

Are Washington Charter Public Schools Serving Students with Disabilities?

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In 2012 Washington became the 42nd state in the nation to adopt a charter school law. Charter schools in Washington are autonomous public schools operated by a nonprofit organization rather than a school district. As a local education agency, each school must follow many of the same compliance and reporting requirements that traditional districts do. In Washington, either a school district or the Washington State Charter School Commission can authorize schools.¹ Charter schools hire their own staff, manage their budgets, and select their own curriculum, and in exchange face closure if they fail to meet strict operational and student achievement requirements. Like other standards for special populations, charter schools in Washington are required to adhere to all federal and state laws pertaining to special education, including the federal Individuals with Disabilities in Education Act (IDEA), the Americans with Disabilities Act (ADA), and Section 504, which guarantee non-discrimination, accommodations, and services to students with disabilities. Washington's first charter school opened in 2014. As of May 2018, there are 10 charter schools operating in Seattle, Tacoma, Kent, Spokane, and Highline. Together these schools serve just under 2,400 students. (For more detail on enrollment numbers, see table 1 at the end of this brief.)

Since its inception 25 years ago, the University of Washington's [Center on Reinventing Public Education](#) (CRPE) has studied charter public schools and state policies to understand how the charter sector can fulfill its original intent—to innovate for the broader education system while providing families with high-quality public school options. While it is still too early to assess the quality of Washington's charter sector, there is an opportunity to address some of the questions about charter schools that have arisen in other states. Drawing on our [decades of national research](#), CRPE is taking a closer look at issues of interest to Washingtonians.

In this brief, we present data on **common questions about special education** in charter schools in relation to both a local and a national context.

Question 1: Do charter schools in Washington serve students with disabilities?

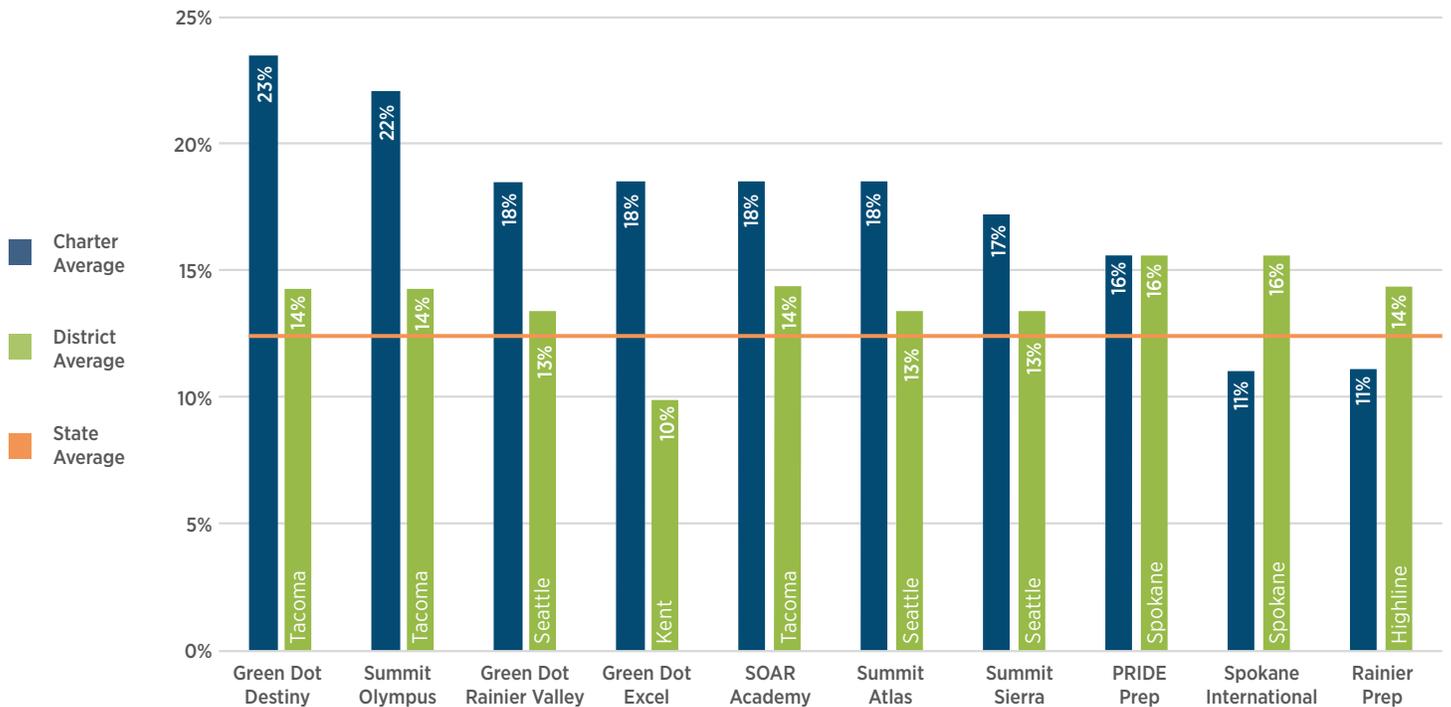
Yes. Charter schools in Washington are serving students with disabilities, and almost all of them are doing so at rates higher than the state average, and the district in which they are located (see figure 1). It is important to note that Washington state only provides special education funding for up to 13.5 percent of special education students enrolled in a school.² Public schools—district or charter—with more than 13.5 percent of students in special education receive no additional funding when new students enroll or are identified as requiring special education services. This limits the financial incentive to over-identify or enroll new students in special education services—but it also limits the funds available to students who need services.

