

Restrictiveness and Race in Special Education Placements in For-Profit and Non-Profit Charter Schools in California

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Charter schools are seen as an attractive enrollment option to parents with special education students, yet there are concerns over the way special education is implemented in charter schools and the access they grant and provide to students with special needs. This study examines the condition of for-profit and non-profit charter schools in California to better understand whether a charter school's for-profit or non-profit status can lead to differential enrollment patterns of students with special education enrollment. This research analyzes the restrictiveness of minority students with special needs in both charter school and non-charter school settings. It compares minority students and white students deemed eligible for special education to identify placement rates in educational settings.

Keywords: Special Education, Charter Schools, Student Placement, Equity

Charter schools by definition are public schools that must be secular and tuition free. Unlike regular public schools, however, charter schools have a limited number of students, and are authorized to operate under a charter as ordered by their state legislatures. Charter schools are typically relieved of state and local regulations so they can implement their school models as they see fit. In exchange for freedom from regulation, they agree to produce positive student outcomes as a condition of their charter renewal (Ahearn, 2001; Gill, Timpone, Ross, & Brewer, 2001; Rawson, 2003). Although charter schools are exempt from many state and local regulations they must still adhere to federal education policies regarding civil rights, safety, and special education. Children with disabilities who attend charter schools and their parents retain all the rights that they would if they attended the regular public school (34 C.F.R. 300.312(a)).

Because charter schools are seen as equally attractive to parents with special education students (Ahearn, 2001; Estes, 2000; Fiore, Harwell, Blackorby, & Finnigan, 2000; McKinney, 1996) and because they are public (Cobb & Glass, 1999; Gill, et al., 2001), there is a growing body of research that raises concerns over the way special education is implemented in charter schools and the access they grant and provide to students with special needs (Cobb & Glass, 1999; McKinney, 1996; Miron & Nelson, 2002; Paul, Lavelly, Cranston-Gingras & Taylor, 2002; Zollers & Ramanathan, 1998), and students of color (Fierros & Conroy, 2002; Frankenberg & Lee, 2003; Losen & Orfield, 2002). Numerous research studies have explored how effectively

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charter schools implement the Individuals with Disability Education Act (IDEA) and whether charter schools provide students with special needs the same access as they do to students in general (Estes, 2000; Estes, 2003; Gill, et al., 2001; Miron & Nelson, 2002; Paul, et al., 2002). Charter schools serve a much smaller percentage of the special education student population than regular public schools (Fiore, et al., 2000; Miron & Nelson 2002; Murphy & Shiffman 2002; U.S. Dept. of Education, 1998a). Though the low student enrollment benefits charter schools over regular public schools (Raywid, 1997), it also draws attention to the small percentage of students with special needs attending charter schools. When charter schools do enroll students with special needs, they tend to enroll only those students whose less severe disabilities allow them free access to the classroom (Fiore, et al., 2000; Gill, et al., 2001; McKinney, 1996; Murphy & Shiffman 2002).

Students with more severe special needs or emotional disorders who attempt to register for the publicly-funded charter schools are often “counseled out” or referred to the closest public school district (Fiore, et al., 2000; Zollers & Ramanathan, 1998), or they may transfer to charter schools that are specifically designed to serve students with special needs or students deemed “at-risk” (Ahearn, 2001). Students of color with special needs have even more difficulty in enrolling in attractive charter schools than White students (Cobb & Glass, 1999; Pammer, Lavelly, & Wooley-Brown, 2002), though this may be similar to the discriminatory practices found in public schools (Artiles & Trent, 1994; Coutinho & Repp, 1999; Coutinho & Oswald, 2000; Fierros & Conroy, 2002; Frankenberg & Lee, 2003; Harry, 1992; Murphy & Shiffman, 2002). Many smaller charter schools freely admit that they are unable to deal with severely disabled students (Ahearn, 2001; Estes, 2000; Gill, et al., 2001; Zollers & Ramanathan, 1998), though there are few, if any, consequences for charter schools that refuse admission to students with special needs. Charter schools’ effective denial of access to students with disabilities and their limited enrollment of students of color raise serious misgivings about whether charter schools should continue to operate as they do now (Ahearn, 2001; Ahearn, Lange, Rhim, & McLaughlin, 2001; Zollers & Ramanathan, 1998).

