Every Student Succeeds Act: Advancing Equity for Students with Disabilities in Charter Schools

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What is a charter school?

What is NCSECS?

What do we know about special education in charter schools?

What unique challenges and opportunities are associated with educating students with disabilities in charter schools?

What ESSA provisions will impact special education in the charter sector?
Charter School Primer: Definition

- Publicly funded, autonomous, schools of choice created under authority articulated by a state charter law
  - 43 states and Washington, DC (2015-16)
  - 6,800 charter schools
  - 2.7 million students

- Charter bargain: autonomy for accountability via parental choice and renewable charter contracts
Charter School Primer: Governance

U.S. Department of Education
Title IV of ESSA: Charter School Program Grants

Charter School

State Education Agency/State Board of Education

Local Education Agency

“Other” Authorizers (Charter Board, Municipality, Non-Profit, College of University)

Charter School

Charter School
Charter School Primer: Legal Status

Part of a local education agency (LEA)
- LEA is typically the authorizer
- Federal, state, and local funds flow through the LEA
- LEA provides charter schools with a combination of funding and services (e.g., facilities, transportation, specialized supports)

Independent local education agency
- State or other entity typically is the authorizer
- Federal, state, and local dollars flow directly to the school
- Charter school is wholly responsible for all operations, including provision of full continuum of services to students with disabilities

Creating Opportunities for Excellence

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.
Catalyst for Creating NCSECS

Statutes and regulations articulate the rights of students with disabilities....

...but there is much room for improvement to ensure every student with a disability is provided a free appropriate public education in the least restrictive environment.

Autonomy extended to charter schools has the potential to create opportunities for innovation and to accelerate knowledge acquisition and program improvement...

...but many charter schools have not fulfilled their potential and action required to ensure equity and quality programs.
Charter School Special Education Context

- Persistent questions remain regarding access and quality of programs for students with disabilities in the charter sector.

- Access and quality programs are linked to parents’ ability to exercise choice for their students.

- Opportunities exist at all levels of the system (i.e., Federal, state, regional, and local) to improve access and quality.

- Charter sector has not effectively or consistently leveraged autonomy to create exemplary programs for students with disabilities.
NCSECS: Four Areas of Work

- Document and disseminate facts
- Inform policy
- Build bridges
- Create opportunities for excellence
What do we know?
Key Trends in Special Education in Charter Schools: A Secondary Analysis of the Civil Rights Data Collection 2011-2012
Research Questions

- How many students with disabilities are enrolling in charter schools relative to traditional public schools?
- Where are students with disabilities being educated in charter schools relative to traditional public schools?
- To what extent are students with disabilities being suspended and expelled in charter schools relative to traditional public schools?
- To what extent are state charter school laws leading to the creation of specialized schools for students with disabilities?
Enrollment of Students with Disabilities 2011-12

IDEA
- % Students with Disabilities - Traditional Public Schools: 12.55%
- % Students with Disabilities - Charter Schools: 10.42%

Section 504
- % Students with Disabilities - Traditional Public Schools: 1.53%
- % Students with Disabilities - Charter Schools: 1.52%
Enrollment Trends 2009-2012

Enrollment of Students with Disabilities by School Type

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<tr>
<th>Year</th>
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Enrollment Difference

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Placement: % of Time in General Education Classroom, 2011-12

- 80% or more: 66.85% (Traditional Public Schools), 84.11% (Charter Schools)
- 40 to 79%: 9.60% (Traditional Public Schools), 19.46% (Charter Schools)
- 39% or less: 11.67% (Traditional Public Schools), 4.29% (Charter Schools)
% of Students Receiving at Least One Suspension 2011-12

- Traditional Public Schools: 6.88% (All Students), 5.95% (Students without Disabilities), 13.40% (Students with Disabilities)
- Charter Schools: 7.40% (All Students), 6.70% (Students without Disabilities), 13.45% (Students with Disabilities)
% of Students Expelled, 2011-12

- Traditional Public Schools
- Charter Schools

- All Students: 0.26% (Traditional), 0.28% (Charter)
- Students without Disabilities: 0.23% (Traditional), 0.25% (Charter)
- Students with Disabilities: 0.46% (Traditional), 0.55% (Charter)
Specialized Charter Schools 2014-15

✓ **Definition:** Primarily or entirely for students with disabilities

✓ **115 Specialized schools**

✓ **Schools primarily clustered in Florida (n=36), Ohio (n=34), and Texas (N=14)**
Specialized Charter Schools: Focus

- 34% Two or More IDEA Categories
- 23% General Special Education
- 13% Autism
- 13% Emotional Disturbance
- 8% Developmental Delay
- 3% Deaf-blindness
- 3% Specific Learning Disabilities
- 1% Multiple Disabilities
- 2% Intellectual Disabilities
CHALLENGES
Challenges: Lessons from the field

Inherent Tension

Deregulated charter sector

Highly regulated nature of special education
Challenges: Lessons from the field

Inherent Tension

IDEA team decision making

Individual Parental choice

Creating Opportunities for Excellence
Legal status establishes/confuses parameters of responsibility

