

Chapter Ten

Equity and Access

In Chapter 4 we saw that Pennsylvania charter schools tend to be located in relatively large, poor urban communities. In this chapter we assess the extent to which charter schools' student populations reflect their communities' demographic characteristics. The issue of student demographic composition is particularly controversial given skeptics' criticisms that charter schools engage in cream-skimming practices and predictions that the schools will lead to greater segregation by race, ethnicity, and income. Other observers argue, to the contrary, that charter schools and other forms of school choice can reduce segregation by breaking the link between school attendance and residential location (e.g., Coons & Sugarman, 1978).

This chapter examines the extent to which charter school student populations are similar to those of nearby noncharter public schools in terms of race, income, and the concentration of special education students. It is important to state at the outset that we have only anecdotal evidence, including self-reported action taken by a few CAOs, of intentional cream-skimming by Pennsylvania charter schools. Most charter schools are doing an exemplary job of making their schools available to all who are interested. While our data on student composition can identify differences, they cannot determine if these differences are due to practices at the schools. Student composition is a function both of decisions by schools on how to recruit and admit students and families' decisions to apply to the schools. Thus, any charter-noncharter differences in the concentration of such students might simply reflect differences in the types of families seeking to enroll children in the schools. Still, examining student composition can provide evidence that is useful in spotting potential problems with equity and access in charter schools.

This chapter builds on a chapter on student and family characteristics in the October 2000 report. While this chapter looks only at ethnicity, income, and special education data, the earlier chapter also included grade level, age, gender, educational aspirations, parents' education, and a number of other factors. Since we have no new data to report on these parameters of student composition, we refer interested readers to the earlier report.

10.1 Racial and Ethnic Composition of the Charter Schools

Some studies of charter schools have indicated that charter schools are leading to greater segregation based upon race. Cobb and Glass (1999) found that charter schools in Arizona had fewer minorities than the districts in which they lie and

that half of the charter schools exhibited evidence of substantial ethnic separation. Miron and Nelson (2002) found that charter schools had similar proportions of minorities as the aggregate of their host districts in Michigan. However, when examining a small number of case districts, they found evidence that charter schools' presence appeared to lead to greater racial segmentation.

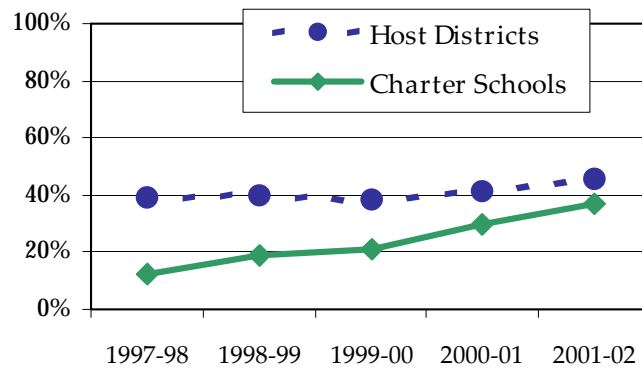


Figure 10:1 Percent White Students Enrolled in Charter Schools and Host Districts

In Pennsylvania, we found that the charter schools, on the whole, enrolled a larger proportion of minority students than did the host districts (i.e., 37 percent white in charter schools and 46 percent white in the host districts). When we look at this over time (see Table 10:1 and Figure 10:1) we can see that the proportion of white students enrolled in charter schools is going up each year. This is largely due to the addition of new schools and not large shifts in existing schools. Likewise, the proportion of white students enrolled in host districts is also increasing over time. This is also due to the inclusion of new host districts outside of urban areas. The most important finding, however, is that the difference between the proportions of whites and minorities in the charter schools is decreasing over time. Back in 1997-98 there was a 27 percent point difference between charter schools and host districts, but in 2001-02 the difference is only 9 percentage points.

