

A Secondary Analysis of the Civil Rights Data Collection to Inform Policy and Practice

Key Findings and Guiding Questions that Examine the Experiences of Students with Disabilities in Charter and Traditional Public Schools



Education of Students with Disabilities in Charter and Traditional Public Schools by Educational Setting

TECHNICAL BRIEF 3



Introduction

The Center for Learner Equity (CLE) is committed to ensuring that students with disabilities, particularly those in under-resourced communities, have the quality educational opportunities and choices they need to thrive and learn. We accomplish this through research, advocacy, coalition formation, and capacity building with national, state, and local partners, and recognize that successful advocacy, coalition formation, and capacity building is built on establishing and communicating the facts about educating students with disabilities in public schools.

The U.S. Civil Rights Data Collection (CRDC), maintained and released biennially by the U.S. Department of Education Office for Civil Rights (OCR) since 1968, publishes data on leading civil rights indicators related to access and barriers to education opportunities from early childhood to grade 12. The purpose of this project is to identify similarities and differences in the student populations and student experiences in public charter and traditional public schools to ensure that advocacy is designed to enable success for students with disabilities without regard to educational setting and placement. This analysis has taken on additional relevance in light of the disruption to education caused by the COVID-19 pandemic.

This technical brief is part of an ongoing series CLE launched in 2015 that examines the enrollment and experiences of students with disabilities in different school settings. Using the 2017–2018 Civil Rights Data Collection (CRDC) data released earlier this year, this brief focuses on the number and percentages of students with disabilities educated in charter and traditional public schools according to their placement, that is, the extent to which they are educated in the general education classroom with their peers.¹

Nationally, the identification of students with disabilities eligible to receive special education and related services has increased over time.² Simultaneously, enrollment in charter schools has also increased.³ In light of the disruptions caused by the COVID-19 pandemic and potentially greater increases in charter school enrollment, it remains important to track the degree to which students with disabilities are accessing charter schools and to understand the characteristics of students and their experiences prior to the pandemic to examine shifts as schools focus on recovery.



¹ For a more detailed discussion of the methodology for analysis, please see www.centerforlearnerequity.org/news/crdc17-18/.

² National Center for Education Statistics (n.d.) <https://nces.ed.gov/programs/coe/indicator/cgg;>
https://nces.ed.gov/programs/raceindicators/indicator_RBD.asp

³ National Alliance for Public Charter Schools. (2021, July).
<https://data.publiccharters.org/digest/charter-school-data-digest/how-many-charter-schools-and-students-are-there/>



Key Takeaways

- A larger percentage of charter school students with disabilities spend **more than 80% of the day** in regular class compared to traditional public school students, but the difference is decreasing due to charter schools educating fewer students in the general education classroom 80% or more of their day in 2017–18 than in prior years.
- Only four states saw larger proportions of charter school students with disabilities spending less than 40% of the day in regular class compared to traditional public school students (i.e., Maryland, Ohio, Oklahoma, and Virginia).
- The proportion of students spending **the school day in a separate setting** in both traditional public and charter schools was less than 3% and has not changed significantly in either school type over the past four editions of the CRDC.
- Charters that operate as their own local education agency (LEA or school district) reported educating a slightly larger proportion of students with disabilities less than 40% of the day in a regular class on average, whereas charters that operate as part of an LEA reported educating a slightly larger proportion of students with disabilities in “other” class settings.
- A larger proportion of traditional public school students overall and students with disabilities, in particular, participated in gifted and talented education compared to charter school students.
- The percentages of students with disabilities participating in gifted and talented education have not changed substantially over time.

Key Questions for Policymakers and Researchers

- What factors are contributing to a greater proportion of students with disabilities in both sectors spending less time in the general education classroom?
- Are charter schools educating a larger proportion of their students with disabilities in general education classrooms, or are they enrolling more of the students with disabilities who are generally educated in the general education classroom?
- Is there a correlation between enrollment by disability type and enrollment by educational setting in either charter or traditional public schools?
- What if any state policies foster or undermine efforts to educate more students with disabilities a greater proportion of the school day in the general education classroom?
- What factors lead to charter schools that operate as their own LEA enrolling more students who are educated a greater portion of the day outside of the general education classroom?
- Is there any correlation between decisions related to placements and state special education funding formulas?
- To what degree could benchmarking and peer review address the huge variances seen between identification and placement decisions, with the goal of ensuring that students have the maximum opportunity to be educated in the general education classroom?
- What steps can states, districts, and individual schools take to increase the proportion of students with disabilities who can access and succeed in gifted and talented programs?
- What factors foster or hinder charter schools offering gifted and talented programs?

