

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



Enrollment Characteristics of Students with Disabilities in Charter and Traditional Public Schools

TECHNICAL BRIEF 2



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 by disability category educated in charter and traditional public schools as well as how the population of students with disabilities has changed over time.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/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/>

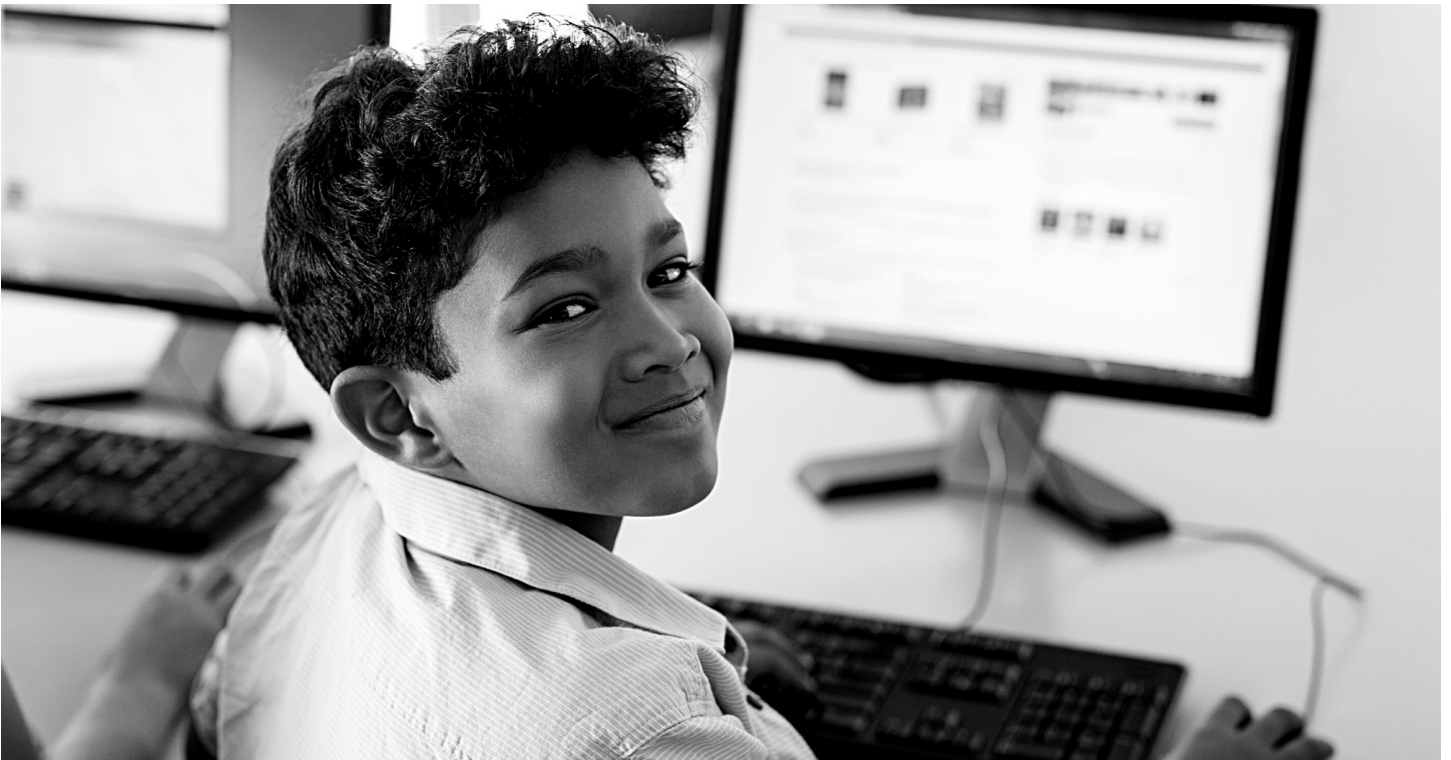


Key Takeaways

- On average, traditional public schools and charter schools, regardless of charter LEA status, enroll similarly diverse compositions of students with disabilities by disability type with slight variations.
- Charter schools on average enroll a greater proportion of Black and Hispanic students than traditional public schools.
- White students receiving special education services are represented in proportion (i.e., within .5%) to their overall enrollment in traditional public schools and slightly over-represented (more than .5% difference) in charter schools.
- Black students with disabilities are proportionately over-represented in both traditional and charter public schools.
- Hispanic students with disabilities are proportionately under-represented in both traditional and charter public schools.
- Male students are almost twice as likely to receive special education services than female students in both traditional and charter public schools, and this remains consistent over time.

