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Elevating Family Voices:

An Exploration of How Families of Students with
Disabilities Experience School Choice in Colorado



About the Center for Learner Equity

The Center for Learner Equity is working to ensure that public schools – both within the charter school sector and beyond it – are designed for inclusivity and equity from the start. When we improve access and outcomes for students with disabilities, all students benefit.

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.

Vision

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

Acknowledgements

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About the Colorado Association of Charter School Authorizers (CACSA)

CACSA is a Colorado non-profit organization dedicated to helping all Colorado authorizers improve their practices. CACSA assists authorizers in adopting best practices that align with Colorado's policies and culture of local control. CACSA members include the professionals that work directly on the task of authorizing charter schools both within school districts and the Colorado Charter School Institute. CACSA's work is informed by nine organizing principles.

Mission

CACSA's mission is to promote and support best practices in charter school authorizing and to help all Colorado charter school authorizers develop, adopt, and implement practices that improve results for all students.

Executive Summary

Purpose

Examining the experiences of families of students with disabilities seeking to exercise school choice is crucial to informing cogent policies and practices that will ensure equitable access. This report explores the perceptions and experiences of families of students with disabilities enrolled in charter and traditional district schools in Colorado.

Methods

Research findings are based on 1) interviews with family advocates and families of students with disabilities; 2) family focus groups; and 3) a family survey. The research elevates the voices of a small sample of families of students with disabilities in Colorado but is not necessarily representative of all Colorado families of students with disabilities.

Key Findings

- Families of students with disabilities reported a lack of awareness and misconceptions about school choices.
 - Families have experienced difficulty finding information about how schools educate students with disabilities.
 - Families of students with disabilities in traditional district schools perceive, often based on informal word of mouth, that charter schools will not be a good fit for their children given their disability.
 - Families have been discouraged by charter school personnel from enrolling their child with a disability.
 - Before enrolling in a charter school, families want reassurance that their child's needs could be met, but are confused about when to share Individualized Education Programs (IEPs) and the nuances of the enrollment, placement, and location determination processes.
 - Families of students with disabilities that tried to utilize interdistrict choice have faced resistance from traditional district schools.
 - Families' experiences highlight the need to create better means of communicating about school choice options, build teacher and principal capacity, expand the continuum of services in charter schools, and reduce reliance on family advocacy to improve school choice and the educational opportunities for and experiences of students with disabilities.
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Key Recommendations

- Colorado Department of Education should enhance policy and accountability structures at all levels of the system by articulating clear expectations around roles, responsibilities, and performance metrics for the Colorado Department, authorizers, districts, and public schools – the entities responsible for implementing IDEA. These stakeholders need to report annual progress to build transparency about growth and ongoing opportunities for improvement.
 - Colorado Department of Education should collaborate with authorizers, districts, and schools to identify strategies to build their capacity regarding exemplary instructional practices for educating students with disabilities (e.g., neurodiversity, inclusion, quality individualized education programs (IEPs), specially designed instruction, and anti-discrimination training), and families' rights under IDEA and to school choice. Capacity building needs to emphasize implementation and improvement cycles to ensure progress.
 - Schools and districts should expand families' access to up-to-date information by compiling and disseminating programmatic descriptions annually, in multiple formats (e.g., online, printed, audio recordings), and in multiple languages.
 - LEAs should implement accountability and support structures that foster the development of high-quality programming and services for students with disabilities in charter schools and traditional district schools. These structures should focus on leveraging qualitative and quantitative data to assess quality, providing relevant resources and training to schools, and measuring progress towards developing broader and effective continuums of service for students with moderate to significant needs.
 - LEAs should conduct ongoing analyses of (1) the extent to which students with disabilities in the LEA have access to charter schools and interdistrict and intradistrict school choice options more broadly – including an examination of how transportation influences choice, and (2) the enrollment and outcomes of students with disabilities in the district – including those who require moderate to significant support – to surface potential over-identification of particular student subgroups.
 - Charter school leaders should develop and implement a vision for the education of students with disabilities that builds on the charter school's overall model and incorporates this vision into staff recruitment and onboarding, as well as the school's website and printed materials that are physically and linguistically accessible to parents.
 - Charter school leaders should audit their internal policies and practices related to educating students with disabilities (e.g., student placement process, program offerings and service models, discipline practices, staff allocation, recruitment, and enrollment) to inform the cycle of continuous improvement. The audit should be coupled with an analysis of key output and outcome data by disability type (e.g., placement decisions, enrollment and mobility, discipline actions, and academic achievement and growth).
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Overview

“I think Colorado’s great for choice for mainstream kids, absolutely. I think there are lots of choices.”

– Parent of a child with a disability currently attending a traditional district school who previously attended a charter school

“I wouldn’t say that there’s any other school in the district or in the neighboring district that would really be any better – it doesn’t matter if I have a choice or not. I don’t think any of them are any better. They’re run by the same district. The only big difference would be how the principal runs the school. So do we have a school of choice? I think so, but I think if you have a child with disabilities that’s on an IEP, I think it’s going to be scrutinized, and I think they’ll turn it down.”

– Parent of a child with a disability currently attending a traditional district school who previously attended a charter school

The idea that all families should be able to participate in school choice is foundational to the education system in Colorado. Statewide policies promote school choice for all families. However, this exploratory study found that families of students with disabilities can encounter significant variability and numerous barriers when trying to ensure the best possible educational experience for their children.

This report explores the perceptions and experiences of families of students with disabilities with school choice in Colorado. Included are the experiences of families of students with disabilities attending charter schools and traditional district schools.

This report examines the following research questions:

1. How do families of students with disabilities perceive school choice options in Colorado?
2. How do families of students with disabilities perceive or experience school choice enrollment processes in Colorado?
3. What do families and advocates believe is necessary to improve the educational experiences of students with disabilities interested in exercising school choice in Colorado?

Methodology

Research findings are based on 1) interviews with parent advocates; 2) family focus groups; and 3) a family survey (Table 1).

Parent advocates and families were recruited throughout Colorado to voluntarily participate in interviews, focus groups, or the survey. Eight family advocacy organizations helped identify potential parent advocates and families to participate. For the survey and focus groups, seven advocacy organizations distributed the invitation to participate to their members. Families of students with disabilities currently enrolled in charter and traditional public schools were specifically recruited as key participants.