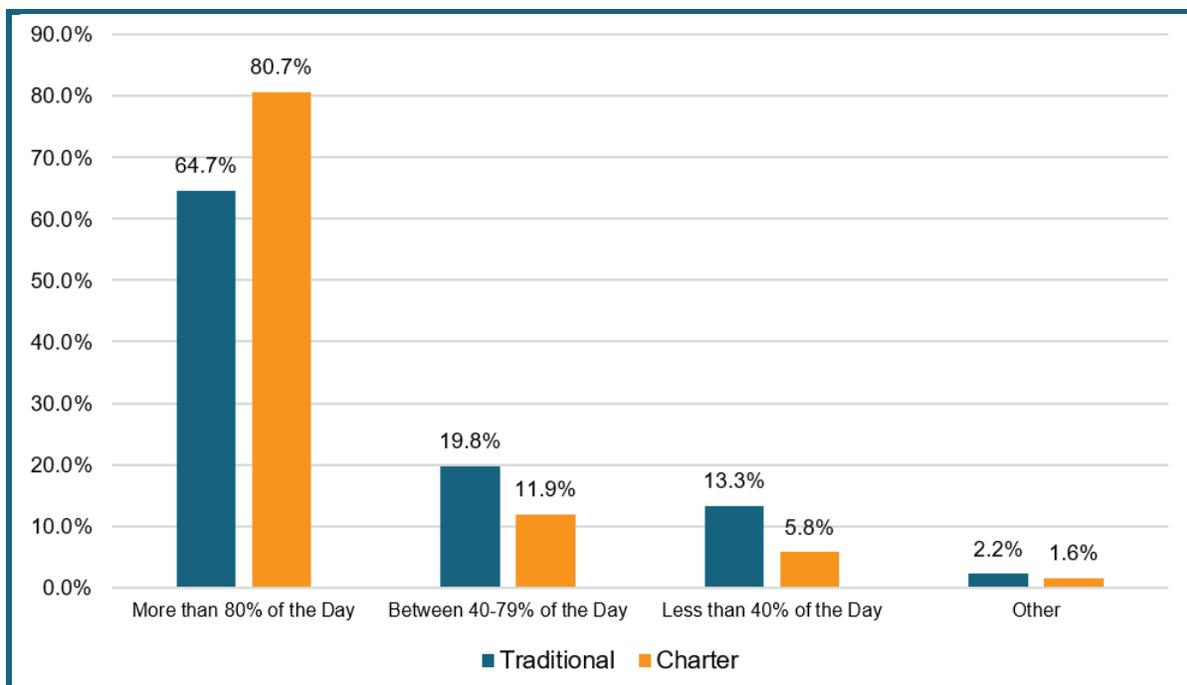


>> Placement of Students with Disabilities

Differences and, conversely, similarities in the extent to which students with disabilities are educated in the general education classroom in both traditional and charter public schools provide insight into students' experiences in the two sectors. The general education classroom—referred to in the CRDC as “regular class”—is the presumptive placement, in line with federal statute, as it is the civil right of students with disabilities to be educated in the least restrictive environment (LRE) to provide the greatest access to the general education curriculum.

Figure 1 details the percent of students with disabilities in charter and traditional public schools based on the amount of time they spend in a “regular class” or general education setting.⁴ A notably larger percentage of charter school students with disabilities spend more than 80% of the day in regular class compared to traditional public school students, but the percentage has decreased since 2015–2016. Conversely, a smaller percentage of charter school students with disabilities spend less than 79% of the day in the regular class compared to traditional public school students. It should be noted that there are important reasons why differences in general education class time exist, but they stem from an assessment of where the student can access the most appropriate supports to be successful. Absent student-level data regarding how students of similar needs are experiencing the general education classroom and the respective supports, accommodations, and modifications they require, it is difficult to determine the precise reasons why these differences between school types exist.

