



- Participants are currently in listen-only mode.
- You can communicate with other attendees or the host in the **Chat Box** and seek technical assistance if needed.
- You can type questions about the material presented in the **Chat Box** section.
- Today's webinar may be **recorded and shared**. Please keep this in mind when sharing information and experiences during the webinar.
- We understand this topic will generate many questions. However, due to the limited time we have, we may not get to every question in the Chat Box. If we are unable to answer all questions, we will email a **Q&A document** to share after the webinar is over.

Special Education In Charter Schools:

Policy, Challenges,
Opportunities and the
Impact of COVID-19

Today's Session:

- I. Introductions
- II. The Landscape
- III. Policy, Challenges & Opportunities
 - A. Equitable Access
 - B. FAPE in the LRE
 - C. Behavior & Discipline
- IV. The Impact of COVID-19
- V. Questions



Introductions

Who Am I?

NATIONAL CENTER FOR
SPECIAL EDUCATION
IN CHARTER SCHOOLS



Who Are We?

The National Center for Special Education in Charter Schools (**the Center**) is an independent non-profit organization created to proactively engage stakeholders in ensuring that students with disabilities are able to access and thrive in charter schools.



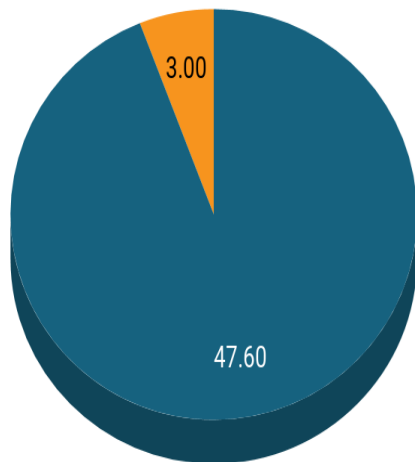
ncsecs.org/covid-19

The Landscape

Public School Student Population (2016)

(In millions)

- Students in Traditional Public Schools
- Charter School Students



Charter School Student Population, 2016

100%

75%

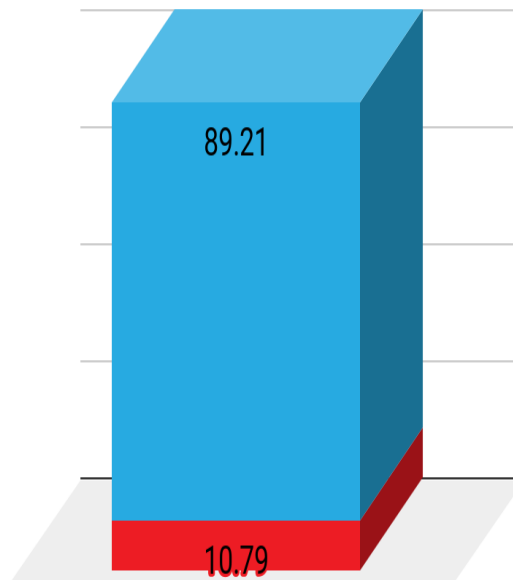
50%

25%

0%

■ Percentage of Students Without Disabilities

■ Percentage of Students With Disabilities



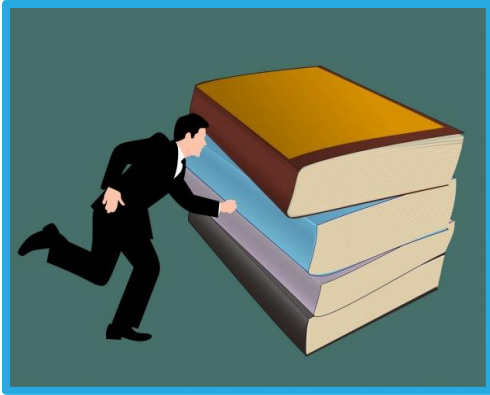
2015-16

*Over 300,000 students
with disabilities have
chosen to enroll in
charter schools across
the country, and those
numbers grow daily.*



