

# Special Education in Charter Schools: What We've Learned and What We Still Need to Know

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## Acknowledgements

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## About the Authors

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## About the Center on Reinventing Public Education

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Through research and policy analysis, CRPE seeks ways to make public education more effective, especially for America's disadvantaged students. We help redesign governance, oversight, and dynamic education delivery systems to make it possible for great educators to do their best work with students and to create a wide range of high-quality public school options for families.

Our work emphasizes evidence over posture and confronts hard truths. We search outside the traditional boundaries of public education to find pragmatic, equitable, and promising approaches to address the complex challenges facing public education. Our goal is to create new possibilities for the parents, educators, and public officials who strive to improve America's schools.

CRPE is a nonpartisan, self-sustaining organization affiliated with the University of Washington Bothell. Our work is funded through private philanthropic dollars, federal grants, and contracts.

## Introduction

According to national averages, charter schools serve fewer students with special needs, leaving them open to charges that they are exclusionary. Charter leaders counter that when special education enrollment rates are lower, it is often because charter schools are less likely to identify a child as needing special education services and more likely to address the child's learning or behavior so that she or he can participate fully in the regular classroom environment.

The uncertainty about the causes of disproportionately low special education enrollment puts charter schools squarely in the middle of ugly legislative battles and hostile media stories, and leaves us wanting for the information we need to improve conditions for students and schools.

Rather than rhetoric-fueled battles, we need quality conversation about the complexity of the issue. To start that conversation, the Center on Reinventing Public Education (CRPE), with the support of the Walton Family Foundation, teamed up with researchers across the country to launch a new research agenda devoted to students with special needs in charter schools. Over the past two years, we have:

- Convened a panel of researchers to both consider the analytic challenges of studying charter schools' impact on students receiving special education services and propose a research agenda going forward.
- Conducted systematic analyses of special education enrollment and identification in Denver and New York City to learn what explains special education enrollment gaps.
- Interviewed about a dozen parents of charter school students with special needs.
- Crafted in-depth case studies of two high-performing charter management organizations' efforts to provide quality special education.

This first phase of work produced a number of important findings for the policy, practitioner, and researcher communities.

1. In both Denver and New York City, we found the lower special education enrollment rates are mainly a function of parents choosing to enroll their students elsewhere, but charter schools are also less likely to identify students as needing special education services. We saw no evidence that students with special needs are more likely to leave charter schools. In fact, they are often more likely to stay in charter schools once enrolled. This evidence does not lay to rest the question of whether informal counseling-out occurs in the charter school admission process, but it does suggest we should pay at least as much attention to addressing how students are identified as needing special education in traditional public schools.
2. Our survey and family interviews helped us better understand why families eligible for special education services are less likely to choose charter schools. We learned that parents are often confused about whether their child is eligible to attend a charter school and do not have access to the right information to decide which schools might be a good fit (such as what program or approach to educating special needs students a given school has). Even in cities with significant numbers of charter schools, parents told us they do not have enough public school options and have trouble finding a good fit for their child's special needs.
3. To learn what strategies charter schools are using that might explain lower identification rates, we looked closely at two high-performing charter management organizations (CMOs). We found that these CMOs are diagnosing learning challenges early and crafting aggressive interventions that school staff say seem to address a student's learning needs without the need to classify the student as special education. Many districts take a similar approach to student interventions, often referred to as "Response to Intervention" (RTI), but we were



struck with 1) the fact that these charter schools apply RTI to all students, not just those with an established Individualized Education Plan (IEP); and 2) the fact that these strategies are implemented schoolwide, but teachers are encouraged to customize them to particular student needs.

4. We also learned from the two CMOs in our case study that it is possible, but sometimes a challenge, for highly focused charter schools to serve a broad range of special needs. Both CMOs we studied have college-going expectations for all students and highly structured student behavior systems. Both have also been able to find ways to serve students with different disability types within their program. But striking a balance between the goals of staying true to mission and serving all students is not always easy: both CMOs are still learning and developing solutions.
5. The CMO strategies we document might be difficult for some charter schools to implement without access to the data systems, specialized expertise, and other resources that CMOs and district central offices have. To ensure all charter schools can use their autonomy to serve students well, cities may need to develop new support organizations or find ways to allow charter schools to partner with existing special education service providers.
6. As much as our research has uncovered new ways to understand how choice and enrollment are playing out in the charter sector, we know