Nevertheless, charter schools often receive charters to open their doors even though they only have a limited understanding of the complexities of special education (Ahearn, Lange, Rhim & McLaughlin, 2001; Cobb & Glass, 1999; Rhim & McLaughlin, 2001). And, although the IDEA requires both charter schools and public schools to serve the learning needs of all their children, there are still many charter schools that either do not know federal special education laws or fail to follow them (Ahearn, 2001; Estes, 2003; Murphy & Shiffman, 2002; Zollers & Ramanathan, 1998). Despite numerous studies that have reported that students with and without special needs receive more individualized attention in charter schools compared to public schools there remains a question of teacher quality (Ahearn, 2001). Charter school teachers are allowed to teach without being certified or formally trained which makes them less likely than their public school counterparts to be knowledgeable about the Individuals with Disability Education Act (IDEA), Least Restrictive Environment (LRE), and Free and Appropriate Public Education (FAPE) (Gill, et al., 2001). Numerous charter school educators have concluded that the

responsibility of teaching students with special needs ultimately rests with the regular school district (McLaughlin & Henderson, 1998; Zollers & Ramanathan, 1998).

There are fewer students with special needs in charter schools compared to regular public schools (Fiore, et al., 2000), yet the number of students in charter schools is growing every year (Frankenberg & Lee, 2003). There are numerous reports of outright abuse concerning charter schools and their enrollment and equity practices (Ahearn, 2001; McKinney, 1996; Zollers & Ramanathan, 1998). In order to guarantee higher satisfactory outcomes, charter schools are increasingly likely to avoid enrolling students with special needs (Ahearn, 2001; Fiore, et al., 2000; Paul, et al., 2002; Zollers & Ramanathan, 1998). Charter schools' need to produce satisfactory student outcomes in a short period of time may make them reluctant to integrate students with special needs because of the very real financial expense (Fiore, et al., 2000). According to the Office of Special Education Programs (OSEP), "The total [expenditures for educating a student with special needs] including only the regular and special education services amounts to \$12,474 per pupil—this amount includes \$8,080 per pupil on special education services, and \$4,394 per pupil on regular education" (U.S. Dept. of Education, 2004, p. I-21). Rhim & McLaughlin (2001) argue that charter schools also struggle with the general shortage of certified special education teachers which is often exacerbated by the absence of resource rooms or other services for moderate and severely disabled children (Estes, 2000). The responsibility to provide education to the student with special needs defaults to the student's home district—freeing the charter school from having to enroll students with special needs.

Charter schools exclude students with special needs from their classrooms, yet in many states they remain open and free from any meaningful consequence for violating the law. Currently, there is no *de facto* penalty for charter schools that exclude students with special needs. Perhaps this is because charter schools know that the local school district has no choice but to enroll students with special needs. For example, Texas charter schools have the right to exclude students with a history of behavior problems, even if their misconduct is linked to an emotional or conduct disorder (Estes, 2000), yet the district must enroll these problem students. Texas charter law statutes governing campus charters allow charters to factor in academic credentials in their admissions process, in direct contradiction to Texas's mandate to avoid discrimination in admission to charter schools (U.S. Department of Education, 1998b). A New Hampshire charter law statute states that, "Charter schools may select pupils on the basis of aptitude, academic achievement, or need, provided that such selection is directly related to the academic goals of the school" (U.S. Department of Education, 1998a). Massachusetts excuses charter schools from providing service to students who are classified as severely disabled and who spend a majority of instruction time outside of the classroom (Zollers & Ramanathan, 1998). Robin Foley, co-chair of the Worcester Advisory Council in Massachusetts noted that:

while it took approximately twenty minutes for most families to get registered at the county's Seven Hills Charter School, special education families were left to sit for more than two hours. Three months later, she testified that at least two special needs children were not receiving services prescribed by their individual education plans (IEP) (McFarlane, 1997 cited in Weil, 2000 p. 153).

Although federal laws do not permit discrimination in the admissions process, these examples show that state charter school laws can create confusing and sometimes ambiguous situations regarding the admission of students with special needs to charter schools. These uncertainties create the potential for abuse of the rights of students with special needs and a chilling effect for students with special needs who may be interested in attending charter schools.