Policy, Challenges, & Opportunities

The Policy on Equitable Access



Federal Law: [IDEA 2014 (20 U.S.C. §1400 et.seq.)]
Requirement that all public schools provide special education to students aged 3-21 who meet the legal criteria applies to charter schools. ***Charter schools cannot exclude students based on disability.***

State Law: Charter school legal status is defined in state law. They fall into 3 categories: LEA, part of LEA, or a hybrid. ***LEA status impacts access.***

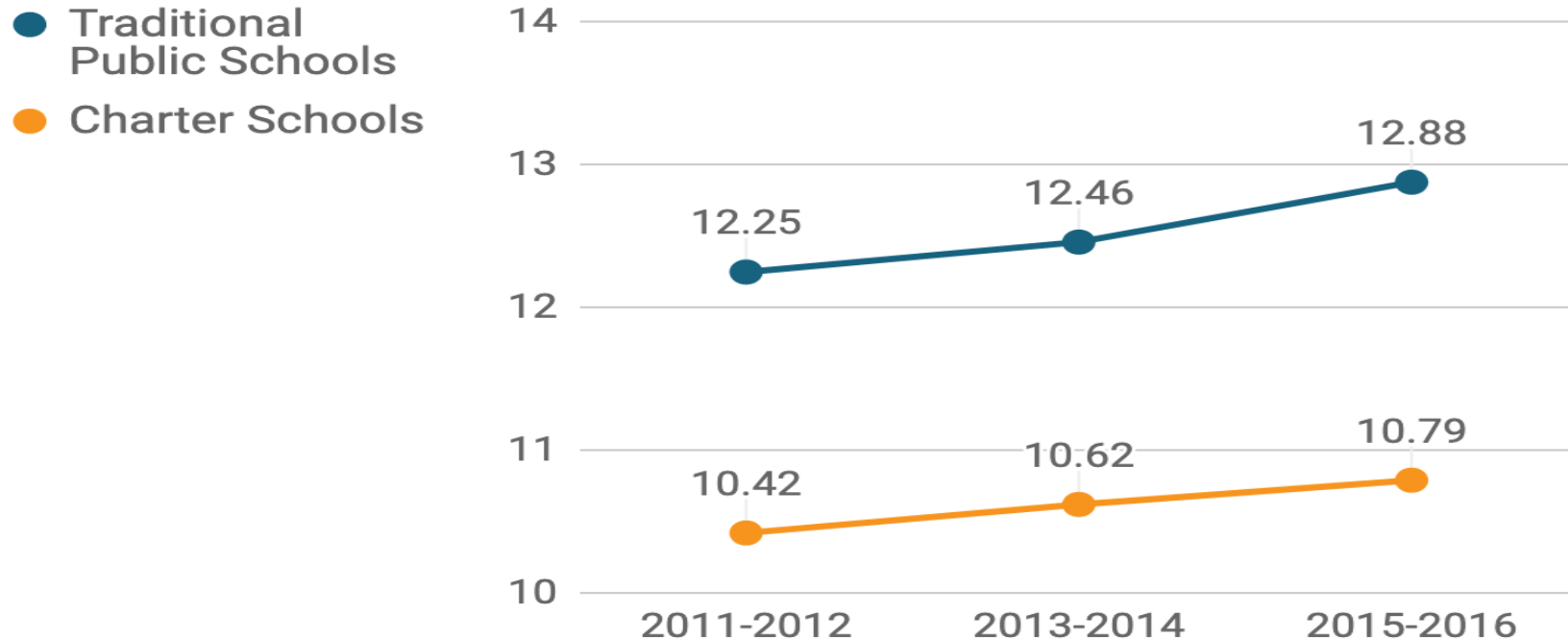
Equitable Access: The Challenge

- Students with disabilities do not access charter schools at the same rate that they access traditional district schools
 - Enrollment access
 - Access for students with significant needs
- Legal status of charter schools impacts access.
- Funding challenges often serve as a significant barrier to access.