Figure 1: Proportion of Students with Disabilities by Regular Class Time and School Type

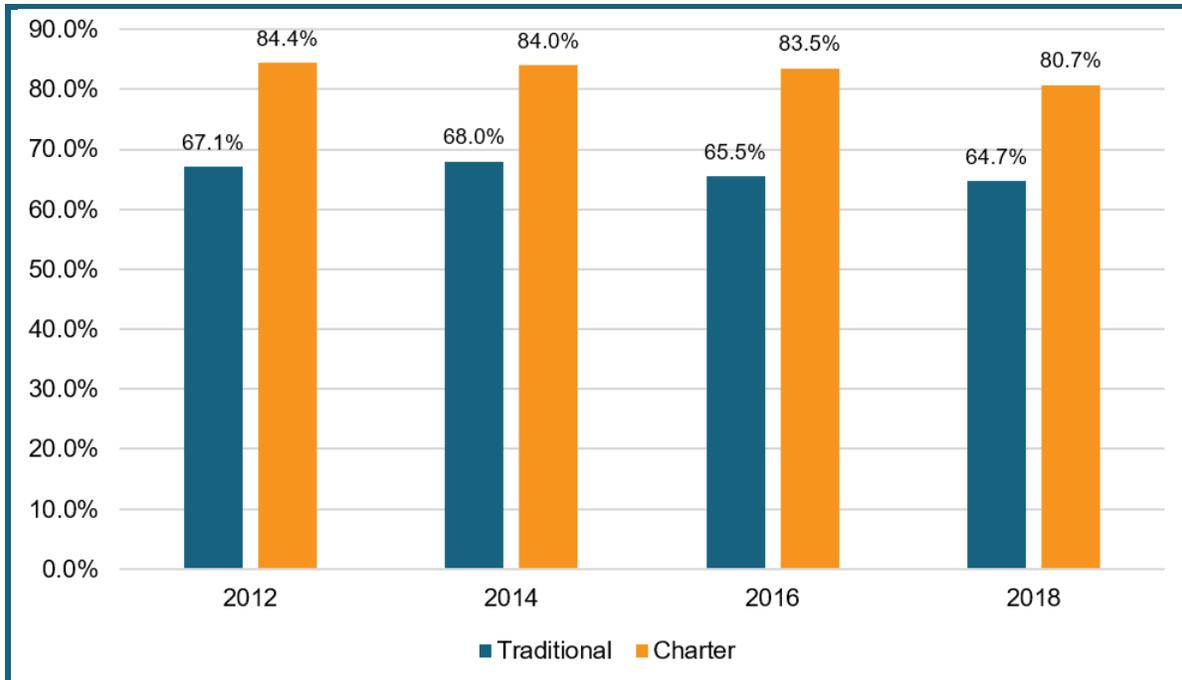


⁴ The “other” category was created for the purposes of this analysis and contains students placed in correctional facilities, homebound/hospital placements, parental placements in private schools, residential facility placements, and separate school placements according to EdFacts documentation.



The trend of differences in the percentage of the day students with disabilities spend in the general education classroom between school types persists across historical versions of the CRDC. Figure 2 shows the percent of students with disabilities spending more than 80% of their day in the general education classroom by school type per year. While the gap calculated between these school types has decreased over time, it is important to note that a smaller proportion of students in both school types are spending more than 80% of their day in the general education classroom in the most recent iteration of the CRDC.