Table 1. Summary of Interviewees

Data Source	Method	Description	N Size
Parent Advocates	Interviews	<ul style="list-style-type: none"> • 5 leaders of advocacy groups • 1 superintendent <i>Note: At least five of these advocates also had children with disabilities</i>	6
Families	Focus Groups	<ul style="list-style-type: none"> • 3 charter school families • 4 traditional district school families • 2 traditional district school families with previous charter school experience 	9
	Survey	<ul style="list-style-type: none"> • 12 charter school families • 19 traditional district school families <i>Note: Families from 14 different school districts participated</i>	31

The sample of parent advocates and families highlighted in this report is relatively small and not necessarily representative of all parent advocates or families of students with disabilities in Colorado. Nevertheless, the data provide insights into the lived experiences of a diverse range of families of students with disabilities. While a larger and more random sample would be preferable to generalize findings, given challenges in readily identifying families, it was beyond the scope of this project to draw from a broader sample. Restrictions associated with the COVID-19 pandemic compounded these challenges. Nevertheless, even on a smaller scale, understanding families' lived experiences with the choice system is essential to identifying aspects of the system that may not be working as intended.

Research conducted for a previous report: [Expanding Access, Improving Quality: How LEAs and Charter Schools can Equitably Provide High-Quality School Choice Options to All Students with Disabilities \(Center for Learner Equity \[CLE\], 2022\)](#) supplements the data collected from advocates and family members.¹ Qualitative data from Colorado stakeholders, including LEA and district administrators, was collected as part of that report and is utilized to provide additional context regarding the issues presented by parents. Descriptions and explanations of relevant state and federal special education policies examined as part of that report are also referenced to add context to families' experiences.

¹ This report included interviews with key stakeholders, a focus group with charter school educators, and an examination of the policies, structures, and practices that impact students with disabilities in Colorado.

This report uses the following key terms:

Families	Throughout the report, the term “families” is used, rather than parents, to be the most inclusive of different caregiver arrangements. For context, most family focus group members were parents and one was a grandparent who had adopted her grandchild with a disability.
Individuals with Disabilities Education Act (IDEA)	The Individuals with Disabilities Education Act (IDEA) is a federal law that outlines the rights of children with disabilities from birth to high school graduation or age 21. IDEA ensures all children with disabilities receive a “free appropriate public education” (The Individuals with Disabilities Education Act [IDEA], 2004).
Free appropriate public education (FAPE) and least restrictive environment (LRE)	Children with disabilities are guaranteed the right to a “free appropriate public education” (FAPE) in the “least restrictive environment” (LRE) (IDEA, 2004). The LRE requirement ensures that to the maximum extent appropriate, students with disabilities are educated alongside their general education peers and that any removal of a student with a disability from the general educational environment can only occur if the nature or severity of the disability is such that the student is unable to make satisfactory progress with the use of supplementary aids and services in the general education environment.
Local education agencies (LEAs)	<p>A Local Education Agency (LEA) refers to “a public board of education or other public authority within a state that maintains administrative control of public elementary or secondary schools in a city, county, township, school district or other political subdivision of a state” (IDEA, 2004).</p> <p>Colorado also uses the term “administrative unit (AU)” to describe “a school district, board of cooperative educational services (BOCES), multi-district administrative unit, or the Colorado Charter School Institute (CSI), that is providing educational services to exceptional children, and that is responsible for the local administration” of state rules related to special education (Rules (for the) Administration of the Exceptional Children’s Educational Act [ECEA], 2015).</p> <p>For this report, the terms LEA and school district are used synonymously. However, there are subtle differences (e.g., administrative units can contain multiple LEAs but are also LEAs for other purposes). The Colorado Charter School Institute (CSI) is also an LEA. Findings from the report can also apply to BOCES, which are classified as AUs rather than LEAs (Colorado BOCES Association, n.d.).</p>
Location determination	Location determination refers to the physical building or school location where the student will receive FAPE, as outlined in the student’s IEP. In Colorado, LEAs have the authority to make location determination decisions for students with disabilities after the IEP team has determined the student’s placement (i.e., special education and related services).
Placement	Placement refers to the types of education settings, special education, and related services (e.g., specially designed instruction) the student needs, as outlined in their IEP. Placement includes the overall time the student will spend in the general education classroom (Colorado Department of Education, 2017).

School choice

In Colorado, families have access to school choice within their district (intradistrict) and outside of their district (interdistrict). Intradistrict choice refers to the process by which families can choose which type of school they want their child to attend within the district in which they reside. For example, a family may have access to traditional district schools, charter schools, magnet schools, virtual schools, etc., that are all located within the school district in which they reside. Interdistrict choice refers to the process by which a family can enroll their child in a different school district than the one in which they live. For example, if a family opts to send their child to a charter school outside of their geographic school district, they exercise interdistrict choice. Intradistrict choice is far more common than interdistrict choice (Ragland & Hulse, 2018).



The interview, survey, and focus group protocols asked advocates and families about their perceptions and experiences with school choice in general. While families in Colorado can exercise both intradistrict and interdistrict choice, families rarely specified the type of choice they were referring to when sharing their perceptions and experiences. One finding refers specifically to challenges related to interdistrict choice, as specified by several focus group participants in their remarks. Otherwise, perceptions and experiences described in the Findings section may refer to intradistrict or interdistrict choice. More broadly, families' accounts suggest that they may not know the difference between these two types of school choice.

The Colorado Context

The following statewide policies shape how families of students with disabilities experience and access charter schools and school choice more broadly:

1. Families in Colorado can enroll their children in a different public school (including traditional district, charter, magnet, and online schools) within the district in which they reside if space is available (i.e., intradistrict choice).
2. Families in Colorado can enroll their children in a public school within a district different from the one they reside if space is available (i.e., interdistrict choice).
3. As public schools, charter schools have a responsibility to adhere to the IDEA and provide students with disabilities a free appropriate public education (FAPE) in the least restrictive environment (LRE).
4. As the LEA, school districts have the authority to determine the location of services for students with disabilities to ensure they receive FAPE in the LRE.

For more information on the roles and responsibilities of different government entities related to special education, refer to the report: [Expanding Access, Improving Quality: How LEAs and Charter Schools can Equitably Provide High-Quality School Choice Options to All Students with Disabilities \(CLE, 2022\)](#).

