

Restrictiveness and Race in Special Education: Access to a Special Education Infrastructure

Courtney Davis¹

American Institutes for Research

Parents of students with disabilities want the same access to educational opportunities as parents of students without disabilities. This “right” to particular services and learning environments is securely supported by federal regulations and policies in all schools, including charter schools. However, in the work of Fierros and Blomberg (2004, in this issue) “Restrictiveness and Race in Special Education Placements in For-Profit and Non-Profit Charter Schools in California,” it illuminates the interrelationship of race and placement of minority students with disabilities enrolled in charter schools. In response to the article, I share several remarks that charter schools may be in danger of limiting access to minority students with disabilities, including the following, 1) charter schools are in danger of mirroring traditional public schools in California, 2) inequitable recruiting practices may be evident, 3) there is a lack of support for charter schools concerning special education, and 4) dearth of studies concerning students with disabilities in for-profit and non-profit charter schools is clear. Later, I conclude with recommendations to improve disproportionality of students with disabilities enrolled in charter schools.

Keywords: Access, Special Education, Disproportionality, Charter Schools, Special Education Placement

While composing my thoughts for the commentary, I identified the following mission statement for a charter school located in Washington, D.C. It read:

Johnson Academy* is a community educational center whose mission is to serve children with and without learning disabilities, which translates into teaching academic and arts skills through an interdisciplinary, project-based curriculum. The program provides support for parents and other community members. Instruction and assessment is based on the most current DCPS standards of learning and is tailored to each child’s individual needs. Johnson Academy emphasizes the development of the whole child: intellectual, emotional, physical and social, assessing progress using portfolio collections of the children’s work and culminating projects at the end of the thematic unit. The school’s thorough accountability plan details quantifiable goals measuring student’s, teacher’s, and administrative success levels in the

1. Address correspondence to Courtney Davis, Ph.D., American Institutes for Research, 1000 Thomas Jefferson St., NW Washington, DC 20007-3835. Email: cdavis@air.org

school's first five years of operation. (District of Columbia Public Charter Schools, 2003)

*Name of charter school has been changed.

The sample mission statement is reflective of material shared with students and families interested in the potential of a charter school. After reviewing the advertisement, for a brief moment, I asked myself, "Can this be a viable option for any student, particularly students with disabilities?" My initial reaction quickly resulted in a resounding one-word response, "Yes." Just as every parent of a child with disabilities wants to provide the elements which will result in success, parents want to believe that their child's educational needs will be met after enrollment in any school, particularly a charter school. It is logical to understand a parent's rationale to enroll their child in a charter school. As the facilitator of an educational vision, parents of students with disabilities are choosing schools, for many of the same reasons as other parents, including but not limited to features or description of the facility (Fiore, Harwell, Blackorby, & Finnigan, 2000; Ahearn, 2001), negative experiences of previously attended school (Ahearn, 2001), philosophy of the school (Fiore, et al., 2000), and decreased student population (Lange & Lehr, 2000). However, after reading Fierros and Blomberg's (2004, in this issue) article "Restrictiveness and Race in Special Education Placements in For-Profit and Non-Profit Charter Schools in California," I have a growing concern regarding the accessibility charter schools grant and provide to students with disabilities, particularly minority students.

Though parents are seeking a learning environment to suit their child's needs, charter schools may not meet the high expectations of the perceived panacea. The authors of "Restrictiveness and Race in Special Education Placements in For-Profit and Non-Profit Charter Schools in California," express their concerns pertaining to the implementation of special education and access of students with special needs. In turn, they highlight the significant role of charter schools to perpetuate enrollment and placement practices which result in the overrepresentation and underrepresentation of minorities in special education. I will share my perspectives based on the authors' findings and conclude with recommendations for charter schools.