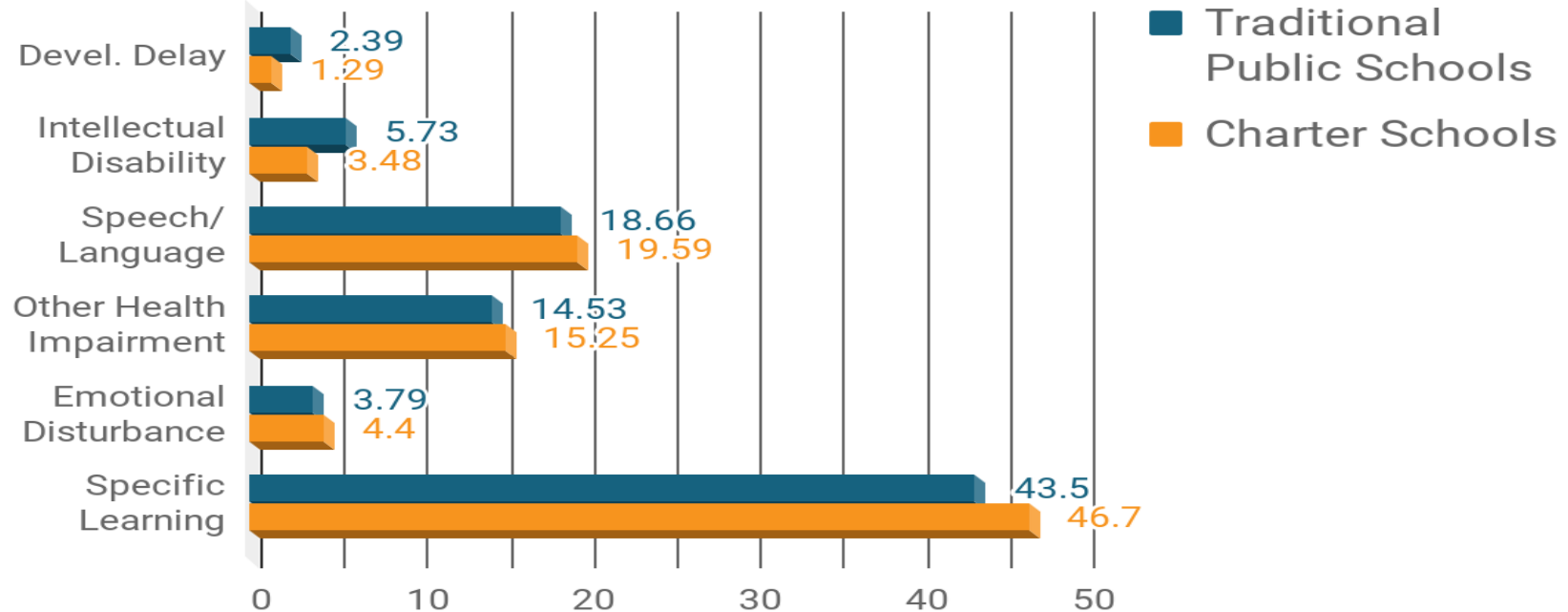
The Enrollment Gap Remains and Has Grown Slightly.

