Charter School Funding:
Support for Students with Disabilities

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The University of Arkansas was founded in 1871 as the flagship institution of higher education for the state of Arkansas. Established as a land grant university, its mandate was threefold: to teach students, conduct research, and perform service and outreach.

The College of Education and Health Professions established the Department of Education Reform in 2005. The department's mission is to advance education and economic development by focusing on the improvement of academic achievement in elementary and secondary schools. It conducts research and demonstration projects in five primary areas of reform: teacher quality, leadership, policy, accountability, and school choice.

The School Choice Demonstration Project (SCDP), based within the Department of Education Reform, is an education research center devoted to the non-partisan study of the effects of school choice policy and is staffed by leading school choice researchers and scholars. Led by Dr. Patrick J. Wolf, Distinguished Professor of Education Reform and Endowed 21st Century Chair in School Choice, SCDP's national team of researchers, institutional research partners and staff are devoted to the rigorous evaluation of school choice programs and other school improvement efforts across the country. The SCDP is committed to raising and advancing the public's understanding of the strengths and limitations of school choice policies and programs by conducting comprehensive research on what happens to students, families, schools, and communities when more parents are allowed to choose their child's school.

Executive Summary

The subject of public charter schools and students with disabilities is both important and sensitive. These students have the potential to benefit greatly from the smaller size and specialized focus of many public charter schools, but questions persist regarding whether all or even most charters are as receptive to enrolling students with disabilities as they are to serving students who do not have disabilities. Furthermore, do differences in enrollment of students with disabilities explain differences in funding between the two sectors?

To shine a brighter light on this vital question, we have conducted a careful study of the funding surrounding the education of students with disabilities in public charter schools using data from fiscal year 2018 in 18 cities where charters hold a substantial share of K-12 education enrollment. This report provides a summary of our findings. Additional details regarding how special education services are provided to students with disabilities in each of our 18 cities are provided in a separate Appendix of City Snapshots.

As public schools, charter schools must adhere to the same federal legal requirements as their traditional public school (TPS) counterparts. When charters are their own local education agency (LEA), the charters themselves ultimately are responsible for ensuring that students with disabilities receive the special education and related services and supports to which they are entitled under the law. When charters are part of another LEA, through their home district or state, the other entity is ultimately responsible for providing services to students who have disabilities. These key realities are part of the context of how funding for special education flows to public charter schools across the country.

The main findings from our 18-city study are the following:

- Disparities in spending on students with disabilities account for 39% (or $2,550) of the average per-pupil charter school funding gap in our study. Conversely, on average, 61% (or $3,941 per-pupil) of the overall funding disparity between charter schools and TPS is *not* explained by special education enrollment differences.
- For only two cities in our sample, Memphis and Boston, differences in the enrollments of students with disabilities completely explained the charter school funding gap.
- The charter school sectors in our sample overall enrolled a lower proportion of students with disabilities than the TPS sectors, 9.5% for the charters and 13.1% for the TPS.
- Chicago is the only city in which charters enrolled a higher proportion of students with disabilities than its TPS, 15.0% in the charter sector and 14.1% in the TPS sector.

- A limited number of empirical studies we reviewed suggest a combination of factors contribute to the charter school gap in enrolling students with disabilities, including a misperception of charters as unwilling or unable to educate such students, the role of TPS in individualized education plan decision-making, the different rates of classifying and declassifying students who have a disability, and the different funding incentives.
- A number of studies suggest that students with disabilities in public charter schools are more likely than their TPS peers to shed their disability designation.
- Students who have low-incidence but significant disabilities—such as developmental delay, multiple disabilities, and intellectual disability—are especially likely to enroll in TPS instead of charter schools.
- Ensuring that equitable dollars flow to charter schools will better position them to develop robust programs for students with disabilities.
- Another policy to assist charter schools in educating students with disabilities would be to better fund "risk pools" for students who have extraordinary resource needs and ensure that charters have equal access to those funds.

Public charter schools have the potential to be impactful options for students with disabilities. With sufficient resources and policy supports, a larger proportion and more diverse cross-section of students with disabilities will be able to take advantage of the smaller scale and innovative approaches that charters offer.

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Introduction

The subject of public charter schools and students with disabilities is both important and sensitive. Students with disabilities have the potential to benefit greatly from the smaller size and specialized focus of many public charter schools, but questions persist regarding whether all or even most charters are as receptive to enrolling students with disabilities as they are to serving students who do not have disabilities.[1] [2] The debate over how to best educate students with disabilities within a choice-based environment often generates more heat than light.

To shine a brighter light on this vital question, we have conducted a careful study of the funding surrounding the education of students with disabilities in public charter schools using data from fiscal year 2018 in 18 cities where charters hold a substantial share of K-12 education enrollment. We find that the answers to the following key questions are often difficult to obtain and vary greatly across the cities:

- What legal obligations do charter schools have to enroll and serve students with disabilities?
- Does the TPS district in which a charter school student with a disability resides bear some or all of the responsibility for providing special education services to that child?
- Do the resources intended to support students with disabilities in charters flow easily and reliably to where the student is being educated?

