

# STATE OF DENIAL: CALIFORNIA CHARTER SCHOOLS AND SPECIAL EDUCATION STUDENTS



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## EXECUTIVE SUMMARY

Under federal law, students with disabilities are guaranteed a free and appropriate public education (FAPE). Whether this mandate is being faithfully carried out by California's privately operated charter schools is currently in debate. For many years there have been accusations that charter operators employ tactics to disincentivize students with disabilities (SWDs) from enrolling, actively encourage families to remove these students from charter schools, and—in the most egregious cases—push students with disabilities out of charter schools.<sup>1</sup> The alleged goal would be to suppress SWD enrollment in the interest of keeping costs low by denying services to which students with disabilities are legally entitled. These allegations have been echoed many times in California as the charter industry has continued to expand, and analyses of charter advertising and policy materials lend credible weight to these serious allegations of civil rights abuse.<sup>2</sup>

Despite the importance of this issue, there has not previously been an in-depth, multi-district, comparative analysis of enrollment between privately operated charter schools and district-run schools within the same authorizing districts. This is the first public analysis of special education enrollment disparities and the fiscal impact caused by these disparities within three of California's largest school districts. The previous lack of descriptive analysis is due to issues of both data accessibility and state accountability for students with disabilities that complicates analysis in California.<sup>3</sup> It is likely that these problems will only worsen if the state continues to allow the rampant expansion of fiscally independent, privately operated charter schools.<sup>4</sup>

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<sup>1</sup> Peter Bergman and Isaac McFarlin Jr., "Education for All? A Nationwide Audit Study of Schools of Choice\*" (working paper, NBER, December, 2018): [http://www.columbia.edu/~psb2101/BergmanMcFarlin\\_school\\_choice.pdf](http://www.columbia.edu/~psb2101/BergmanMcFarlin_school_choice.pdf).

<sup>2</sup> Victor Leung, Sylvia Torres-Guillen, and Angelica Jongco, "Unequal Access: How Some California Charter Schools Illegally Restrict Enrollment," (ACLU of Southern California and Public Advocates, August 2016): [https://www.aclusocal.org/sites/default/files/field\\_documents/report-unequal-access-080116.pdf](https://www.aclusocal.org/sites/default/files/field_documents/report-unequal-access-080116.pdf).

<sup>3</sup> See page 15 of this report for a discussion of the data accessibility issues encountered during our analysis.

<sup>4</sup> Fiscally independent charter schools act as Local Education Agencies (LEAs) that directly receive public education dollars from the state. This distinction is important for any study of the fiscal impact of charter schools, as "affiliated" charter schools are essentially "schools of the district" and are treated as such for budget purposes. Throughout this report, "charter schools" refers to fiscally independent, privately operated charter schools. "District-run schools" or "schools of the district" include both traditional public schools and fiscally dependent, affiliated charter schools.

This project was formulated to answer three major questions about the impact of the privately operated charter school industry on the special education landscape in three California school districts:

1. Within each authorizing district, were there significant differences in the percentage of special education students<sup>5</sup> enrolled within schools of the district compared to privately operated charter schools under the same district authorizer in our snapshot year 2016-2017 (academic year 2017)?
2. Are there significant differences in enrollment by eligibility under the categories established in the Individuals with Disabilities Act (IDEA) between privately operated charter schools and schools of the district managed within the same authorizing district?
3. Lastly, what is the financial impact on each of these local school districts due to special education enrollment disparity, if such disparity is found to exist?

One of the earliest states to adopt legislation allowing charter schools,<sup>6</sup> California is now home to the greatest number of privately operated charter schools in the United States.<sup>7</sup> Los Angeles Unified School District (LAUSD), Oakland Unified School District (OUSD), and San Diego Unified School District (SDUSD) are not only home to the state's greatest number of privately operated charter schools, they are also the state's top three authorizers of charter schools, and are therefore responsible for oversight of nearly a third of privately operated charter schools in the state<sup>8</sup>

For this report, our research team brought together descriptive statistical data, publicly available financial data, and the voices of parents of special-needs students who have experienced the various ways privately operated charter schools implicitly or explicitly discourage enrollment of certain children. During the 2016-2017 school year, 12.11 percent of students in California had an IDEA-identified disability<sup>9</sup> It should be noted that California identifies one of the smallest shares of students with disabilities in the country, ranking among the bottom 10 states.<sup>10</sup> For comparison, the percentage of students identified nationally is 13 percent.<sup>11, 12</sup> Between the three authorizing districts analyzed here (LAUSD, OUSD, and SDUSD), students with disabilities made up an average 11.01 percent of privately operated charter enrollment compared with 14.27 percent of students enrolled in schools of the district. The enrollment disparity in Oakland in particular stands out, as schools of the district on average enrolled nearly two times the percentage of students with disabilities (7.67 percent vs. 13.58 percent). In Los Angeles, privately operated charter schools enrolled an average of 11.11 percent SWDs, while students with disabilities made up 14.16 percent of

*The enrollment disparity in Oakland in particular stands out, as schools of the district on average enrolled nearly two times the percentage of students with disabilities (7.67 percent vs. 13.58 percent).*

<sup>5</sup> For the purposes of this report, "students with disabilities" or "special education students" are those students identified eligible in one of the 13 IDEA categories (see Appendix B for a full list) and that have an individual education plan (IEP). Students identified under federal provision 504 are not included in any of the following analyses.