Table 10:1 Longitudinal Data for Demographic Variables for the Aggregate of Charter Schools Compared with the Aggregate of Host Districts

| | %FRL | | | %White | | | %IEP* | | |
|---------|------|------|---------|--------|------|---------------|-------|------|--------------|
| | CS | HD | CS - HD | CS | HD | CS - HD | CS | HD | CS - HD |
| 1997-98 | 64.8 | 64.6 | 0.2 | 12.0 | 39.0 | -27.0 | 4.7 | 11.1 | -6.4 |
| 1998-99 | 68.2 | 62.8 | 5.4 | 19.1 | 40.1 | -21.0 | 4.6 | 11.6 | -7.0* |
| 1999-00 | 64.4 | 62.6 | 1.7 | 21.2 | 38.3 | -17.1* | 11.2 | 13.0 | -1.8 |
| 2000-01 | 62.9 | 57.4 | 5.5 | 30.0 | 41.5 | -11.5* | 9.4 | 17.5 | -8.1* |
| 2001-02 | 55.9 | 52.9 | 3.0 | 37.0 | 46.0 | -9.0 | 8.8 | 17.2 | -8.9* |

Note: All figures are weighted by enrollment.

* Percent of students with IEPs includes gifted students.

**Figures in bold text are differences between charter schools and host districts that are statistically discernible at the 0.05 level.

However, there was notable variability among charter schools in the proportion of white and minority students relative to the district. For example,

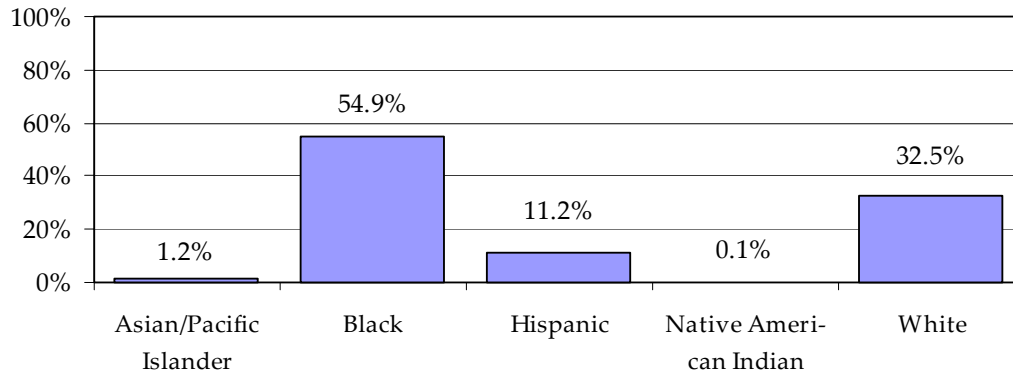


Figure 10:2 Distribution of Charter School Students by Race/Ethnicity in 2001-02

while only 16 percent of Philadelphia's students are white, 94 percent of Philadelphia Academy Charter School's students are white. On the other end of the spectrum, Chester County Family Academy Charter School had only 9 percent white students, although 85 percent of the students in its host district are white. Some schools had an overarching curricular focus on a particular ethnicity, such as African American or Latino. Naturally, these schools attracted a large proportion of students from these respective ethnic groups. In spite of this, most charter schools had higher concentration of nonwhite students than did their host districts. Figure 10:2 illustrates the ethnic/racial composition of charter school students in 2001-02.

Appendix D displays the proportion of white students at each charter school compared with that of its district. For charter schools with multiple sponsors, we created a composition comparison group that is the average proportion of white students of all the sponsoring districts weighted by total district enrollment¹. When comparing the proportion of minorities school by school, we find that most charter schools enroll a higher proportion of minorities than their host districts.

When it comes to issues of equity in charter schools, ethnicity is but one concern. We now examine the proportion of low-income students that charter schools enroll.

10.2 Eligibility for Free or Reduced-Price Lunch

The picture painted of charter school demographics depends, in large measure, on the methods used. Many studies, including the federally sponsored national studies of charter schools (RPP International, 2000), compare the concentration of low income students in charter schools with that in all noncharter public schools. As we saw in Chapter 4, charter schools generally do not locate randomly across

¹ Analogous processes were used to create composite comparison groups of host districts with which to compare charter schools' proportions of students qualifying for Free and Reduced Lunch (FRL) and students with Individualized Education Plans (IEPs).

states.² Given that charter schools – with some notable exceptions – tend to draw students from their geographical vicinity, the fairest comparison group is sponsoring districts. Therefore, we first compare the average FRL concentration in the charter schools with average FRL concentration in all the host districts.

As Figure 10:3 shows, the proportions of

students who qualify for free and reduced lunches are quite similar between charter schools and host districts and have remained rather similar over time. However, a substantial limitation to these data is that numerous charter schools did not report their proportions of FRL students, especially in 1999-00.