In this report, we summarize and comment upon this variation in the rules of the road regarding charter schools and students with disabilities. We also provide recommendations to policymakers interested in ensuring that all students have equal access to public charter schools as schools of choice, regardless of their disability status. Finally, we provide a separate, extensive appendix to this report that details the policies and practices for educating students with disabilities in each of our 18 cities.[3]

> We have conducted a careful study of the funding surrounding the education of students with disabilities in public charter schools.

Special Education Context

In this section we describe the general lay of the land regarding charter schools and students with disabilities in the 18 cities in our study. Although all 18 cities have substantial public charter school sectors, the cities vary in regional location, the size of their public school enrollments, as well as the extent to which charter schooling is a major instrument for delivering public education to K-12 students (Table 1). All five geographic regions of the

country are represented in our sample of cities: three in the Northeast, one in the Mid-Atlantic, six in the South, four in the Midwest, and four in the West. When combining charter and TPS populations together, six of them are large, enrolling over 100,000 students, while eight are medium, serving more than 50,000 but less than 100,000 students, and four are small for urban districts, enrolling less than 50,000 children. Five of the cities have a charter enrollment share over 40%, led by New Orleans' 94.5%.[4] Six cities have charter enrollment shares above 20%, but less than 40%. The charter school enrollment share is below 20% in seven of the cities; Tulsa is the lowest at 9.1%, barely trailing Phoenix's 9.2% charter enrollment share.

Table 1: Cities in the Study with Their Total K-12 Public School Enrollment and Charter Enrollment Share, by Region, FY18

City/Region	Total TPS and Charter K-12 Enrollment	Charter Enrollment Share %
NORTHEAST		
Boston	66,543	20.9
Camden	16,476	51.8
New York City	1,072,356	10.4
MID-ATLANTIC		
Washington, D.C.	91,049	47.0
SOUTH		
Atlanta	69,794	38.4
Houston	250,197	14.4
Little Rock	28,531	21.7
Memphis*	113,907	20.5
New Orleans	49,646	94.5
San Antonio	60,832	16.7
MIDWEST		
Chicago	372,432	15.8
Detroit	86,025	40.9
Indianapolis	54,886	49.7
Tulsa	41,186	9.1
WEST		
Denver	92,463	22.3
Los Angeles	623,973	18.4
Oakland	53,272	30.4
Phoenix	346,647	9.2
Unweighted Average	193,901	29.5

*The jurisdiction of the Memphis public school district includes several additional communities in Shelby County, Tennessee which are not part of this study as they do not have charter schools within their boundaries.

For the remainder of the report, we describe the policies that govern the provision of special education services to students with disabilities enrolled in public charter schools, and the funding that supports them, in these 18 cities.

(1) Charter Schools Are Legally Obligated to Enroll and Educate Students with Disabilities

Contrary to oft-cited opinion,[5] charter schools are legally obligated to enroll and educate students with disabilities. As public schools, charter schools must adhere to the same federal legal requirements as their TPS counterparts. However, the entity which is ultimately

Charter schools are both autonomous and accountable.

responsible for providing special education and related services to students with disabilities depends largely on each school's legal status as its own local education agency (LEA) or not. Federal and state funding to support the delivery of special education and related services is thus tied to LEA status.

The basic concept behind chartered schooling is to exchange freedom from some public school regulations for accountability based on results. Charter schools are both autonomous and accountable.[6] The relative freedom that charters have to implement new ways to educate students could make them especially appealing to students with disabilities who might benefit from both the smaller scale of charters and their ability to innovate.[7] The freedom from

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regulations often extended to public charter schools, however, does not include the relaxation of any legal entitlements of students with disabilities. Charters can be distinctive in how they educate students with disabilities, but they cannot undermine the core guarantees of federal law governing special education.

The Requirement of a Free, Appropriate Public Education

The Individuals with Disabilities Education Act (20 U.S.C. §1400 et. seq.) (hereinafter "IDEA") is the federal law that sets forth public school requirements for providing special education and lays out the process by which federal dollars partially fund those services. The language of IDEA affirms that public charter schools are held to these same requirements for their students with disabilities.

Under IDEA, states and districts must ensure that students with disabilities receive a "free and appropriate public education" (FAPE) in the "least restrictive environment" (LRE), which is presumed to be the general education environment. The law contains specific processes and timelines for determining whether a student qualifies for special education and related services. For students who do qualify, a team of individuals that includes parents, special and general educators, and other professionals, develops an annual

individualized education plan (IEP). An IEP specifies the student's areas of need, annual goals, and the services and supports that will be provided to assist the student in meeting those goals.[8]

The Impact of Legal Status

"Legal status" refers to which entity is legally recognized as the LEA. The legal status of a charter school is a critical factor in special education, since most of the responsibilities under IDEA belong to the entity which is the legal LEA. The vast majority of TPS are under the management of local school districts which serve as the LEA for those schools. In those situations, the school districts, as LEAs, are legally responsible for providing special education to enrolled students with disabilities. For charter schools, however, legal status is more complex.[9] Some charter schools are part of local districts (e.g., in Colorado and Florida), which act as LEAs, while other charter schools are their own independent districts and are thus their own LEA (e.g., in Arizona and Massachusetts). In some situations, charter schools are their own LEAs for some purposes, such as special education, yet fall under the district's LEA for others (e.g., in New Hampshire and New York).