Findings

In the subsequent sections, key findings that correlate to each of the research questions are presented:

1. Family perceptions regarding school choice: How do families of students with disabilities perceive school choice options in Colorado?
2. Perceptions and experiences with school choice enrollment: How do families of students with disabilities perceive or experience school choice enrollment processes in Colorado?
3. Needs for improving the educational experiences for students with disabilities: What do families and advocates believe is necessary for improving the educational experiences of students with disabilities interested in exercising school choice in Colorado?

Family Perceptions Regarding School Choice

Families expressed several common themes regarding their perceptions of the opportunity to exercise school choice for their children with disabilities. These include: (1) a lack of awareness or misconceptions about how school choice works in Colorado; (2) difficulty finding information about how schools educate students with disabilities; and (3) perceptions that charter schools are generally not adept in educating students with disabilities.

Many families lack awareness or have misconceptions about how school choice works in Colorado.

“The reason we probably are in [traditional district²] schools is more that the IEP is definitely followed and supported, and there are legal ramifications if they do not support the IEP. So, that is one reason that we are in this school versus maybe [a] charter school.”

– Parent of a child with a disability in a traditional district school

Focus group conversations reveal several misconceptions or areas where families lack information about their rights related to school choice. The quote above shows a misunderstanding, shared by several other focus group members, that charter schools do not have the same legal obligations to educate students with disabilities as traditional district schools. This misconception contributes to additional experiences families shared, which are discussed in upcoming findings sections (e.g., discouraging enrollment or resistance to families’ attempts to enroll). Additionally, the majority of focus group participants were not aware that they could try to enroll their child in a different school district than the one they reside in (i.e., interdistrict choice). According to the families in our research sample, these issues often prevented them from moving forward with exploring school choice options for their children with disabilities.

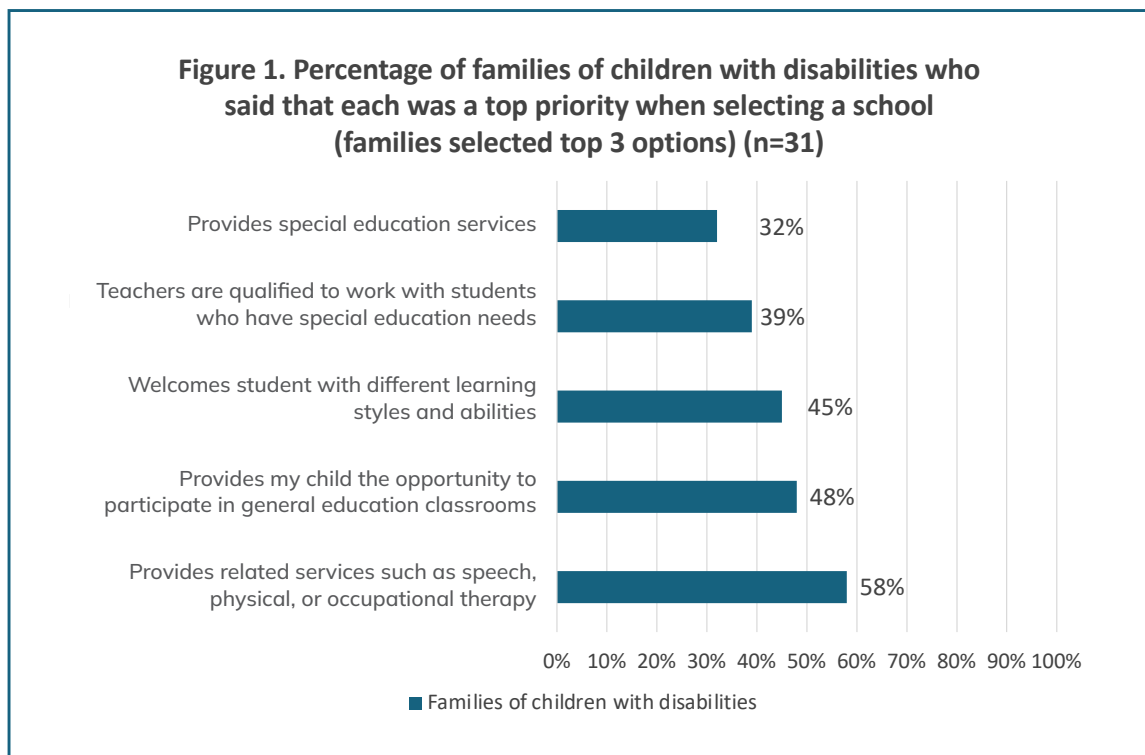
² The word “public” was replaced to provide clarity. Charter schools are public schools. This parent was referring to the traditional district school her child attends.

Families have difficulty finding information about how schools educate students with disabilities, including the services they provide.

“I was almost on the edge of losing it because as I said, I spent so many hours, so many days, a great amount of time being frustrated trying to find a school that was a good fit... there’s no place where my child can attend, where they can feel safe and accepted.”

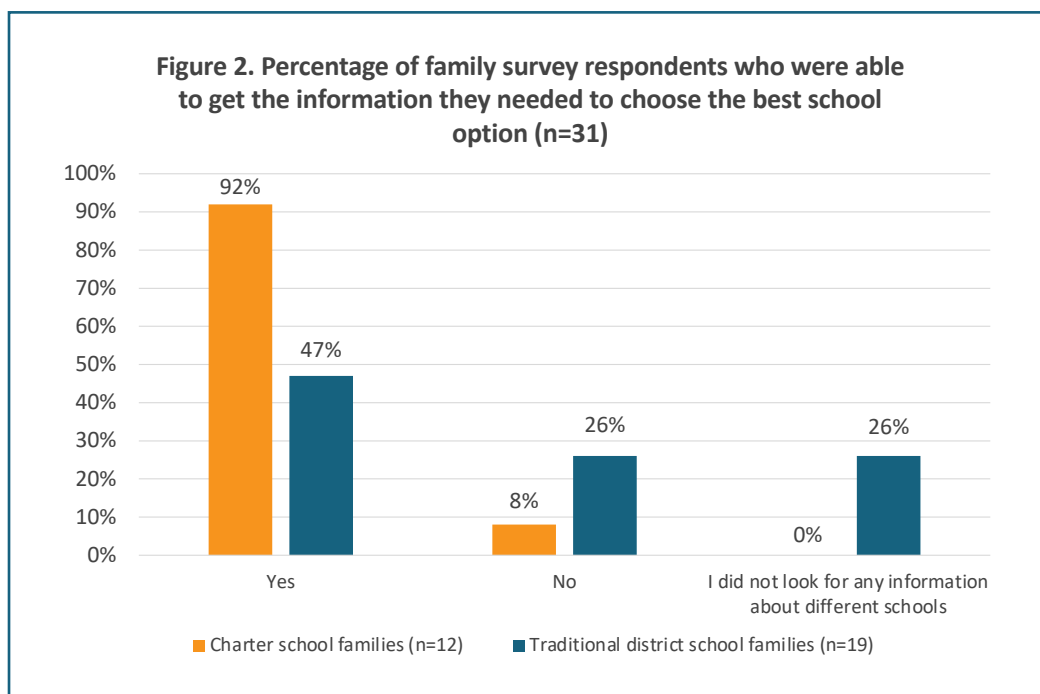
– Parent of a child with a disability attending a charter school