More significantly, there is considerable variability among districts. To examine this variability, we compared each charter school's concentration of FRL students with that of its sponsoring district(s). The key variable of interest in our analysis, then, is not the FRL percentage itself, but rather the difference between the charter school and its host district(s). To obtain this variable, we subtracted the relevant host district FRL percentage from each charter school's FRL percentage. Thus, positive values indicate that the charter school enrolls a higher concentration of FRL students than its host district(s), while negative values indicate that the charter school FRL percentage is lower than that of its host district(s).

As of the 2001-02 academic year, the typical Pennsylvania charter school enrolls approximately 1.8 percentage points more FRL students than its host district(s).³ However, there is considerable variation among schools. At one extreme, one school enrolled 85 percentage points more FRL-eligible students than its host district. At the other end of the spectrum, one school enrolled 73 percentage points fewer FRL students than its host district. Of the 77 charter schools, 44 enrolled a greater percentage of FRL-eligible students than did their respective host districts. Ten of these charter schools enrolled at least 25 percentage points more FRL-eligible students than their respective host districts. Thirty-one charter schools enrolled a lower percentage of FRL-eligible students than their corresponding districts. In 8 of these 31 cases, the difference was less than 10 percentage points; in 6 districts the difference was at least 40 percentage points. Two districts had the same percentage of FRL-eligible students as their charter schools. School-level results can be found in Appendix D.

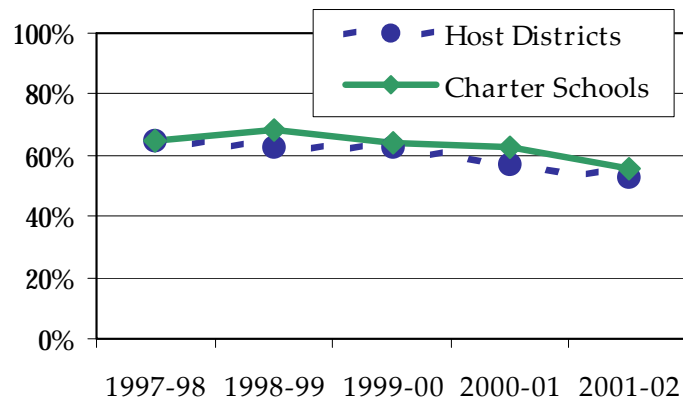


Figure 10:3 Percent of Students Qualifying for Free or Reduced Lunch Enrolled in Charter Schools and Host Districts

² Glomm, Harris, and Lo (2000) arrived at similar findings by analyzing data on charter school locations in Michigan and California.

³ This figure is the average charter-host district difference.

Comparing average household income provides another way to examine the distribution of students in charter schools. The annual family income reported by the sampled parents in 2002 indicated that about 73 percent of the parents had annual family incomes between \$20,000 and \$100,000, with 7 percent of the families over \$100,000. One-fifth of the families had incomes under \$20,000 (12.7 percent between \$10,000 and \$19,999 and 7.2 percent below \$10,000). While these figures suggest that the schools cater to a wide range of families, it is interesting to note that the families attending charter schools in 2002 are noticeably more affluent than the families enrolled in charter schools in 2000. One explanation is the addition of new schools which are located in districts with higher family incomes. Again, the overall proportion of FRL-eligible students continues to be similar between the composite of the charter schools and the composite of the districts.

Despite the overarching picture of equity, it is important to point out that several complaints have brought to the Education Law Center regarding practices that could discriminate against families with limited incomes. While charter schools by law cannot charge tuition, allegations have been made about registration fees, requirements that families purchase school uniforms from an expensive mail order company, and requirements that families pay for textbooks. According to a letter from the assistant counsel of PDE dated November 7, 2001, charter schools may require purchases of textbooks or uniforms, as long as ability to pay for a uniform is not a requisite for enrollment. Registration fees, however, may resemble tuition fees and are therefore discouraged. While complaints such as these involve only a few schools, they underline the fact that oversight groups need to be vigilant.

10.3 Enrollment of Students with Disabilities

Race and income are far from the only relevant demographic factors. In this section we compare charter school and host district concentrations of students with special educational needs. For the purposes of this analysis, we consider any student with a formal IEP a special education student.