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In still other circumstances, districts or charter schools may be the LEA but policies, practices, or agreements in charter contracts carve out some of that responsibility and place it on an entity which is not the LEA. In many states, the identity of the charter school authorizer determines LEA status, with schools authorized by one entity acting as their own LEAs and others authorized by a different entity falling under another LEA.[10] There are states where charter schools in the same city have different authorizers and different LEA statuses. This fact makes teasing out responsibility for special education in charter schools incredibly complex.

Our focus in this section is on the legal responsibility to provide special education services, not on which entity ultimately provides those services. A local public school district might be legally responsible for the special education services provided to charter school students but contract the provision of those services out to the charter school itself. The reverse might also be the case. Charters may be responsible for providing special education to their students, yet they may also arrange with the local public school district to deliver the actual services. This section highlights which party is ultimately responsible for the provision of special education, regardless of who delivers the service.

Charter Schools as LEAs

When charter schools are their own LEA, they are legally responsible for the provision of special education services for their enrolled students. In this case, a charter school serves as its own public school district, wholly responsible for providing special education students with the full continuum of services analogous to a multi-

school district. These charter schools must do so without the centralized resources and funding pool available to larger districts. Thus, charters that serve as their own LEAs typically receive direct funding from federal, state, and in a few locations, local agencies.

In Washington, D.C., for example, the education landscape included 66 LEAs for the 2017-2018 school year—the District of Columbia Public Schools (DCPS) and 65 charter school LEAs.[11] With one exception, all charter schools were their own LEAs and were legally responsible for providing all special education services to enrolled students.[12] The exception was St. Coletta of Greater Washington, a charter school that served exclusively students with intellectual disabilities, autism, or multiple disabilities requiring 24.5 or more hours of special education services each week. This special charter school operated as part of the District of Columbia Public School's LEA.[13]

In D.C.'s charter school LEAs, each charter school is responsible for providing the full continuum of special services to students with disabilities enrolled in the school, including students subsequently placed elsewhere.[14] If an LEA is unable to provide adequate services due to a lack of capacity, it is still legally obligated to ensure that students are appropriately placed into another charter school, TPS, or private placement where their needs can be met.[15] Even in this apparently simple example, there are exceptions to the financial responsibility that usually lies with the LEA. While the charter school LEAs maintain most of the financial responsibilities for students with disabilities, the Office of the State Superintendent of Education (OSSE), D.C.'s state education agency, retains financial responsibility for both the placement of students with disabilities in private schools when such private placements are necessary as well as for the transportation of students with disabilities across the city.[16] The agency also provides reimbursements to parents who transport their eligible children with disabilities to and from school themselves.[17] The details surrounding charter schools and LEA status vary across the country, and more detailed information on the specific policies of this issue in the 18 cities of our study can be found in the separate Appendix of City Snapshots.[18]

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Charter Schools as Part of Traditional District LEAs

When charter schools are part of another LEA, usually a traditional school district, the district retains the ultimate legal responsibility for providing special education and related services to students with disabilities. These charter schools operate according to the same legal structure as the non-charter public schools in

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the district and generally have access to services through the district central office analogous to TPS (e.g., human resources, transportation, and legal counsel).

Special education provision is generally shared between the school and the district, although the district is ultimately responsible for ensuring the provision of special education and related services, including implementing Child Find (i.e., the duty to identify and evaluate students suspected of having disabilities), developing IEPs, providing FAPE in the LRE, and providing a full continuum of placements for students with varying levels of need. Federal, state, and local dollars generally flow through the district, and, in many instances, take the form of centralized services (e.g., transportation, student evaluations, specialized therapies, professional development, and legal counsel) as opposed to each school receiving direct funding for those services. However, in some locations, "provision" of special education involves passing dollars to the charter school to provide the services.

In Denver, charter schools are part of a traditional district. In 2017-18, Denver Public Schools (DPS) served as the authorizer for all 59 charter schools in the district.[19] DPS was legally and financially responsible for providing the full continuum of special education services to students with disabilities, including related services like transportation[20] and placement by the LEA in private settings.[21]

Charter Schools with Mixed LEA Status

Cities exist where charter schools are part of an LEA for some functions while serving as their own LEA for others. New York City serves as an example of where charter schools operate as their own LEAs for all purposes other than special education, which they operate as part of the district. Specifically, each New York City charter school, though generally its own LEA, operates as part of the district LEA for the purpose of educating students with disabilities and is assigned to its local "Committee on Special Education (CSE)."[22] Each CSE is responsible for serving as the LEA for a handful of community districts and the schools within those districts, including public charter schools.

There are some specific special education expenses which are the responsibility of the charter schools. The NYC DOE, as the LEA, is legally and financially responsible for providing the full continuum of special education and related services, including private placements, for students with disabilities.[23]

Legal Status Is Complex

As we have illustrated here, the issue of legal responsibility for special education is incredibly complex and varies significantly across, and sometimes within, cities and states. The public charter schools in the 18 cities in our study are all subject to different policies regarding ultimate responsibility for meeting the mandates of IDEA. How special education services are provided to students with disabilities in public charter schools, and by whom, is highly context dependent and not an area for sweeping generalizations. For more detailed information on the specific policies on this issue in the 18 cities in our study, see the separate Appendix of City Snapshots.[24]

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(2) IDEA Funding

Under IDEA, federal funds flow from the U.S. Department of Education to states, where they are then dispersed to districts based on a specific formula set out in the law. Specifically, 85% of the funds are distributed according to each state's relative share of all children ages 3 through 21, and the remaining 15% are awarded according to each state's relative share of those children living in poverty. In exchange for receiving IDEA funds, state education agencies (SEAs) are required to ensure that all LEAs, including charter schools which serve as their own districts, comply with the mandates of IDEA.