• LEA charters have same responsibilities as traditional, generally multi-school districts
• Charters that operate as part of an existing district, share responsibility with district
Challenges: Lessons from the field

Practical challenges associated with providing a full-continuum of placements given lack of resources or economies of scale

- 100% of day in General Education
- Partially Included
- Specialized program/placement
Challenges: Lessons from the field

Lack of technical knowledge and specialized capacity in new/small charter schools
Funding disparities exist between traditional public schools and charter schools in many states (e.g., many charter schools cannot access local tax revenues or facilities)
Challenges: Lessons from the field

Charter sector has attracted both good and bad actors
Accountability at authorizer level is critical
State charter school laws create the legal framework to create mission-driven schools that include students with disabilities by design rather than as an add-on.
Opportunities

New, autonomous schools can develop innovative service provision models in a time-compressed manner absent having to overcome existing policies and practices.
Opportunities

Provide online and hybrid/blended learning environments that can support highly individualized and personalized learning.
Implications of Every Student Succeeds Act (ESSA)

ESSA

Negotiated rulemaking

Draft Regulations

Final Regulations
The Every Student Succeeds Act (ESSA)

- Replaces No Child Left Behind
- Maintains basic architecture of standards-based reform
  - Annual assessments required in grades 3-8, once in high school in math and reading
  - Science assessments required once in three grade bands (3-5, 6-8, high school)
  - States must set “challenging academic standards”
  - State designs one accountability system with annual determinations of schools and districts
  - Data disaggregation by student subgroups: poverty, disability, English Learner, minority
  - Interventions for lowest performing 5% of all schools and high schools failing to graduate 1/3 or more of students.

Huge shift that moves more authority regarding design of the system away from federal level to states and districts.
Shifts from NCLB and ESEA Waivers

- No requirement for states to implement teacher evaluation systems and/or link results to student test scores
- Allows for more fiscal flexibility
- Adequate Yearly Progress (AYP) and Highly Qualified Teacher (HQT) requirements eliminated
- No focus on “college and career readiness”
- Focus on “all children receive a high-quality education and close student achievement gaps”
- Expands support for early learning, school climate/safety and other factors affecting student learning
- No required school turn around models or specific interventions
Requires State Title I plans to include how they will support districts in reducing bullying, overuse of disciplinary practices and use of aversives (e.g. seclusion and restraint)

Allows, but does not require, supplemental services

Allows Pay For Success initiatives as defined

Title II (School Leader/Teacher recruitment & training) and Title IV (21st Century Schools) funds are transferable – States decide use of resources

Adds new literacy grant program (LEARN Act)

Adds new comprehensive center for students not achieving full literacy due to disability, including dyslexia

Adds new early education grant program

Decreases Secretarial authority

Allows States to determine the ‘evidence-based’ interventions to implement in the lowest performing schools. Districts determine interventions [and timing] when one or more subgroups lag behind.
ESSA: Charter Specific

Title I

Title IV: Part C: Charter School Grants
All other civil rights laws apply to charter schools

- ESSA articulates the important alignment of all federal education statutes and in particular, all other civil rights laws including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

- Charter schools must not discriminate against students with disabilities, and they are required to provide the services and support that students with disabilities need in order to achieve their full potential.
New requirements to recruit, enroll, and retain students with disabilities

- ESSA specifically identifies expanding opportunities for traditionally underserved students, including students with disabilities, as a goal and the purpose of the law.

- Any entity receiving federal grants, whether they serve as authorizer or otherwise, are bound to create and sustain systems by which charter schools commit to recruit, enroll, retain and foster achievement for students with disabilities.

- Charter schools can and must do better in this area and state and local planning must not only encourage, but require this.
Requirement to ensure that schools provide a safe and supportive school climate

- ESSA’s Title I requirements for state planning require states to show how they will support districts in reducing bullying, overuse of disciplinary practices and use of aversives (e.g. seclusion and restraint).

- States are obligated to both plan and support traditional and charter schools in reducing practices that disproportionately impact students with disabilities.
Obligation to provide a high quality education

- ESSA specifies that states *and authorizers* bear the responsibility to ensure that grantees under Title IV Part C of ESSA provide a high quality education.

- This as a cornerstone of the charter law (Title IV) as well as the core of ESSA.
ESSA Accountability and Reporting: Proposed Rule

- 200.30 Annual State report card.
- (ii) As applicable, for each authorized public chartering agency in the State—
  
  (A) How the percentage of students in each subgroup defined in section 1111(c)(2) of the Act for each charter school authorized by such agency compares to such percentage for the LEA or LEAs from which the charter school draws a significant portion of its students, or the geographic community within the LEA in which the charter school is located, as determined by the State; and

  (B) How academic achievement under § 200.30(b)(2)(i)(A) for students in each charter school authorized by such agency compares to that for students in the LEA or LEAs from which the charter school draws a significant portion of its students, or the geographic community within the LEA in which the charter school is located, as determined by the State;
Follow-up Questions?

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