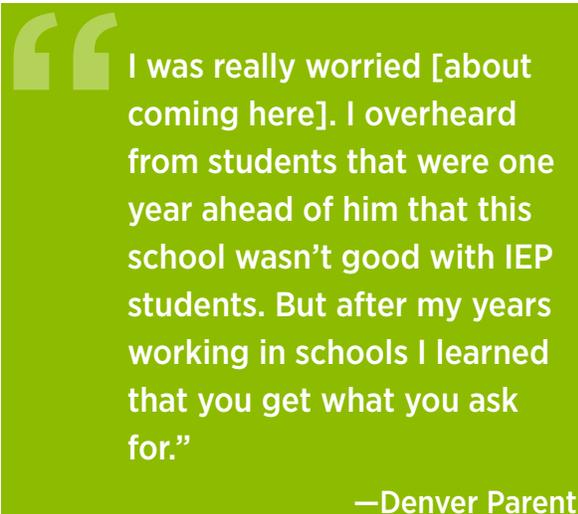
very little about whether charter schools are finding more effective ways to educate students with special needs. Our research panel agreed that this is a high priority for research, but it will require much better data and thoughtful methods to build a body of credible evidence.

**Charter school attrition does not explain the enrollment gap, but parent and student choice and special education identification rates do.**

Students with IEPs are less likely to attend charter schools than traditional public schools, but the factors producing that gap are complex and run counter to conventional wisdom.

To understand those factors, CRPE commissioned Marcus Winters (a senior fellow at the Manhattan Institute and an assistant professor in the College of Education at University of Colorado Colorado Springs) to examine enrollment data in New York City. Winters followed the 2008 class of kindergartners through 2012, when most had reached third grade. And he collected information on enrollment lotteries using a sample of charter elementary schools across the city (New York City does not centrally collect enrollment lottery results, so Winters had to rely on individual schools' permission to secure information). Winters found that students with special needs, particularly in some disability categories, were far less likely than students with typical needs to enroll in charter schools to begin with. In addition, he found that New York City charter schools were less likely to identify students as having special needs and more likely to move students who came from traditional public schools' special education programs off IEPs and into general education.

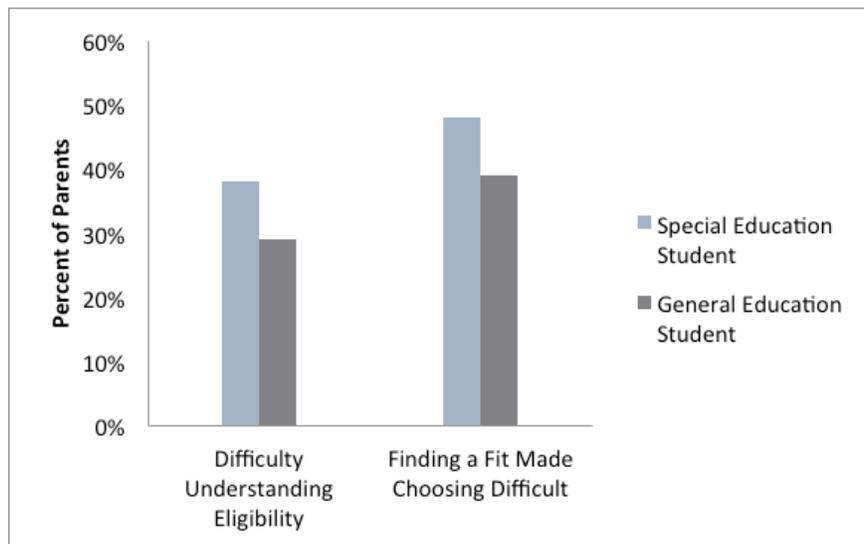
Winters employed the same approach to explain Denver's disparity in special education enrollment rates. Using data on all students in grades K–8 attending charter and traditional public schools in Denver between 2008–09 and 2013–14, Winters assessed the influence of various factors that could contribute to the special education gap, and how categories of students differ in their choices to enter and leave schools. He also used data from Denver's recently implemented common enrollment system (which covers all district-run and charter schools in the 85,000-student system) to understand how student preferences affect the gap. Taken together, these data show that a gap between charter and



“ I was really worried [about coming here]. I overheard from students that were one year ahead of him that this school wasn't good with IEP students. But after my years working in schools I learned that you get what you ask for.”