Summary of Our Findings

Having described the legal context in which public charter schools operate, including its myriad complexities, we now present our empirical findings regarding the rates at which charters in our sample enroll students with disabilities and the extent to which special education enrollment gaps explain charter school funding gaps.

(1) Charter Schools Tend to Enroll Students with Disabilities at Lower Rates than Traditional Public Schools

Charter schools enroll a substantial number of students with disabilities. For example, Boston charter schools provide special education services to over 18% of their students. Similarly, students with disabilities comprise 15% of the student enrollment in Chicago charter schools, which is about one percentage point higher than the proportion of students with disabilities served by Chicago's TPS. Additionally, a recent study reported that 118 public charter schools in the U.S. specialize in educating students with

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disabilities, as 50-100% of their students qualify for special education services.[25]

A weighted average of 9.5% of the students enrolled in the charter sector in 15 of our 18 cities had disabilities in fiscal year 2018.[26] The charter school special education enrollment rate was 3.6 percentage points lower than the 13.1% rate for TPS in our sample (Table 2). A study of charters in New York State found that charters serving high school grades enrolled students with disabilities at similar rates to TPS, while charter elementary schools enrolled disproportionately lower rates of students with disabilities than TPS.

Nationally, in 2015-16, approximately 10.8% of students in charter schools had disabilities, 2.0 percentage points lower than the 12.8 rate in TPS.[27]

Next to Houston and San Antonio, Phoenix enrolls the lowest proportion of students with disabilities compared to total enrollment. Lower enrollment rates for students with disabilities may exist because Arizona has a robust choice ecosystem whereby families seeking alternatives

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Table 2: Percent of Students with Disabilities Enrollment to Total Enrollment in the Cities, FY18

City	% Charter SWD Enrollment	Rank	% TPS SWD Enrollment	Rank	% Difference in SWD Enrollment
New York City	18.5	1	21.8	1	-3.3
Boston	18.3	2	19.6	2	-1.3
Chicago	15.0	3	14.1	8	0.9
Indianapolis	15.0	4	17.4	4	-2.5
Camden	13.4	5	18.3	3	-4.9
Washington, D.C.	13.0	6	14.6	7	-1.6
Tulsa	12.1	7	17.4	5	-5.3
Atlanta	11.1	8	11.3	12	-0.2
Memphis	10.4	9	11.9	10	-1.5
Denver	10.4	10	11.4	11	-1.0
Detroit	9.6	11	16.2	6	-6.6
Little Rock	9.2	12	13.1	9	-3.9
San Antonio	8.0	13	10.3	14	-2.3
Phoenix	7.2	14	11.3	13	-4.0
Houston	6.7	15	7.2	15	-0.6
FY18 All Cities	**9.5**		**13.1**		**-3.6**

*TPS denotes traditional public schools. SWD denotes students with disabilities. SWD enrollment data was not available for Los Angeles, New Orleans, or Oakland. All Cities average is a student-weighted average for each sector.

to district schools are able to enroll their children in nonpublic settings. These children may otherwise have enrolled in public charter schools, if not for the existence of private choice programs. In contrast, New York City's minimal offering of school choice programs for students with disabilities may contribute to the city's high rate of enrollment in both sectors for students with disabilities, given that 18.5% of its charter enrollments are students with disabilities.

The difference in the charter school enrollment rate of students with disabilities compared to the same rate for TPS varies substantially across our cities. In Chicago, the charter school enrollment rate of students with disabilities is nearly 1 percentage point higher than the rate in the city's TPS. Atlanta, Houston, and Denver charters have enrollment rates of students with disabilities which are less than 1 percentage point below the rate in their respective TPS. The largest enrollment rate differentials for students with disabilities across the two public school sectors in our study are 6.6 percentage points in Detroit, 5.3 percentage points in Tulsa, and 4.9 percentage points in Camden.

(2) Reasons for the Charter School Special Education Enrollment Gap

There are few empirical studies of the reasons for the charter school special education enrollment gap. A national survey experiment involving researchers emailing public schools and pretending to be parents interested in enrolling their child does exist. A random subset of the emails mentions that the child had a disability. Personnel at all types of public schools were less likely to respond to the email if it indicated that the child had a disability, but the difference in the response rate, depending on if a disability was mentioned or not, was larger for public charter schools than for TPS. Although only one study, this finding suggests that one possible contributor to the charter school special education enrollment gap is due to school personnel being less responsive to communications from parents of students with disabilities.[28] A review of literature associated with a national study drawing upon 2015-16 enrollment data suggests that a combination of problematic messaging by charters, complex enrollment processes, the role of TPS in IEP decision-making, and some "counseling away" might also be contributing to the overall gap in charter school enrollments of students with disabilities.[29]