Restrictiveness

In amending the IDEA, Congress formally acknowledged that students with disabilities, regardless of race, fare better when they are educated in the regular education setting alongside their non-disabled peers (Ahearn, 2001; Department of Education, 2004). Inclusion, as it is often called, not only helps to boost achievement and reduce the stigma associated with disability, but also helps prevent the formation of stereotypes towards students with disabilities that later become obstacles for adults with disabilities in the workplace and community at large (Coutinho & Oswald, 2000).

Since IDEA became law, minorities have continued to be disproportionately represented relative to their White counterparts in resource rooms, separate classrooms, and separate school facilities (Fierros & Conroy, 2002; Grossman, 1995; Harry, 1992). A quantity called “restrictiveness” describes the degree to which students with disabilities are educated outside of regular classrooms and isolated from their non-disabled peers (Fierros & Conroy, 2002). Coutinho and Repp (1999) reported that for the 1992-93 school year, nearly 60 percent of students with special needs (ages three to twenty-one) were taught outside the regular classroom. These restrictive placements have meant that minority special education students’ educational experiences are likely to be delivered in unequal and separate classroom environments (Crockett & Kauffman, 1999; Grossman, 1995). Lipsky and Gartner (1997) stated that “the negative consequences of the separate special education system are greater for students from racial minorities” (p. 33). Moreover, the restrictiveness rates for the 1997-98 school year were highest for Mental Retardation (MR) and Emotional Disturbance (ED), where minorities and especially Blacks, are overrepresented (U.S. Department of Education, 1999a, U.S. Department of Education, 1999b, U.S. Department of Education, 1999c). Restrictiveness rates for students with MR were nearly 82 percent, with lower rates of restrictiveness for students with Emotional Disorder (ED) (70 percent) and students with Specific Learning Disability (SLD) (56 percent) (Fierros & Conroy, 2002).

For-Profit vs. Non-Profit Charter Schools

There have been a number of examples of charter school abuses of federal disability law throughout the U.S. (Rhim & McLaughlin, 2001; Zollers & Ramanathan, 1998), but there is a dearth of research on for-profit charter schools. Here we examine the condition of for-profit and non-profit charter schools in California to better understand whether a charter school’s for-profit or non-profit status can lead to differential enrollment patterns of students with special education needs. California was selected because of its large number of charter schools and because it allows both for-profit and non-profit charter schools.

This paper also explores race and ethnicity in charter schools in general and special education in particular. There is conflicting research on the status of minorities

in charter schools that may be explained by the charter school policies of different states. For example, Frankenberg & Lee (2003) found “that, nationally, there is a disproportionately high enrollment of minority students in charter schools, and that black charter school students attend intensely segregated minority schools” (p. 7). On the other hand, Paul, et al., (2002) argue that minority students are less likely than Whites to attend charter schools across the country and in California, despite a requirement that California charter schools must specify the means by which a school’s student body will reflect the racial and ethnic balance of the general population in the school district granting the charter (Frankenberg & Lee, 2003). A closer examination of charter schools revealed that in the U.S. and in California a large majority of enrolled students are White (U.S. Department of Education, 2000). Cobb & Glass (1999) reported that “charter schools in California enrolled a higher percentage of White (i.e., greater than 80%) students than did public schools” (p. 38). Many California students take full advantage of the publicly-funded charter schools (U.S. Department of Education, 2000) especially when the charter schools are located in heterogeneously populated districts (Frankenberg & Lee, 2003). In certain states, minority students are systematically excluded from charter schools (Murphy & Shiffman, 2002), systematically segregated into charters that are created to serve an at-risk population (e.g., Arizona, Texas), or are located in urban areas with high minority populations (e.g., California, Massachusetts). In all cases, students of color are more likely than their white counterparts to attend charter schools with majority minority populations serving “at-risk” students (Frankenberg & Lee, 2003).

Minority students with special needs in California, like these students nationally, are over identified for special education (Fierros & Conroy, 2002), and given the charter schools’ practice of excluding students with special needs (Ahearn, 2001; Fiore, et al., 2000), are likely to be missing from charter schools (Paul, et al., 2002; Willis, 2000). The absence of students with special needs from charter schools is objectionable, given the large number of charter schools in California and the growing number of these schools nationally (Frankenberg & Lee, 2003; U.S. Department of Education, 2004).