Analysis of the enrollment of students with disabilities in charter schools was based on data from PDE for the 2001-02 school year; there are data for 71 of the 77 charter schools and for all the districts throughout the state. The average percentage of students with IEPs for the 71 charter schools with available data during the 2001-02 school year was 8.8 percent, compared with 17.2 percent for noncharter public schools. However, when excluding gifted students, the average was 8.5 percent compared with 13 percent for all the noncharter public schools in the Commonwealth of Pennsylvania (see Figure 10:4).

As with race and income, there was considerable variability among the charter schools in terms of the proportion of students with IEPs that they enrolled. Of the 71 schools that reported IEP data, 53 schools enrolled a lower proportion of students with IEPs than the state average. Ten schools had fewer than 3 percent of their students with IEPs. At the other extreme, 18 of the 71 charter schools had a higher proportion of students with disabilities than the state average. The overall aggregate for the charter schools was weighted by the presence of 2 schools with 36 percent and 100 percent of their students with IEPs.

PDE data for the 2001-02 school year included information on the types of charter school students' disabilities (see Figure 10:5). The two categories of disabilities that comprised more than 1 percent of total charter school student enrollment were specific learning disability (5.4 percent) and speech and language impairment (1.6 percent). Charter schools ranged from 0 percent to 23.3 percent on students with specific learning disabilities. Percentages of charter school students with speech and language impairments ranged from 0 percent to 7.7 percent.

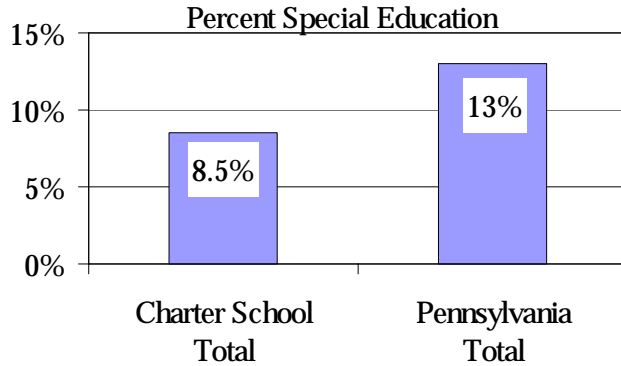


Figure 10:4 Special Education Enrollments for Charter Schools and the Commonwealth, 2001-02 (Note: Excludes gifted students)

There is a dramatic difference in the proportion of charter school students who require IEPs for giftedness. The percentage of gifted students was far higher in the noncharter schools (4.2 percent) than in the charter schools (0.2 percent). This provides at least some evidence against claims that charter schools are “creaming” gifted students from the public schools. However, gifted students often require their own programs and support services and may be just as difficult to accommodate in a school as children with mild disabilities.