An additional factor that may contribute to the enrollment gap is that general education students attending public charter schools are less likely to be newly classified as having a disability than are students in TPS. A study of New York City schools finds that students in charters were significantly less likely to be newly classified as having a specific learning disability or emotional disturbance than were students in TPS. Since those two disabilities have less precise diagnoses than most disabilities, the researchers concluded that the charter school special education enrollment gap in the Big Apple may be due to TPS over-classifying students as having disabilities.[30] A similar study of Denver documents that charter schools in the Mile High City are less likely than TPS to newly classify a student as having a disability.[31]

The Denver study also finds that students with disabilities in public charter schools are more likely than their TPS peers to be declassified, meaning that they no longer require special education services.[32] A similar study of the state of Louisiana reaches the same conclusion,[33] as does a study of Newark.[34] A recent study finds that winning a lottery to attend a Boston charter school decreased the likelihood that students with disabilities retained their disability classification by 12 percentage points.[35] While limited, these studies indicate that students who attend public charter schools may be more likely to shed their disability designation.

Some evidence suggests that state funding policies regarding students with disabilities can incentivize school personnel to classify students on the margins of disability categories which are more subjective than others. The main difference in how states fund students with disabilities involves weighted versus census funding. Under weighted funding, an LEA receives additional funding for every enrolled student who is classified as having a disability, and it typically increases based on the severity of the disability as measured by the hours of services provided. Weighted funding can generate an incentive for LEAs to over-identify students with disabilities or recommend more hours of service or services in more restrictive settings. It runs the risk of incentivizing the over-classification of students with disabilities. Under census funding, also known as "capitation" funding, an LEA receives a fixed pot of money based on how many students with disabilities it is projected to enroll. That projection is grounded in historical population averages. Census funding generates weaker incentives to classify students as having a disability, especially in marginal cases. Some studies have found that states experience drops in disability classification rates when they switch from weighted funding to census funding of students with disabilities, though the changes are small and not always statistically significant.[36]

Winning a lottery to attend a Boston charter school decreased the likelihood that students with disabilities retained their disability classification by 12 percentage points.

(3) Traditional Public Schools Enroll a Higher Proportion of Students Who Require Significant Supports

While we lack access to data on the incidence rates of specific types of disabilities in our 18 cities in 2017-18, studies of several of these cities, using evidence from previous years, indicate that public charter schools tend to enroll students with low-incidence disabilities that require significant supports and services at lower rates than TPS.[37] For example, in 2015-16, charter schools nationally enrolled a larger percentage of students with higher incidence disabilities such as a specific learning disability (46.7% vs. 43.5%), speech and language impairment (19.59% vs. 18.66%), other health impairments (15.25% vs. 14.53%), emotional disturbance (4.4% vs. 3.79%), and autism (7.72% vs. 7.61%). At the same time,

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they enrolled a smaller percentage of students with lower incidence disabilities such as developmental delay (1.29% vs. 2.39%), multiple disabilities (0.72% vs. 1.26%), and intellectual disability (3.48% vs. 5.73%).[38]

Lauren Morando Rhim and her colleagues from the Institute for the Study of Exceptional Children and Youth conducted the first empirical study of the charter school disability enrollment gap in California in 2003-04. Her team concluded that over half of the 2.5 percentage points gap in the Eureka State that year was due to students with disabilities who required services in specialized settings, which tend to be of low incidence and high severity. Such students overwhelmingly enrolled in TPS instead of charters.[39] The charter school enrollment rate for all students with disabilities who did not require instruction in specialized settings was just 1 percentage point lower than the rate for TPS.[40]

Marcus Winters studied the enrollment patterns of students with disabilities in charters and TPS in New York City from 2008-09 to 2011-12. He found that, in 2008-09, public charter schools enrolled a statistically significantly lower proportion of students who had autism, emotional disturbance, specific learning disability, multiple disabilities, intellectual disability, other health impairments, and speech and language disabilities. Three years later, significant gaps remained for all of those categories of disabilities except for other health impairments, in which charters enrolled a statistically similar proportion compared to TPS.[41]

Winters similarly tracked students with disabilities enrollments in charters and TPS in Denver from 2008-09 through 2013-14. He concluded that most of the charter school enrollment gap is due to students with specific types of disabilities enrolling in charter schools for the gateway grades of kindergarten and sixth grade at lower rates than TPS. The specific disability types that drove the gap in Denver were "intellectual disabilities, serious emotional disabilities, specific learning disabilities, physical disabilities, and multiple disabilities."[42] All those categories of disability are low-incidence/high-need except for specific learning disabilities.