METHOD

“The civil rights principles that apply to charter schools are the same principles that apply to all public schools” (U.S. Department of Education, 2000, p. iii). The number of charter schools has been growing (Frankenberg & Lee, 2003; U.S. Department of Education, 2004), and since public schools have not demonstrated an openness to students with special needs generally, and minority students with special needs in particular, it is imperative to discover if these patterns exist in charter schools (Ahearn, et al., 2001). There has been a systematic exclusion of students with ED and SLD in general, and MR in particular in regular public schools (Fierros & Conroy, 2002);—this is also true for charter schools (Fiore, et al., 2000). Because national and state-level statistics often mask these disparities, this study investigated Local Education Agencies (LEAs) in California to determine the status of charter schools. The charter schools examined in this study come from the greater population of charter schools that includes both stand-alone LEAs and charter schools that are part of a school district. We investigated traditional public schools and charter

schools to identify differences in placement rates and rates of restrictiveness for students with special needs (i.e., MR, SLD, Speech and Language, and ED). We examined for-profit and non-profit charter schools to determine if students with special needs are equally served.

Data Methodology

Information from the most recent charter school data (2002–2003 school year) from the California Department of Education (CADE) was used to compare special education students in regular education with the special education students in a sample of charter schools. The full population of California charter schools (N=502) was used. The schools were divided into for-profit (N=265) and non-profit (N=237) population lists. For inclusion in this study, charter schools needed to meet the following selection criteria:

1. a record of enrollment in DataQuest
2. available names, school code numbers, and enrollment data
3. in operation during the 2002–2003 school year (obtained from CADE)
4. either a conversion charter school or new start-up charter school

DataQuest, a service of the CADE, gives detailed school information on both regular enrollment and special education enrollment for individual California schools. Schools that were eliminated from the sample either lacked enrollment data or simply did not appear in the DataQuest system. Many of the sample schools showed “no data” in the special education category in DataQuest although their total regular enrollment is listed. Because California charter schools receive increased funding for special education enrollment, it is less likely that California charter schools did not report their students with special needs (Parrish, 2002). Thus, we feel confident in excluding them from the study.

To make the data modification consistent, two modifications were made to the sample school data. First, in order to match the state-level California data with the U.S. Office of Civil Rights racial categories (i.e., Alaskan/American Indian, Asian/Pacific Islander, Black, Hispanic, and White), the data from subcategories of Asian, Pacific Islander, and Filipino were collapsed into Asian/Pacific Islander, so comparisons could be made between states. Similarly, the state category name Native American was changed to Alaskan/American Indian and African-American was changed to Black (U.S. Department of Education, 1999c). Second, to address the large number of multiple/non responses in the race category in regular enrollment in the California DataQuest, we adjusted the data subtracting the total number in the multiple/no response category from the overall enrollment of the school. Removing the multiple/non response category required that sampling weights be developed to factor into the totals of charter school students by ethnicity. The sampling weights were based on the students’ likelihood to be included in the sample based on the known race/ethnic proportions (Wainer, 1994).

Multi-Level Analysis

A multi-level analysis was completed to examine placement rates and rates of restrictiveness in California charter schools. First, state-level education and special education placement data were examined to gain an understanding of eligibility determination by ethnicity. This process achieved a basic understanding of the

degree of overrepresentation in each disability category (Fierros & Conroy, 2002; U.S. Department of Education, 2001). Second, we developed a descriptive statistical profile of minority students with special needs in for-profit and non-profit charter schools in California to investigate possible differences between the two types of schools, and to examine if minority students deemed eligible for special education support and services are more likely to be placed in restrictive educational settings compared to White students with special needs. In addition, the descriptive charter school data were analyzed to learn how the schools' restrictiveness rates compare with each other, their respective district, and the state. Third, exclusion from the regular education classroom for minority students with special needs was explored by ranking the restrictiveness rates of each charter school by four cognitive disability categories paired with an analysis (i.e., disproportionate representation) of state level identification rates for Asians/Pacific Islanders, American Indians, Blacks, Hispanics, and Whites.

Disproportionate Representation

$$\psi = \frac{P_{00}P_{11}}{P_{01}P_{10}}$$

Figure 1: Odds Ratio

Disproportionate representation¹ of minority students with special education designations was identified using odds ratios. As shown in Figure 1, odds ratios reveal “the odds of an event occurring as the ratio of the probability of the event occurring to the probability of the event not occurring.” In this paper, the odds ratios reflect the extent to which membership in a given racial group affects the probability of being enrolled in a charter school (Fleiss, 1973; Rudas, 1998; Siminoff, 2003; Wasserman, 2004). Odds ratios greater than 1.0 show that the odds of designation are larger than for the comparison group. An odds ratio of 1.0 indicates that there is no difference between the two groups or $\psi = 1$. An odds ratio less than 1.0 indicates the comparison group (i.e., White students) has a greater chance of designation.