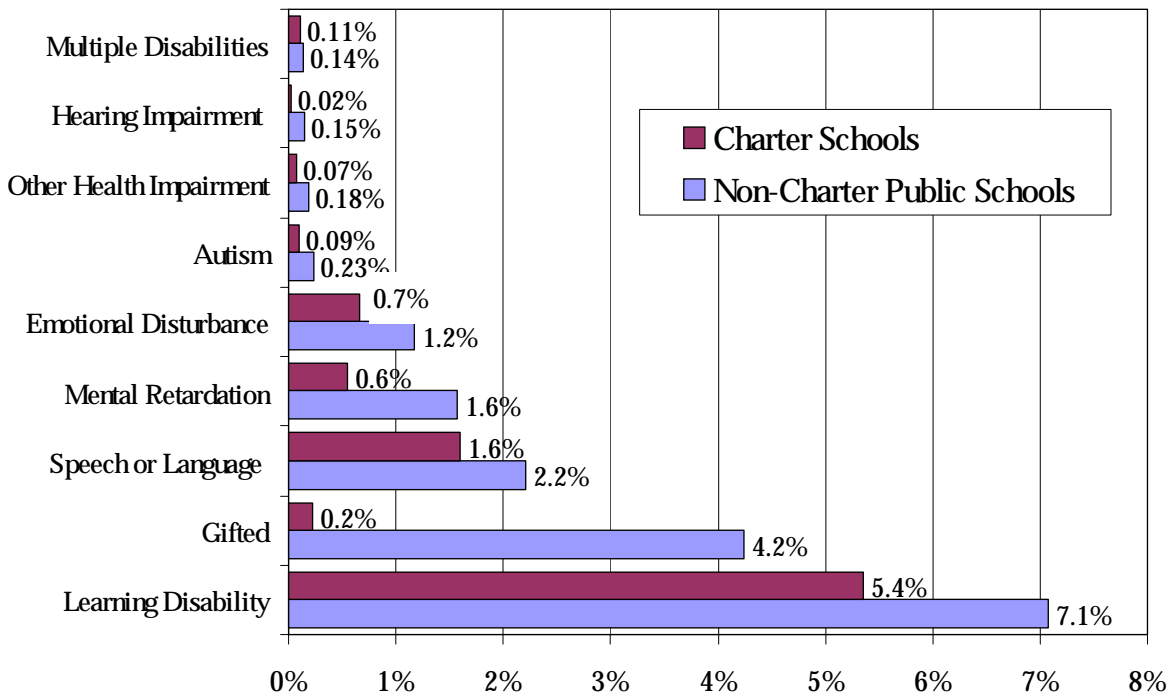


Figure 10:5 Percentage of Enrolled Students With IEPs by Category

Figure 10.5 does not include disabilities that affect less than 0.10 percent of the students in the districts. Less than 0.10 percent of the students in both the district and charter schools had IEP's for orthopedic impairment, visual impairment (including blindness), or traumatic brain injury. Less than 0.01 percent of the students in both the district and the charter schools had developmental delays or deaf-blindness. However, within each of these five categories the percentage of students was higher for the district public schools.

Among all the charter school students with IEP's, what types of disabilities are they most likely to have? Figure 10:6 displays the proportion of all special education students in specific categories, comparing charter school students with district students. We see that charter schools— although they had fewer special education students altogether— had a higher concentration of students than other Pennsylvania public schools in four categories: specific learning disability, speech and language impairment, severe emotional disturbance, and multiple disabilities. The first two are considered relatively easy and inexpensive to accommodate.

The categories of serious emotional disturbance, mental retardation, and autism/pervasive development disorder each accounted for less than 1 percent of the total charter school student population. However, 3 charter schools — Ridgeview Academy, GECAC, and Spectrum—had more than 10 percent of their students in 1 or more of these categories.

Officials at Spectrum Charter School indicated that all 21 of its students receive special education. Spectrum's mission is to educate children with unique cognitive, communication, and sensory challenges, including students with autism spectrum disorders. Fully 71 percent of Spectrum's students had mental retardation. Administrators at GECAC pride themselves on being the only "fully