- As of May 2018, in eight out of ten of Washington’s charter public schools, more than 12.4 percent of the students (the state average that month) were receiving special education services, ranging from 16 percent at Green Dot Excel in Kent to 23 percent at Green Dot Destiny in Tacoma.
- In May 2018, eight out of ten of Washington’s charter public schools also enrolled students with disabilities at a rate at or above the local district rate. Green Dot Destiny, Summit Olympus, and SOAR Academy in Tacoma, Green Dot Rainier Valley and Summit Atlas in Seattle, and Green Dot Excel in Kent enrolled students in special education at least 5 percentage points higher than their local district.
- Two charter schools—Rainier Prep in Highline and Spokane International Academy in Spokane—enrolled students with disabilities at rates below their local district. Rainier Prep reports that several families whose students are eligible have chosen not to officially place their children in special education and are therefore not reported to the Office of Superintendent of Public Instruction (OSPI). Spokane International Academy reports that their intervention services might be one reason that numbers are lower, as fewer students are identified. However, more research is needed to better understand why some schools appear to serve more students with disabilities than other schools.

National Context

Charter public schools, just like traditional public schools, are required to serve students with disabilities. However, the rates of students with disabilities in charter schools have generally lagged behind traditional district, state, and national averages.³ There are several reasons why this may be the case: some charter schools don’t label students as having a disability that qualifies for special education with the frequency that traditional district schools do;⁴ some charter schools have counseled families to attend elsewhere;⁵ and in some cases, parents of students with disabilities don’t know whether their student is eligible to attend charter schools.⁶

FIGURE 1. Most Washington Charter Public Schools Serve Students with Disabilities at a Rate Higher Than Their District and the State



Source: OSPI Washington State Report Card, accessed May 2018.

Question 2: Are charter schools in Washington serving students with *all* types of disabilities?

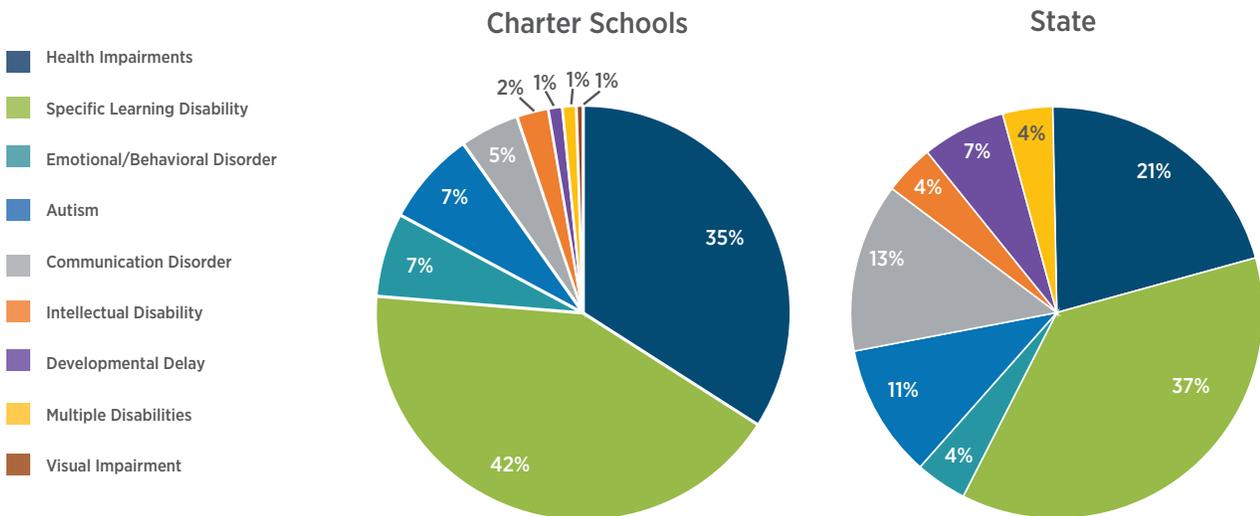
Yes. Looking at the 10 Washington charter schools as a whole compared to the state average, these charter schools are serving a wide range of disabilities, both low-incidence disabilities such as visual impairments, or multiple disabilities and high-incidence disabilities like specific learning disabilities and communication disorders.⁷