Data

Local Education Agency (LEA) placement rates for students that are deemed eligible for any of the three sub areas of Mental Retardation² (i.e., mild MR, moderate MR, and severe MR), Speech and Language Impairment (SLI), Emotional Disturbance (ED), and Specific Learning Disability (SLD) were examined by race in for-profit (N=265) and non-profit charter schools (N=237) in California. The rates of placement for these students with special needs designations were compared to determine if placement patterns change as special needs designations change. Select state and local level data for charter schools were collected and analyzed.

¹ Disproportionate representation is also known as overidentification or overrepresentation.

² Mild retardation, moderate retardation, and severe retardation are definitions of degrees of mental retardation.

RESULTS

Table 1 shows the number and percentage of regular students and students with special needs by race/ethnicity in regular and charter schools in California for the 2002–2003 school year. California's charter school population of 142,148 students represents 2.3 percent of total student enrollment. Nevertheless, the number of charter schools in California is increasing rapidly, and this percentage is likely to increase over time given recent growth in student enrollment. For example, in the 2000–2001 school year California charter school enrollment was 112,065. The 2002–2003 enrollment figures show a 26.84% increase in just two years.

	Regular Education		Special Education	
	n	%	n	%
RAI	52,023	0.86	5,696	0.85
RAS	691,382	11.42	38,917	5.83
RHI	2,766,108	45.69	291,027	43.57
RBL	500,898	8.27	80,642	12.07
RWH	2,043,361	33.75	251,610	37.67
RTOTAL	6,053,772	100.00	667,892	100.00
CHAI	1,875	1.32	108	1.45
CHAS	9,289	6.53	263	3.53
CHHI	53,396	37.56	2,752	36.99
CHBL	14,907	10.49	927	12.46
CHWH	62,681	44.10	3,390	45.56
CHTOTAL	142,148	100.00	7,440	100.00

Source: CA Dept. of Education Ed-Data and Dataquest Program 2002–2003 School year
Note: CH=charter school, R=Regular non-charter public school
 AI=American Indian; AS=Asian; HI=Hispanic; BL=Black; WH=White
Bolded Values represent absolute differences between Regular and Charter School Students greater than 50%

An examination of the percentage of students by race in regular schools compared with the percentage of students in charter schools in Table 1 found a variable pattern of results. White students were more likely to attend charter schools than regular schools (44.1 percent to 33.75 percent), with fewer Hispanics and Asians attending charter schools in comparison to regular schools. Black students and American Indian students had slightly higher enrollment in charter schools than in regular education settings.

The percentage of students with special needs largely mirrored the trends of regular education students, with an increased percentage of White students and small increases in the special education proportion of American Indian and Black students. The smaller proportion of Hispanic and Asian students with special needs mirrors the enrollment change that can be seen with regular students and regular public schools versus charter schools. This is important because it shows that California's charter schools enroll special education students at rates that are consistent with the

TABLE 2. Odds ratio for Students with Special Needs by Race Ethnicity in Charter Schools in California

		Odds Ratio	
CHAI	1.07		
CHAS	0.52		
CHHI	0.95		
CHBL	1.15		
CHMITOTAL	0.94		

Source: CA Dept. of Education Ed-Data and Dataquest Program 2002–2003 School year
Note: CH=charter school,
 AI=American Indian; AS=Asian; HI=Hispanic; BL=Black; WH=White; MITOTAL=All Non-White Students

charter schools' racial population. It also suggests that the racial disproportionality of special education that has been established in regular schools (Fierros & Conroy, 2002) would appear, on the surface, to be mirrored in charter schools. Further evidence of this conclusion is shown in Table 2.

An odds ratio analysis (Fleiss, 1973; Siminoff, 2003; Wasserman, 2004) was employed to estimate the likelihood of minority students with special needs being placed in charter schools compared with their White counterparts. The odds ratio of .52 for Asian American students in California shows that these students are under-represented in special education in charter schools. The odds ratios did not reveal a significant difference for other racial groups (i.e. American Indians, Hispanics, or Blacks), nor did it show important differences for minorities overall (CHMITOTAL). This uniformity and lack of variability in special education enrollment in regular and charter school education suggests that any attitudes towards enrolling certain races into special education programs are largely identical between the two systems. This result may be explained by California's legal requirement that the school's student body must reflect the racial and ethnic balance of the general population living in the school district granting the charter (Frankenberg & Lee, 2003).