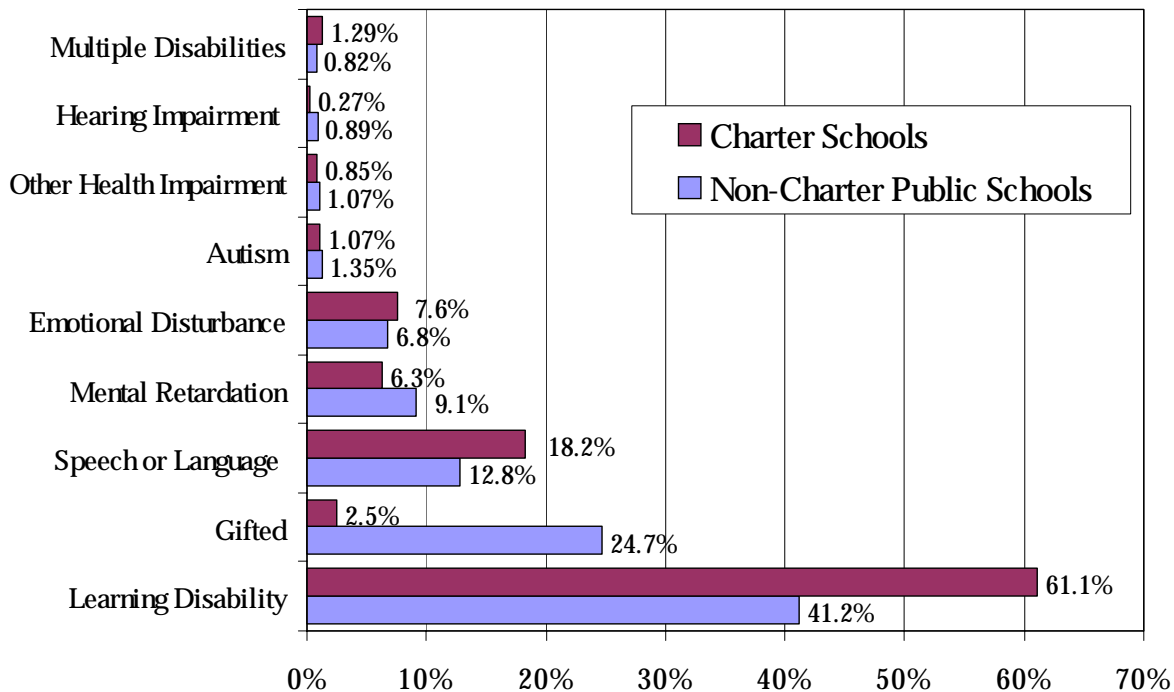


Figure 10:6 Distribution of Students With Disabilities by Category

inclusive” charter school in the state. Around 28-30 percent of its students had special needs, and the school was constantly developing innovative accommodations. Examples of their inclusiveness were observed during site visits. Two middle-school students with conspicuous developmental disabilities, whose behavior would be disruptive in most school settings, were treated with patient redirection from the staff and calm acceptance by their fellow students. However, staff at this school, as well as numerous other charter schools, complained that they lacked the human and material resources to optimally meet all their students’ special needs.

Charter schools in several states face questions regarding the fact that they enroll lower proportions of students with disabilities; thus, this issue is not unique to Pennsylvania. Some of the Pennsylvania charter schools are serving as models for inclusion and should be commended for their interests in serving students with greater needs and students whose needs were not being addressed in the traditional public schools. Nevertheless, on the whole, over time the charter schools have not closed the gap in terms of their enrollment of students with special educational needs (see Figure 10:7).

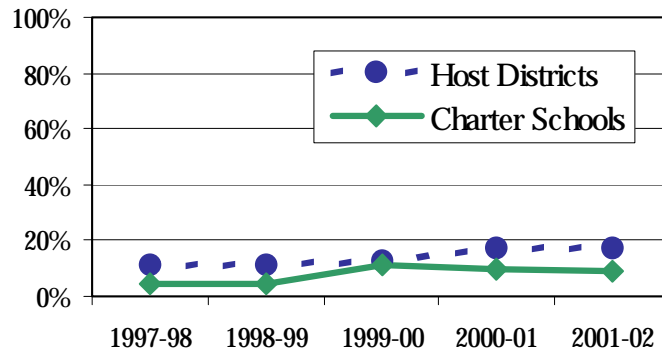


Figure 10:7 Proportion of Students with Disabilities in Charter Schools and Host Districts

Note: These figures include gifted students

10.4 Satisfaction of Parents of Children with Special Needs

Our 2001-02 surveys found that parents of students with special needs were generally just as satisfied as other parents. A Pearson correlation demonstrated essentially no correlation ($r = .01, p = .70$) between parents’ stated importance of “my child had special needs that were not met at previous school” as a reason for enrolling their child in a charter school, and their satisfaction with instruction (see Chapter 13, pp. 154-155, for details on the index measuring parents’ satisfaction with instruction). Most parents were satisfied with services, with 66.7 percent marking “true” and another 21.3 percent marking “partly true” in response to the item, “Support services. . . are available to my child.” Overall, there was a very small but statistically discernable gap in fulfillment of initial expectations for and current experience with support services (Wilcoxon $Z = -2.073, p = .038$).

Looking closer, there are a wide range of charter schools’ abilities to fulfill students’ special needs. On one hand, some parents complained that their students’ special needs were not being met. Special education may be particularly problematic during a charter school’s start-up year, when the complex statewide special education laws may not be implemented optimally. One charter school parent complained that “Because it is in its ‘pilot’ year, we did not always receive

communication on policies in a timely fashion. Special ed support—slow to respond, lacking organization.” On the other hand, some parents were enthusiastic about how well their charter schools were addressing their children’s special needs. For example,

Their ability to teach students to their highest levels of achievement through "TRUE" IEP. They are committed to succeeding... This charter school saved my son's life. If it were not for them, my sons greatest strength would be fantasy based living. His previous school insisted he could not learn. Change is a wonderful experience: especially when the so called normal ways fail us.