Key Questions for Policymakers and Researchers

- To what degree are efforts to address special education identification disproportionality influencing the policies and practices of both traditional and charter public schools?
- Given the degree of autonomy extended to charter schools, are there any bright spots in the sector from which lessons may be learned related to disproportionality?
- What policies (e.g., state charter statutes or funding provisions) correlate with enrollment composition trends, and specifically, are there policies that drive the extremes?
- How does LEA status impact the identification and education of students with disabilities who have limited English proficiency?
- Is there a correlation between enrollment by disability type and enrollment by educational setting in charters?

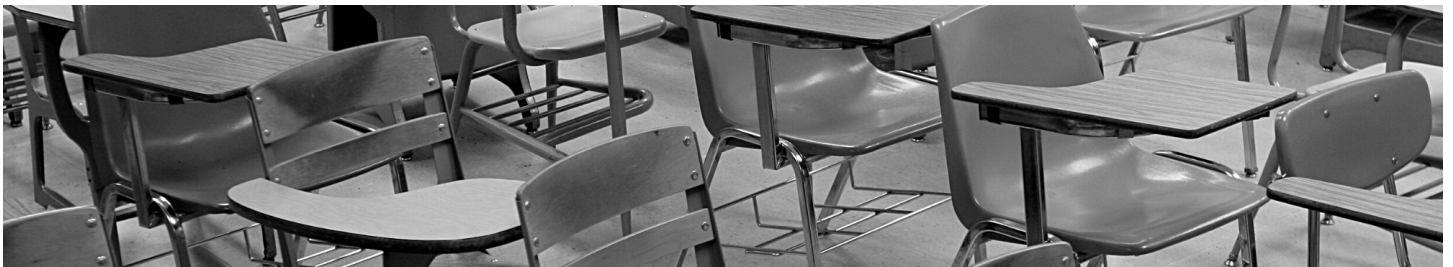
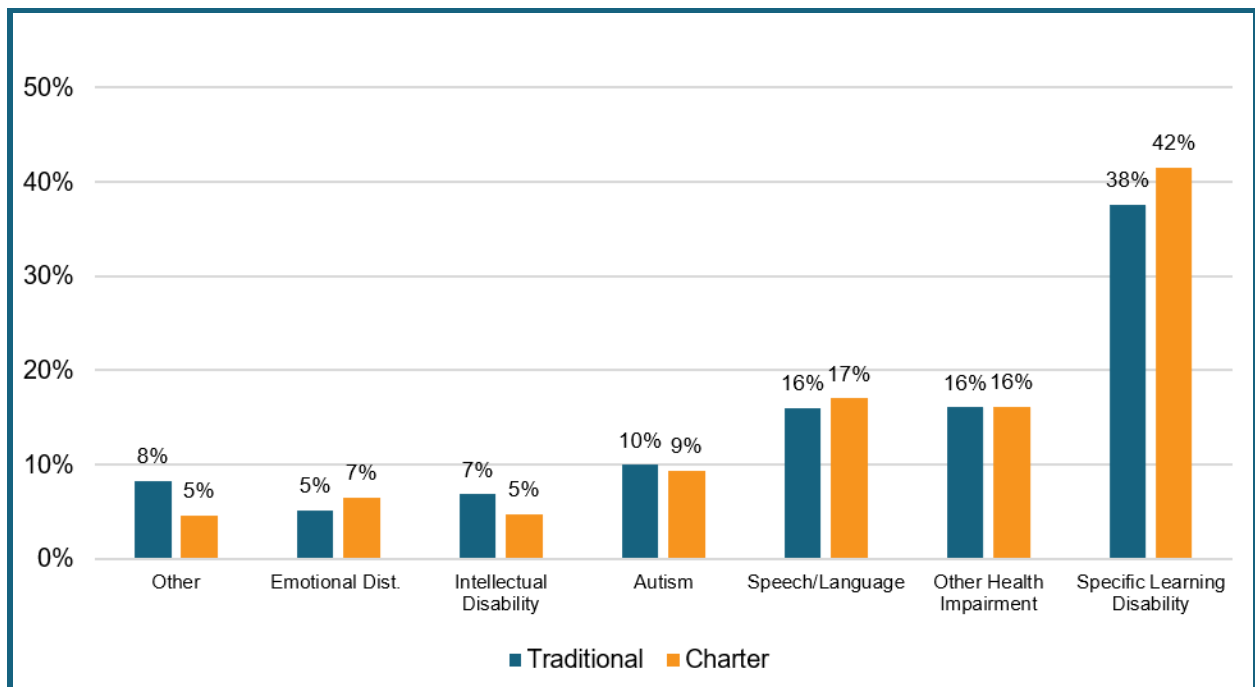


>> Enrollment Variances in Students with Disabilities by Primary Disability

Examining the profile of students eligible for special education by disability category in different school types is critical to broadly understanding how the types of specialized services and supports presumably being provided may differ across the charter school and traditional public school settings. While imprecise due to the highly individualized nature of special education supports provided to students based on the decisions of their Individualized Education Program (IEP) team, in general, students diagnosed with specific learning disabilities and speech and language impairments require fewer and less expensive services than students with other disabilities, such as autism and emotional disturbance.

