



# **BLACK AND LATINX STUDENTS WITH DIS/ABILITIES IN CHARTER SCHOOLS: A SUMMARY OF THE RESEARCH**

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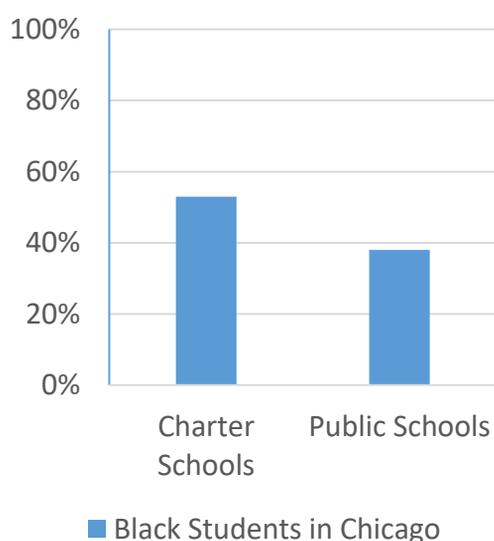
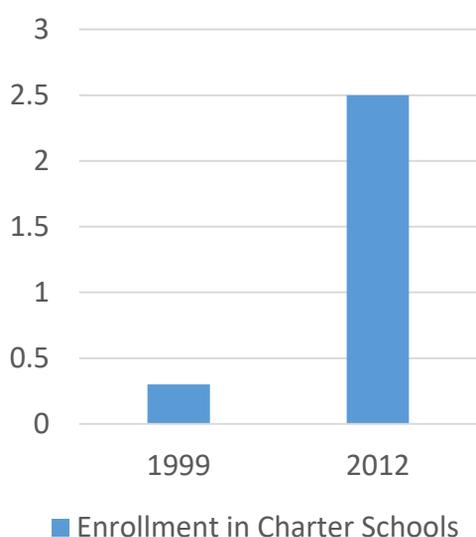


# Black and Latinx<sup>1</sup> Students with Dis/abilities<sup>2</sup> in Charter Schools : A Summary of the Research

Charter schools are a growing sector in education. The growth of charter schools has raised equity concerns for students of color and students with dis/abilities (Lubienski & Weitzel, 2010; Welner & Howe, 2005). This fact sheet summarizes the emerging research examining special education services in United States charter schools, with a particular focus on Black and Latinx students with dis/abilities. The purpose of this fact sheet is to make this information easily available to policy makers, activists, and parents/caregivers, and to contribute to a substantive discussion about developing equitable educational opportunities for all children.

## General Information

Studies on special education services in charter schools are mostly published through non-peer reviewed outlets (Garcy, 2013) and tend to be city or state specific. Thus, generalization of findings is not recommended. We recommend stakeholders use this summarized research to examine their own context.



From 1999 to 2012, charter schools enrollment grew from .3 to 2.5 million and continued growth is expected (National Alliance for Public Charter Schools [NAPCS], 2016).

Charter schools enroll larger proportions of Black (28%) and Latinx (28%) than traditional public schools (TPS), 16% and 24% respectively (NAPCS, 2016). These differences are even more acute in urban centers. In Chicago, for instance, Black students account for 38% of the total Chicago Public Schools (CPS) enrollment, yet account for 53% of the total charter school enrollment (Chicago Public Schools, 2016).

<sup>1</sup> I used the term Latinx as a gender-neutral demographic category that includes any person of Latin-American origin or background. This term avoids the perpetuation of gender binaries (female/male).

<sup>2</sup> Dis/ability is used throughout this document intentionally to emphasize that dis/ability is socially constructed through the interactions, of language, space, place, human experience, and power within a particular context (Annamma, Conner, & Ferri, 2014).

Research on students with dis/abilities in charter schools rarely disaggregates findings by race. However, considering the racial demographics of charter schools (NAPCS, 2016), any impact (both positive and negative) of the implementation of charter schools on special education services will disproportionately affect Black and Latinx students with dis/abilities.

## Federal Legal Requirements

Charter schools are required to comply with federal mandates providing services and protecting the rights of students with dis/abilities. These mandates include the Individuals with Dis/abilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA).

## Relationship with School Districts

Charter schools have differing relationships with school districts, often called Local Education Agencies (LEAs), such as “total link,” “no link,” and “partial link”. Each relationship carries a different level of legal accountability with respect to students with dis/abilities. The relationship between charter schools and LEA is established by the state charter law (Rhim & McLaughlin, 2007).

When a charter school has a “total link” with the LEA, the district assumes total responsibility for the charter school’s compliance with federal mandates. A “no link” relationship indicates that a charter school will function as a separate district or LEA, and will assume all responsibilities with respect to implementing IDEA. In the “partial link” relationship students with dis/abilities become a shared responsibility between a charter school and the LEA. Shared responsibilities are outlined in the charter contract and in many cases tend to be blurry (Rhim & Lange, 2007; Rhim & McLaughlin, 2007).