Cyber-schools were expected to meet the needs of students whose disabilities precluded them from succeeding in a regular public school. One student expressed enthusiasm about how her cyber-school’s flexible schedule accommodated her chronic health condition. However, one parent reported extreme difficulty in getting her child’s special needs met through a cyber-school. She described the biggest problem with the school as follows:

Administration! Not ever able to get a response from staff; some teachers respond but administration never does. Promises made and broken. My son could not read (5th grade!) and I spoke to someone in the office, FINALLY got a hold of special ed. Teacher, signed permission forms to have him evaluated and NEVER heard back. It is IMPOSSIBLE to get any answers or responses or help with anything. Some teachers are great, most are not. We were not able to communicate with staff. . . . I cannot figure out why this school is permitted to operate. We were without a science teacher (5th grade) for months. My 5th grader struggles with LD and I haven't been able to get help or an evaluation. I had to go out on my own, teach him to read and try to adapt the curriculum for him. Materials were late getting to us, some never got to us. It was a terribly difficult year. We will NEVER "cyber-school" again. We will be homeschooling next year.

It is unclear whether this family’s experience with a cyber-school is typical among students with special needs or is a rare aberration.

In short, some charter schools appear highly successful in serving students with special needs, while others appear unable (or according to some critics, unwilling) to serve such students. It is worth further examination of charter schools’ strengths and barriers to serving students with special needs, particularly in schools with radical new formats such as cyber-schools.

10.5 Why Students Leave Charter Schools

As schools of choice, it is virtually inevitable that each charter school will lose at least some students whose needs may be better met elsewhere. One concern is whether students with special needs or who are from a different ethnic background or socioeconomic group than the majority of their school may be more likely to leave, thus contributing to a school’s homogeneity. Such a pattern could indicate that the school is not meeting the needs of all its students in an equitable manner. To the extent feasible, we examined the rates and the reasons for student turnover.

We had limited data regarding the rate of student withdrawal at the charter schools. PDE provided us with the data they had received from 41 of the 77 charter schools regarding the number of new students enrolling after the start of the school year and the number of students that left during the school year (See also Chapter 6). The overall charter school withdrawal rate (13.5 percent of enrollment) was comparable to that of the host districts (15.3 percent). Again, variability among charter schools was quite wide. Some schools reported withdrawal rates below 1 percent; at the other extreme, a school reported that more than half of its students had withdrawn.

While data regarding the turnover rates of students was somewhat limited, information concerning reasons why students transfer out of charter schools was far more limited. Interviews with charter school staff indicated a few noteworthy trends. In many cases, students' families simply transferred out of town. Metropolitan areas tend to have high mobility rates, regardless of what type of school their children attend. When students leave the charter schools but stay within their district area, most transfer back to the district-operated public schools while others transfer to other alternative schools. Seven percent of the parents surveyed in our study had enrolled their children in other charter schools previously.

Discipline problems are an occasional reason for turnover in some schools; students may be "counseled out" or even expelled. Several complaints were made to the Education Law Center regarding students with ADHD or similar disabilities getting asked to leave the charter schools because of an inability to control their behavior. Our data are insufficient to determine whether such actions indicated discrimination against students with unmet behavioral needs or necessary precautions to protect the safety and well-being of the other students. Further, we lack data to determine whether such controversies are more prevalent in charter schools than in traditional public schools. Moreover, we emphasize that these complaints have been limited to a small number of schools.

In other cases, especially in charter schools that cater to high-risk high school students, students drop out of school completely. Further studies could examine the effectiveness of charter schools geared toward high-risk students and how they can further increase graduation rates.

Some charter schools were designed for delinquent or adjudicated youth, with re-entry into the main public school as a goal. Many of the students who enrolled in cyber schools because of difficulties in the district-operated public schools also planned to return to traditional public schools. In such cases, high proportions of students returning to public schools may be an indicator of success rather than failure with these special populations.

Some students transferred into a district magnet school once they reached a certain grade level, even if the charter school included these same grade levels. For these students the charter school seemed to be a "pit stop" on the way to their middle school or high school of choice—preferable to the traditional school system but not their first choice.

Some schools had high turnover of students during their start-up year or years, but retention improved as the school matured. At times, the directors of these schools implied that the schools were rather tumultuous during their start-up

years, but eventually became more adept at meeting students' and families' needs. There were no indications of the types of students most likely to leave these schools.

While some charter school CAOs acknowledged that student and/or parental dissatisfaction was sometimes a reason for attrition, very few presented specific reasons for consumer dissatisfaction. Following up on families who had transferred out of charter schools was beyond the scope of our study. At this point, we found no indications of students leaving due to issues concerning race or SES level. Parents of students with special needs generally appear satisfied, but there were a few anecdotal accounts of parents transferring their students out of charter schools because of the schools' inability to meet their students' special needs. Further studies will be needed to determine whether these are exceptional occurrences or a widespread problem.