Figure 1 details the proportion of students with disabilities by primary disability category in charter schools and traditional public schools. Overall, traditional district schools educate a greater proportion of students with autism as well as intellectual and “other” disabilities. Charter schools educate more students with emotional disturbance, speech and language impairments, and specific learning disabilities.

Figure 1: Enrollment of Students With Disabilities by Primary Disability⁴

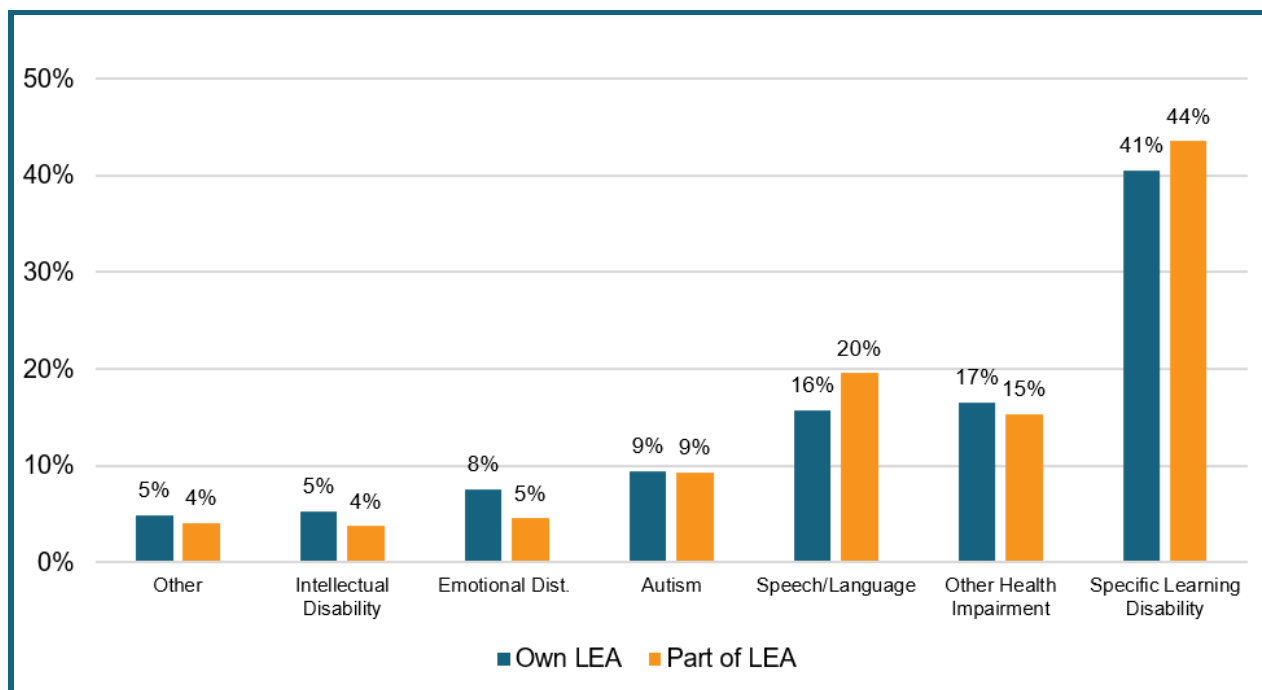


⁴ The “other” category was created to aggregate counts of student groups that each contain less than 3% of the total and includes students with disabilities identified with deaf/blindness, visual impairments, traumatic brain injuries, orthopedic impairments, hearing impairments, multiple disabilities, developmental delays, and missing identifications.

Enrollment differences also exist between charter schools based on legal status, which is an important part of how charter schools are governed and operate.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 child find and provision of a free and appropriate public education (FAPE) with the LEA itself. Based on the 2017–18 CRDC, 64.4% of charter schools operate as their own LEA while 35.6% operate as part of an LEA.⁶

As seen in Figure 2, there are some differences in the composition of students with disabilities enrolled in charter schools by legal status when analyzing primary disabilities.⁷ Charter schools that are their own LEA enroll a higher proportion of students with intellectual disabilities, emotional disturbances, other health impairments, and “other” disabilities. Conversely, charter schools that operate as part of an LEA enroll a higher proportion of students with speech or language disabilities and specific language disabilities. Differences in enrollment composition between these school types may occur due to programmatic and facility decisions made by the LEAs that operate charter schools as part of their school portfolio. And, given that the responsibility for the provision of FAPE rests with the LEA as opposed to the individual charter, the LEA may place students who require more significant supports in schools with an established specialization rather than allocating resources to provide the supports in the charter school.