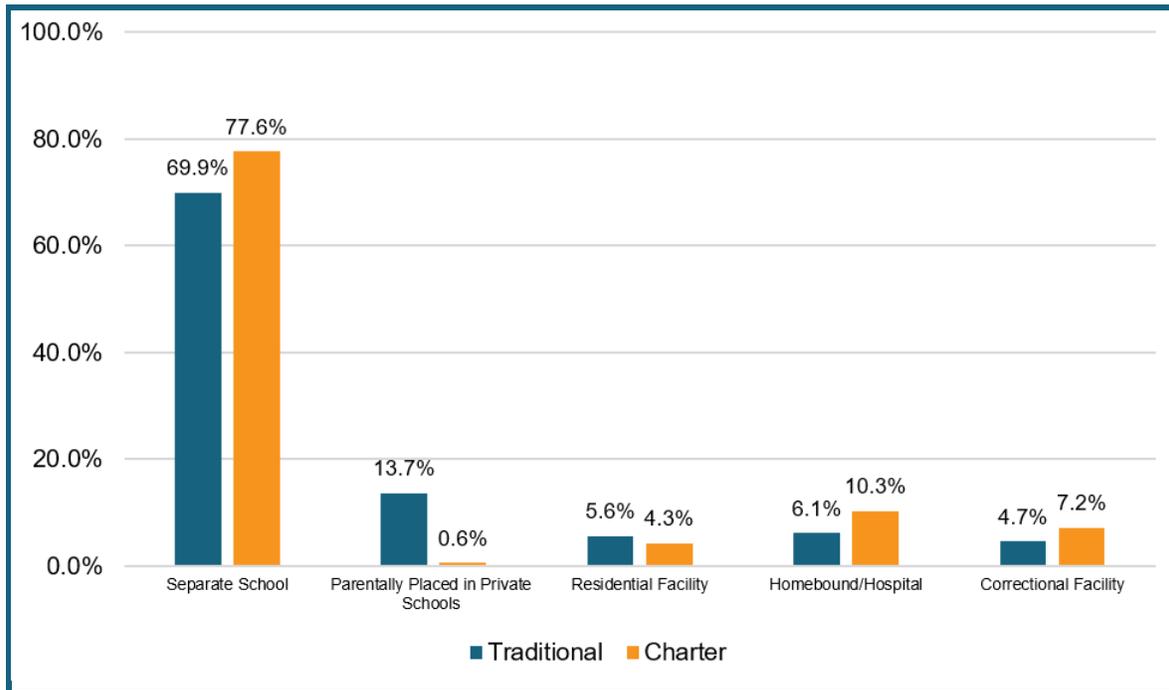
Figure 2: Proportion of Students with Disabilities Spending > 80% of the Day in General Education by School Type



>> Separate Settings

The “other” category is an aggregation of education environments created for the purposes of this analysis and contains students placed in correctional facilities, homebound/hospital placements, parental placements in private schools, residential facility placements, and separate school placements (per EdFacts documentation). As seen in Figure 3, the majority of “other” placements are “separate schools.” A notably larger percentage of students with disabilities enrolled in charter schools are placed in “separate” settings than traditional public school students, whereas traditional public schools report notably more students placed in private schools by their parents.

Figure 3: Proportion of Students with Disabilities Classified in Other Categories



>> Differences by Legal Status

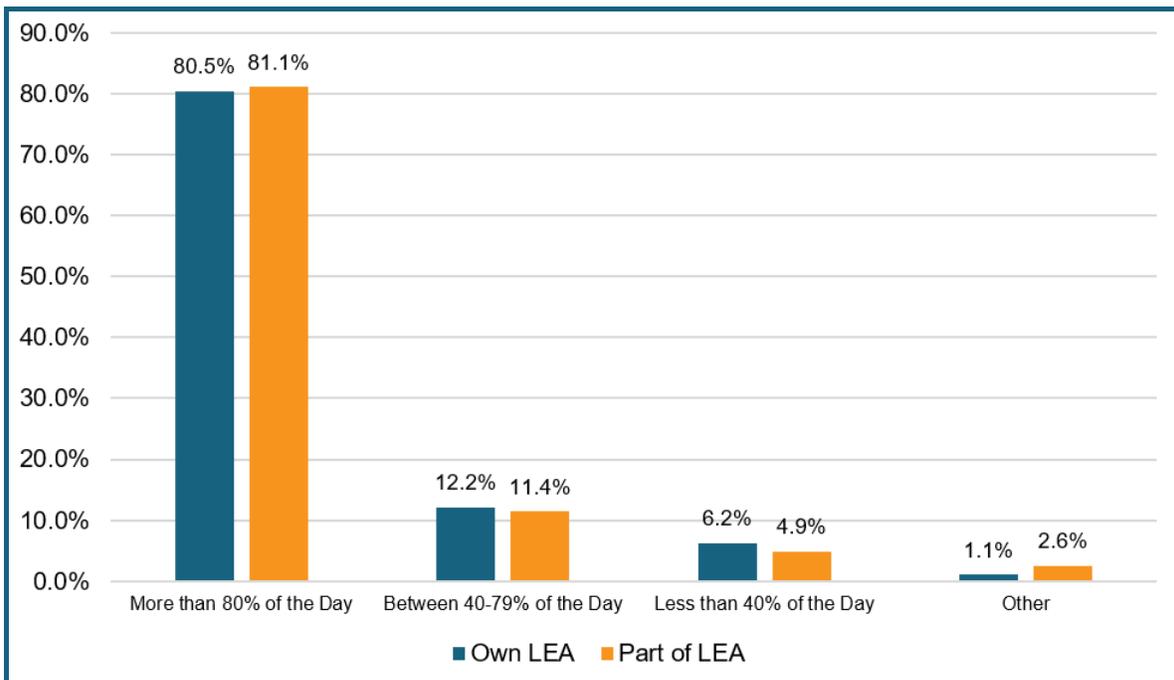
Minor differences in the proportion of students with disabilities by regular class time were also observed between charter schools based on legal status, which is an important part of how charter schools are governed and operated.⁵ Based on state charter governance laws, charters can operate as their own LEA or as part of an LEA for the purposes of special education. Charters operating as their own LEA are typically responsible for the placement of students with disabilities and the provision of services for such students, while charters that are part of an LEA may share the responsibility for identifying placements and providing services with the LEA itself.