- Washington charter schools serve a much larger percent of students with health impairments (which typically includes ADHD) than the state (34 percent vs. 21 percent), which is unusual—other research has found that nationally, charter schools tend to serve at a similar rate as traditional public schools.⁸ One reason for this difference may be due to variation in practices around how eligibility for special education is determined as a result of ambiguity within IDEA. Seneca Family of Agencies, which works with many of Washington’s charter schools to provide special education services, identifies students with post-traumatic stress disorder as having a health impairment when other schools would typically identify them as having an emotional/behavioral disorder. Even with this practice, the charter schools in Washington still follow a national trend of serving a higher rate of students with emotional/behavioral disorders than traditional public schools.
- It is unsurprising that the proportion of charter students with developmental delays and communication disorders are lower than the state average, because those two disabilities are most likely identified in elementary students. Only three of the ten charter schools serve any elementary students.

National Context

Nationally, there have been some cases where charter schools did not serve students with the highest needs as often as their local districts did. Serving fewer types of disabilities is not necessarily a problem, but only serving students with the least severe disabilities may indicate a lack of outreach to these communities, counseling out of these students, or a public perception that students won’t be served.⁹

FIGURE 2. Washington Charter Schools Serve Students with a Range of Disabilities



Sources: Charter school data for March 2018 provided through a partnership with the True Measure Collaborative. State data retrieved from OSPI Special Education Childcount Data.

Note: None of Washington’s charter schools are perfectly representative of the larger disability patterns in the state, which is not surprising for a single school. The small populations of special education students in charter schools also make exact comparison of a single school to a district unlikely since the enrollment of even just one student can have an impact on a category. Data is aggregated for charter schools per a data agreement with the True Measure Collaborative.

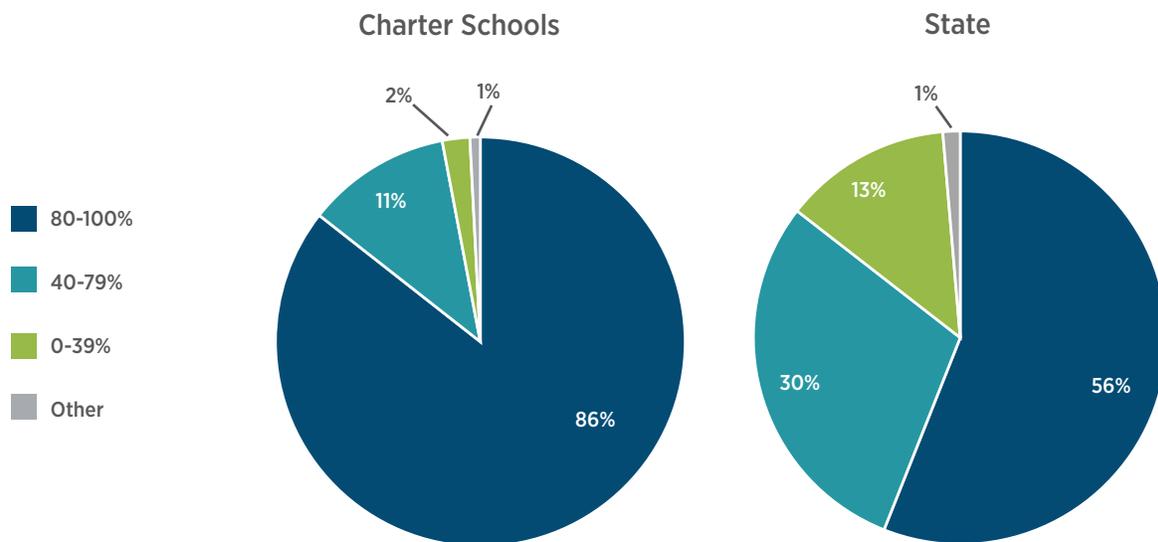
Question 3: What level of inclusion are Washington’s charter schools providing for students in special education?