Figure 2: Charter School Enrollment by Primary Disability



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 a manual data review. For more information on how this classification was conducted, please see www.centerforlearnerequity.org/news/crdc17-18/.

⁶ In the analysis of the 2015–16 CRDC, 57.0% of all charter schools operated as their own LEA, while 43.0% operated as part of an LEA. The significant change is due to more schools operating as their own LEA and further refinement of our ability to identify charter school status.

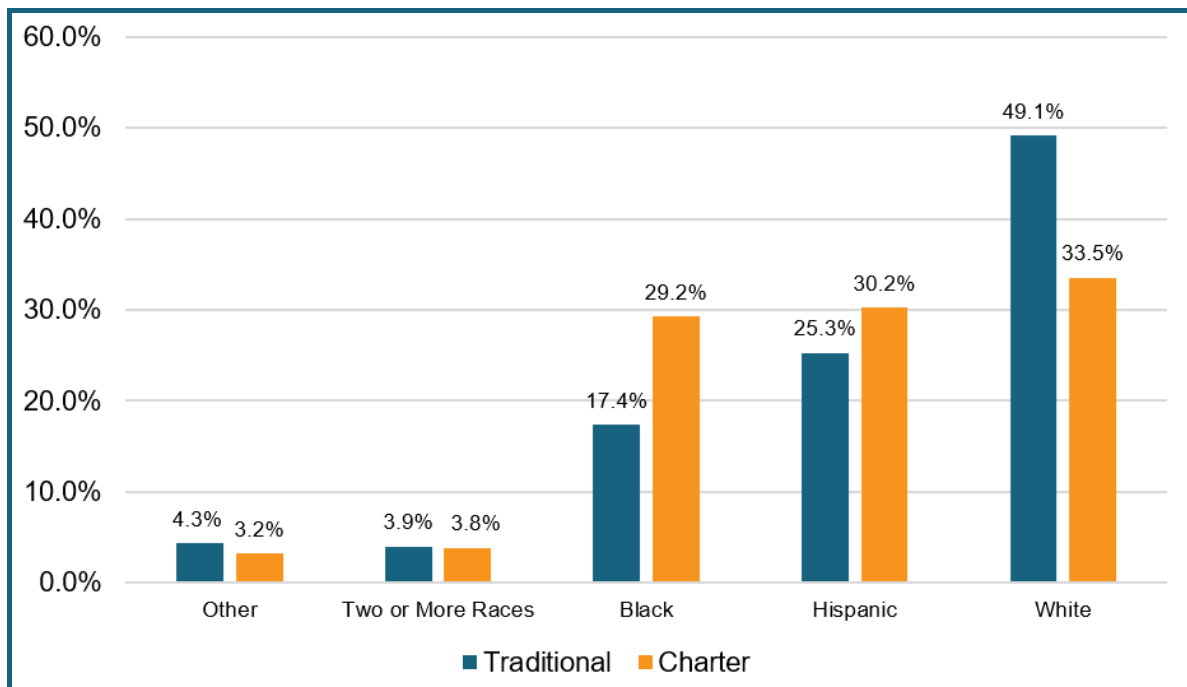
⁷ The “other” category was created to aggregate counts of student groups that each contain less than 2% of the total and includes students with disabilities identified with deaf/blindness, visual impairments, orthopedic impairments, traumatic brain injuries, hearing impairments, multiple disabilities, developmental delays, and missing identifications.



>> Enrollment Variances in Students with Disabilities by Race/Ethnicity

The enrollment of students with disabilities across all school settings intersects with the race/ethnicity of students in such settings. While the identification of Black, Indigenous, People of Color (BIPOC) students as eligible for special education services can provide necessary interventions and supports, it is important that specific student groups are not over-represented, which can result in decreased access to the general education curricula. Figure 3 below shows the distribution of students with disabilities in different school settings by race/ethnicity.⁸ A higher proportion of charter school students with disabilities are Black or Hispanic when compared to traditional public school students with disabilities, while the opposite is true for the proportion of students with disabilities who are White.