Focus group participants describe spending excessive time trying to discern which school would be best for their child. In the family survey, families reported that their top priorities when selecting a school for their child with a disability include: (1) providing special education services; (2) employing teachers qualified to work with students who have special education needs; (3) welcoming students with different learning abilities and styles; and (4) providing children the opportunity to participate in general education classrooms (see Figure 1 and Table A1 in the Appendix for additional details). These survey responses and families’ focus group responses suggest that understanding school services and philosophies for educating students with disabilities are top of mind when researching and selecting schools. In the focus groups, families expressed frustration that such information is difficult to find. One family member described their desire for more school search information relevant to programming and resources for children with disabilities in the following manner: “I went online, and I started reading a lot about new schools around my area. And I just wish there were more resources that were disability-centered for children with special needs. There’s a whole spectrum of special needs, and we need more resources for parents like us.”



The lack of easily accessible information regarding school choice options likely deters some families from considering options outside of their assigned traditional district schools. When asked if they can get the information they need to select the best school choice option for their child, just under half of the families with children in traditional district schools reported that they can. This compares to 92% of families with children in charter schools. The remaining half of families of students in traditional schools reported that they could not get the information they needed or did not look for any information about different schools (see Figure 2 and Table A2 in the Appendix for additional details). These survey responses may indicate that access to information is a determining factor in exercising choice. Differences in charter and traditional district school families' survey responses may also be driven by inherent selection bias. For instance, charter school families have elected to seek out and enroll their children in a charter school. Therefore by definition, because they successfully "selected" to enroll in a charter school, they may already have a different level of experience with seeking school choice information.

A family member with a child attending a traditional district school explained that their child's current school provides little support with researching school choice options: "It's been really hard trying to find other schools that fit what my kid is used to, and it takes so much time and so much effort, and it's just, it almost seems impossible. And it doesn't really seem like even the [traditional district] school that he's in is kind of willing to help look for another school that could potentially be a better fit for him." For some families, their inability to find information about how schools teach students with disabilities and the specific services they provide leads them to conclude that school choice options are not available for students with disabilities. As one family member stated, "I just feel like school choice shouldn't be that closed for kids on IEPs or kids with disabilities. There should be more schools that are open to students with disabilities, more schools that are capable of it, and prepared for it."



For many focus group families, researching school choice options felt overly time-consuming and daunting. One family member described how tiring it became for them to research school options on top of taking care of their family and working: “I was online several hours, several days a week, and it was exhausting, really exhausting because both of my children have a lot of therapy sessions, so there’s a lot of communicating, and I’m a lone parent. So, commuting from school and back, and then therapies, I had to find time to search for schools in between everything. If there were more resources about schools – it shouldn’t be this hard. It’s taken a lot of hours, a lot of time.”

Families of students with disabilities in traditional district schools generally believe, often based on word of mouth, that charter schools will not be a good fit for their child’s needs.

“As a parent of a student who went through special education, and as a community member, I think there’s a stigma with charter schools that they can’t and won’t serve students with disabilities.”

– Parent advocate and parent of an adult with a disability

Families with children enrolled in traditional district schools expressed a pervasive belief that charter schools do not educate students with disabilities well. Many families reported basing these perceptions on informal word of mouth. Families with children enrolled in traditional district schools described stories from others about charter schools denying enrollment to students with disabilities or failing to implement IEPs of the children with disabilities who do enroll. These negative perceptions of charter schools influenced families’ school choice decisions in some instances.

For example, one focus group participant from a rural area considered sending her children to two nearby charter schools. However, school personnel determined that her child was eligible for special education services. Once she knew her child would have an IEP, she no longer wanted to explore enrolling her child in a charter school: “We only have two charter schools in [our district, School X and School Y³], and I toured both of them. I was really set on School X because I loved the way that they would take the themes and spread them across each subject...It just seemed like a really ideal situation, and so I was very excited about that. Still, the minute I found out my daughter needed to be on an IEP, I knew it wouldn’t work because the charter schools in [our district] are not known for helping kids with IEPs, especially School X.” She shared that there’s an established narrative in her community that charter schools will not provide adequate services to students with disabilities.

³ District and school names were removed to protect and maintain anonymity.

An LEA administrator interviewed for the previous report provided some relevant insight into how specific charter school models, such as college preparatory schools, may inadvertently communicate that they are not appropriate fits for students with disabilities. The LEA administrator explained, “Some of our charter schools, based on their programming, and based on their design, are kind of by nature a little less accommodating to kids with special needs, or they can be. If you’ve got a school that messages itself as college prep, no excuses, that kind of a school, they’re going to be maybe not quite as accommodating to a student with special needs as maybe a Montessori or a Waldorf school might be. It really varies from school to school.” It is important to note that all public schools, including charter schools, are legally obligated to ensure students with disabilities receive FAPE in the LRE regardless of their educational model (IDEA, 2011).

Perceptions and Experiences with School Choice Enrollment

Three themes emerged regarding families’ perceptions and experiences with school choice enrollment: (1) some families were discouraged by charter schools from enrolling their child with a disability; (2) families sought reassurance that schools could meet their child’s needs before enrolling them in a new school; and (3) families that tried to utilize interdistrict choice⁴ faced resistance from traditional district schools.

Some families reported being discouraged by charter schools from enrolling their child with a disability.

“There was actually one charter school that we looked at, but they reviewed my son’s IEP. ...They were honest with us. They said they didn’t really think it would be the best fit for him. And the way they ran their program, it really wouldn’t have been a good fit. I don’t think they really cater to kids on the spectrum. I mean, they say they accept people with IEPs and stuff, but it really wouldn’t have fit my son’s needs. And my son is considered more high functioning than anything, but even still, it wouldn’t be a good fit for him, but they at least told me that. They said they wouldn’t deny anyone, but I didn’t want to see him struggle either. So, we didn’t go ahead with that choice.”