## Funding

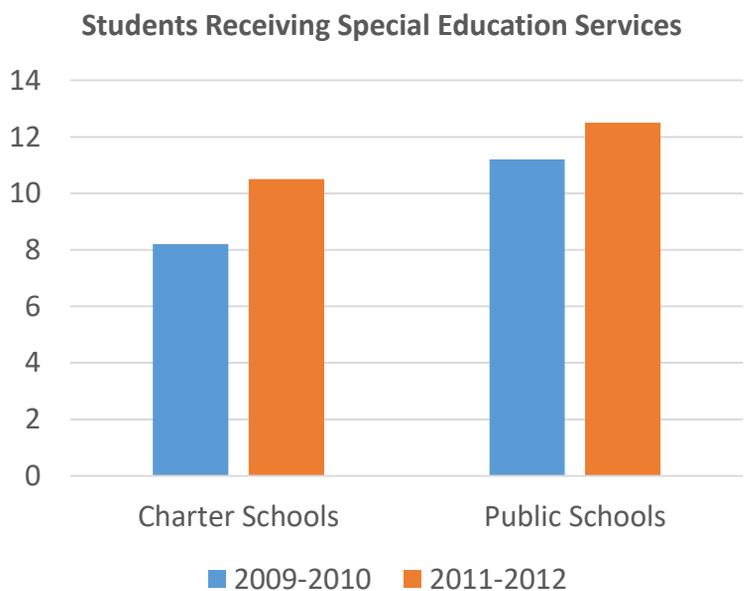
Tracking special education funds in schools is complicated and even more so in charter schools that have “no link” with a LEA (Rhim, O’Neil, Ruck, Huber, & Tuchman, 2015). Special education funding in charter schools varies by state and by the relationship of the charter school with the district. It is an area of scarce research. In general, charter schools receive funds through state-per-pupil allocations, federal categorical programs (e.g., IDEA and Medicaid), and local funds through property taxes (Rhim et al., 2015).

There are no federal mandates describing how to fund special education in charter schools.

Funding formulas for special education in charter schools vary across states and it is dependent on how states fund public schools in general (Rhim et al., 2015).

# Special Education Enrollment Patterns

Since their inception, charter schools have enrolled lower proportions of students receiving special education services (SRSES) than Traditional Public Schools (TPS), though this gap may be shrinking. In the 2009-10, 8.2% of students in charter schools received special education as compared to 11.2% in TPS. This represented a 3% gap. By the 2011-12 school year, this gap had decreased to 2%. (10.5% and 12.5%, charter and TPS respectively; GAO, 2012; Rhim, Gumz, & Henderson, 2015).



These enrollment disparities are more acute for students with more severe dis/abilities (Garcy, 2011; Waitoller et al., 2017).

Enrollment gaps vary across states and cities. For instance, while the Pennsylvania special education enrollment gap between charter and TPS was .12, in Oklahoma it was 6.5 (Rhim, Gumz et al., 2015). These enrollment gaps also vary across grade levels (Waitoller et al., 2017).

Emerging explanations for this gap include:

- Students with dis/abilities are less likely to apply to charter schools in key entry grades, such as kindergarten and 6<sup>th</sup> grades;
- Neighborhood schools are more likely to identify students for special education services (Setren, 2015; Winters, 2015);
- Charter schools are more likely to exit students from special education (Setren, 2015; Winters, 2015); and
- State reimbursement for special education cost and age of the charter school influences their enrollment of SRSES (Arsen & Ray, 2004).

In some urban centers like Chicago, charter schools' special education enrollment has higher proportions of Black students than TPS. While Black students account for 42% of special education enrollment in Chicago TPS, they account for 63% of the special education enrollment in Chicago charter schools (Waitoller, Trzaska, Radinsky, 2015). This enrollment pattern reflects general enrollment patterns of Chicago charter schools noted above.

One study examining racial disproportionality of charter schools in the state of California (Fierros & Blumberg, 2005) found that Black students were overrepresented in the specific learning dis/ability category and emotional disturbance, mirroring disproportionality trends found in TPS.

## Access to the Least Restrictive Environment

SRSES in charter schools are more likely to be included in the general education classroom than their peers in neighborhood schools (GAO, 2012; Rhim et al, 2015, Winters, 2011). Eighty four percent of SRSES in charter schools spend at least 80% of the day in the general education classroom compared to 67% of their peers in TPS (Rhim et al., 2015b). This fact is true in each dis/ability category (GAO, 2012). This may be explained by the fact that charter schools tend to enroll high percentages of SRSES who are more likely to be included in the general education classroom (Wilkins, 2011), even in each dis/ability category.

On the one hand, these higher rates of inclusion could mean that Black and Latinx SRSES spend more time in the general education classroom, mitigating their historical disproportional representation in segregated educational settings. On the other hand, they could mean that charter schools do not have specialized services and therefore Black and Latinx students with dis/abilities do not receive the services to meet their individual needs.

