education policy movements in the U.S. over the last three decades, generating countless heated debates in local school board meetings as well as across headline-grabbing national media. On one side, charter school enthusiasts argue that charter schools increase access to and the quality of publicly funded educational services through market-driven competition, especially for students who attend low-performing district run schools (DRS). On the other hand, critics of charter schools have concerns about how market-driven policies incentivize charter schools to avoid educating students who need costly support and yield lower-scoring academic achievement scores, like students with disabilities. In this policy memo, we address three prominent myths regarding how charter schools serve students with disabilities that can help policymakers make better informed decisions.

MYTH ONE: Charter Schools have *increased* school options for students with disabilities.

The expansion of charter schools promises to increase educational options for all students.^{1,2,3} Yet, research indicates that when it comes to students with disabilities, such assumptions are at best partially true. Since the inception of charter schools, research has indicated that they enroll disproportionately lower proportions of students with disabilities when compared to DRS. This indicates that when charter schools are offering additional local options, the majority of parents of students with disabilities are choosing DRS.^{4,5,6,7} This gap in enrollment, however, has shrunk steadily but slowly. At the turn of the millennia, students with disabilities as a percentage of total school enrollment was about 11% for DRS and 8% for charter schools.⁸ Today, it is roughly 13% in DRS vs 11% in charter schools.^{9,10}

But while charter school enrollment creeps towards parity nationally, a closer look at the numbers disaggregated by disability type and services required indicate that much distance remains. Charter schools are not catching up as fast with enrolling special education students with extensive support needs who need more specialized and costly services. For example, DRS serve students with intellectual disabilities, autism, traumatic brain injuries, sensory impairments, and multiple disabilities at a greater rate than charter schools,^{11,12,13} while charter schools serve a greater proportion of students with speech and language impairments, specific learning disabilities, or other health impairments.¹⁴ In short, while overall charters are enrolling more students with special needs, they are doing so with particular subgroups of disabilities that are easier to mainstream, score higher on standardized tests, and are less costly to accommodate.

National figures, however, can only tell us so much. Special education enrollment varies widely by state and grade levels.^{15,16} In addition, charter schools vary widely in their approach to serving students with special needs in ways that national level data elides. So, while charter school enrollment of students receiving special

education services are behind that of DRS in aggregate, any actionable policy to respond to disproportional enrollment trends needs to address more local or organization-level contexts.

MYTH TWO: Charter schools have *improved* educational services for students with disabilities.

Research presents a complex picture regarding the quality of educational services for students with disabilities in charter schools. On one hand, there are two emerging positive trends. First, a study in Boston indicates that students with disabilities have larger academic gains and are more likely to be declassified for special education services than their peers in DRS.¹⁸ Second, students with disabilities are more likely to be included in the general education classroom in charter schools than in DRS.^{19 20} For instance, in the 2011-2012 academic year, 84% of students with disabilities in charter schools spend more than 80% of the school day in the general education classroom, in comparison with 67% of students with disabilities in DRS.²¹ This figure remains effectively unchanged (84% v. 66%) as of 2015-2016.²² State and district-level findings also support these inclusion rates in charter schools.^{23 24 25}

On the other hand, research suggest that racial disparities evidenced when placing students with disabilities in the least restrictive environment traditionally evidenced in DRS, also are evident in charter schools in the city of Chicago.²⁶ Also, academic scholarship continues to document pushout practices that have serious implications for the quality of services students with disabilities receive in charter schools. Pushout practices are the implicit and explicit strategies charter schools employ to remove students from the school after they are already enrolled. Waitoller (2020) found five pushout practices employed by charter schools: 1) the delay and denial of an evaluation to qualify for special education services; 2) not providing services established in the students' individualized education program; 3) lack of trained personnel to work with students with disabilities; 4) disciplinary practices; and 5) suggesting parents they choose another school. These pushout practices, particularly in combination with "zero tolerance" practices found in many charter schools, escalate students' behavioral difficulties and mental health struggles.

Supporting these findings, a national study found that many charter schools praised for their academic prestige also have the highest rate of suspension and expulsions of students with disabilities. As of the 2011-2012 academic year, there was a substantive difference between charter schools and non-charters regarding the two primary explicit strategies of pushout: suspension and expulsion. Charter schools were suspending students with documented disabilities at a rate 16% higher than non-charters and expelling them 20% more often than DRS.²⁷ However, over the last five years, the data indicates that the expulsion rate in charter schools has been cut nearly in half. Such a radical change over such a short period of time must be taken with caution, as charter schools counsel students out to avoid expulsion figures in ways that DRS do not or cannot.^{28 29 30 31 32}

MYTH THREE: The special education enrollment gap between charter and DRS is due to pushout practices.