Because California's state charter school policies allow for-profit and non-profit charter schools, we looked for differences in the enrollment patterns of students by race and ethnicity. For-profit charter schools are operated by commercial for-profit entities while non-profit charter schools are run by traditional school districts or groups and individuals who often have a different or altruistic vision of education. Charter schools are grouped into their respective categories and examined below.

Table 3 presents the number and percentage of students with special needs by race/ethnicity in for-profit and non-profit charter schools in California. Students with special needs represent a larger percentage in for-profit charter schools compared with non-profit charter schools. An analysis by race/ethnicity found variable results in the comparison of for-profit and non-profit charter schools. Asian/Pacific Islanders, Hispanics, and Blacks represented a greater percentage in for-profits compared with non-profits, while Whites and American Indians had a greater number of students

TABLE 3. *Number and Percentage of Students and Students with Special Needs by Race/Ethnicity in For-Profit and Non-Profit Charter Schools in California*

	Students				Students with Special Needs			
	For-Profit		Non-Profit		For-Profit		Non-Profit	
	n	%	n	%	n	%	n	%
CHAI	353	1.57	197	1.51	20	1.37	9	1.58
CHAS	1,800	7.99	614	4.69	58	3.99	7	1.23
CHHI	8,210	36.45	4,069	31.10	482	33.13	167	29.40
CHBL	2,516	11.17	1,615	12.34	230	15.81	69	12.15
CHWH	9,646	42.82	6,592	50.38	665	45.70	316	55.63
CHTOTAL*	22,525	-	13,084	-	1,455	6.46%	568	4.34%

Source: CA Dept. of Education Dataquest Program 2002–2003 school year
Note: CH=charter school, R=Regular non-charter public school
 AI=American Indian; AS=Asian; HI=Hispanic; BL=Black; WH=White
 *Represent n=60 For-Profit charter LEAs and n=60 Non-Profit Charter LEAs

with special needs in non-profit charter schools. Table 3 shows there is a great degree of variability in enrollment patterns between for-profits and non-profits in California. Overall, the values are reflective of the general charter school student enrollment presented in Table 1. There are a greater percentage of Asian/Pacific Islanders, and Hispanics in for-profit charter schools compared with non-profit charter schools. Thus, there is no clear difference in regular enrollment by race for either for-profit or non-profit charter schools in California.

Table 4 lists the number and percentage of students identified with mental retardation (MR), speech and language disorder (Speech), emotional disturbance (ED), and specific learning disability (SLD) by race/ethnicity in California charter schools. Mirroring special education placement patterns in regular schools, Whites and Hispanics accounted for the largest percentage of students in all four special needs

TABLE 4. *Number and Percentage of Students Identified with Specific Learning Disability, Mental Retardation, Speech and Language Disorder, or Emotional Disturbance by Race/Ethnicity in Charter Schools in California*

	Specific Learning Disability		Mental Retardation		Speech and Language		Emotional Disturbance	
	n	%	n	%	n	%	n	%
	CHAI	67	1.55	5	1.89	25	1.43	1
CHAS	121	2.80	14	5.30	81	4.64	6	2.78
CHHI	1,698	39.33	106	40.15	699	40.08	52	24.07
CHBL	636	14.73	30	11.36	137	7.86	40	18.52
CHWH	1,795	41.58	109	41.29	802	45.99	117	54.17
CHTOTAL	4,317	3.04%	264	0.19%	1,744	1.23%	216	0.15%

Source: CA Dept. of Education Dataquest Program 2002–2003 School year
Note: CH=charter school; AI=American Indian; AS=Asian; HI=Hispanic; BL=Black; WH=White