## Academic Achievement

There is very limited research examining the academic achievement of SRSES in charter schools. This limited, yet emerging, research indicates that SRSES perform better academically in charter schools than in TPS (CREDO, 2015; Setren, 2015). However, these findings need to be interpreted with caution due to the lack of dis/ability-category-specific comparisons. This is important considering that charter schools enroll higher proportions of students with less severe dis/abilities. These studies' methodologies have also faced criticism (Maul, 2015; Mead & Weber, 2016)

## Steering Away Practices

Since the inception of charter schools, researchers have documented “steering away mechanisms” (Estes, 2004; Ramanathan & Zoller, 1998; Welner & Howe, 2005). These are mechanisms used by charter schools to suggest implicitly or explicitly that parents/caregivers move their children to other schools. Steering away mechanisms enacted by charter schools can include but are not limited to the following: communicating to parents/caregivers that the school does not have the services the child requires, applying repetitive disciplinary measures to students (e.g., suspensions), and not providing the services required in the student's IEP (Estes, 2004; Ramanathan & Zoller, 1998; Welner & Howe, 2005).

## Discipline Referrals in Charter School

Charter schools suspend and expel SRSES at a higher rate than TPS. Losen et al. (2016) found that in the 2011-2012 school year the rate of suspension of SRSES in charter schools was 15.5 % compared to 13.7% in TPS. Rates of expulsion of SRSES in charter schools are higher than in TPS (.55% and .46 respectively; Rhim, Gumz et al., 2015).

## Parents' Reasons for Choosing a Charter School

Parents of SRSES often chose a charter school due to the school's small class size, their perceptions of special education services in the charter school, to avoid identification for special education, to avoid segregation, safety reasons, and the perception of higher academic standards (Lange & Lehr, 2000; Rhim & McLaughlin, 2007; Waitoller & Super, 2017).

Black and Latinx parents/caregivers of students with dis/abilities also select charter schools due to their poor experiences in neighborhood schools, issues of safety, and charter schools' reputation of disciplinary and academic rigor (Waitoller & Super, 2017). These reasons vary according to where Black and Latinx parents live and are associated with a history of uneven geographical development in urban centers in which some neighborhoods and their schools have received more investment than others. This has led to a disfavoring Black and Latinx low-income communities (Waitoller & Super, 2017).

## Research on Successful Charter Schools Serving SRSES

There is limited research examining factors that contribute to charter schools' capacity to serve SRSES. This research tends to be published by "think tanks" as opposed to peer reviewed journals (e.g., California Charter Schools Association, 2016), with some exceptions (e.g., Downing, Spencer, & Cavallaro, 2004; Drame & Frattura, 2011).

The factors identified in this research are not different from those factors identified in the United States and international literature that contribute to building *any* successful inclusive school (Ainscow, 2015; Kozleski & Thorius, 2014; Loreman et al, 2014). These common factors include the implementation of practitioner-researcher inquiry projects, a school culture of inclusion and continuous improvement, strong partnerships with families, ongoing professional learning, and strong leadership committed to including all students.

## Conclusion

This fact sheet contributes to the MAP Equity Assistance Center's Mission of promoting equitable learning opportunities for all students. By summarizing the research on special education services in charter schools, the goal is to generate substantive discussion about how charter school policy affect Black and Latinx SRSES. Though there is an emerging body of research examining special education services in charter schools, just a few of these studies attend to students' race. This is concerning considering that students of color receiving special education services and their families have experienced numerous forms of inequities. These inequities include but are not limited to their disproportional identification for special education services and placement in segregated educational settings, as well as their exclusion from decision-making during IEP meetings (Harry & Klingner, 2014; Skiba, Artiles, Kozleski, Losen, & Harry, 2016). Further research is needed to understand the role of charter schools in addressing, mitigating, or reproducing existing inequities for students of color in special education.



Dr. Waitoller is an associate professor at the department of special education at the University of Illinois at Chicago. His research focuses on urban inclusive education. In particular, his work examines and addresses policies and practices that generate or reproduce inequities for students of color with disabilities. Dr. Waitoller is also interested in examining how these inequities are affected by the production of space in urban economies and the role of teacher learning and school/university partnerships in developing capacity for inclusive education. You can follow his work at Follow Dr. Waitoller's work in [Twitter](#), [Academia.edu](#), and [ResearchGate](#).



## About the Midwest & Plains Equity Assistance Center

The mission of the Midwest & Plains Equity Assistance Center is to ensure equity in student access to and participation in high quality, research-based education by expanding states' and school systems' capacity to provide robust, effective opportunities to learn for all students, regardless of and responsive to race, sex, and national origin, and to reduce disparities in educational outcomes among and between groups. The Equity by Design briefs series is intended to provide vital background information and action steps to support educators and other equity advocates as they work to create positive educational environments for all children. For more information, visit [www.greatlakesequity.org](http://www.greatlakesequity.org).

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## Disclaimer

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