After reviewing the manuscript, it appears that charter schools are tragically mimicking traditional public schools in California. For example, as the school reform movement continues to grow, the enrollment trend is surprisingly consistent between students with special needs by race in regular and charter schools. In addition, the results of an odds ratio indicated uniformity in special education enrollment in regular and charter school enrollment as well. These data cement the beliefs that identical behavior in both systems may be a result of similar or adopted attitudes as California has been identified with an established history of disproportionality. The context of this relationship sets the stage as the regular public school system generates a model for inappropriate practices and processes for the charter school system. During this early phase of development for charter schools, warning signals are apparent and must not be ignored.

Despite low enrollment in special education, the warning signs continue to appear. Reflecting the placement patterns of the traditional public schools, White students account for the largest percentage in all special education categories,

including special learning disability, mental retardation, speech and language, and emotional disturbances (Fierros & Blomberg, 2004). This situation begs several questions: What recruitment strategies are utilized to result in more White students? Is the recruitment process different for minority students? It is my view to support the inclusion of equitable practices to determine to what extent each potential student with a special need has the opportunity to enroll in a charter school. However, policymakers are responsible for embedding equitable practices within each stage of the process to become a charter school, including after the contract, or charter, is awarded. Fierros and Blomberg (2004) indicated that two issues may account for the high percentage of White students. First, minority students and students with more severe disabilities are “counseled out” and persuaded to avoid enrollment in a charter school because they are deemed ineligible to be a candidate for the charter school. Second, administrators and instructors at charter schools have limited knowledge of special education and as a result encourage students and their families to receive better services at the local school district. Both trajectories are unacceptable as students with disabilities are supported by three federal laws, including the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA).

In tandem, Fierros and Blomberg (2004) reported that African-Americans are overrepresented in at least two categories, including specific learning disability and emotional disturbance in charter schools. At this point, it is my understanding that some charter schools are facing immediate concerns to reduce disproportionality. Therefore, I must ask: How did the charter schools identify the problem? How will charter schools access needed technical assistance to meet the needs of minority students with special needs? In addition, charter schools will need support and guidance to develop a long-term plan to address, and ultimately end the disproportionate representation of minorities in special education.

In addition to the examination of minority students enrolled in charter schools in California, Fierros and Blomberg (2004) probed to uncover variable enrollment trends of minority students identified with mental retardation, speech and language, emotional disturbance, and specific learning disability in for-profit and non-profit charter schools. Unfortunately, due to a significantly small number of students included in the sample, no meaningful comparisons between the two types of schools were available. The authors suggested profit motive may not be an incentive for charter schools to enroll students with disabilities and other issues including charter school policy and school size may play a role. It is my view that this phase of development in charter school history does not lend itself to results that have major impact or provide comparison. However, researchers should not be discouraged from studying this topic as additional study of for-profit and non-profit institutions is needed.

As the charter school movement grows, persistent efforts to conduct studies and make keen observations will also continue as long as researchers are aware of the historical context to educate students who have special needs and are culturally and linguistically diverse. For more than 30 years, disproportionate representation of culturally and linguistically diverse students in special education continues to be a major concern in the field (Artiles & Trent, 1994; Patton, 1998). Historically, this student

population has endured school battles, policy changes, and federal regulations in the regular school system to ensure the right to an education. As a result, enrollment trends in traditional schools mirrored in charter schools is frightening to me. Concomitantly, it is an unavoidable sign that sends several signals, including 1) the potential for disproportionality to increase is high, and 2) as researchers, the onus for developing and disseminating research-supported strategies to prevent or decrease disproportionality lies with us. However, collaborative partnerships, including charter school administrators and researchers, can take steps to prevent charter schools from potentially chipping away the rights of students with disabilities. Before the growth spurt of charter schools rages uncontrollably, the following recommendations should be considered to reduce disproportionality and increase the positive academic outcomes for minority students. As these practices are implemented appropriately and consistently, the opportunity for all children to reach their potential may be achieved.

Each charter school must have access to a special education infrastructure. Although state laws dictate the operation and admission policies for all charter schools, each one must be awarded a contract, or charter, by a governing board (Ahearn, 2001; Donahoo, 2001). In some states, school boards have been created to specifically monitor charter schools (Nelson, et al., 2000). Responsibility for sharing information, and informing administrators of recruitment, policy and federal laws related to the operation of the school and to special education should be provided. Most importantly, it is an opportunity to guide charter schools to identify signs of disproportionality, monitor their steps, disseminate preventative strategies, and evaluate their progress. Of course, addressing any identified problems would ensure additional time warranted for the renewal of the charter.