⁵ Charter schools were classified as operating as their own LEA or as part of an LEA for the purposes of this analysis, using a combination of historical CRDC analyses, NCES Common Core of Data variables, and manual data review. For more information on how this classification was conducted, please see www.centerforlearnerequity.org/news/crdc17-18/.



Figure 4 below shows the proportion of students with disabilities by regular class time and charter legal status in 2017–2018. As shown in the figure, there is very little variation in the percentages of students with disabilities by regular class time. Charters that operate as their own LEA reported a slightly larger proportion of students with disabilities spending less than 40% of the day in a regular class, whereas charters that operate as part of an LEA reported a slightly larger proportion of students with disabilities spending time in “other” class settings. This seems to suggest that although charters that operate as their own LEA enroll more students with low-incidence disabilities, these charters are also enrolling more students with disabilities in inclusive settings.

Figure 4: Proportion of Students with Disabilities by Regular Class Time and Charter Legal Status



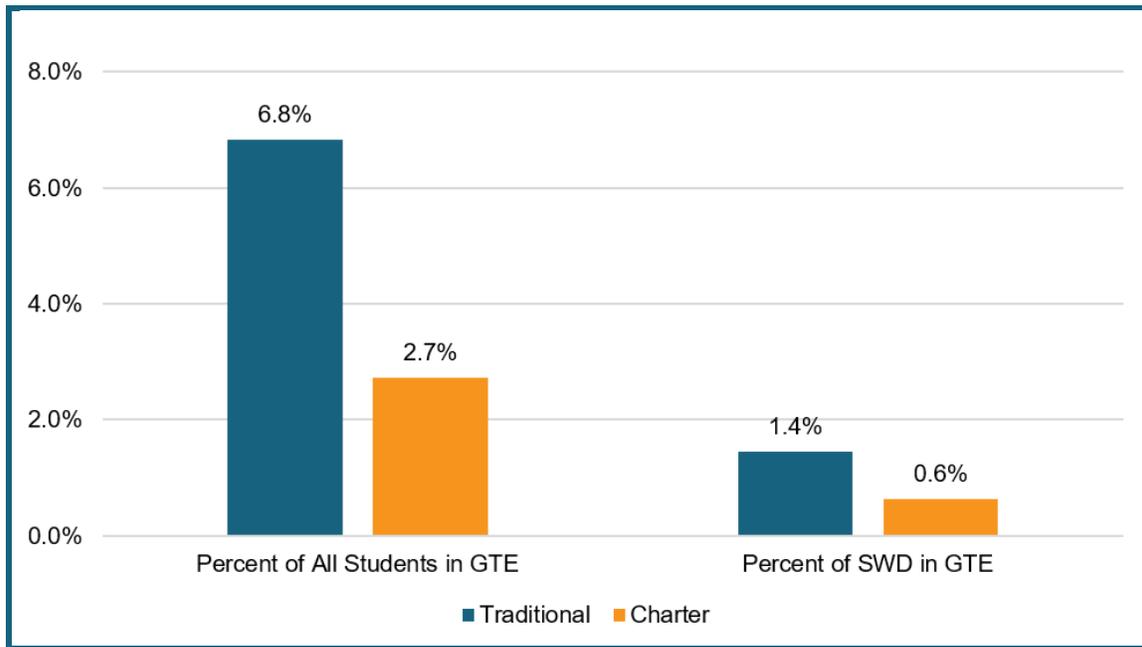
>> Gifted and Talented Education

The CRDC also offers the opportunity to analyze students with disabilities access to and experience with gifted and talented education (GTE) across school types and settings. While students participating in GTE make up a small proportion of students across school types, ensuring that students with disabilities have access to such educational opportunities is an important complement to ensuring that these students are served in the least restrictive environment and have access to the general education curriculum.