Percentage of Students With Disabilities Nationally



Enrollment Gaps by Disability Category

Percentage of Students by Disability Category (2015-2016)



Equitable Access: The Opportunity

Positive Steps:

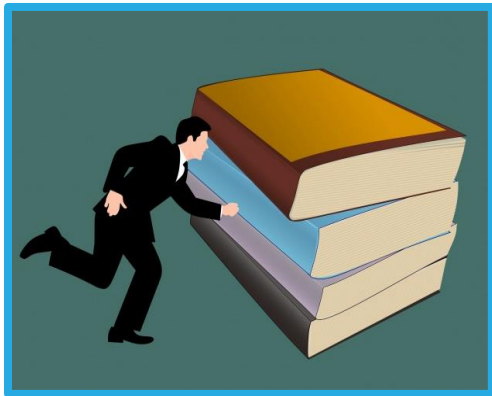
- There is attention on the enrollment gaps
- Gaps for some disability categories have narrowed as enrollment has grown

Ways to Move Forward:

- Parent education & empowerment
- Greater data transparency
- Charter authorizer oversight
- Policy “fixes” (weighted lotteries, financial)



The Policy on FAPE in the LRE



Charter schools, whether they serve as their own LEAs or fall under district or state level LEAs, are **required by federal and state law to ensure that all eligible students with disabilities receive a *free, appropriate public education* and that, to the maximum extent appropriate, that education occurs in the *general education setting*.**

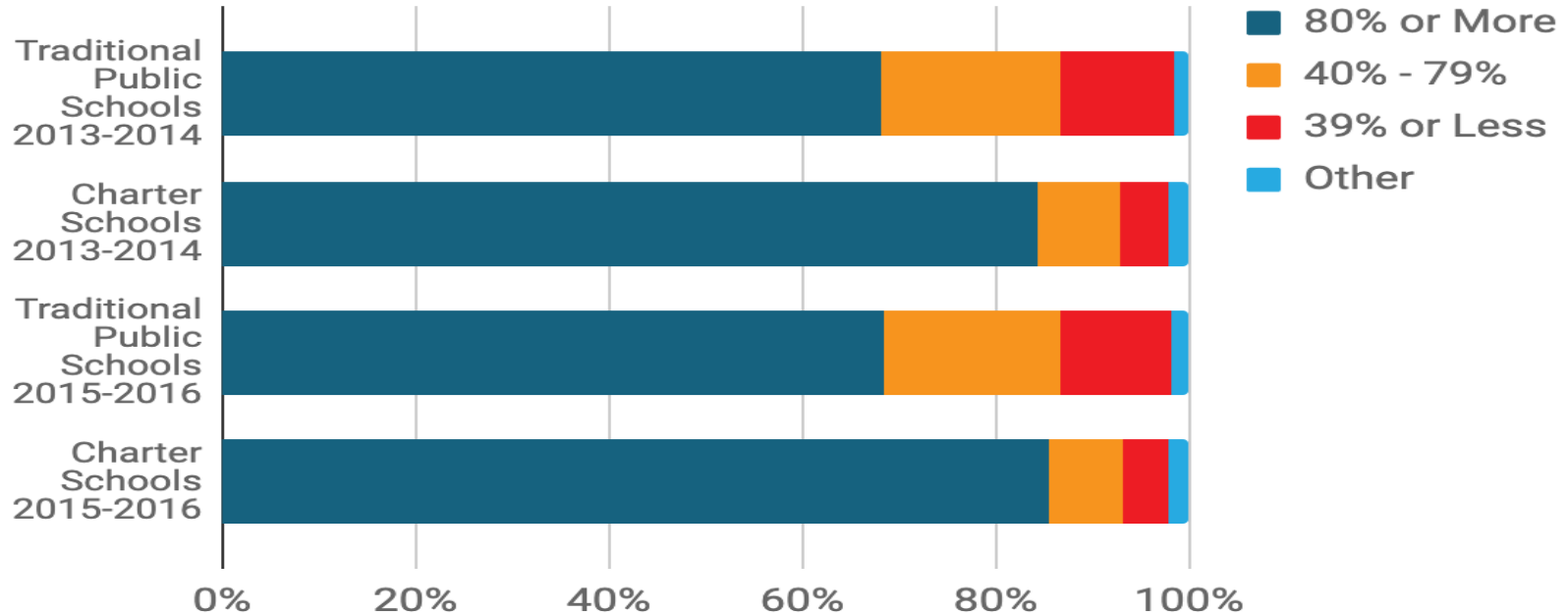
FAPE in the LRE: The Challenge

- Inaccurate/incomplete data on educational placement by disability category
- Charter schools struggle to educate higher needs students in the general education environment but also often have no self-contained classes
- Inadequate data exists to establish quality of instruction regardless of placement