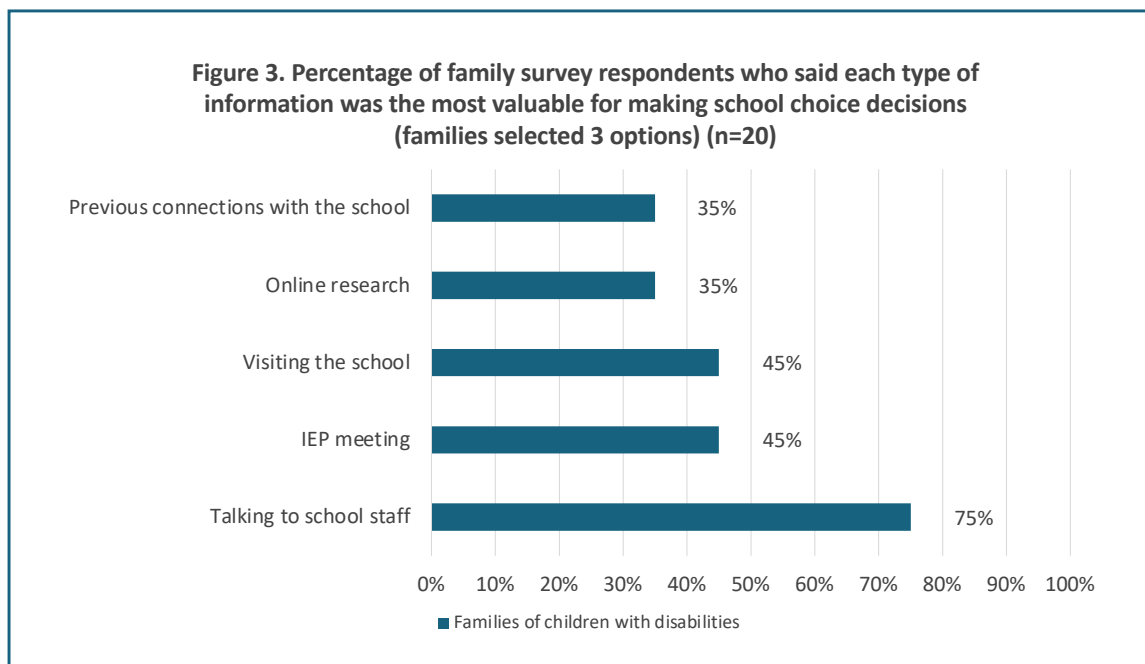
– Parent attempting to enroll her child with a disability in a charter school

⁴ As noted in the “Methods” section, some families raised specific challenges with interdistrict choice but otherwise, parents did not differentiate between the two potential types of choice. Of note, intradistrict choice is far more common than interdistrict choice in Colorado (Ragland & Hulse 2018).

Similar to the parent quoted above, other family members shared experiences of being discouraged by charter schools from enrolling their child with a disability. In each instance, the family member described school personnel telling them their child may not be a “good fit” for the school model. For example, one parent was told by a school, “There’s a standard [we have]. We want high test scores. Special education, in terms of people with learning disabilities and cognitive disabilities, really don’t fit in our model.” Another parent shared the message they had received from a charter school, “School X pretty much wants a kid who can fit in the box. They don’t want to deal with any issues.” Across these examples, schools appear to be deciding based on a student’s disability status without examining the individual student’s IEP.

One family member shared an experience of being encouraged by charter school staff to pull her child out of the school after the child was found eligible for an IEP. She had sent her child to a charter school for kindergarten before having an IEP. Once the school year started, it became clear he needed more support in the classroom. According to the parent, the entire year was a struggle, and he ended up being suspended and thus, unable to attend his kindergarten graduation. She detailed one conversation she had with charter school staff at the end of the year when someone at the school pulled her aside and said, “you need to understand this is not a place for this child. You need to get him out of this school.” The parent ended up informing district administrators and the charter school board about what happened, but ultimately neither entity took action against the school.

Family survey responses show families value staff input when making enrollment decisions. Of the families surveyed, 75% reported that talking to school staff was among the most helpful types of information they sought to inform their school choice decision for their child with a disability (see Figure 3 and Table A3 in Appendix for additional details). Because of the value families place on talking to school staff, any misperceptions or messaging indicating that a school cannot effectively educate their child with a disability has the potential to influence families’ decisions.



Families want reassurance that their child's needs can be met before enrolling in a charter school, but they are confused about when to share their child's IEP and the nuances of the enrollment, placement, and location determination processes.

“It seems like you don't really get to talk to the special education teams until later. I found it odd that you have to complete an intent to enroll, then you're accepted, then you send over the IEP paperwork for them to evaluate before you make your decision. And to me, I was like, ‘Well, I would want them to evaluate the paperwork first before I say, I would like to enroll here.’”

– Parent of a child attending a charter school

Many of the charter school focus group participants found the enrollment process to be relatively easy, though they had varying levels of experience with it.⁵ While some families said a charter school had asked them to provide their child's IEP upfront, others said charter school personnel had not asked them to provide their child's IEP. The focus group participants who reported that charter school personnel had not asked whether their child had an IEP during enrollment were confused. They wondered whether the school should have requested it similar to how a traditional public school might ask upon registration. Families believed that providing their child's IEP upfront could reassure them that the school is aware of the services their child requires. Absent this awareness, families expressed concern that their child could be admitted to a school and later told that the school could not implement their child's IEP.

Families' comments surfaced tensions associated with understanding the difference between enrolling in a charter school, IEP decisions related to placement, and location determination. As described in the terminology section above, placement refers to the educational setting and services required by the student as determined by the IEP team. Placement conversations should involve families as part of the IEP process. Location determination refers to a separate formal process. The LEA decides which physical building or school location can provide FAPE to the student based on the settings and services outlined in their IEP. Families' focus group comments suggest that informal conversations around whether a school can appropriately educate a student per the services on their IEP frequently occur. This makes it difficult to distinguish which formal process should be in place (i.e., placement or location determination) and what families should be expecting in terms of their role in the decision.