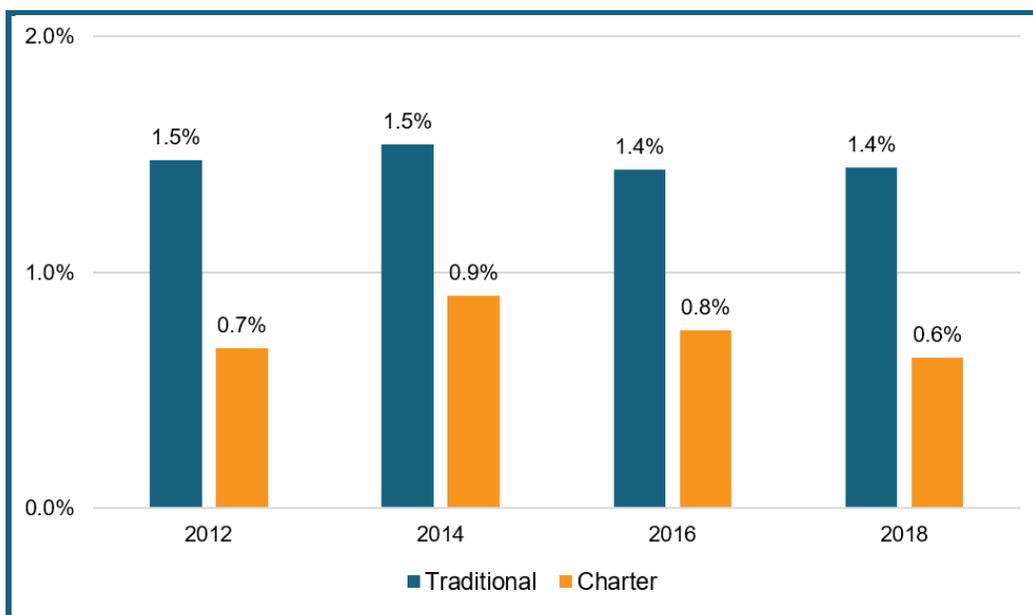
Figure 5 details the percentage of students by school type that participates in GTE. A smaller proportion of students with disabilities, as seen in the most recent iteration of the CRDC, participate in GTE compared to all students. Significant differences also exist between traditional public schools and charter schools, as a smaller proportion of all charter school students and charter students with disabilities participate in GTE compared to their traditional public school peers.

Figure 5: Proportion of Students Participating in GTE by School Type



The proportion of students with disabilities participating in GTE has not significantly changed over time when analyzing the last four editions of the CRDC (2012–18). Figure 6 details this data for traditional public schools and charter schools. The percentage of students with disabilities in traditional public schools participating in GTE hovers around 1.5%, with a similar proportion for charter schools between .5% and 1%.

Figure 6: Proportion of Students with Disabilities Participating in GTE by School Type





>> Differences in Student Settings by State

State-level differences in how students experience the general education classroom are largely consistent with national trends. Figure 7 details the proportion of students per state per school type spending different amounts of the day in the general education classroom. Forty of the 42 states where data were fully available reported larger percentages of charter school students with disabilities spending more than 80% of the day in regular class compared to traditional public school students.⁶ This figure for charter schools was larger than the national proportion in 38 states.

- Hawaii, New Mexico, and Washington had the greatest differences in the proportion of students spending greater than 80% of the day in regular class between charter schools and traditional public schools. In each of these states, the proportion of charter school students spending more than 80% of the day in regular class exceeded the proportion of traditional public school students
- Mississippi was the only state where the proportion of traditional public school students spending greater than 80% of the day in regular class significantly exceeded the proportion of charter schools.
- The proportion of charter school students with disabilities spending 40% of the day or less in regular class ranged from 0% (Wyoming) to 18.4% (Virginia), while for traditional public schools this proportion ranged from 4.2% (Connecticut) to 20.8% (California).
- Four states reported larger proportions of charter school students with disabilities spending less than 40% of the day in regular class compared to traditional public school students (i.e., Maryland, Ohio, Oklahoma, and Virginia)
- The proportion of charter school students with disabilities spending no part of the day in regular class (classified as “other”) ranged from 0% (17 states) to 7.2% (Florida), while for traditional public schools this proportion ranged from .2% (Connecticut) to 7.7% (Ohio).