Figure 3: Students with Disabilities by Race/Ethnicity and School Type

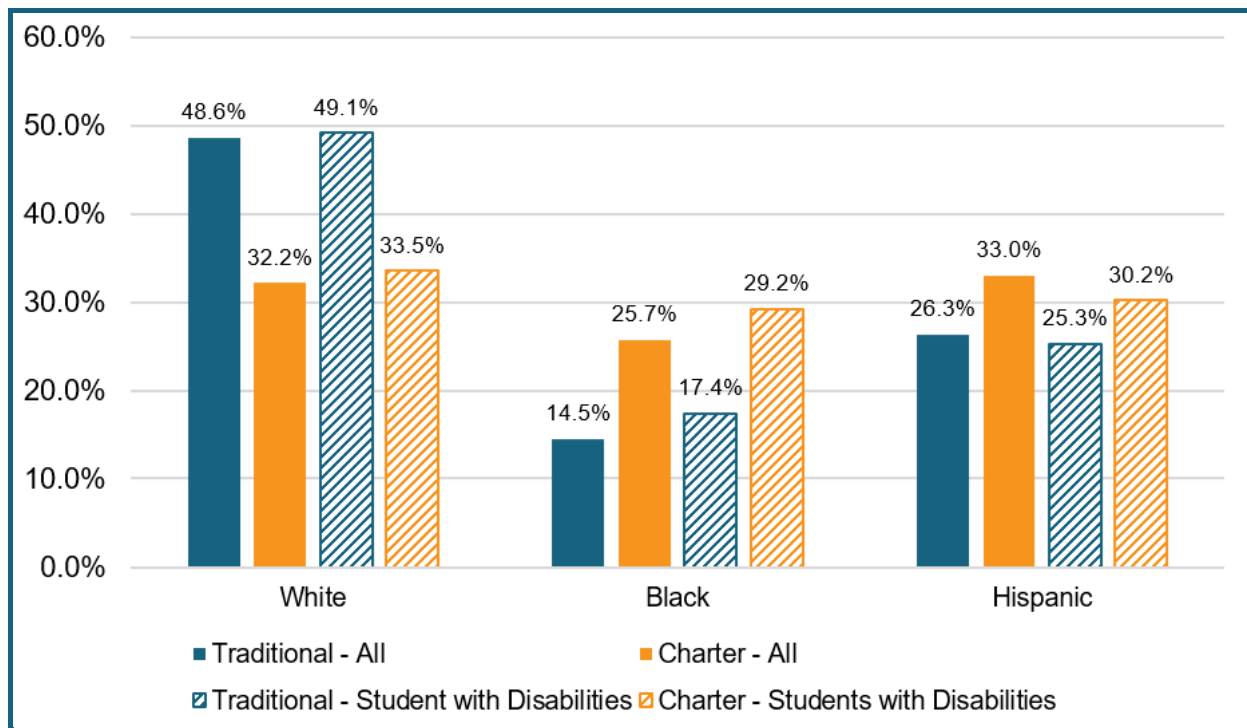


⁸ The “other” category was created to aggregate counts of student groups that each contain less than 3% of the total and includes American Indian/Alaska Native, Asian, and Native Hawaiian/Pacific Islander students.



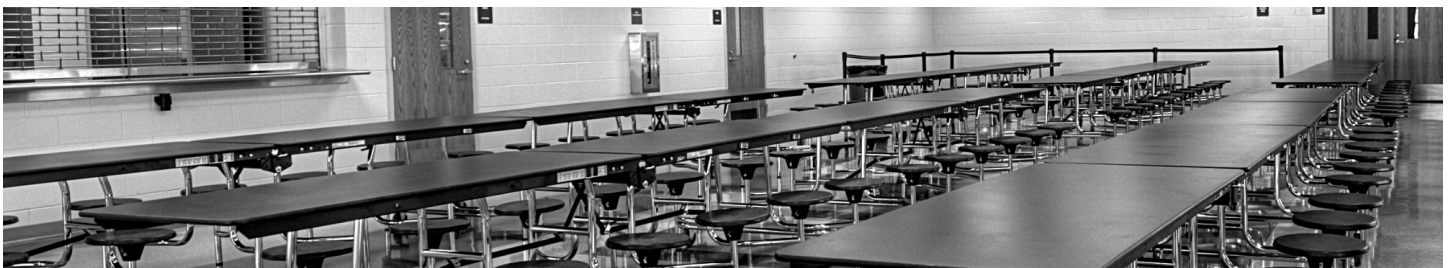
When analyzing the race/ethnicity of students with disabilities across school settings, it is also important to make a baseline comparison of students with disabilities to all students within each school setting. Figure 4 compares the total proportion of students by race/ethnicity to the proportion of students with disabilities in charter schools and traditional public schools. In both traditional public schools, there is a higher proportion of students with disabilities who are Black compared to the proportion of all students, and the difference is greater in charter schools.