—Denver Parent

**Figure 1** Parent Challenges Choosing Schools in Eight “High-Choice” Cities by Student’s Special Education Status



traditional public schools does exist in Denver and, like in New York City, that gap has little to do with students with special needs leaving charter schools. Instead, the gap is caused primarily by parents’ preferences for different types of schools, how those schools choose to classify and educate students with differing needs, and the fact that students without special needs move from traditional public schools to charter schools at higher rates than do special education students.

**Misinformation and inadequate information undermine effective family choice in special education.**

New Orleans, Denver, and New York City have made great strides in providing families coherent and comprehensive materials on their schools. In many cases, parents can find information on both charter and traditional public schools in a single location, dramatically streamlining their search. But even in these cities, parents of students with special needs told us they do not have good information on the services available for their children and therefore struggle to make good choices. Parents in our focus groups reported that they were either misinformed or uncertain about their child’s eligibility to attend a charter school. A New York City parent told us she initially did not apply to the school her child now attends because she had heard from other parents that charter schools “don’t take special education

“Every child gets what they need here. Every child’s education is individualized whether they have an IEP or not.”  
 —Teacher at Uncommon Schools

kids.” Parents in our Denver focus groups reported that they could not tell which schools provide the arrangements called for in their child’s IEP—and most had no idea how to find that out. Parents are largely left to rely on the impressions of other parents.

For the most part, tools designed to help parents choose among various charter and traditional public schools in these high-choice cities only provide information on schools’ physical accessibility, not the range of programs or services available. Several parents we spoke with reported that in-person meetings with school personnel were the only means to get more detailed information. Parents also do not believe they have enough public school choices to meet their students’ unique needs. According to our 2014 survey of parents in eight

“high-choice” cities, parents with students in special education are significantly more likely than other parents to report difficulty in determining whether their child was eligible to enroll in a given school and whether a school was a good fit for their child.<sup>1</sup>

A robust citywide information campaign and carefully crafted student recruitment messages can help address the misinformation problems we identified. Cities need to pay systematic attention to what information and support parents of students with special needs require to make informed school choices and feel good about those choices. Investments in information are well worth the effort to help families find a solid option for their child. When families find their way into excellent choice programs that are well suited to their child’s unique needs, they report being very happy and well served.

**High-performing charter schools are using aggressive school-wide intervention strategies that may reduce the need for special education labels.**

The high expectations, no-excuses model used in many charter schools meets considerable criticism from special education advocates concerned that these highly specified and demanding models are too rigid to accommodate the diverse and sometimes fluctuating needs of students with special needs. The leaders at Uncommon Schools in New York City and Prep in Denver, two networks we profiled, argue that it is precisely this definition

that makes them well suited to serve students with special needs. In fact, leaders and teachers in these organizations contend that they consider all of their students to have individual needs. And they say they have designed their models to constantly evaluate and flex students’ experiences to meet their needs regardless of whether they have an IEP or not.

Leaders at both Strive and Uncommon say their committed implementation of Response to Intervention (RTI)—a tiered approach to identifying and addressing students’ needs—informs the strategies and interventions used for every student. This integration means students with special needs have similar education experiences and expectations to their general education peers. Even though students with special needs receive a range of specific support from the school’s special education team through the RTI, in our field visits we saw teachers working hard to meet the individualized needs of all students.

We saw firsthand the blurred lines between regular and general education programs in our classroom observations. In one school, we entered a pull-out reading support class devoted to a guided reading exercise with a 6-to-1 student-to-teacher ratio. Half the students in the pull-out were special education and had this configuration written into their IEP, half the students were general education. In another room, we observed a second teacher floating the room to provide added support to students. She circled through a group of special education students as well as some struggling regular education students.

**It is possible, but sometimes a challenge, for highly focused charter schools to serve a broad range of special needs.**

The teachers, leaders, and parents we spoke with at Uncommon and Strive valued integrating students with special needs in the regular classrooms; they also recognized the inherent challenges. Educators and parents alike commented that the integration of programs and students protected students from the stigma of special education and included all students in the same culture of high expectations. This approach also meant that the school’s best thinking

““ We have a school with a behavior system and we are all very much aligned. But how do you take something that is that structured and individualize it without undermining it?”