Using detailed student descriptive data from 2010-11 through 2013-14, Patrick Wolf and Shannon Lasserre-Cortez analyzed the charter school students with disabilities enrollment gap in Louisiana. The charter students with disabilities enrollment gap for students who have autism decreased from 0.23 percentage points in 2010-11 to 0.08 percentage points in 2013-14 but remained statistically significant. That year, 0.59% of students in Louisiana charter schools had autism compared to 0.67% of students in the TPS where Louisiana charters operated. The charter school enrollment gaps

for students with significant intellectual disabilities, visual impairments, or hearing impairments ranged from 0.01 percentage points to a high of 0.04 percentage points (for students who had significant intellectual disabilities in the 2010-11 school year). Only 0.02% of charter school students in Louisiana had a severe hearing impairment in 2013-14, compared to 0.04% of TPS students that year.[43]

The reasons for enrollment gaps by specific disability type are complex and varied. One reason may revolve around the impact of Child Find, which is the requirement in IDEA that school districts identify and evaluate students ages 3-21 who are suspected of having disabilities. When students are identified prior to entering kindergarten, they often receive special education services in preschool settings in TPS. In those circumstances, parents may be unwilling to leave the familiar district setting to enroll their children in charter schools for kindergarten.[44] Parents may also have the perception, whether accurate or not, that charter schools are not able to meet the needs of their children, or they may believe that charter schools do not provide some of the services their children need, such as speech or occupational therapy.[45] In some of these situations, parents make assumptions based on a lack of knowledge about charter schools; however, in others, it is based on a school's reputation amongst parent networks. Onerous enrollment processes or statements the schools make may do little to clear up the misconception.[46] In still other situations, schools may "counsel away or out" students with disabilities, engaging in practices such as telling families the school cannot meet the student's needs or using "soft discipline" practices like early dismissals and in-school suspensions to nudge these families to leave.[47]

The reasons for enrollment gaps by specific disability type are complex and varied.

Regardless of the reasons, a critical question for the purposes of our analyses of charter school funding disparities is whether the higher rate of enrollment of students with disabilities in TPS in general, and of students with disabilities who require more intensive supports, explains why public charter schools tend to be funded at lower levels than TPS. To what extent is funding connected to the enrollment disparity between sectors?

(4) The Funding Gap

Our team and other researchers have carefully documented the fact that public charter schools tend to receive less funding per-pupil than their TPS peers, in most places and during most years.[48] Although the extra costs of serving students with disabilities who require

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more significant supports are sometimes cited as the explanation for the expenditure gap between TPS and charter schools, the data show that, oftentimes, this factor accounts for only part of any funding differential. A gray area that we are not able to completely quantify is the costs TPS retain when charter schools remain a part of the district. Districts that authorize charters sometimes maintain specialized legal and technical experts who support all schools in the district, retain responsibility for Child Find activities in the geographic expanse of the district, and serve as the educators of last resort for students who are expelled from TPS or charters. Whenever districts document that they provided special education services to students in charter schools, we are able to assign those resources to the charter sectors in our study. The three types of services we mentioned that districts provide more generally, however, cannot be precisely monetized and allocated across the two public school sectors. Thus, our estimates of the special education expenditures in the TPS and charter sectors in our study are merely estimates based on the evidence available in our cities. Based on those estimates, differential rates of enrolling students with disabilities in charters and TPS fail to explain the lower levels of funding that charters receive in most of the cities in our study.

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The funding disparity favoring TPS in our 18 cities amounts to $7,796 per pupil or 32.9% of the average revenue received by TPS.[49] When multiplied by the total charter school enrollment in those 18 cities, the charter school funding gap totals $4.941 billion. How much of that nearly $5 billion gap is explained by the lower enrollment of students with disabilities in charters? In other words, is the charter school students with disabilities enrollment gap related to and does it somewhat justify the charter school funding gap?

First, we use accounting techniques to identify the extent to which enrollments of students with disabilities explain away some or all of the charter school funding gap. For the 18 cities analyzed, 9.5% of the students enrolled in charter schools have disability classifications compared to 13.1% of the students in TPS. Charter schools would have to enroll an additional 22,914 students with disabilities to equal the 13.1% of students with disabilities attending TPS.[50] If we take the total amount that all the schools in the study (TPS and public charter) spent on special education services, and then divide that total by the total number of students with disabilities, we get an average per pupil (with a disability) amount for special education expenditures of $25,429. If the

charters in our sample reached parity with the TPS in our study by enrolling 22,914 additional students with disabilities with average levels of need, that would only account for $582,680,106.

Our research team and others have established that the students with disabilities "missing" from public charter schools tend to have disabilities that require more significant supports. Let us assume that the additional students with disabilities for which TPS provide special education services are more expensive to serve than the average students with disabilities, say $100,000 per pupil instead of the actual average cost of $25,429. This more realistic calculation would still only account for $2.291 billion, or 46.4%, of the $4.941 billion disparity in charter school funding compared to TPS funding.

A second way to determine how much special education enrollment differences, and cost differences, between TPS and charter schools are responsible for the total funding disparity is to add the special education expenditure gap to the charter school funding gap. Table 4 below illustrates this calculation for the 14 cities in our study for which we have sufficient documentation of special education expenditures. The "SPED Expenditure Gap Per Student" column shows how much more TPS expend on special education than charter schools expend, on a per student basis (i.e., all students). These amounts are calculated by dividing total special education expenditure amounts for TPS and charter schools in each city by the total student enrollments in those two sectors and then subtracting the resulting per student charter amount from the per student TPS amount. The result is the "SPED Expenditure Gap Per Student."