There has been concern that the lower proportions of students with disabilities in charter schools, when compared with DRS, is due to pushout practices; however, emerging research challenges the idea that the special education enrollment gap is driven by charter schools' pushout practices.^{33 34} Such gap seems to occur for a few reasons, unrelated to "pushout":

- (1) Students with disabilities are less likely to apply to charter schools in key entry grades, such as kindergarten and 6th grades.
- (2) Neighborhood schools are more likely than charter schools to identify enrolled students as in need of special education services.

(3) Charter schools are more likely to “exit” or “reclassify” students out of special education programs and classifications, and

(4) the enrollment of non-disabled students increases over time in charter schools, reducing the proportion of students with disabilities.

These findings merit a few words of caution. First, research found that denying or delaying an evaluation for special education services is a hidden pushout practice in charter schools.³⁵ Hidden because there are children with disabilities who were pushed out but do not have an IEP. The findings of Winters (2015), Gilmour et al. (2022), and Zimmer and Guarino (2013), for example, are not sensitive to this form of pushout, as they only account for students who do have an IEP. Second, parents of students with disabilities often decide to stay in charter schools despite pushout practices because they (1) do not perceive other schools as a good fit for their child, (2) their child may be close to graduation, or (3) they may have moved from school to school too many times.³⁶ Once students with a disability find their home at a given school, charter or not, parents are more likely to keep them in place and advocate for services within the school rather than remove them in favor of a different and unknown school environment.

Finally, research suggests schools choose students as much as parents of students with disabilities choose schools. Charter schools employ several “steer away strategies” to shape their enrollment. Steer away strategies are mechanisms that schools employ to avoid enrolling students who do not fit the profile (e.g., disciplinary rigor and access to college) or resources (e.g., funding and expertise) of the school, such as students with disabilities, particularly those with more extensive support needs. These strategies help charter schools exclude students before and during enrollment. Some of these strategies include marketing to desired families (but not to undesirable ones), creating a thematic focus of the school that excludes certain groups, communicating directly to parents that the school does not have the services or curriculum their child needs, telling parents about strict disciplinary and academic policies that their children with disabilities may not be able to comply with, or maintaining onerous parent volunteering requirements. Such strategies could explain the special education enrollment gap between charter schools and DRS.

Recommendations for Policy

Research on how charter schools serve (or not) students with disabilities presents a complex and sometimes contradictory picture. Generalizable statements, such as the ones identified in the above myths, do not hold true across state and district contexts. Accordingly, we provide recommendations for policy.

1. Conduct annual or biannual quantitative and qualitative research to understand the charter school context in your district/state.

Considering the disparate results from studies, states and districts should examine how charter schools are operating in their own region. Such examination should include not only quantitative data on enrollments of students with disabilities and their placement in the least restrictive environment disaggregated by race and disability category but also include interviews, focus groups, and surveys with parents to understand “on-the-ground” experiences and identify the strengths and challenges of charter schools. The research also should include an examination of charter schools' steering away practices through marketing strategies and pushout practices through mechanisms identified in myth three. Such investigations could move forward with partnering university researchers if the district/state lacks capacity or resources.

2. Tailor charter school supports and accountability according to the local context.

According to the results from district and state investigations of their own charter schools, they could devise a plan to build on strengths of charter schools and create a plan that identifies areas of improvement and hold accountable charter schools for improving their services for students with disabilities.

3. Create direct, easy, and visible venues for parents to express their grievances with charter schools and their authorizing agencies.

Charter authorizing agencies should create avenues for students with disabilities and their families to share their experiences in seeking and receiving a free and appropriate public education in charter schools.

Opening pathways for families to share their experiences is a vital part of accountability structures charter school advocates invite. State and local agencies must make parents and families of charter schools aware of such venues as well as provide easy access to them. Then, local education agencies should include such information from families' complaints and comments in the annual/biannual examination of charter schools as indicated in the first recommendation.

4. Create activities for parents of students with disabilities to learn about charter school as a possible school option, particularly in key transition years.

To overcome the selective marketing actions evident in many school markets that position students and their families as consumers (see myth three), there needs to be specific efforts made to ensure that parents of students with disabilities are fully informed of each school's commitment to students with special needs and the specialized services offered. This information is critical in key transition years such as from pre-k to kindergarten, from kindergarten to primary school, and from primary school to high school.

5. Require charter schools to report publicly on several measures.

These reports should include but are not limited to (a) percent enrollment of students receiving special education, including percent enrollment of students enrolled at the beginning of the year vs at the end of the year, (b) data on inclusion in the least restrictive environment, (c) academic outcomes of students with disabilities, (d) the number of full or part-time staff dedicated and licensed to work with students with disabilities, and (e) specialized services for students with disabilities. The public report should be available both digitally and physically upon request.

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