Create a network among charter schools to provide technical assistance concerning disproportionality. Provided with the appropriate materials and resources, charter schools can make informed decisions to positively impact students with special needs. After receiving a contract, or charter, administrators will be privy to a membership featuring collaborative professionals to share effective research-based strategies, problem-solve solutions for common challenges, identify qualified special education teachers, and exchange ideas to build a community of practice. For example, membership to the network can assist administrators to access technical assistance sponsored by the Office of Special Education Programs (OSEP), including the National Center for Culturally Responsive Educational Systems (NCCRESt) and Access Center: Improving Outcomes for Students K-8.

Develop collaborative relationships with families. Though many charter schools promote policies to encourage linkages between school and parents, they may be unknowledgeable about ways to develop collaborative efforts to positively impact students with disabilities and their families, particularly with culturally and linguistically diverse families. An extension of their current efforts may include a framework which identifies parents and guardians as valuable resources and appreciates their funds of knowledge to promote academic achievement (Garcia & Ortiz, 2004; Moll, Amanti, Neff, & Gonzáles, 1992). In addition, parents are viewed as partners to work with teachers using a posture of cultural reciprocity (Kalyanpur & Harry, 1999). Such efforts will communicate that the values and culture of the family are appreciated, and the educational achievement of the student is significant. As a result, the

opportunity to advance a shared responsibility between parents, and instructional staff will increase (Garcia & Ortiz, 2004).

Provide professional development concerning disproportionality and effective strategies and practices for minority students with disabilities. As charter schools tend to be small in comparison to traditional public schools, they also struggle to identify teachers that are “highly” qualified to instruct students with disabilities. It is reasonable to think that the smaller number of staff will encounter students with disabilities, despite limited amounts of training in special education. However, it is critical to engage in professional development to increase awareness of effective, research-based instructional strategies and lead to culturally competent practices for all students (Garcia & Ortiz, 2004). Central to the professional development are topics concerning cultural self-awareness and personal beliefs and attitudes. Knowledge of socio-political contexts that impact the learning and teaching of students are integrated as well (Patton, 1998; Garcia & Ortiz, 2004). However, professional development is not limited to these issues as steps must be taken to share and disseminate effective, research-supported practices and skills to apply in an actual classroom (Gay, 2000; Garcia & Guerra, 2004; Garcia & Ortiz, 2004).

Adopt a culturally-responsive prereferral intervention. Prereferral interventions have evolved as a direct response to the overidentification and misplacement of students in special education. Primarily, the purpose of the intervention is to distinguish a student with a disability from other individuals with academic or behavioral problems which may be caused by other factors (Burnette, 2000). There are multiple models of a prereferral intervention including the following: prereferral intervention teams, prereferral consultation teams, student assistance teams, student success committees, and school-based intervention assistance teams. Typically, a prereferral intervention team consists of 4–7 members, including but not limited to the general education teacher, special education teacher, an administrator, school psychologist, or social services personnel that engage in a problem-solving process to address the needs of the student (The Disproportionate Representation of Racial and Ethnic Minorities in Special Education, 2001). Though this intervention is not intended to discourage special education referrals, it is critical to prevent the inappropriate identification of a student with problems resulting from other factors. When the approaches fail to resolve academic problems, based on data collection and appropriate implementation, then special education is necessary.

Continue to conduct additional, in-depth studies. For a deeper understanding of enrollment and placement of students with disabilities in charter schools, continued efforts to conduct research are needed. As charter schools are in the early stages of development, some data may be hampered due to small sizes or incomplete documentation. However, researchers may consider a focus on process-oriented studies, including qualitative studies documenting the transition of a student with disabilities from the traditional school system to a charter school. In addition, studies are needed to feature the development of an inclusive program at a charter school (Downing, Spencer, & Cavallaro, 2004). Results from these inquiries will provide documentation of current struggles, promote understanding, and inspire further research needed to increase the opportunity to include students with disabilities with high degrees of success.