Washington charter public schools overwhelmingly provide special education services in inclusive environments. Students with disabilities in charter schools are educated with their peers without disabilities 80 to 100 percent of the day—a much higher rate (30 percentage points) than the state average. Less inclusive settings, such as resource rooms and special day classes, are utilized far less often in charter schools.

National Context

The federal IDEA specifies that students who qualify for special education and related services should be educated in the least restrictive environment in order to make academic progress, a belief also held by most parents of students with disabilities.¹⁰ National research shows a trend toward charter schools serving students in the most inclusive environment, within the general education classroom 80 to 100 percent of the day. They tend to do this more often than traditional public schools.¹¹ A study of Boston charter schools found that charter students eligible for special education were more likely to move into a more inclusive setting than their peers in traditional public schools.¹²

FIGURE 3. Most Washington Charter School Students with Disabilities spend 80 to 100 Percent of Their Time in Inclusive Settings



Source: Charter school data provided through a partnership with the True Measure Collaborative for March 2018. State data retrieved from OSPI Special Education Childcount Data.

Note: Data is aggregated for charter schools per a data agreement with the True Measure Collaborative.

Question 4: Are students with disabilities being “pushed out” of Washington’s charter schools?

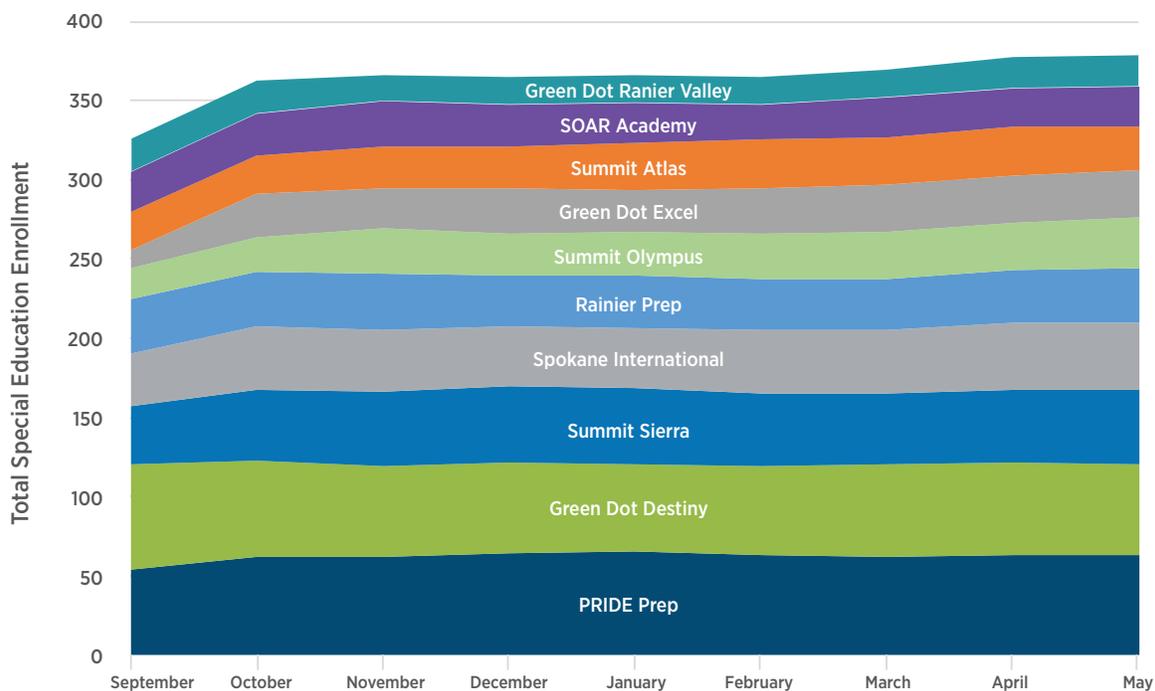
There is no evidence of any push out or counseling out happening in Washington charter schools. If we were to see trends in push out, we would expect to see some clear drops in special education enrollment at the beginning of the school year in October or in March, right before testing. If we were to see trends in counseling out or away from charter schools, we would expect to see lower overall numbers of students enrolled in special education in charter schools, which we do not see in general (see figure 1), with the exception of Rainier Prep (11 percent) and Spokane International Academy (11 percent).