Figure 4: Student Enrollment by Race/Ethnicity and School Type



>> Enrollment Variances in Students with Disabilities by Gender⁹

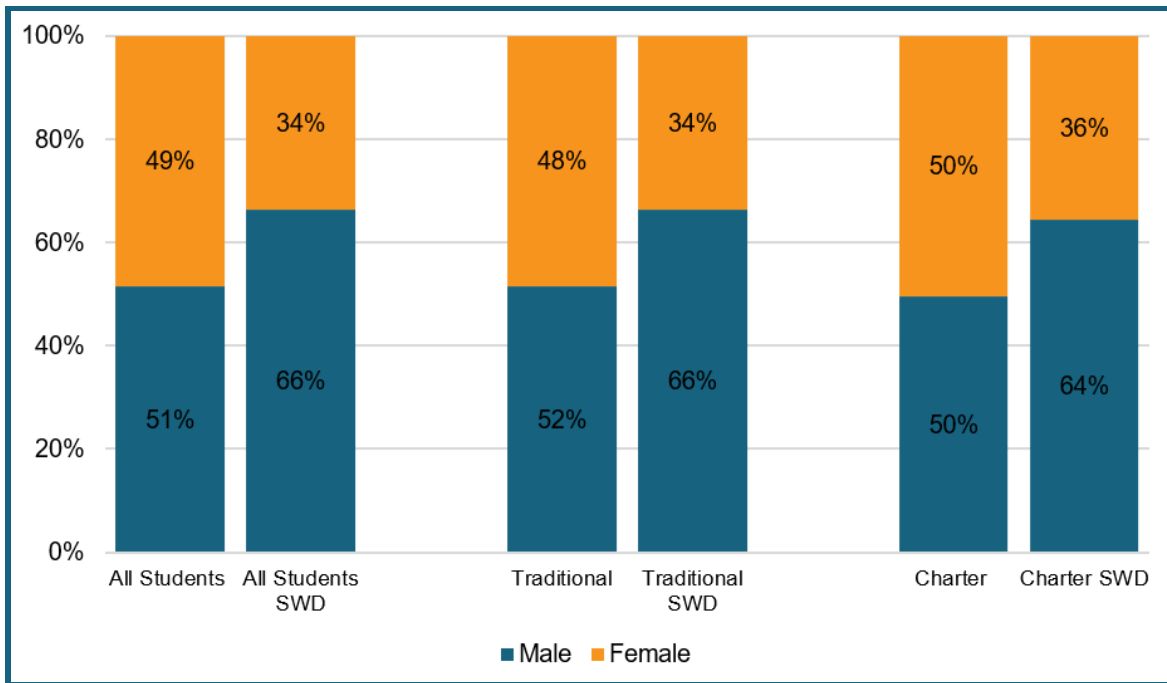
There are also differences in the proportion of students with disabilities by gender that exist across school types, but the overall finding of male students being identified for special education in greater proportions than female students holds true in this data set. A slightly larger proportion of charter school students with disabilities were female compared with traditional public schools. Overall, however, male students are identified for special education services at a much higher rate than female students across all school types, which indicates that the persistent identification of more male students than female students withstands any changes in governance or decreases in regulation.



⁹ The CRDC School Year 2017–18 dataset did not contain an option for schools to report non-binary student enrollment and solely offered male or female according to the data documentation available from the Office of Civil Rights. As such, the analysis of enrollment by gender does not include non-binary student data.

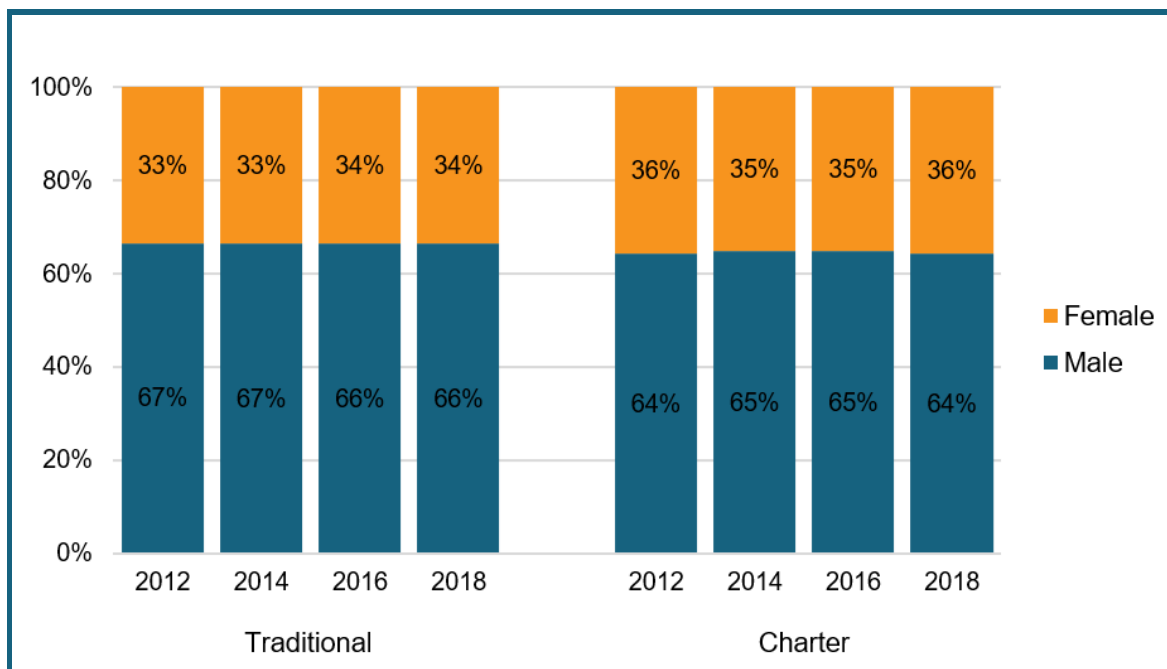
Figure 5 details this data for students with disabilities and all students in both traditional public schools and charter schools.