⁶ Kentucky, Montana, North Dakota, Nebraska, South Dakota, Vermont, and West Virginia did not have operating charter schools in the 2017–18 CRDC.



Figure 7: Proportion of Students with Disabilities by Setting by State by School Type⁷

State	Traditional	Charter	Traditional	Charter	Traditional	Charter	Traditional	Charter
	Percent of Students Spending > 80% of time in RegEd	Percent of Students Spending > 80% of time in RegEd	Percent of Students Spending 40-79% of time in RegEd	Percent of Students Spending 40-79% of time in RegEd	Percent of Students Spending < 40% of time in RegEd	Percent of Students Spending < 40% of time in RegEd	Other	Other
Alabama	84.3%	92.3%	6.3%	3.1%	7.3%	4.6%	2.1%	0.0%
Alaska	64.2%	81.6%	24.4%	16.6%	9.2%	1.8%	2.2%	0.0%
Arizona	64.4%	88.1%	18.4%	8.6%	16.4%	3.0%	0.8%	0.3%
Arkansas	52.9%	63.7%	30.8%	26.9%	13.4%	7.8%	2.8%	1.6%
California	55.9%	74.2%	22.2%	16.7%	20.8%	8.7%	1.1%	0.4%
Colorado	74.5%	91.7%	17.9%	5.7%	6.6%	1.6%	1.0%	0.9%
Connecticut	76.0%	88.1%	19.6%	11.0%	4.2%	0.9%	0.2%	0.0%
Delaware	65.3%	85.6%	14.6%	12.3%	16.2%	1.7%	4.0%	0.4%
District of Columbia	59.8%	62.1%	18.8%	20.9%	20.5%	12.0%	0.9%	5.0%
Florida	75.1%	85.2%	8.1%	3.1%	14.4%	4.5%	2.4%	7.2%
Georgia	63.5%	79.4%	18.9%	12.5%	15.5%	7.9%	2.1%	0.2%
Hawaii	38.9%	73.8%	40.0%	19.1%	19.7%	6.9%	1.4%	0.2%
Idaho	60.8%	87.4%	28.1%	10.5%	9.8%	2.1%	1.3%	0.0%
Illinois	53.0%	66.6%	26.8%	30.0%	13.8%	3.4%	6.5%	0.0%
Indiana	76.7%	88.1%	11.5%	4.0%	9.9%	5.7%	1.8%	2.2%
Iowa	70.9%	83.3%	19.7%	13.9%	7.9%	2.8%	1.6%	0.0%
Kansas	69.3%	97.8%	20.8%	1.3%	7.4%	0.9%	2.4%	0.0%
Kentucky	74.6%	N/A	16.0%	N/A	8.4%	N/A	1.0%	N/A
Louisiana	59.4%	74.0%	24.0%	15.5%	15.3%	9.6%	1.3%	0.9%
Maine	56.2%	85.3%	30.1%	12.7%	10.6%	1.1%	3.1%	0.9%

⁷ Kentucky, Montana, North Dakota, Nebraska, South Dakota, Vermont, and West Virginia did not report charter schools in the 2017–18 CRDC. New York and North Carolina did not report the number of students by regular class time for charter schools in this iteration of the CRDC.

