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COMMENTARY

Charters: Students With Disabilities Need Not Apply?

By Thomas Hehir

With the Obama administration and many state governors calling for more charter schools, it may be time for policymakers to address directly the issue of these schools' imbalanced enrollment of students with disabilities.

The enthusiasm for charter schools, which was also high during the administrations of Bill Clinton and George W. Bush, reflects the desire of many parents to have choice within the public system. This desire has only been heightened by research showing superior results obtained by charters.

In a performance comparison of Boston charter school students with those not admitted, for example, Harvard University professor Thomas J. Kane found that the students attending charters outperformed their peers at traditional public schools. His research, however, was designed with the recognition that charter students are different along some critical, perhaps immeasurable, dimensions from students attending traditional schools. This is especially true in relation to students with disabilities: Traditional public schools are serving far greater numbers of them than charter schools, particularly those whose disabilities require significant special education services.

Findings from other research conducted in major cities, including Los Angeles and San Diego, further illustrate this phenomenon. In San Diego, where close to 10 percent of all students attend charter schools, the enrollment of students with disabilities in charters during the 2005-06 academic year approached just 12 percent; the average enrollment of these students in nonconversion (from scratch) charter schools was only 5.8 percent.

For students requiring extensive special education services, the statistics were even more dismal: There were, for example, only three children with mental retardation in all San Diego nonconversion charter schools *combined*, while traditional schools across the district educated almost

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1,000. That same year, nonconversion charter schools in the city educated just two students with autism.

The picture is similar in Los Angeles, where approximately 8 percent of city students are enrolled in charter schools, yet only 11 percent of those are students with disabilities. Their enrollment in independent charter schools averages below 7 percent. As in San Diego, the distribution of disability types within independent Los Angeles charter schools is skewed; for students with disabilities requiring extensive special education services, the likelihood that they will be enrolled in independent charter schools is one-fourth the likelihood of their enrollment in traditional public schools.

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Similar data emerge for Massachusetts urban schools, where in the 2006-07 school year, the enrollment share for students with disabilities was 19.9 percent in traditional schools, compared with 10.8 percent in urban charter schools. The number of students with significant disabilities was considerably less in charters than in traditional public schools as well.

Though the data are discouraging, there are some hopeful trends among charter schools in these studies. For one, they are more apt to serve students in inclusive settings, and less likely to initially label children as needing special education. The latter addresses some of the concerns about the overplacement of minority students in special education. Moreover, there also are charters in the cities studied that *do* enroll large numbers of students with disabilities, with impressive results, proving that it can be done.

Though some may have argued in the past that charter schools need time to get established, as well as the flexibility to experiment, they are now a well-established segment of American education. So what will it take to get more students with disabilities enrolled in them? Policymakers should ensure that government agencies take the following steps:

- *Monitor charter schools, and enforce federal law where necessary.*

Students with disabilities have significant civil rights protections under Section 504 of the Rehabilitation Act, the **Individuals with Disabilities Education Act**, and the **Americans with Disabilities Act**.

These hard-won protections seek to end discrimination against people with disabilities, and provide students with the accommodations, interventions, and supports they need to be successful. Though many studies to date do not definitively answer why many charter schools serve so few students with disabilities, there is some anecdotal evidence that the parents of these children are often discouraged from applying for admission, that some students with complex needs are counseled back to traditional public schools, and that some schools simply do not provide comprehensive (or competent) special education services.



At minimum, charter schools with low enrollments of students with disabilities should be monitored by government agencies to determine if any violations of federal or state laws exist. Discouraging enrollment or not providing needed services clearly violates federal law.

- *Consider reducing reimbursements to charter schools failing to enroll representative populations of students with disabilities.*

Most charter schools receive per-pupil funding, including federal special education funding, comparable to that of traditional public schools. Part of the original rationale for supporting charter school experimentation in many states was to demonstrate that they could perform at higher levels than traditional public schools while using similar resources. Yet per-pupil costs in traditional public schools include much higher costs for educating greater proportions of students with disabilities. The failure of most charters to enroll such students, and especially those with more-complex needs, means the financial burden of providing an equal education is being borne disproportionately by traditional public schools.

One could argue that many charter schools are being unintentionally and inappropriately oversubsidized by federal special education funds—and this, even though they are failing to serve students with disabilities in an equitable manner. Moreover, the failure of many charters to serve representative populations of students with disabilities means that the “charter experiment” is unfair and misleading: These schools may appear to produce superior results, but they do so without serving comparable populations and while enjoying advantageous funding.

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Employing fiscal sanctions against charters that fail to enroll equitable shares of the population of students with disabilities may well have a greater impact than traditional government monitoring, which has tended to be rather weak and ineffectual.

- *Provide support to charter schools in serving students with disabilities.*

From the many discussions I have had with charter leaders, it is clear that most of them want to serve students with disabilities, but feel they lack the support to meet these students’ highly diverse needs. Issues involving equity, particularly for low-income and minority students, personally drive many of these leaders. Traditional public schools tend to have well-developed special education departments that they can rely on to help meet the needs of all students with disabilities; states and large districts should consider developing some sort of comparable support system for charter schools.

Such charter school support mechanisms could, for instance, provide a Braille teacher for the single blind student enrolled, or give charter school teachers training on the latest technology to help students access high-level curricula. State or regional mechanisms able to provide robust technical and other assistance for charter schools could go hand in hand with improved government monitoring, providing charter school operators with the substantive support they need to improve their schools for all students.

The charter school movement shows much promise, and is providing important choice options within the American education system. It’s time to assure that *all* children benefit from it.

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