Disparities in spending on students with disabilities account for 39% (or $2,550) of the average per-pupil charter school funding gap in our study (Table 3). Conversely, on average, 61% (or $3,941 per-pupil) of the overall funding disparity between charter schools

How We Calculate the Special Education Share of the Funding Gap

Camden TPS special education (SPED) expenditures total $40,088,515; charter school SPED expenditures total $8,542,982. The related per student amounts are $5,048 ($40,088,515 / 7,941 total student enrollment) and $1,001 ($8,542,982 / 8,535 total student enrollment), respectively. Therefore, Camden's SPED Expenditure Gap Per Total Student Enrollment is $4,047 ($5,048 less $1,001). Camden's total revenue disparity is $16,317 favoring TPS, so special education expenditures explain only 25% of the total funding disparity ($4,047 / $16,317). The amounts for each city, and for the aggregate (weighted average) of 14 cities in the last row, are computed in the same way.

and TPS is *not* explained by special education enrollment differences. For only two cities in our sample, Memphis and Boston, differences in the enrollments of students with disabilities completely explained the charter school funding gap. In the other 12 cities in our study for which data were available, the lower levels of funding in public charter schools cannot be fully or even mostly explained by differences in the costs of educating students with disabilities.

Disparities in spending on students with disabilities account for 39% (or $2,550) of the average per-pupil charter school funding gap in our study.

Table 3: SPED Expenditure Gap Per Student in the 18 Cities, 2017-18

Ranked Regions	State	SPED Expenditure Gap Per Student	Total Revenue Disparity Per Student	Disparity Net of SPED	Disparity Explained by SPED (%)
Boston	MA	$4,584	($1,698)	$2,886	270%
Memphis	TN	$1,293	($550)	$743	235%
New York City	NY	$2,897	($6,178)	($3,281)	47%
Los Angeles	CA	$3,067	($7,295)	($4,228)	42%
San Antonio	TX	$831	($2,012)	($1,181)	41%
Phoenix	AZ	$903	($2,761)	($1,858)	33%
Washington	DC	$3,602	($11,370)	($7,768)	32%
Houston	TX	$418	($1,455)	($1,037)	29%
Denver	CO	$1,950	($7,395)	($5,445)	26%
Detroit	MI	$1,156	($4,572)	($3,416)	25%
Camden	NJ	$4,047	($16,317)	($12,270)	25%
Tulsa	OK	$775	($5,263)	($4,488)	15%
Indianapolis	IN	$737	($6,932)	($6,195)	11%
Little Rock	AR	$764	($11,327)	($10,563)	7%
Weighted Average		**$2,550**	**($6,491)**	**($3,941)**	**39%**

Note: SPED Expenditure Gap Per Student calculated by subtracting average special education expenditures per pupil in the charter sector from average special education expenditures per pupil in the TPS sector. Total Revenue Disparity Per Student is taken from Corey A. DeAngelis, Patrick J. Wolf, Larry D. Maloney, and Jay F. May, *Charter school funding: Inequity surges in the cities.* School Choice Demonstration Project, University of Arkansas, Fayetteville, AR, 2020, Table 1, p. 14. This table is reproduced from that same source, Table 3, p. 17. Disparity Net of SPED is the SPED Expenditure Gap plus the Total Revenue Disparity, with negative numbers indicating an enduring gap favoring TPS. Disparity Explained by SPED (%) is the absolute value of the SPED Expenditure Gap Per Student divided by the Total Revenue Disparity Per Student. Weighted averages exclude Atlanta, Chicago, New Orleans, and Oakland due to incomplete SPED expenditure data.

(6) Charter School Special Education Services Are Not Monolithic

Even though all public education providers are subject to the same federal special education laws, the charter school sector is not uniform when it comes to enrolling and educating students with disabilities. There is great variation across cities and even across charter school networks and schools within cities.

Variation in Special Education Enrollment by City

One obvious aspect of variation among charter school providers is the proportion of their student body composed of students with disabilities, as mentioned earlier. The differences range from a low of 6.7% of charter school students with disabilities in Houston compared to a high of 18.5% in New York City. Indeed, of the 18 cities analyzed, New York City and Boston have the highest proportion of students with disabilities enrolled in their TPS and charter sectors. Conversely, Houston, Phoenix, and San Antonio have the lowest percent of special education enrollments in both sectors. In the case of Houston and San Antonio, the low special education enrollment in both sectors probably results from an illegal 8.5% cap on special education that existed in Texas until the U.S. Department of Education intervened.[51]

The complexities of special education funding are readily apparent in Michigan's network of intermediate school districts (ISD). Together, the 56 ISDs play a dominant role in the funding and oversight of special education services at the local level. Local special education taxes

The charter school sector is not uniform when it comes to enrolling and educating students with disabilities.

collected at the ISD level account for roughly half of each state's special education funding and are doled out through the ISD's special education plans.[52] In addition to significant funding inequities among ISDs, this system leads to denial of services to non-resident students as well as funding disparities within ISDs. The unusual design and funding of service delivery in the Wayne County Regional Educational Service Agency (RESA), which includes Detroit, appears to account for some significant share of the special education enrollment gap between districts and charters.[53]

Variation Across Charter Networks Within the Same City

Variation in students with disabilities enrollments and services across charter networks within the same city can be explained by the nature and degree of shared LEA status. For example, Houston has two types of public charter schools. One type is the 13 "Campus Program" schools which are authorized by the Houston Independent School District (HISD) and operate as part of its LEA. The other type consists of the 177 open-enrollment schools[54] These 177 schools, authorized by the Texas State Commissioner of Education and approved by the Texas State Board of Education, act as their own LEAs.