TABLE 5. Number and Percentage of Students Identified with Mental Retardation or Speech and Language Disorder by Race/Ethnicity in For-Profit and Non-Profit Charter Schools in California								
	Mental Retardation (MR)				Speech and Language			
	For-Profit		Non-Profit		For-Profit		Non-Profit	
	n	%	n	%	n	%	n	%
CHAI	2	0.96	3	5.45	12	0.92	13	2.95
CHAS	14	6.70	0	0.00	71	5.45	10	2.27
CHHI	97	46.41	9	16.36	583	44.74	116	26.30
CHBL	24	11.48	6	10.91	92	7.06	45	10.20
CHWH	72	34.45	37	67.27	545	41.83	257	58.28

Source: CA Dept. of Education Dataquest Program 2002–2003 School year
Note: CH=charter school; AI=American Indian; AS=Asian; HI=Hispanic; BL=Black; WH=White

categories. It is important to note, however, that Blacks were overrepresented in SLD (14.73) and ED (18.52), even though they only represent 12.46 percent of the charter school student population as shown in Table 1. This finding is consistent with previous national and state-level studies that have found overrepresentation of Blacks in SLD and ED (Artiles & Trent, 1994; Fierros & Conroy, 2002; Fiore, et al., 2000).

Table 5 presents the number and percentage of students identified with mental retardation (MR) or speech and language disorder (Speech) in for-profit and non-profit charter schools. A greater number and percentage of Asian/Pacific Islander, Hispanic, and Black students with Speech and Language Disorder were found in for-profit charter schools, while more American Indians and Whites were found in non-profit charter schools. The extremely small number of students designated with MR does not allow for a meaningful comparison of the two types of schools.

Table 6 presents the number and percentage of students identified with emotional disturbance (ED) or specific learning disability (SLD) in for-profit and non-profit charter schools. The extremely small number of students designated with ED does not allow for a meaningful comparison of the for-profit and non-profit charter

TABLE 6. Number and Percentage of Students Identified with Mental Retardation or Specific Learning Disability by Race/Ethnicity in For-Profit and Non-Profit Charter Schools in California								
	Emotional Disturbance				Specific Learning Disability			
	For-Profit		Non-Profit		For-Profit		Non-Profit	
	n	%	n	%	n	%	n	%
CHAI	0	0.00	1	2.22	44	1.37	23	2.08
CHAS	5	2.92	1	2.22	78	2.43	43	3.89
CHHI	44	25.73	8	17.78	1356	42.23	342	30.92
CHBL	33	19.30	7	15.56	485	15.10	151	13.65
CHWH	89	52.05	28	62.22	1248	38.87	547	49.46

Source: CA Dept. of Education Dataquest Program 2002–2003 School year
Note: CH=charter school; AI=American Indian; AS=Asian; HI=Hispanic; BL=Black; WH=White

schools but does suggest that few students with special needs can be found in non-profit charter schools. A greater number and percentage of American Indians, Hispanic, and African-American students with SLD were found in for-profit charter schools, while more Whites and Asian/Pacific Islanders were found in non-profit charter schools.

DISCUSSION

California's charter school enrollment showed a dramatic increase in Whites' enrollment versus regular public schools (44% for charters vs. 34% for regular public schools). This large increase suggests that the location, mission, or enrollment practices of charter schools in California may cater to the needs and desires of White students and their parents. However, Black and American Indian enrollments also saw small increases. This research found that racial/ethnic representation of special education students mirrors the larger school populations in California which may be explained by California's charter school laws. For example, the larger percentage of White students with special needs in California's regular schools corresponds with the increased enrollments of Whites with special needs in California's charters. Special education placements do not seem to vary unduly from regular charter school enrollment placement patterns.

In the examination of placement rates and special education, the number of special education students and the placement rates in for-profit and non-profit charter schools in California were interesting. National studies have revealed that regular public schools have 11% special education enrollment (U.S. Department of Education, 2000), which draws attention to the relatively low number of students with special needs in California charter schools. In California, both for-profit and non-profit charter schools show a substantially smaller special education enrollment (6.46% and 4.34%, respectively) as a percentage of their enrollment. These numbers are much less than regular public school rates, which previous research on charter schools nationally and in California has also shown (Ahearn, 2001; Miron & Nelson 2002; Murphy & Shiffman 2002; U.S. Dept. of Education, 1998a). The low enrollment of special education students in California charter schools raises serious concerns about accessibility for students with special needs to enroll in charter schools. However, the present data do not reveal obvious problems about racial/ethnic enrollment patterns in charter schools compared with public schools.