—Teacher at Uncommon Schools

1. Ashley Jochim et al., *How Parents Experience Public School Choice* (Seattle, WA: Center on Reinventing Public Education, 2014). The eight cities are Baltimore, Cleveland, Denver, Detroit, Indianapolis, New Orleans, Philadelphia, and Washington, D.C.

“ [With the reduced caseload] we are saying to teachers that we actually want you to teach kids, not do paperwork all day.”

—Central administrator at Strive Prep

on how to support students with a range of needs was available to all students, many of whom arrive well below grade level. By applying the RTI across all students, special education leaders in these schools say that many students who may have acquired IEPs in other schools no longer require them. At the schools we visited, leaders argue that they tend to identify students as special education-eligible at lower rates but still provide them with the level and quality of service they would receive with an IEP.

Teachers in Uncommon and Strive acknowledged the tension created by such complete integration of the special education program into the schools' overarching model of high expectations and highly disciplined buildings. Teachers felt they had to strike a balance between maintaining the routines that stabilize the environment and providing the leeway in behavior and academics that some of their students with special needs require. A Strive network administrator admitted that their efforts to walk this line are more reactive than proactive. For example, some classroom structures or practices may trigger difficult outbursts among students who face challenges managing their behavior. Teachers often struggle to modify these practices, particularly in the midst of a student's meltdown. (For example, if using demerits sets off a student, the teacher could try a merit strategy instead and potentially still achieve the same desired result.) The network has to be more proactive in preparing teachers to respond to these needs.

Strive, which now operates three of Denver's designated programs for students with a range of significant needs (called Center programs), is still developing general education teachers' awareness of and skills in addressing Center students' needs. Center students are slowly transitioned from a

resource classroom to general education classrooms. As a result, general education teachers have less familiarity with the students and less experience responding to their needs. Overall, teachers do feel like Center students are “Strive students” and embedded in the school's culture, but they are still figuring out how to best work with these students. One special education teacher at Strive said, “There is still a tendency to get [the Center teacher] on the phone to handle [a Center] student.” This teacher also mentioned that general education teachers still “push back” on decisions to exit students from the Center program and return them to the mainstream classroom.

Specifically, these students require considerable latitude, particularly with regard to the school's discipline structures. The network overall and the general education teachers in particular need more training to understand the best range of responses to the different situations Center students may present. One teacher reported, “[General education teachers] will provide the latitude to Center students but it is more of an ‘I don't really know what to do here’ [than a purposeful effort].”

Nearly every parent we spoke with in Denver and New York City said they were attracted to their school's discipline and expectations but felt the stress of repeated phone calls and teacher meetings when their child struggled inside these structures. Both networks have high expectations for advancing students to the next grade and retain students when they fail to meet these standards. While each school mentioned cases where they advanced students with special needs who had not yet achieved the required standards, the schools said they retain those students when they feel it will help the child's long-term success. Parents who had children retained described the anxiety this caused. School leaders acknowledged that some parents—albeit few—ultimately decided to leave the school for these reasons.

The networks are still figuring out how to accommodate and integrate students with more significant needs that require a high degree of flexibility, especially as it pertains to the schools' routines. At Uncommon, some students ultimately could not be accommodated by the suite of services available at the school and could not remain enrolled there.



**To successfully serve students with a wide range of disabilities, charter schools will need access to the data systems, specialized expertise, and other resources that successful CMO and district central offices have.**

Uncommon Schools in New York City commits significant resources to support special education teachers. Two central network administration positions are devoted entirely to special education: one manages the legal and regulatory concerns associated with their program and students, the second supports professional learning for the special education team. In addition, network staff development directors support professional development in English Language Arts and math. Schools also receive help from the network social work director. At the school level, each special education team works with a coordinator who takes ownership for the team's academic scaffolding, observes team teachers and provides professional development guidance, and handles the trickiest conversations with parents. Strive provides similar network and in-school support.

With this staffing, Strive and Uncommon provide teachers with extensive professional development. Strive teachers can also participate in network-wide professional learning communities dedicated to deep study in specific topics. In addition, both networks support assessment systems for benchmarking student progress and teachers get help with reviewing assessment data. Each network's special education teams meet regularly to discuss individual students' results and the implications for students' learning needs.