⁵ Families of students with disabilities who have enrolled in charter schools have by definition successfully navigated the enrollment process. Our sampling approach is biased in this way, as opposed to random.

Another point of confusion for families and schools is a lack of clarity about asking for a student's IEP before enrollment and discrimination based on disability status. For example, some pre-enrollment policies in Colorado allow a school to ask for a student's IEP before they are enrolled to determine if they can attend the school. This pre-screening process can, and at times does, lead to discrimination (National Center for Special Education in Charter Schools [NCSECS], 2020). This pre-screening creates confusion for families. At the same time, federal and state regulatory guidance prohibits charter schools from engaging in discrimination based on disability, including a requirement that charter schools – as public schools – do not ask about disability status before enrollment.^{6,7} This is intended to ensure that students with disabilities are not excluded from enrollment based on their disability and that their families do not feel discouraged from applying to charter schools.

A policy change that may clarify enrollment and anti-discrimination practices in Colorado is underway. In 2021, Disability Law Colorado filed complaints with the U.S. Department of Education, Office for Civil Rights (OCR) against 29 charter schools in the state based on concerns related to enrollment practices (Meltzer, 2021). As a result, the Colorado State Board of Education (SBE) is currently revising rules pertaining to the enrollment of students with disabilities in charter schools. The first phase of revisions (approved January 2022) clarifies that charter schools may not ask about disability status before a prospective student enrolls, including at the application stage. Under this revised rule, charter schools would be required to update their websites, train their staff, and revisit admissions processes to ensure no potential discrimination against students with disabilities.⁸ The second phase of revisions, due to be finalized in March 2022, is expected to clarify that location determination decisions are made by the LEA, but those decisions must be based on the student's IEP and defer to the parents' choice unless the chosen school cannot meet the students' needs. Any decision to locate a student elsewhere is to be communicated to parents through their IEP or prior written notice⁹ (Colorado Association of Charter School Authorizers [CACSA], 2021).

⁶ Charter schools in Colorado are subject to all federal and state laws regarding nondiscrimination, including "constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or need for special education services" (C.R.S., 2016). State charter school law also dictates that charter schools must "not engage in or adopt discriminatory recruiting, marketing, or enrollment policies or practices" and must "not establish undue barriers to students applying for enrollment, such as mandated testing prior to acceptance, that have the effect of excluding students based on socioeconomic, family, or language background, prior academic performance, special education status, or parental involvement" (Colorado Administrative Code, 2012).

⁷ Colorado follows state anti-discrimination and civil rights laws and guidance. On May 20, 2021, the Colorado state legislature signed H.B. 21-1108 into law expanding prohibitions against discrimination. The law establishes the need to protect all citizens, regardless of "disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, or ancestry," in all places of public accommodation, including schools.

⁸ The recently approved Colorado State Board of Education revised rules include: "2.02 (D) The Charter School does not engage in or adopt discriminatory recruiting, marketing, application, or enrollment policies or practices." and "2.02(E)(2) The Charter School's recruitment materials do not indicate or signal that the school refuses admission generally to any applicant that is part of a protected class, including students with disabilities" (Colorado Administrative Code, 2022).

⁹ Under IDEA, families are guaranteed the right to prior written notice. Prior written notice requires the school to send written explanations each time there is a proposal or refusal to change: (1) a student's identification, evaluation, or educational placement, and (2) the provision of FAPE.

Enrollment Practices in Colorado Charter Schools

63%	of charter schools lack website descriptions of how they educate students with disabilities.
10%	of charter schools publish enrollment policies on their websites that include problematic elements that could be interpreted as exclusionary and do not contain anti-discrimination clauses – the inclusion of which is a nationally recognized best practice.
18%	18% of charter schools use application forms that ask whether a student has a disability with no anti-discrimination clause or statement of purpose (NCSECS, 2020).

Families that tried to utilize interdistrict choice faced resistance from traditional district schools.

“This school [a traditional district school in a different district] is a few blocks away from my house. And I really wanted my children to go there, but I’m happy they didn’t. They turned me away, saying, ‘Oh no, you can’t.’ And I’m like why? ‘Well, because of your address’ And they weren’t very helpful at all. And I didn’t want to fight. I have to be very smart with my battles.”

– Parent of a child with a disability attending a charter school

Charter schools are not the only type of school in which families of students with disabilities encounter enrollment challenges. For instance, while most focus group families were unaware of their options for interdistrict choice, two focus group participants shared that they faced barriers when attempting to enroll in a school district outside of their residential boundaries. A family member shared that she was misinformed when the traditional district school told her they could not enroll her child due to her address but did not have the time or energy to fight it. Similar to the parent trying to enroll in a charter school, she did not want to waste her time if they were not going to support her child. She shared, “I just got disappointed. I moved on to the next, next, and next school. I kept moving forward. The time is limited for me. Time is of the essence. And I cannot jeopardize my children’s education.”

A grandparent described her failed attempt at exercising interdistrict school choice. “I have other grandparents who said, ‘You need to get him into this school [traditional district school in a different school district]. This school is meant for kids like this. You need to get him in this school.’ So, I called before school started, ‘Can you take him?’ And [the school official] says, ‘Send me over his IEP, and I’ll look at it.’ So, he did, and he called me back, and he says, ‘We can’t take him.’ And I said, ‘Why not?’ And he says, ‘Because we do not have the things that we need to implement his IEP.’ And I’m like, ‘Are you kidding me? All you do is work with him one-on-one or work with him within the classroom. Could we tweak his IEP so that he could get into your school?’ ‘Nope, we can’t do that.’ I even tried to speak to someone at the district and said, ‘This is my situation; this kid needs something else. I need to do something.’ They said, ‘We can’t do it.’”

An existing Colorado policy outlines acceptable circumstances in which a school district may deny enrollment to a student with a disability seeking to exercise interdistrict choice (CRS, 2016). For example, a school district can deny a student with a disability if the school does not offer appropriate programs or does not have the necessary facilities to meet the special education needs of the child. However, this can create further confusion and frustration for the family. Whether directed to the new school by the student’s existing school staff or by word of mouth, the family is again positioned to search for a school without the appropriate information up front. Once again, the families’ experiences suggest that placement and location determination processes may become muddled in practice as families receive messages informally.

Needs for Improving Choice and Educational Experiences for Students with Disabilities

During interviews and focus groups, families and advocates shared their perspectives regarding what is needed to provide effective and positive educational experiences for students with disabilities interested in exercising school choice. Top themes include (1) building teacher and principal capacity; (2) expanding the continuum of services in charter schools; and (3) reducing reliance on family advocacy.