On Average, Charter Schools Serve A Higher Percentage of Students In General Education

Percentage of Students in General Education by Percent of Time



FAPE in the LRE: The Opportunity

Positive Steps:

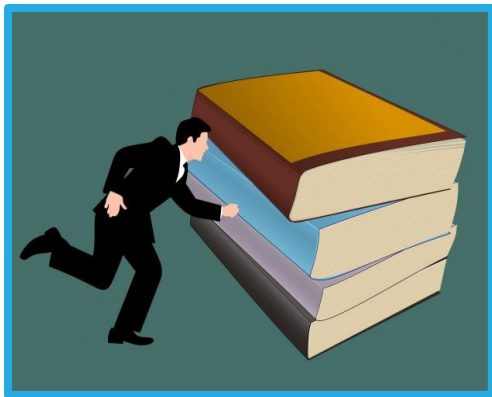
- Charters tend to default to general education setting
- Expertise is growing with enrollment
- School leader training pipelines showing interest in special education training

Ways to Move Forward:

- Parent education & empowerment
- Greater data transparency
- More training of leaders & teachers



The Policy on Behavior & Discipline



Suspension & Expulsion: Federal law (IDEA) prohibiting long term suspension of students with disabilities or students suspected of having disabilities, which are considered a “change of placement” for purposes of federal law, without following very specific procedures **applies to charter schools.**

Restraint & Seclusion: There is no federal law on restraint & seclusion, but ***charter schools are held to the same state/local laws and policies as traditional district schools.***