Strive Prep's central office also recently reduced special education teachers' caseloads to 12 students—nearly half of what other teachers in the city carry—allowing teachers to focus on what each student needs to excel. This level of resources is possible primarily because the network has flexibility to reallocate resources within and across its schools.

It is hard to imagine this level of support in an independent charter school. In fact, one teacher we spoke with considered her experiences in an independent charter school and her network charter school as night and day. In New York City, the Special Education Collaborative provides

support and professional development to the city's charter schools and any charter school can buy into this network. All but 33 of the city's charter schools participate; most of those opting out are independent charter schools. The collaborative director suspects these schools aren't participating because they cannot afford the participation fees.

New Orleans has a long-standing special education cooperative. And the state Recovery School District, along with New Schools for New Orleans, is developing an emergency fund to help schools pay for students who require particularly expensive interventions, recruiting nonprofit special education support organizations to the city, and providing grants to help high-performing charter schools develop innovative programs for students with special needs.

Understanding academic and other outcomes for students with special needs will require more complete and reliable data and better measurement than is typically available today.

Assessing charter schools' impact on the outcomes of students with special needs presents several significant research challenges. We know from our analyses that students present a variety of special needs and it does not make sense to treat them identically. But analysts typically only know whether a child has an IEP or not. When more detailed information on the type of services students receive is available, researchers routinely find that the classifications vary by jurisdiction, making apples-to-apples comparisons difficult and therefore limiting larger-scale studies. In other words, a student classified as having a behavioral disorder in New Orleans may not be deemed as such in New York City. At the very least, educational systems will need to make detailed classification information available for analysis and, to the extent possible, provide researchers with rich detail on the classifications to allow mapping across different systems.

Subjectivity in identifying students with disabilities and limitations of student assessment systems presents even deeper concerns for our ability to accurately assess outcomes for students with special needs. Subjectivity in student identification is a particular concern. Empirical results verify that charter schools in New York City and Denver identify



similar students at lower rates than their traditional public school counterparts. The very notion of who is a special education student may be different between charter schools and traditional public schools.

Finally, state test results—the dominant measure of student outcomes for analysis—likely provide a poor measure of outcomes for many students with special needs. The goals for many of these students go well beyond what can be assessed on a state exam. The research panel CRPE convened broadly agreed that the field should consider alternative data sources and student outcomes: using data from students' IEPs could prove useful for smaller-scale, fine-grained analyses of special education programs and interventions. But it is clear that future work must focus on measurement to enable us to draw relevant and accurate comparisons and conclusions about how students are faring.

### **Looking ahead: making charter schools more accessible to students with special needs.**

CRPE's research on special education in charter schools provides a much-needed evidence base to explain the differences in the enrollment and mobility of students with special needs between charter schools and traditional public schools. And our work raises important questions about how students are identified as needing special education services in these schools. This information should help shape more thoughtful policy responses in states and cities with enrollment gaps. Quotas, enrollment targets, and other blunt policy instruments are likely inappropriate responses to enrollment gaps. They may indeed compel charter schools to recruit special education students. But they may also trigger needless labeling of students who can be well served with thoughtful accommodation and flexibility in general education.

Our survey and fieldwork make clear that parents face significant challenges in choosing schools for their children with special needs. By looking at the practices of high-performing CMOs, we have demonstrated both the value and the difficulty of integrating special education into a charter school's focused approach to teaching and learning. We have also learned that the level of support teachers need to provide consistent, high-quality education for their students with special needs will require

investment and policy attention. As researchers, we move on from this early work with a deep appreciation of the analytic challenges presented in studies of students with special needs in the charter sector, and the absolute necessity for better data and creative methods to answer the critically important question: are students with special needs being educated effectively in charter schools?

Below are the critical research and policy questions that demand answers moving forward.

- How can charter schools best serve students with low-incidence disabilities (e.g., severe cognitive or health impairments)?
- What are innovative and effective ways cities can help parents choose a school for a child with special needs?
- How are families of children with special needs accessing charter schools?
- How can economies of scale be leveraged to support stand-alone charter schools?
- Are charter-district collaborations around special education effective in improving student outcomes?
- Are charter schools finding more effective ways to educate students with special needs than traditional public schools?
- How do students with special needs fare academically and socially in charter schools?
- How can we accurately and fairly assess outcomes for students with special needs, beyond simply relying on statewide assessments?
- How are charter schools identifying students with special needs?