- Six out of ten Washington charter schools saw growth in their special education enrollment as a percent of total enrollment from September 2017 through May 2018.¹³ For example, Excel experienced an increase of 150 percent (18 students), Summit Olympus saw a growth of 60 percent (12 students), and Spokane International grew by 30 percent (10 students). The six charter schools that saw growth in special education enrollment also experienced a much greater rate of growth in special education enrollment than their local school districts.
- Both Green Dot Rainier Valley and Green Dot Destiny experienced special education enrollment declines; however, the percent decline in special education was less than the overall percent of enrollment loss at either school.
- The September to October 2017 growth in enrollment of students with disabilities is likely a result of charter schools acquiring student data after the beginning of the school year, rather than an influx of new students.

National Context

Encouraging students to change schools or over-assigning discipline to difficult students is a practice in education known as “push out” or “counseling out.”¹⁴ If push outs occur in schools, we know from research that they are most likely to occur in October or March.¹⁵ By October, schools have gotten to know students and may have sought to push out students who they viewed as difficult. In March, schools might be worried about low-performing students taking accountability tests in April. In contrast, “counseling out” is a negative practice that would occur prior to enrollment in school and would result in low overall numbers of students with disabilities.

FIGURE 4. Special Education Enrollment in Washington Charter Schools Grew from September 2017 to May 2018



Source: OSPI, Report 1251: Full-time Enrollment.

Summary

Charter schools are public schools and, like traditional district schools, are legally required to be accessible to any student who wishes to enroll. Equitable access is an important part of charter schools fulfilling their obligation to families and to the public. Looking at Washington within the national context, Washington's charter schools appear to serve students with disabilities at a substantially higher rate than the national charter school average (16.1 percent versus 10.6 percent) and at a higher rate than the Washington state average (12.4 percent).¹⁶ They are also serving a wide range of disabilities, including students with high needs, and serving a majority in a mostly inclusive environment. There is no evidence of push out or counseling out, and in a number of schools there are enrollment increases in special education midyear as more students transfer in.

Questions for Further Research

Researchers had limited access to data and were unable to probe more deeply into areas of interest. As data become available, we or others might want to explore:

- Why do some Washington charter public schools attract high numbers of students with disabilities and others attract fewer?
- What services do Washington's charter schools provide and how satisfied are families with services and instruction and their general experience?
- Some Washington charter schools experienced enrollment loss of both special education and general education students. What accounts for this turnover?
- Is there room for collaboration between district and charter schools serving students with disabilities? What might that look like?
- What are the student outcomes for Washington's charter school students with disabilities compared to their peers across the state?
- What do Washington's charter school discipline rates look like for students with special needs compared to similar schools in the district? What does chronic absenteeism look like for students with disabilities?
- How does Washington's special education funding system play a role in the provision of services for students with disabilities in Washington charter schools? Are other Washington schools and districts also negatively impacted by the 13.5 percent funding cap?

TABLE 1. District and Charter School General and Special Education Enrollment in Washington, May 2018

	District Enrollment	Charter School Enrollment
Seattle	Seattle Public Schools 52,260 total students 7,008 students in special education (13%)	Green Dot Rainier Valley (6th grade) 103 total students 19 students in special education (18%)
		Summit Sierra (grades 9-11) 282 total students 47 students in special education (17%)
		Summit Atlas (grades 6, 9) 159 total students 28 students in special education (18%)
Tacoma	Tacoma Public Schools 27,511 total students 3,921 students in special education (14%)	Green Dot Destiny (grades 6-8) 243 total students 57 students in special education (24%)
		SOAR (grades K-3) 140 total students 25 students in special education (18%)
		Summit Olympus (Grades 9-11) 145 total students 32 students in special education (22%)
Spokane	Spokane Public Schools 29,266 total students 4,563 students in special education (16%)	PRIDE Prep (grades 6-9) 395 total students 63 students in special education (16%)
		Spokane International (grades K-4; 6-8) 389 total students 43 students in special education (11%)
Kent	Kent Public Schools 25,813 total students 2,553 students in special education (10%)	Green Dot Excel (grades 7-9) 167 total students 30 students in special education (18%)
Highline	Highline Public Schools 18,129 total students 2,599 students in special education (16%)	Rainier Prep (grades 5-8) 323 total students 34 students in special education (11%)