Courtney P. Davis received her Doctorate in Special Education from the University of Virginia. She is a research analyst for the American Institutes for Research. Her research interests include cultural issues in special education, teacher preparation, and students with disabilities in correctional facilities.

REFERENCES

- Ahearn, Eileen (2001). Public charter schools and students with disabilities. (Prepared for the Office of Educational Research and Improvement, U.S. Department of Education). Arlington, VA: (ERIC Document Reproduction Service No. ED ED455656).
- Artiles, A., & Trent, S. (1994). Overrepresentation of minority students in special education: A continuing debate. *Journal of Special Education, 27*, 410–437.
- Burnette, J. (2000). Assessment of culturally and linguistically diverse students for special education eligibility. Prepared for the Office of Educational Research and Improvement, U.S. Department of Education. Arlington, VA: Retrieved November 1, 2004, from <http://ericec.org/digests/e604.html>
- Disproportionate Representation of Racial and Ethnic Minorities in Special Education (2001). Retrieved November 1, 2004, from <http://www.emstac.org/registered/topics/disproportionality/models.htm>
- District of Columbia Public Charter Schools. (2003). Washington, DC: District of Columbia Board of Education.
- Donahoo, S. (2001). Perspectives on charter schools: A review for parents. (Prepared for the Office of Educational Research and Improvement, U.S. Department of Education). Champaign, IL: (ERIC Document Reproduction Service No. ED 455973).
- Downing, J., Spencer, S., & Cavallaro, C. (2004). The development of an inclusive charter elementary school: Lessons learned. *Research & Practice for Persons with Severe Disabilities, 29*(1), 11–24.
- Fierros, E., & Blomberg, N. (2004). Restrictiveness and race in special education placements in for-profit and non-profit charter schools in California. *Learning Disabilities: A Contemporary Journal*.
- Fiore, T., Harwell, L., Blackorby, J., & Finnigan, K. (2000). Charter schools and students with disabilities: review of existing data (Prepared for the Office of Educational Research and Improvement, U.S. Department of Education). Rockville, MD: Westat. (ERIC Document Reproduction Service No. 452657).
- Garcia, S. & Guerra, P. (2004). Deconstructing deficit thinking: Working with educators to create more equitable learning environments. *Education and Urban Society, 36*(2), 150–168.
- Garcia, S. & Ortiz, A. (2004). Preventing disproportionate representation: Culturally and linguistically responsive prereferral interventions. Retrieved November 1, 2004, from <http://www.nccrest.org/publications.html>
- Gay, G. (2000). Culturally responsive teaching: Theory, research, and practice. New York: Teachers College Press.
- Kalyanpur, M. & Harry, B. (1999). *Culture in special education*. Baltimore, MD: Brookes.
- Lange, C. & Lehr, C. (2000). Charter Schools and Students with Disabilities: Parent perceptions of reasons for transfer and satisfaction with services. *Remedial & Special Education, 21*(3), 141–152.
- Moll, L., Amanti, C., Neff, D., & González, N. (1992). Funds of knowledge for teaching: Using a qualitative approach to connect homes and classrooms. *Theory into Practice, 31*(2), 132–141.

- Nelson, B. Berman, P., Ericson, J., Kamprath, N., Perry, R., Silverman, D., & Soloman, D. (2000). The State of charter Schools 2000: Fourth-Year Report. Washington, DC: Office of Educational Research and Improvement. Available: <http://www.ed.gov/pubs/charter4thyear/ED437724>
- Patton, J. (1998). The disproportionate representation of African Americans in special education: Looking behind the curtain for understanding and solutions. *The Journal of Special Education*, 32(1), 25–31.

Received September 11, 2004

Revised November 16, 2004

Accepted November 17, 2004

Copyright of Learning Disabilities -- A Contemporary Journal is the property of Learning Disabilities Association of Massachusetts and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.