In 2017-18, there were 178 charter LEAs in the city of Houston, including HISD and the state-authorized charter schools.[55] If transportation is a related service on a students' IEP, those transportation costs are borne by the charter school.[56] When IEP teams determine that a private placement is appropriate, the Texas Education Agency (TEA) pays state funds directly to HISD and to state-authorized charter schools to cover those costs.[57] The TEA therefore paid state funds to the HISD for subsequent distribution to its 13 charter school campuses for these expenses, a classic "pass-through" that we count as funding for charter school students in our studies. The TEA paid the other 177 Houston charters directly and individually for their costs in covering transportation services and private placements for students with disabilities.

Indianapolis provides another example of variation within cities in the responsibilities and mechanisms for serving students with disabilities in public charter schools. Indianapolis hosted 65 LEAs in 2017-18. This total includes 54 charter and state takeover schools that each operate as it's own LEA and 11 traditional school corporations, including Indianapolis Public Schools (IPS).[58] Indianapolis charter schools are still responsible for providing transportation as a related service in students' IEPs.[59] However, that responsibility may be delegated under either a comprehensive plan or joint services agreement or an inter-local or cooperative arrangement.[60] Additionally, charter schools are financially responsible for students placed in private school settings by their IEP teams.[61]

For additional details regarding the legal and policy provisions for students with disabilities in public charter schools in the 18 cities in our study, please see the separate Appendix of City Snapshots.[62]

Possible Best Practices in Boston Charter Schools

Elizabeth Setren's study of special education enrollment trends of both sectors in Boston stands out due to the comprehensive longitudinal data she analyzed. Setren found that winning a lottery to enroll in a Boston charter school significantly increased the likelihood of a student who has a disability being declassified several years later. Winning a charter school lottery also increased the likelihood of a student who has a disability subsequently graduating from high school, enrolling in a four-year college, and graduating from a two-year college. What school practices were associated with students being declassified yet going farther in school? Setren points to the use of "high-intensity tutoring, data driven instruction, and increased instructional time" as the best practices associated with charter school success in educating students with disabilities in Boston.[63]

Conclusions and Policy Recommendations

There is a documented gap between the funding allocated to TPS and charter schools that cannot be fully explained by the difference in enrollment of students with disabilities. Nevertheless, efforts to close the funding gap could better position charter schools to educate more students with disabilities.

Public charter schools have a legal and ethical obligation to enroll and educate students with disabilities who seek to exercise choice parallel to their peers who do not have disabilities. And, contrary to some popular narratives, charter schools can and do educate students with disabilities, albeit at a lower rate than the TPS in most of the cities we studied.

Policy changes to 1) reduce or eliminate charter school funding inequities, 2) introduce greater nuance to ensure dollars follow and align with student needs, and 3) ensure that charters have fair access to "risk pools" for supporting students who have extraordinary needs would go a long way towards equalizing access to public schools of choice for students with disabilities.

Public charter schools provide both an opportunity and a challenge for students with disabilities and their parents. Charters provide an opportunity for many students with disabilities to benefit from charter schools' smaller sizes and distinctive identities. Conversely, their small sizes and autonomy can introduce a challenge due to their inability to realize economies of scale or to draw on highly specialized expertise frequently provided by a central office. However, charter schools are not exempt from the federal rules and regulations that apply to identifying, enrolling, and educating students with disabilities. Moreover, enrolling students with disabilities is consistent with the core principle of equity which is so central to the overarching goals of the construct of charter schools.

Public policy and specifically, funding policy, can and should play a role in creating the conditions whereby all students—including students with disabilities—can access and become successful in any public school, including one which is chartered. Accordingly, state policymakers should prioritize efforts to better equalize funding between the public charter and TPS sectors. As we work towards a more fair system of public school funding, we should be especially attentive to the need for school choice programs and the funding that supports them to work well for students with disabilities, arguably some of our most marginalized students. We propose that more nuanced and responsive weighted-funding formulas could better align funding streams with student enrollment. However, such systems should have guardrails to ensure weighted formulas do not create unintended incentives to over-identify students with disabilities to educate them in more restrictive settings that would generate

State policymakers should prioritize efforts to better equalize funding between the public charter and TPS sectors.

greater funding but have historically led to worse academic outcomes.

Finally, policymakers at both the state and federal levels should prioritize appropriating adequate funds for “risk pools” that schools can access to assist them in covering extraordinary special education costs, generally described as costs that are two to three times the average cost to educate a student with a disability. And, in locations where the state does not offer a "risk pool," charter schools should explore the feasibility of creating their own local “risk pools” that could function similarly to insurance in which a group of schools contribute to the fund in anticipation of incurring significant costs. In aggregate, more funding, more nuanced means of distributing funds, and tools such as "risk pools" could help address the enrollment gap that exists between TPS and charter schools and ensure that students with disabilities can benefit from the autonomy and flexibility so central to the charter school model.

Policymakers at both the state and federal levels should prioritize appropriating adequate funds for “risk pools” that schools can access to assist them in covering extraordinary special education costs, generally described as costs that are two to three times the average cost to educate a student with a disability.

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