

Why the Gap? Special Education and New York City Charter Schools

Executive Summary

Marcus A. Winters
September 2013



Executive Summary

The significant growth of charter schools in the United States has brought both praise for the excellent results achieved by some schools and criticism that charter schools may not be serving the most disadvantaged students.

These criticisms are bolstered by the gap in enrollment rates of special education students between charter schools and traditional public schools. A Government Accountability Office (GAO) study put the gap at 3 percent nationally (8.2 percent at charter schools versus 11.2 percent in traditional public schools). This gap is mirrored in New York: The Center on Reinventing Public Education (CRPE) at the University of Washington found a similar gap in New York State (14.3 percent versus 18.2 percent) and the New York City Charter School Center reports that 13.1 percent of city charter school students receive special education services compared to 16.5 percent in traditional public schools.¹

The difference between special education enrollment rates in traditional public and charter schools is of serious concern. Such differences provoked a class-action lawsuit in Louisiana.² In response to the seeming disparity in disability rates across sectors, state lawmakers revised the New York State Charter Schools Act to require charter authorizers to set enrollment and attendance targets for students with disabilities and consider the effort to meet these targets during renewal proceedings.³

To date, however, there has been little research on why this persistent three to four percent gap in special education enrollment rates exists. Critics contend that charters either don't admit or "push out" low-performing students, including those requiring special education services, who must then attend traditional public schools. Charter leaders assert that they are less likely to identify a child as needing special education services, preferring instead to use their autonomy to intervene in the child's learning or behavioral needs, so that she or he can participate fully in the regular classroom environment.

It is also possible that parents of students with special needs are less likely to choose to attend charter schools. They may be satisfied with their current schools or may perceive that certain or all charter schools do not or cannot serve students with Individualized Education Programs (IEPs).

This study, commissioned by the Center on Reinventing Public Education, attempts to ascertain why the disparity in special education rates exists. We use data made available from the New York City Department of Education and 25 participating New York City charter elementary schools to track students who participated in lotteries and discern whether there is a difference over time in special education rates between applicants who enrolled in charters and those who instead enrolled in traditional public schools.

We also use data on all elementary-grade students in New York City public schools to assess the influence of factors that could contribute to the special education gap, such as student mobility across sectors and the probability that a student is newly classified or is declassified as having a disability.

Our analysis reveals several important findings:

- The gap in special education enrollment exists primarily because students with disabilities—particularly those with autism or who have a speech or language impairment—are less likely to apply to charter schools in kindergarten than are regular enrollment students.
- The gap in special education rates between charter and traditional public schools grows considerably as students progress from kindergarten through third grade. A large part (80 percent) of the growth in this gap over time is that charter schools are less likely than district schools to classify students as in need of special education services and more likely to declassify them.
- The other 20 percent of the growth in the gap of special education rates is explained by students transferring between charter and district schools.

1. Robin Lake, Betheny Gross, and Patrick Denice, *New York State Special Education Enrollment Analysis* (Seattle, WA: Center on Reinventing Public Education, November 2012); "Students with Special Learning Needs and NYC Charter Schools, 2012-2013," (New York: New York City Charter School Center, April 2013).

2. Cindy Chang, "New Orleans special needs students file federal lawsuit against Louisiana Department of Education," *New Orleans Times-Picayune*, October 29, 2010.

3. See Joseph Belluck, "Memorandum to Members of the Charter Schools Committee," October 2, 2012.

- Surprisingly, the results do not suggest that charter schools are refusing to admit or are pushing out students with special needs. In fact, more students with previously identified disabilities enter charter schools than exit them as they progress through elementary grade levels. The 20 percent growth in the gap is driven by greater proportions of general education students entering charter schools between kindergarten and third grade, which has the effect of reducing the total proportion of students with special needs compared to the total number of students. In other words, the gap increases because the number of regular enrollment students in charter schools goes up as new students enroll, not because the number of students with disabilities goes down.
- The growth in the special education gap between charter and traditional public schools occurs mostly in what could be considered the most subjective categories of student disabilities: emotional disability and specific learning disability. By far, the most substantial growth in the special education gap occurs in the least severe category, that of specific learning disability. Rates of classification in what might be considered the more severe (and less subjective) categories of special education—autism, speech or language impairment, or intellectual disability—remain quite similar in charter and traditional public schools over time.
- There is great mobility among special education students regardless of whether they attend a charter or traditional public school. Nearly a third of charter school students who receive special education services leave the charter school by the fourth year of attendance. However, more than a third of traditional public school students who receive special education services leave their traditional public school before the fourth year of attendance.