Families experienced significant variability in teacher and principal capacity for effectively educating their children with disabilities.

“It always depends on who the people are because you could be at one school, one grade it’s heaven, he goes to the next grade, and there’s a group of people who are just awful.”

– Parent advocate with an adult with a disability who previously attended both charter and traditional district schools

Most interviewees and focus group participants raised concerns about the variability in special education staff capacity in charter and traditional district schools. Families attribute the quality of education their child receives, in large part, to their specific teacher(s) in any given year. Like the family member quoted above, other families echo a sentiment that their child's experiences vary drastically from year to year, depending upon their teachers. This lack of predictability and a high level of variation is a source of stress for families.

Families and advocates also believe that principals are critical to shaping effective programming for students with disabilities. As one advocate stated, "I think that the principal sets the tone for special ed in the building, 100%." Prior research on special education in Colorado charter schools also identified strong leadership at the district and charter school level as critical to effective programming for students with disabilities. A district administrator noted that implementing effective special education programming "...starts at the top. It starts with the principal. It starts with the administration. From my perspective, if they've got the right mindset, if they've got the right motivation and want to, it'll happen."

Some families believe that the continuum of services in charter schools may be insufficient for students who require more significant supports.

"I would say this charter school is not for [students with] severe needs, which is not what my daughter has...They have one full-time special education coordinator, but all of their other specialists are not full-time, so they're spread across other schools."

– Parent of a child with a disability attending a charter school

The families who currently have children attending a charter school are generally satisfied with the quality of education their children receive. Many of them explained that their children require mild support and don't believe the charter school would be adequate for students who need more significant support.

Of the focus group participants, two families had children who were previously enrolled in charter schools, but they were not satisfied with the quality of education their children received while there. These families have children who require more significant support. Whether based on their personal experiences or general perceptions, the sample of families interviewed perceive charter schools as less adept at supporting students who require moderate to significant support and offering a more limited continuum of services than traditional district schools.

Families feel that securing the quality of their children's educational experience is overly dependent on their capacity to advocate for their children.

“I really had to dig into his IEP and make meetings with the school and really be so involved because my son was reaching out to me. He was trying to tell me something's not right; I'm not okay. And it's so hard to know that your son is going through this, and you can't exactly tell what it is. And he can't exactly communicate exactly what it is.”

– Parent of a child attending a traditional district school disabilities

Focus group participants and interviewees – across both charter and traditional district schools – feel that ensuring the quality of their child's educational experience is dependent on their ability to advocate for them successfully. As one interviewee stated, families of students with disabilities must “play the system” and “the squeaky wheel gets the oil.” Both families and advocates describe the amount of time and effort required to advocate for children with disabilities successfully. For example, one family member said she studied the IDEA law to ensure she knew her child's rights and could defend them during IEP meetings.

Many of the families interviewed shared that they work with advocates to ensure schools meet their child's needs. One family member said, “I have parents ask me all the time, ‘How do you get your kid's IEP enforced? And how do you get services that you think they need that aren't on there? And our public school isn't good, so we're looking at a private school.’ I'm like, ‘Just hire an advocate.’ They'll make the school do what you want. You're not going to be as successful, in my opinion, changing schools typically, as you are if you work with the staff at your school, and hire an advocate to get it done.” Those who have worked with an advocate raved about its benefits for their family and child. In addition to effectively getting the needs of their child met, advocates teach families how to navigate the special education system successfully. Families with advocates frequently mentioned their concern for how families of students with disabilities that do not have an advocate or families for whom English is not their native language can engage and effectively advocate for their children in the current system.

Families also discussed how their advocacy sometimes creates strained relationships with district and school leaders. One parent, whose child attends a traditional district school, explained: “I said to my husband, ‘I just feel like we're going to be labeled as that family. I'm going to be labeled as that parent that's difficult.’ And he said, ‘You know what, who cares?’ He goes, ‘This is your kid.’ And so that's the attitude I took, but it is difficult to be the parent that schools don't want to deal with, or principals don't want to deal with, and you just feel like you're constantly fighting for your kid, while parents of typical children are just floating through school.”

Discussion

The data from families and advocates interviewed for this report indicate that choice is a complicated and often confusing concept for Colorado families of students with disabilities. Absent the opportunity to select from multiple schools with appropriate programming for their child and absent accessible information about those school options, families questioned the existence of choice. Families of students with disabilities encountered time and resource barriers to finding schools they felt confident could appropriately educate their child. Families reported lacking the information and resources to have meaningful agency in the choice system. Furthermore, the system may perpetuate inequalities, whereby families with resources who can conduct time-consuming research, hire advocates, and provide transportation for their child, are afforded more choice than those without the same means. Lastly, misconceptions and negative perceptions of programming for students with disabilities in charter schools were pervasive. This adds layers of confusion and sometimes leads to families receiving inaccurate guidance.

There is tension between protecting students with disabilities from discrimination and simultaneously helping families make informed enrollment decisions. Schools can foster family agency by sharing information about the range and programming options they can provide for students with disabilities. This could include statements regarding the school's capacity to provide various accommodations, modifications, and specially designed instruction for students with disabilities. Furthermore, families and school staff alike may benefit from additional clarity around the placement versus location determination processes and families' rights and opportunity for input within each process. Families' experiences suggest that they often receive information about the location in which their child with a disability can be educated informally, outside of the IEP meeting structure. However, under current law, once placement decisions (i.e., the supports and services to be provided to the student with a disability) are made, the LEA retains authority over location determination related to where, within the district, the student will be provided the services required in their IEP. The families' experiences in this study underscore the need to clarify placement and location determination processes for all stakeholders, including families and school staff, and to train school stakeholders in anti-discrimination practices related to the enrollment of students with disabilities.

Interviews with families and special education advocates also surfaced concerns about the extent to which students with disabilities have viable choice options due to questions about the adequacy of special education services provided in schools of choice. Families shared concerns about variability in school staff expertise for effectively educating students with disabilities.

There are layers of responsibility across the public school system to ensure adherence to federal and state regulations. The Colorado Department of Education (CDE), local education agencies (i.e., local school districts and authorizers), and schools all have a legal responsibility to implement IDEA. These entities are also responsible for enforcing, monitoring, and implementing state guidance related to educating students with disabilities in charter schools.