Endnotes

1. The Commission is overseen by an 11-member board appointed by the Washington governor and Senate and House leadership.
2. For more information regarding how states fund special education see: Lauren M. Rhim et al., *Getting Lost While Trying to Follow the Money: Special Education Finance in Charter Schools* (Washington D.C.: National Alliance for Public Charter Schools; New York, NY: National Center for Special Education in Charter Schools, 2015).
3. George A. Scott, *Charter Schools: Additional Federal Attention Needed to Help Protect Access for Students with Disabilities*, GAO-12-543 (Washington, D.C.: US Government Accountability Office, 2012); Lauren Morando Rhim and Shaini Kothari, *Key Trends in Special Education in Charter Schools: A Secondary Analysis of the Civil Rights Data Collection 2013-2014* (New York, NY: National Center for Special Education in Charter Schools, 2018).
4. Marcus Winters, *Why the Gap? Special Education and New York City Charter Schools* (Seattle, WA: Center on Reinventing Public Education, 2013); Marcus Winters, "Understanding the Gap in Special Education Enrollments Between Charter and Traditional Public Schools: Evidence from Denver, Colorado," *Educational Researcher* 44, no. 4 (2015): 228-236; Elizabeth Setren, *Special Education and English Language Learner Students in Boston Charter Schools: Impact and Classification*, discussion paper #2015.05 (Cambridge, MA: Massachusetts Institute of Technology, 2015).
5. P.B. v. Pastorek, Case 2:10-cv-04049, E. D. La. (complaint November 26, 2010).
6. Michael DeArmond, Ashley Jochim, and Robin Lake, *Making School Choice Work* (Seattle, WA: Center on Reinventing Public Education, 2014).
7. Data was made available through the [True Measure Collaborative](#) (TMC), a partnership among the Seneca Families of Agencies, the Washington State Charter Schools Association, and the Puget Sound Educational Service District. The TMC offers expertise and supports to member charter public schools, promoting effective, innovative, and regulatory-compliant practices.
8. Rhim and Kothari, *Key Trends in Special Education in Charter Schools*.
9. DeArmond, Jochim, and Lake, *Making School Choice Work*.
10. Yona Leyser and Rea Kirk, "Evaluating Inclusion: an examination of parent views and factors influencing their perspectives," *International Journal of Disability, Development and Education* 51, no. 3 (September 2004): 271-285.
11. Ibid.
12. Elizabeth Setren, *Special Education and English Language Learner Students in Boston Charter Schools: Impact and Classification*, Discussion Paper #2015.05 (Cambridge, MA: Massachusetts Institute of Technology, 2015).
13. Because our data does not enable us to observe individual student movement, we only know that there has been an overall increase in students. We do not know how many students may have departed or enrolled in the same time period.
14. Ron Zimmer and Cassandra M. Guarino, "Is There Empirical Evidence that Charter Schools "Push Out" Low-Performing Students?" *Educational Evaluation and Policy Analysis* 35, no. 4 (2013): 461-480; Adam Kho and Ron Zimmer, "Comprehensive Examination of the Performance Levels and Churn of Students Served by Charter Schools" (paper presented at the Association for Public Policy Analysis and Management International Conference, Miami, FL, November 12-14, 2015).
15. Kho and Zimmer, "Comprehensive Examination of the Performance Levels and Churn of Students Served by Charter Schools."
16. Rhim and Kothari, *Key Trends in Special Education in Charter Schools*.

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About the Center on Reinventing Public Education

CRPE is a nonpartisan research and policy analysis center at the University of Washington Bothell. We develop, test, and support bold, evidence-based, systemwide solutions to address the most urgent problems in K-12 public education across the country. Our mission is to reinvent the education delivery model, in partnership with education leaders, to prepare all American students to solve tomorrow's challenges. Since 1993 CRPE's research, analysis, and insights have informed public debates and innovative policies that enable schools to thrive. Our work is supported by multiple foundations, contracts, and the U.S Department of Education. For more information, please visit crpe.org.