State	Traditional Percent of Students Spending > 80% of time in RegEd	Charter Percent of Students Spending > 80% of time in RegEd	Traditional Percent of Students Spending 40-79% of time in RegEd	Charter Percent of Students Spending 40-79% of time in RegEd	Traditional Percent of Students Spending < 40% of time in RegEd	Charter Percent of Students Spending < 40% of time in RegEd	Traditional Other	Charter Other
Maryland	74.8%	76.2%	10.2%	10.0%	12.8%	13.6%	2.2%	0.1%
Massachusetts	68.2%	85.2%	16.4%	11.1%	14.3%	3.7%	1.1%	0.0%
Michigan	67.3%	91.3%	16.2%	5.6%	11.6%	1.4%	5.0%	1.7%
Minnesota	61.0%	72.0%	23.6%	20.5%	10.3%	5.4%	5.1%	2.1%
Mississippi	67.2%	38.7%	18.1%	56.0%	14.2%	5.3%	0.5%	0.0%
Missouri	56.7%	83.9%	28.9%	12.3%	8.6%	2.0%	5.7%	1.9%
Montana	49.6%	N/A	37.1%	N/A	11.4%	N/A	1.9%	N/A
Nebraska	80.5%	N/A	10.6%	N/A	6.5%	N/A	2.3%	N/A
Nevada	60.2%	90.2%	21.7%	8.9%	16.7%	0.9%	1.5%	0.0%
New Hampshire	73.3%	84.3%	17.1%	12.5%	9.0%	1.6%	0.7%	1.6%
New Jersey	48.9%	77.2%	31.8%	17.1%	16.4%	4.6%	2.8%	1.0%
New Mexico	48.0%	78.9%	32.0%	16.7%	19.5%	4.4%	0.5%	0.0%
New York	63.7%	N/A	20.6%	N/A	14.7%	N/A	1.0%	N/A
North Carolina	66.6%	N/A	17.4%	N/A	14.7%	N/A	1.3%	N/A
North Dakota	75.4%	N/A	17.9%	N/A	6.0%	N/A	0.7%	N/A
Ohio	63.2%	73.2%	17.3%	6.7%	11.9%	16.8%	7.7%	3.2%
Oklahoma	68.1%	75.0%	22.6%	7.4%	9.0%	16.5%	0.4%	1.1%
Oregon	75.6%	93.6%	14.7%	4.5%	9.5%	1.9%	0.2%	0.0%
Pennsylvania	65.0%	73.9%	25.2%	19.5%	9.3%	5.7%	0.5%	0.8%
Rhode Island	75.5%	97.4%	12.1%	1.9%	12.1%	0.6%	0.4%	0.0%
South Carolina	62.4%	83.3%	20.6%	12.1%	16.1%	4.6%	1.0%	0.0%
South Dakota	73.4%	N/A	20.7%	N/A	5.6%	N/A	0.2%	N/A
Tennessee	69.5%	88.8%	16.2%	9.7%	11.8%	1.3%	2.5%	0.2%
Texas	68.6%	84.5%	15.3%	10.2%	15.5%	5.2%	0.6%	0.0%



State	Traditional	Charter	Traditional	Charter	Traditional	Charter	Traditional	Charter
	Percent of Students Spending > 80% of time in RegEd	Percent of Students Spending > 80% of time in RegEd	Percent of Students Spending 40-79% of time in RegEd	Percent of Students Spending 40-79% of time in RegEd	Percent of Students Spending < 40% of time in RegEd	Percent of Students Spending < 40% of time in RegEd	Other	Other
Utah	61.4%	80.0%	25.0%	15.7%	11.2%	4.3%	2.4%	0.0%
Vermont	82.8%	N/A	11.3%	N/A	4.5%	N/A	1.4%	N/A
Virginia	65.1%	59.2%	19.6%	21.4%	10.2%	18.4%	5.1%	1.0%
Washington	56.1%	86.1%	29.6%	9.3%	13.1%	4.6%	1.2%	0.0%
West Virginia	65.9%	N/A	26.0%	N/A	7.6%	N/A	0.4%	N/A
Wisconsin	69.7%	87.9%	20.2%	9.5%	8.9%	2.4%	1.2%	0.2%
Wyoming	68.6%	71.9%	22.8%	24.6%	6.3%	0.0%	2.3%	3.5%



>> Endnotes

The findings shared in this brief are based on the data reported in the 2017–2018 CRDC. The 2017–2018 CRDC collected information from 97,632 schools; however, the findings in this report rely on a data cleaning methodology that selected a sample of schools from the CRDC. The methodology is outlined in an accompanying file and details the decisions made regarding data cleaning, the variables used for each calculation, manual classifications, and how the findings were reported.⁸

>> Acknowledgements

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Our Mission: We are committed to ensuring that students with disabilities, particularly those in under-resourced communities, have the quality educational opportunities and choices they need to thrive and learn. We accomplish this through research, advocacy, coalition formation, and capacity building with national, state, and local partners.

Our Vision: Students with disabilities will have the same opportunities for success as their peers.

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⁸ For more information, please see www.centerforlearnerequity.org/news/crdc17-18/.