10.6 Summary and Conclusions

This chapter examined the ethnic composition of charter school students; the concentration of charter school students eligible for free or reduced lunch (FRL), a common indicator of poverty or low income status; and the percentage of charter school students with special educational needs as measured by the proportion of students with individual education plans (IEPs).

During the first year of the charter school law implementation, the proportion of nonwhite students in charter schools was much higher than it was in the corresponding school districts. Since then, the proportion of white students has increased each year and has almost caught up with the host districts. Further, in recent years districts with a larger proportion of white students have hosted charter schools. However, there is great variability among charter schools' ethnic makeup. Some charter schools are virtually all African American or Latino, while others serve a much higher proportion of white students than their district schools.

In general, the typical charter school had a similar proportion of FRL students as the typical host district. However, there is considerable variation, with some charter schools having far fewer FRL students and others having far more than their respective host districts.

Charter schools also had a lower percentage of special education students than did all Pennsylvania public schools. The percentage of charter school students with IEPs (excluding gifted students) was 8.5, while the percentage of all public school students with IEPs was 13. Among the enrolled students with disabilities, charter schools were more likely to enroll students with mild disabilities, while districts were more likely to enroll students with moderate or severe disabilities. As with ethnicity and FRL concentration, individual charter schools varied greatly in their percentage of special education students.

Charter/noncharter differences in ethnicity, FRL, and special education are due— in large part— to parent self-selection. Charter schools are schools of choice, and one important intent of the charter school law was to provide parents and pupils with expanded choices in the types of educational opportunities that are available. This element of choice allows that characteristics of students in charter schools will differ from the surrounding traditional public schools.

In our earlier evaluation of Pennsylvania charter schools (Miron & Nelson, 2000), we devoted a whole chapter to special education and charter schools and discussed a number of possible reasons why parents would choose *not* to enroll their child with special needs in a charter school. These included the newness of the schools, lower levels of spending on instruction, shortage of certified special education teachers, etc. Another reason is that children with special needs and their parents are likely to have established relationships with teachers, special education supervisors, and aides in district-operated schools and are less likely to leave those schools for a start-up school. Finally, large organizations, like school districts, are likely to be more capable of meeting the needs of students that require expensive and complex support, equipment, or services than small organizations like charter schools.

Thus far, there has been little evidence of students from minority groups, from low income families, or with special needs leaving charter schools at a higher rate than other students. Further, our surveys show that parents with children enrolled in a charter school are generally satisfied with special services and instruction, regardless of whether or not their students have special needs. Although most charter schools are doing an exemplary job of making their schools available to all who are interested, there have been isolated references to covert discrimination on the part of individual charter schools, such as charging enrollment fees that are prohibitive to low-income families, counseling out students before they enroll in the school, repeatedly suspending students who don't accept the rigor of instruction, or wrongfully expelling students with behavioral disabilities.

Incidents such as these are not limited to charter schools, since traditional public schools are also under pressure to raise test scores while also facing restrictions on budgets. Given that charter schools are more autonomous than traditional public schools, it should come as no surprise that this also occurs in charter schools.

In its guidance provided to charter schools and in the workshops it has facilitated for charter school leaders, the Pennsylvania Department of Education has made it clear that it is against the law for charter schools to discriminate against students with disabilities.⁴

The gaps in enrollment patterns in individual charter schools and occasional complaints might indicate equity issues. Given the importance (and controversial nature) of equity in charter schools, these issues deserve further exploration. These issues also highlight the importance of oversight by districts that grant charters.

⁴ “All resident children in this Commonwealth qualify for admission to a charter school within the provision of subsection (b),” 24 P.S. §17-1723-A(a). Not only do all students qualify for admission, charter schools may not discriminate based on ability: “A charter school shall not discriminate in its admission policies or practices on the basis of academic ability, except as provided in paragraph (2), or athletic ability, measures of achievement or aptitude, status as a person with a disability, proficiency in the English language or any other basis that would be illegal if used by a school district,” 24 P.S. §17-1723-B(1). Discrimination of this kind is most serious as it could lead to many penalties, including the revocation of a school's charter, 24 P.S. §17-1729-A(5).