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### Analysis of Disability Rights Policy in American Charter Schools

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## Abstract:

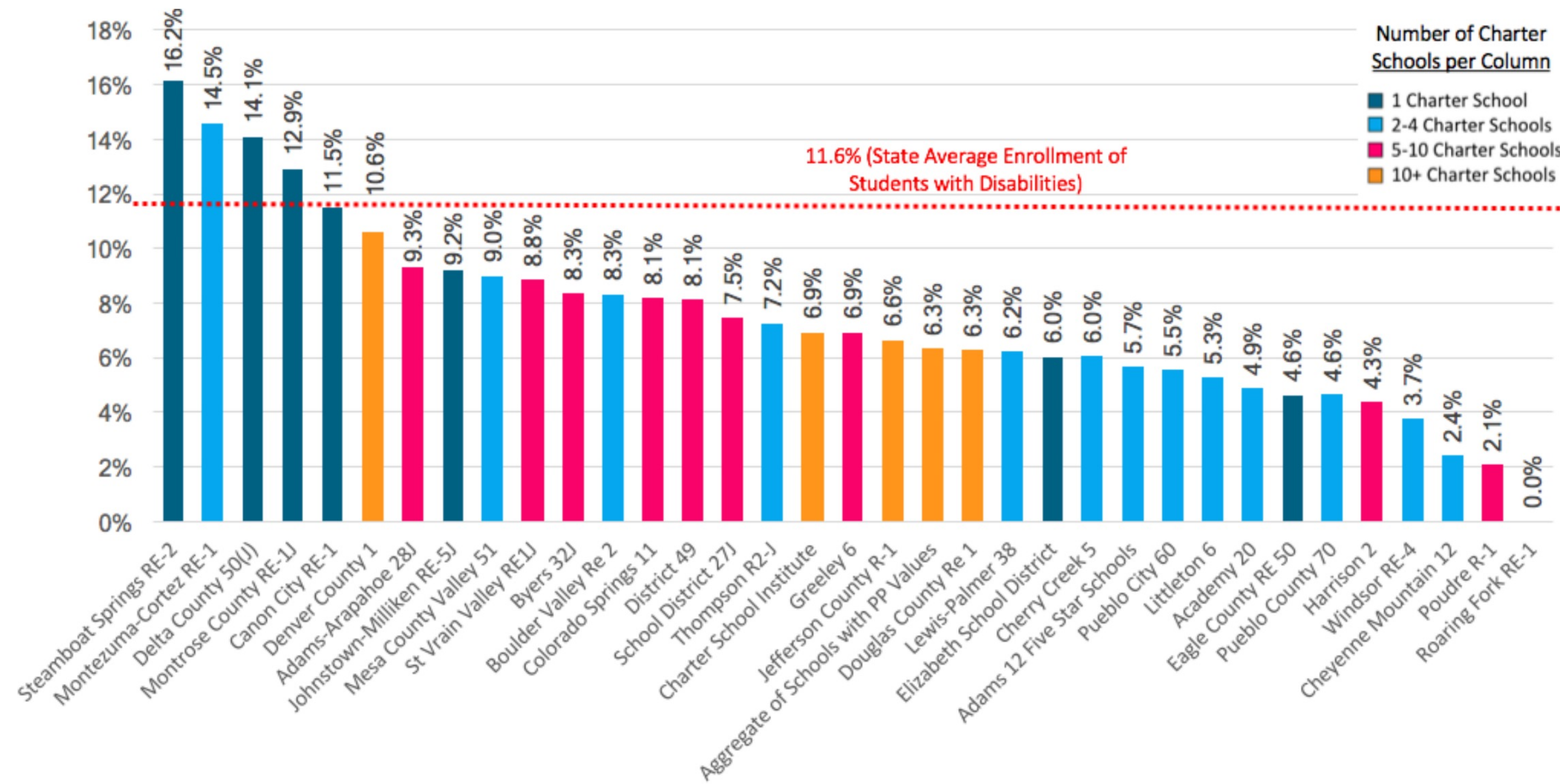
The Americans with Disabilities Act of 1990 explicitly states that any individual with a disability- physical, emotional, cognitive, or otherwise- is to be protected from discrimination regarding public services, including education. This paper will examine how American charter schools often do not provide such inclusive education. Data indicate that charter schools frequently manipulate requirements in order to avoid serving students with special needs. This paper will look at the problems that exist within charter schools - notably in the Midwest - and explore potential policy solutions to address the discrimination against students meant to be served by special education programs. Many of these schools work around the requirements of the Americans with Disabilities Act (ADA) and the Individuals with Disabilities Education Act (IDEA). For example, preliminary research suggests that charter schools in the state of Wisconsin do not staff properly qualified educators despite having students with various abilities - cognitively, emotionally and physically, enrolled in their schools. Policies that provide better oversight in staffing could help ensure such failure of service does not occur. This paper will consider this and other gaps in service provision and potential policy solutions and **what factors would lead to more equitable access for K-12 special education students at charter schools.**

## Major policies guiding this area:

- Americans with Disabilities Act (1990)
- Individuals with Disabilities Education Act (1975)
  - Child Find
  - Individualized Education Program (IEP)
  - Free Appropriate Public Education (FAPE)
  - Least Restrictive Environment (LRE)

## Average Enrollment of Students with Disabilities by Authorizer in 2019-2020

Figure 5. Average Enrollment of Students with Disabilities by Authorizer in 2019-2020<sup>55</sup>



Source: National Center for Special Education in Charter Schools

## Advocacy Coalition Framework and Bottom-up Implementation:

### Advocacy Coalitions advocating for Special Education rights:

- Survival Coalition of Wisconsin Disability Organizations
- Council for Exceptional Children
- Coalition for Teaching Quality
- National Coalition for Public Education
- National Alliance of Specialized Instructional Support Personnel

### Bottom-up implementers:

- Charter school administrators and teachers
- Parents of special needs students

## Selected Bibliography

- Drame, Elizabeth R. "An Analysis of the Capacity of Charter Schools to Address the Needs of Students With Disabilities in Wisconsin." *Remedial and Special Education* 32, no. 1 (January 1, 2011): 55–63.
- Bergman, Peter and Isaac McFarlin. "Education for All? A Nationwide Audit Study of School Choice." *Institute of Labor Economics*, IZA DP No. 13007. February 2020.

## Policy Recommendations

### Amended hiring guidelines

- Knowledge and understanding of special education law and how to best accommodate individual students' needs

### Limitations:

- Need to fire or train existing teachers that lack these qualifications
- Budget constraints

### Set the expectation

- Expectation and requirement of adequate special education programs and student inclusion in the initial charter school creation application guidelines and through the charter renewal process

### Limitation:

- Could take up to 5-7 years to implement among already-established public schools, as this is the time span between the renewal processes for each school.

### Department of Education Liaison

- Representative from Department of Education or Office of Special Education Programs oversees implementation and maintenance of special education programs and accessibility

### Limitation:

- Discerning frequency and methods of oversight to may be subject to trial and error

## Recommendation

Address teachers' lack of knowledge of disability education law. Charter schools should be required to hire teachers certified in special education services and curriculum accommodation.