Stakeholders across Colorado are increasingly aware of the challenges and opportunities to improve students' experiences with disabilities in both charter schools and traditional district schools. Many important conversations are underway, but students and families need more immediate action to shift their current experiences. The barriers described by families and advocates in the, albeit small, sample suggest the need to expand information for families, address practices that may hinder access, improve IDEA accountability, and build stakeholder capacity to educate a more diverse group of students with disabilities.

Recommendations

The following recommendations are based on these findings and targeted at stakeholders at specific levels of the system. By design, these recommendations are dependent on one another to create meaningful progress towards addressing the challenges experienced by families of students with disabilities seeking to exercise school choice.

Enhance accountability structures at all levels of the system by articulating clear expectations around roles, responsibilities, and performance metrics for implementing IDEA.

- **Colorado Department of Education** – Develop progress monitoring plans and performance metrics to track and report the implementation of IDEA across local education agencies publicly. Include in this plan an emphasis on placement by disability type, provision of FAPE across all public schools, enrollment data by disability type, and a transparent process for reporting IDEA violations or concerns.
- **Colorado Department of Education** – Provide schools with more significant support and oversight to build capacity around enhanced responsibilities anticipated to be articulated in new rules proposed by the State Board of Education.
- **LEAs and school districts** – Track and report student mobility data¹⁰ by disability status to identify placement decision trends related to disability type and service category (e.g., LRE 2, LRE 3). Produce an annual report to synthesize findings and inform and drive decision-making.
- **LEAs and school districts** – Engage in “mystery shopping” across a random selection of schools annually to understand the extent to which discriminatory conversations are taking place during the enrollment process (NCSECS, 2016). From there, address any issues with particular schools and staff members.

¹⁰ Tracking stability [may provide additional insight](#), but it is unclear the extent to which schools collect data that could provide information about stability. See Fowler-Finn (n.d.), for more information.

- **Schools** – Develop internal evaluation and reporting processes for assessing compliance and quality with IDEA. Evaluation of practices should include examining the development and implementation of IEPs, structures for ensuring family participation, enrollment processes, placement decisions, student outcomes, and discipline.

Build stakeholder capacity by providing ongoing training, coaching, and technical assistance on high-quality education for students with disabilities, families' rights under IDEA and state law, and families' rights to school choice. Capacity building needs to emphasize implementation and improvement cycles to ensure progress towards equity.

- **Colorado Department of Education** – Develop guidance for LEAs and schools on the key indicators for effective and high-quality instruction for students with disabilities (e.g., robust instruction, inclusion, specialized supports, and universal design) to establish a shared vision and expectation statewide. Include these indicators in school and teacher evaluation frameworks to ensure alignment between guidance and implementation.
 - **LEAs and school districts** – Implement a comprehensive and differentiated training and support program to provide authorizers, districts, and schools with high-quality, rigorous learning opportunities around educating students with disabilities.
 - **LEAs, school districts, and schools** – Institute coaching and improvement cycles to reinforce the effective implementation of new knowledge, skills, and mindsets related to educating students with disabilities.
 - **LEAs, school districts, schools, and family advocacy organizations** – Provide specific training on families' rights to school choice in Colorado, the legal responsibilities of charter schools to enroll and educate students with disabilities, and how to talk to families of students with disabilities who are interested in exploring different school choice options, including charter schools (e.g., understanding the placement and location determination processes).
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Expand access to up-to-date information by having schools and districts compile and disseminate programmatic descriptions annually. Schools and districts should share resources in multiple formats (e.g., online, printed, audio recordings) and in multiple languages.

- **Colorado Department of Education** – Develop a statewide system for reporting and sharing school programmatic information. Invest in partnerships with family advocacy organizations to publish materials to a broader network of families across multiple virtual platforms and physical community spaces.
- **LEAs and school districts** – Provide information to families on the type of programs and services for students with disabilities offered, the kind of expertise and resources available at each charter school and traditional district school, and the obligations of all public schools to educate students with disabilities.
- **Schools** – Develop and disseminate information detailing their enrollment processes and program and service offerings for students with disabilities. Assess and refine the information and marketing materials for families of students with disabilities to specifically highlight aspects of the school that may be more appealing to families of students with a disability (e.g., small class sizes, instructional modalities).
- **Family advocacy organizations** – Collaborate with CDE to publish a family information and resource hub, ensuring families have ready access to high-quality and relevant information on school choice, programs, and services for students with disabilities. Launch an awareness campaign to build knowledge and advocacy skills in families of students with disabilities.



Appendix

Appendix A. Family Survey Questions and Responses

Table A1. Please select the top three priorities that are important to you when considering a school for your child.

	Charter school families (n=12)	Traditional district school families (n=19)	Total (n=31)
Offers convenient location	0%	11%	6%
Provides transportation to and from school for my child	0%	0%	0%
Offers the academic program I want for my child	50%	16%	29%
Offers small class size	0%	5%	3%
Provides special education services	58%	58%	58%
Provides related services such as speech, physical or occupational therapy	50%	21%	32%
Offers extracurricular activities, such as sports or after school programs	17%	16%	16%
Teachers are qualified to work with students who have special education needs	17%	68%	48%
Welcomes active parent/family participation	8%	11%	10%
Has fair discipline policies	0%	11%	6%
Welcomes students with different learning styles and abilities	67%	32%	45%
Provides my child the opportunity to be around other students with special needs	0%	0%	0%
Provides my child the opportunity to participate in general education classrooms	33%	53%	39%

Table A2. When deciding on a school for your child, were you able to get the information you needed to choose the best option?

	Charter school families (n=12)	Traditional district school families (n=19)	Total (n=31)
Yes	92%	47%	65%
No	8%	26%	19%
I did not look for any information about different schools	0	26%	16%



Table A3. What type of information was most helpful when making a school choice decision? (Select top three most beneficial)

	Charter school families (n=11)	Traditional district school families	Total (n=20)
IEP Meeting	64%	22%	45%
Talking to school staff (e.g., paras, teachers, principal)	73%	78%	75%
Talking to district staff	18%	11%	15%
Online research	55%	11%	35%
Information on the school website	9%	11%	10%
Visiting the school	45%	44%	45%
Previous connections with the school (e.g., older child goes or went there)	27%	44%	35%
Location of the school	9%	56%	30%
Knowledge of transportation services that would be available to my child	0%	22%	10%

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