○ 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?
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
Over 300,000 students with disabilities have chosen to enroll in charter schools across the country, and those numbers grow daily.
Policy, Challenges, & Opportunities

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

- Traditional Public Schools
- Charter Schools

<table>
<thead>
<tr>
<th>Year</th>
<th>Traditional Public Schools</th>
<th>Charter Schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011-2012</td>
<td>12.25</td>
<td>10.42</td>
</tr>
<tr>
<td>2013-2014</td>
<td>12.46</td>
<td>10.62</td>
</tr>
<tr>
<td>2015-2016</td>
<td>12.88</td>
<td>10.79</td>
</tr>
</tbody>
</table>
Enrollment Gaps by Disability Category

Percentage of Students by Disability Category (2015-2016)

- **Devel. Delay**: 
  - Traditional Public Schools: 2.39%
  - Charter Schools: 1.29%
- **Intellectual Disability**: 
  - Traditional Public Schools: 5.73%
  - Charter Schools: 3.48%
- **Speech/Language**: 
  - Traditional Public Schools: 18.66%
  - Charter Schools: 19.59%
- **Other Health Impairment**: 
  - Traditional Public Schools: 14.53%
  - Charter Schools: 15.25%
- **Emotional Disturbance**: 
  - Traditional Public Schools: 3.79%
  - Charter Schools: 4.4%
- **Specific Learning**: 
  - Traditional Public Schools: 43.5%
  - Charter Schools: 46.7%
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)
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.
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

- **Traditional Public Schools 2013-2014**
- **Charter Schools 2013-2014**
- **Traditional Public Schools 2015-2016**
- **Charter Schools 2015-2016**

Legend:
- 80% or More
- 40% - 79%
- 39% or Less
- Other
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
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.

- **District- One or More Out of School Suspension**
  - Students without Disabilities: 4.52
  - Students with Disabilities: 11.32

- **Charter- One or More Out of School Suspension**
  - Students without Disabilities: 5.61
  - Students with Disabilities: 11.85
The Vast Majority of Students Secluded and Restrained Have Disabilities.

Students Secluded Nationally (2015-2016)

- Students with Disabilities: 34.0%
- Students without Disabilities: 66.0%

Students Restrained Nationally (2015-2016)

- Students with Disabilities: 29.0%
- Students without Disabilities: 71.0%

ncsecs.org
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
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.ncseecs.org/
● https://www.ncseecs.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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