Overall, the results of these findings, at least for this sample of schools, suggest that a significant portion of the special education gap occurs when children enter kindergarten. For whatever reason, students with identified disabilities (particularly students with autism and those with a speech or language impairment) are less likely to enroll in charter schools. We cannot discern the reasons for their parents' choices in a statistical analysis alone, and the issue deserves further study. It may be, for example, that these students were enrolled in specialized pre-school programs that feed into district

elementary schools. It is also possible that the parents didn't view charter schools as an appropriate fit for their child, either because of their own assumptions or because they were discouraged from applying by counselors or by charter school staff.

Once a student enrolls in a charter school, the primary driver of the special education gap occurs because charter school students are significantly less likely to be newly classified as having a disability and are far more likely to have their IEP declassified than is the case in the traditional public school sector.

These results suggest that recent attempts to address the special education gap through legislated special education enrollment targets for charter schools are unlikely to yield meaningful results and could prove harmful to students. Regulations requiring charter schools to meet certain thresholds for the percentage of their students in special education could have the impact of forcing charter schools to push for a disability diagnosis for students who otherwise would have avoided the designation. Charter schools should be encouraged to recruit such students. However, it is difficult to hold them accountable for the free choice of individuals deciding whether or not to apply to the charter sector.

Policy attention may be more usefully spent identifying and replicating effective academic or behavioral intervention practices that allow charter and district schools to de-classify students with mild disabilities. As well, policymakers should track across sectors the satisfaction rates of parents of students with special needs and students' academic outcomes, particularly given this study's finding that nearly a third of students with special needs change schools before their fourth year of attendance, regardless of the type of school.

While the implications of this study deserve attention from the field, the results should be considered specific to the 25 schools participating in the study and may or may not apply more broadly. More research is needed to know if the results would be the same in other locales and in a broader sample of charter schools. We also need to know more about the schools' classification and intervention practices as well as what factors influence whether or not parents of children with special needs choose charter schools. The Center on Reinventing Public Education will conduct such studies in the coming year.

Find the full report at crpe.org.

Acknowledgements

I am very grateful to the New York City Charter School Center, especially Michael Regnier and Daniel Hayman, for their assistance contacting charter schools. I am also grateful to Seth Andrew for his recruitment help. I am appreciative of the very helpful comments provided by Brian Gill, Lauren Morando Rhim, Joshua Cowen, Dick Carpenter, Brian Kisida, Jay Greene, and Ryan Marsh.

Funding for this project comes from the Walton Family Foundation. We thank the Foundation for its support but acknowledge that the findings and conclusions presented here are those of the author alone and do not necessarily represent the opinions of the Foundation.

About the Author

Marcus A. Winters is a senior fellow at the Manhattan Institute and an assistant professor at the University of Colorado Colorado Springs. He conducts research and writes extensively on education policy, including topics such as school choice, accountability, and teacher quality. Winters has performed several studies on a variety of education policy issues including high-stakes testing, performance-pay for teachers, and the effects of vouchers on the public school system. His research has been published in the journals *Journal of Policy Analysis and Management*, *Educational Researcher*, *Educational Evaluation and Policy Analysis*, *Education Finance and Policy*, *Educational Finance*, *Economics of Education Review*, and *Teachers College Record*. His op-ed articles have appeared in numerous newspapers, including *The Wall Street Journal*, *Washington Post*, and *USA Today*, and he is often quoted on education issues. Winters received a B.A. in political science from Ohio University in 2002, and a Ph.D. in economics from the University of Arkansas in 2008.

About the Center on Reinventing Public Education

Through research and policy analysis, CRPE seeks ways to make public education more effective, especially for America's disadvantaged students. We help redesign governance, oversight, and dynamic education delivery systems to make it possible for great educators and programs to do their best work with students and to create a wide range of high-quality public school options for families.

Our work emphasizes evidence over posture and confronts hard truths. We search outside the traditional boundaries of public education to find pragmatic, equitable, and promising approaches to address the complex challenges facing public education. Our goal is to create new possibilities for the parents, educators, and public officials who strive to improve America's schools.

CRPE is a self-sustaining organization affiliated with the University of Washington. Our work is funded through private philanthropic dollars, federal grants, and contracts.

About the Manhattan Institute

For over 30 years, the Manhattan Institute has been an important force in shaping American political culture and developing ideas that foster economic choice and individual responsibility. We have supported and publicized research on our era's most challenging public policy issues: taxes, health care, energy, the legal system, policing, crime, homeland security, urban life, education, race, culture, and many others. Our work has won new respect for market-oriented policies and helped make reform a reality.

Located in New York City, the Manhattan Institute produces ideas that are both literally and figuratively outside the Beltway. We have cultivated a staff of senior fellows and writers whose provocative books, essays, reviews, interviews, speeches, and op-ed pieces communicate our message and influence the debate. These fellows work in the Institute's six policy centers, which study and promote reform in areas ranging from health care, higher education, legal policy, urban development, immigration, energy, and the economy.