Figure 5: Student Enrollment Composition by School Type and Gender



The proportion of students with disabilities by gender in all schools, charter schools, and traditional public schools has not significantly changed over the past four editions of the CRDC. Figure 6 presents longitudinal data, in which the proportion of male and female students with disabilities has remained steady over the observed time period.

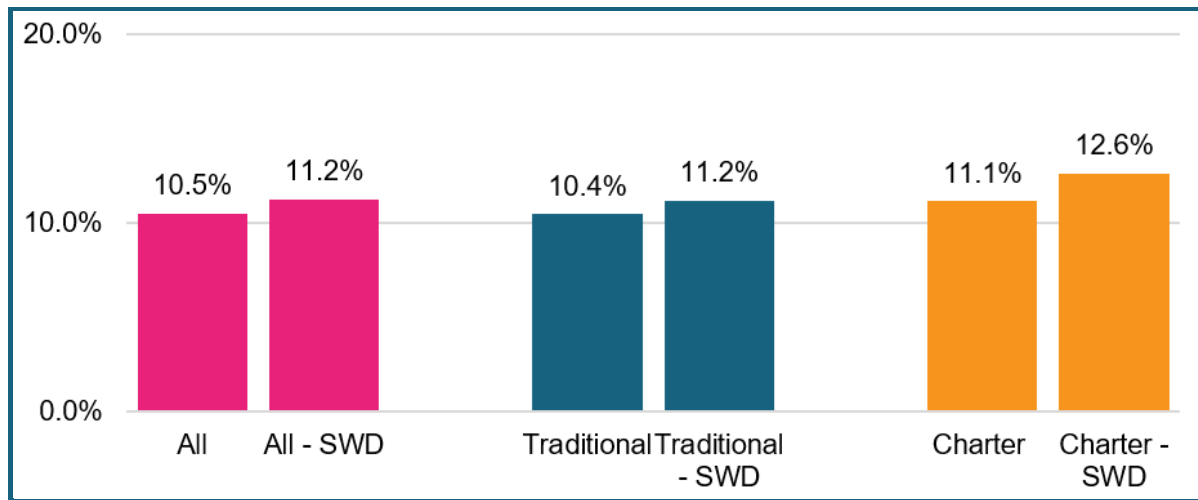
Figure 6: Students with Disabilities Composition Over Time by School Type and Gender



>> Enrollment Variances in Students with Disabilities by English Proficiency¹⁰

Students with disabilities who are also Limited English Proficient (LEP) face additional challenges in learning in school and achieving successful postsecondary outcomes. Figure 7 below displays the variances in student characteristics in different school settings, with a focus on students with disabilities who have limited English proficiency. A slightly higher proportion of charter school students with disabilities are also LEP when compared to traditional public school populations, which holds true for students served under Section 504 (not displayed here).

Figure 7: Student Enrollment Composition by School Type, Disability, and LEP



>> Enrollment Variances by State

Figure 8 details enrollment variances between charter schools and traditional public schools in each state, with a focus on the race/ethnicity of students with disabilities in each school type. Specifically, this table charts the difference in the proportion of students with disabilities who are non-White (i.e., Black, Indigenous, People of Color (BIPOC)) in charter and traditional public schools in each state relative to their overall representation in the school population. The bullet points below highlight the major takeaways from Figure 8.