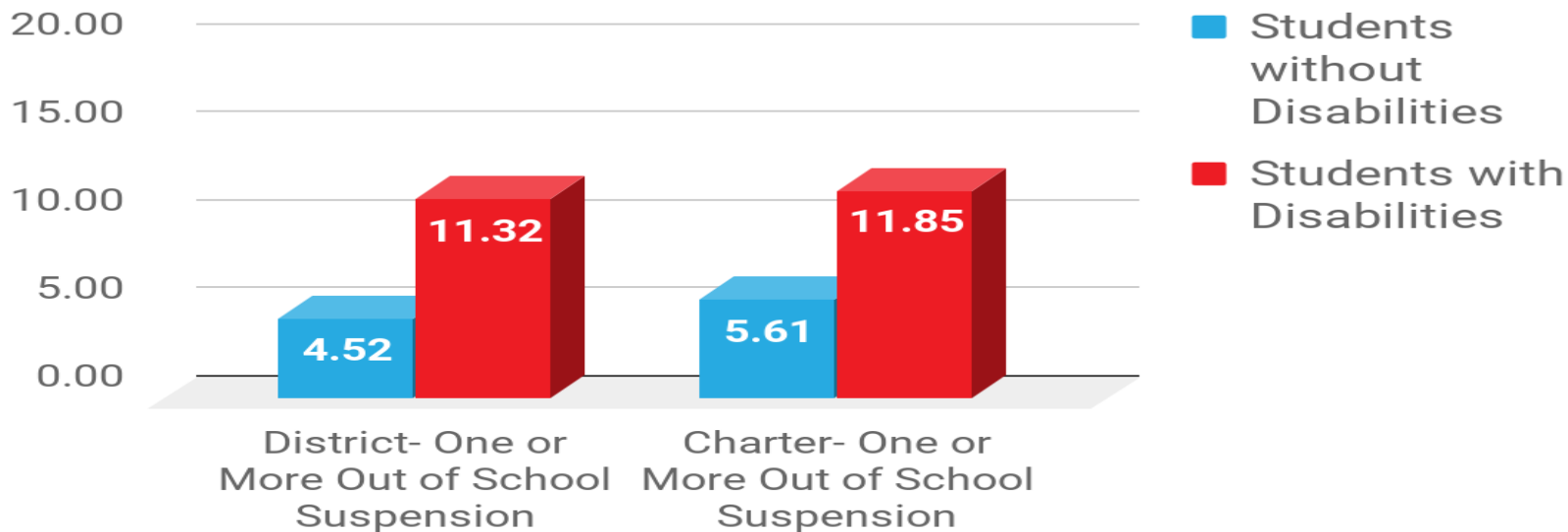
Behavior & Discipline: The Challenge

- Significant disproportionality in both district & charter schools
- Lack of knowledge/compliance with state and federal law
- Lack of data transparency
- Oversight gaps in area of discipline
- No federal law on restraint/seclusion



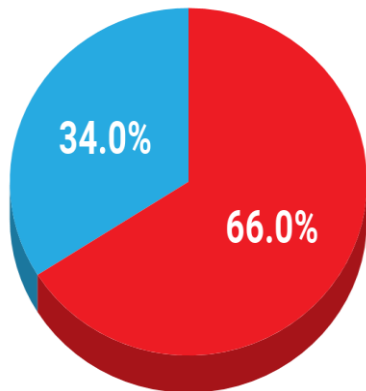
Out of School Suspension Rates- National

Nationally, Students With Disabilities Are Suspended More than Twice as Frequently as Students Without Disabilities.



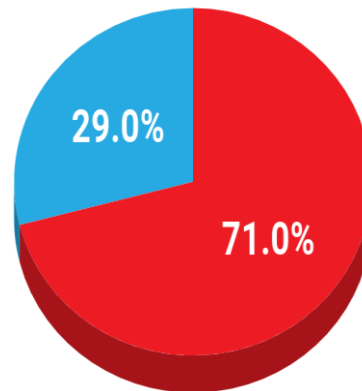
The Vast Majority of Students Secluded and Restrained Have Disabilities.

Students Secluded Nationally (2015-2016)



● Students with Disabilities ● Students without Disabilities

Students Restrained Nationally (2015-2016)



● Students with Disabilities ● Students without Disabilities

Behavior & Discipline: The Opportunity

Positive Steps:

- School climate issues gaining attention
- CRDC and other reporting data draws attention to the issues

Ways to Move Forward:

- Parent education & empowerment
- Greater data transparency
- Heighten charter authorizer oversight
- Federal legislative action



The Impact of COVID-19

Major Takeaways

- Legal status has impacted decision-making
- Many charters pivoted quickly to prepare for online learning
- Relationships with families were driving force
- Flexibility/autonomy has allowed schools to be creativity
 - Meeting students in open air settings
 - Opening buildings earlier and/or for subsets of students
- Online charter schools, which have historically performed poorly, have seen huge enrollment increased
- Reasons to be concerned- in both charters and traditional schools- about the discipline crisis deepening

Addressing the Discipline Crisis

- Disproportionate discipline of students with disabilities already at crisis level before COVID
- Anecdotal evidence of harsh discipline during online learning
- Concerns about deepening discipline crisis upon re-entry
- Collaboration with NCLD on white paper to address the issue

Disproportionate Discipline and COVID-19: A Call for Change

Wendy Tucker and Meghan Whittaker



September 2020



Questions?

Additional Resources & Contact Information

Our website, including our COVID-19 specific page:

- <https://www.ncsecs.org/>
- <https://www.ncsecs.org/covid-19/>

Resources mentioned in the presentation:

- [2015-16 Interactive Report on the Status of Special Education in Public Schools Across the US | NCSECS](#)
- [Disproportionate Discipline and COVID-19: A Call for Change](#)

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