Our analysis of for-profit and non-profit charter schools found little variability between racial and ethnic enrollment in charter schools and their corresponding special education enrollment. California for-profit charter schools do have higher numbers of students with special needs than do non-profit charter schools, but the enrollment patterns suggest that the profit motive is an unlikely characteristic of charters enrolling special education students. It is quite possible that school size or state charter school policy has a more important effect on special education enrollment than the profit motive alone. Nevertheless, the low numbers of special education students overall in publicly-funded charter schools is troubling.

California's detailed state statistics allowed us to examine the types of student disabilities and to evaluate whether enrollment patterns for specific special needs differ in charter schools. The low percentage of Hispanics (24.07%) who are diagnosed

with ED out of the total ED population suggests that Hispanics are underrepresented for ED when compared to other ethnic groups. The very low rate of students with ED suggests that California's charter schools may be excluding students with ED, may be unattractive to parents whose children have ED, or it may also be explained by reality that many Hispanics are non-English speakers and are less likely to explore charter schools (Frankenberg & Lee, 2003).

Finally, this research confirms that students with special needs are restricted in both charter school and non-charter school settings. However, this research did not find that minority students deemed eligible for special education supports and services were more likely than their White counterparts to be placed in restrictive educational settings in charter schools.

Limitations

There were several important limitations in our study which need to be addressed through further research. This study examined enrollment in for-profit and non-profit charter schools to see if the profit motive impacts charter schools' enrollment of students with special needs. It did not examine the differences between charter schools that were stand alone LEA's, incorporated charter schools as part of a district, or some other arrangement that could have an effect on administrators and staff attitude, receptivity, and capability to help educate students with special needs. How the charter school came into existence affects the organization and motivation of a charter school, and an examination of its origins may play a role in its enrollment of special education students. For example, Willis (2000) has examined California charter schools that converted from existing public schools and start-up charter schools and found that charter schools in general served a minute number of students with special needs; he discovered that start-up charters had even fewer, if any, students with special needs compared to conversion charter schools. An examination of state funding formulas and the role they play in the formation and motivation of individual states' charter schools to enroll special education students could also be important in further clarifying this issue (Parrish, 2002). We can infer from the relatively small number of students identified with MR, ED, Speech and Language Impairment, or SLD that these students are excluded from charter schools generally, and the regular classroom in particular. However, the data used to understand restrictiveness in charter schools do not provide information on how the learning needs of students with special needs are administered within charter school classrooms.

Several schools that were listed as existing or in operation were missing enrollment data or did not appear inside California's search databases. Although many of the districts that were rejected from our study are likely closed or not yet in active operation, there is still a question of whether all the schools in the population have been fully represented. Currently, the Office of Civil Rights (OCR) requires school districts and states to report special education placement data, yet charter schools are currently not required to provide such data. In fact, if a charter school opens in a district that is out of compliance with OCR's policies, it simply must inform OCR without having to provide a plan for addressing its own potential compliance issues (Frankenberg & Lee, 2003).

Significance

This study will provide educational policy makers with additional evidence of the systemic shortcomings of the IDEA implementation and adherence to the law by schools in general and charter schools in particular. The segregation from charter schools that students with special needs face in the U.S. in general, and in California in particular, has resulted in both (1) de facto state-sanctioned exclusion from schools (often better schools or smaller schools) that are designed to provide their students with alternative approaches to learning, and (2) the greater potential for isolation into schools that are filled with students that are deemed “at-risk” as is the case in Arizona and Texas (Frankenberg & Lee, 2003). This study shows that, in general, patterns of bias against students with special needs exist in all schools but are especially problematic given the growing number of California charter schools and given that charter schools do not have to adhere to all the same rules and regulations that public schools do currently.

This research highlights the role of charter schools in continuing the segregation of students by race, ethnicity, and special needs. It also points out that charter schools are not free from segregationist pressures and that the charter school experience is dependent, to a large extent, on the school’s location. Although this research has the potential to influence the classroom experience for minority special education students in both California and nationally it is likely that these students will remain vulnerable in these new charter school arrangements without the vigorous enforcement of their hard-won rights. If positive change is to occur and students with special needs are truly to be included, charter school administrators “must address a variety of issues related to special education, including equitable enrollment of students with disabilities, determination of special education eligibility, provision of educational and related services, assessment and reporting of student progress, sustained supply of certified teachers and related service providers, special education transportation when needed, and administration of due process” (Fiore, et al., 2000, p. 1).

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