- In aggregate, traditional public schools in Connecticut, New York, North Dakota, South Carolina, Washington, DC, and Wisconsin reported the greatest (i.e., more than 5% difference) **over-representation** of BIPOC students with disabilities relative to the overall school population.
- In aggregate, none of the states reported an **under-representation** (i.e., more than 5% difference) of BIPOC students with disabilities in traditional public schools.
- In aggregate, charter public schools in Alaska, Colorado, Delaware, and Hawaii reported the greatest (i.e., more than 5% difference) **over-representation** of BIPOC students with disabilities.
- In aggregate, charter public schools in Indiana, Iowa, Minnesota, New Hampshire, Ohio, and Virginia reported the greatest (i.e., more than 5% difference) **under-representation** of BIPOC students with disabilities.

¹⁰ Over time, the term “English language learner” has been used more in place of LEP students. In the 2017–18 CRDC, English language learners were reported as LEP students. Throughout this brief, LEP is used to align with the reporting in the CRDC.



Figure 8: Percent of All Students and Students with Disabilities Who are Non-White

State	Traditional - Percent of All Non-White Students	Charter - Percent of All Non-White Students	Traditional - Percent of Non-White Students with Disabilities	Charter - Percent of Non-White Students with Disabilities
Alabama	45.4%	96.9%	43.3%	96.6%
Alaska	53.7%	33.6%	58.3%	41.3%
Arizona	62.8%	55.5%	62.5%	54.0%
Arkansas	38.5%	47.8%	38.3%	47.6%
California	77.2%	71.1%	76.9%	71.3%
Colorado	46.3%	48.1%	50.1%	55.0%
Connecticut	45.6%	90.6%	51.0%	87.6%
Delaware	55.5%	59.1%	58.8%	67.0%
District of Columbia	85.1%	93.2%	93.8%	95.9%
Florida	61.2%	68.2%	61.3%	63.8%
Georgia	60.3%	62.4%	59.7%	58.2%
Hawaii	88.7%	73.3%	87.7%	80.6%
Idaho	25.0%	17.9%	27.7%	19.9%
Illinois	50.5%	96.7%	52.9%	96.8%
Indiana	30.8%	59.9%	29.2%	48.5%
Iowa	24.1%	52.6%	28.9%	46.3%
Kansas	35.8%	23.3%	34.9%	24.4%
Kentucky	23.4%	N/A	20.9%	N/A
Louisiana	52.3%	79.7%	53.5%	81.4%
Maine	10.8%	8.2%	10.9%	7.7%
Maryland	62.7%	89.7%	65.1%	91.1%
Massachusetts	38.6%	71.1%	39.7%	70.5%
Michigan	29.7%	66.9%	32.5%	64.8%
Minnesota	31.8%	59.0%	35.4%	48.8%
Mississippi	55.9%	99.3%	53.9%	96.2%

State	Traditional - Percent of All Non-White Students	Charter - Percent of All Non-White Students	Traditional - Percent of Non-White Students with Disabilities	Charter - Percent of Non-White Students with Disabilities
Missouri	27.1%	83.7%	27.7%	83.9%
Montana	21.6%	N/A	25.7%	N/A
Nebraska	33.7%	N/A	36.5%	N/A
Nevada	68.6%	58.2%	66.4%	55.1%
New Hampshire	14.4%	17.9%	13.9%	8.8%
New Jersey	54.5%	90.6%	51.4%	89.7%
New Mexico	77.7%	70.4%	79.1%	69.9%
New York	54.6%	94.0%	60.3%	95.0%
North Carolina	52.4%	45.3%	54.9%	43.8%
North Dakota	23.2%	N/A	29.9%	N/A
Ohio	27.5%	66.6%	30.1%	58.3%
Oklahoma	50.9%	56.9%	51.1%	52.8%
Oregon	38.8%	24.3%	39.4%	25.6%
Pennsylvania	31.4%	67.0%	32.4%	66.2%
Rhode Island	40.5%	77.4%	41.9%	76.0%
South Carolina	49.7%	37.3%	54.8%	39.3%
South Dakota	26.7%	N/A	32.2%	N/A
Tennessee	34.9%	90.9%	32.7%	91.8%
Texas	71.6%	85.6%	71.4%	82.9%
Utah	25.6%	27.0%	28.9%	24.5%
Vermont	10.2%	N/A	9.7%	N/A
Virginia	51.0%	50.7%	51.4%	45.7%
Washington	45.9%	62.4%	46.2%	58.9%
West Virginia	9.9%	N/A	9.4%	N/A
Wisconsin	29.2%	51.3%	36.0%	55.4%
Wyoming	22.6%	36.3%	24.4%	37.9%

>> 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.¹¹

>> 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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¹¹ For more information, please see www.centerforlearnerequity.org/news/crdc17-18/.