<sup>6</sup> Valerie Strauss, "Will California Gov. Brown sign a bill to ban for-profit charter schools?" The Washington Post, Answer Sheet - Analysis, August 27, 2018, [https://www.washingtonpost.com/education/2018/08/27/will-california-gov-brown-sign-bill-ban-for-profit-charter-schools/?noredirect=on&utm\\_term=.7f7afed6c8aa](https://www.washingtonpost.com/education/2018/08/27/will-california-gov-brown-sign-bill-ban-for-profit-charter-schools/?noredirect=on&utm_term=.7f7afed6c8aa)

<sup>7</sup> National Center for Education Statistics, *Digest of Education Statistics* (U.S. Department of Education, table prepared August 2017), table 216.90: "Public elementary and secondary charter schools and enrollment, by state: Selected years, 2000-01 through 2015-16," [https://nces.ed.gov/programs/digest/d17/tables/dt17\\_216.90.asp](https://nces.ed.gov/programs/digest/d17/tables/dt17_216.90.asp).

<sup>8</sup> "Public Schools and Districts Data Files: Downloadable files containing general information about California's public schools and districts," Schools & Districts, California Department of Education, accessed March 7, 2018, <https://www.cde.ca.gov/ds/si/ds/pubschls.asp>. For the purpose of this report, all active, pending, closed, and merged charter schools are listed within the XLSX file titled "Public Schools and Districts Data Files: Contains all active, pending, closed, and merged public schools and districts," <https://www.cde.ca.gov/SchoolDirectory/report?rid=dl1&tp=xlsx&ict=Y>.

<sup>9</sup> The December 1, 2016 CASEMIS totals divided by CALPADS total enrollment for 2016-2017.

<sup>10</sup> Ben Wieder, "State Special Education Rates Vary Widely," *Stateline*, an initiative of The PEW Charitable Trusts, January 24, 2012, <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2012/01/24/state-special-education-rates-vary-widely>; National Center for Education Statistics, *Digest of Education Statistics* (U.S. Department of Education, table prepared December 2015), table 204.70: "Number and percentage of children served under Individuals with Disabilities Education Act (IDEA), Part B, by age group and state or jurisdiction: Selected years, 1990-91 through 2013-14," [https://nces.ed.gov/programs/digest/d15/tables/dt15\\_204.70.asp](https://nces.ed.gov/programs/digest/d15/tables/dt15_204.70.asp).

<sup>11</sup> National Center for Education Statistics, "Children and Youth With Disabilities," *The Condition of Education* (April 2018), [https://nces.ed.gov/programs/coe/indicator\\_cgg.asp](https://nces.ed.gov/programs/coe/indicator_cgg.asp).

<sup>12</sup> For this report our research team analyzed complete sets of data pertaining to each authorizing district (not samples) for descriptive and statistical significance.

enrollment in schools of the district. San Diego’s privately operated charter schools enrolled a smaller share of students with disabilities (12.96 percent vs. 15.07 percent), but the difference was not statistically significant.

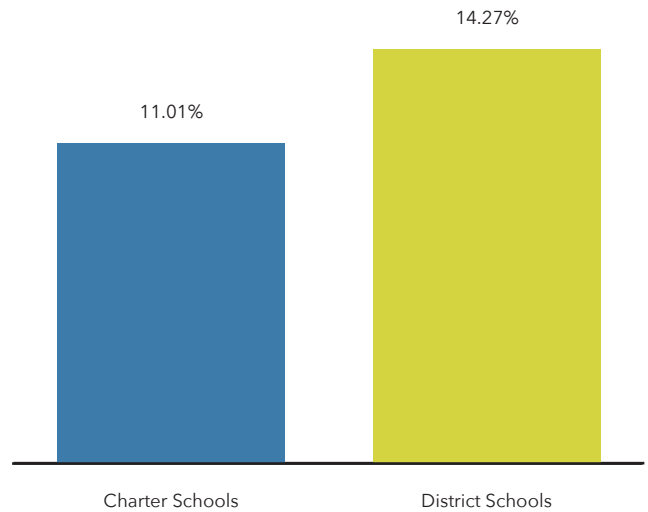
Not only is the charter industry in LAUSD, OUSD, and SDUSD enrolling a smaller share of students with disabilities, but our analysis also uncovered that, of those students enrolled, charter schools were serving a significantly smaller share of students with the most severe—and typically most financially costly—disabilities (moderate to severe).<sup>13</sup> Thus, of the students with disabilities who were enrolled within privately operated charter schools, the vast majority were concentrated in the mild to moderate eligibility categories.<sup>14</sup> Students in mild to moderate categories made up more than 80 percent of SWDs enrolled within charter schools, while in schools of the district these students comprised, on average, less than 70 percent. This analysis found students with the following moderate to severe disabilities were persistently under-enrolled by privately operated charter schools: autism, intellectual disabilities, multiple disabilities, and orthopedic impairments.<sup>15</sup>

Given that the disproportionate enrollment was pervasive across all three cohort districts, it is not surprising that these disparities are estimated to have a significant financial impact. In OUSD, where the enrollment disparities in particular stood out, the estimated gross fiscal impact of this disparity on the district can be attributed to lower charter school industry enrollment of SWDs across the spectrum of needs, with a greater portion of the fiscal impact caused by greater disproportional enrollment of severely disabled students. On the other hand, in LAUSD and SDUSD almost all the estimated gross fiscal impact is attributable to the relative under-enrollment of students with disabilities considered moderate to severe.

The estimated gross fiscal impact, without regard to the significant disparities in the students typically considered the most costly to educate, was \$9.33 million in OUSD, \$50.09 million in LAUSD and \$5.10 million in SDUSD. When the model accounted for the disparity in enrollment of the highest-needs students with disabilities, the estimated gross fiscal impact jumped to \$10.10 million in OUSD, \$74.65 million in LAUSD, and \$12.49 million in SDUSD.

The state of California has allowed charter operators to employ a number of strategies that are likely to result in disproportionately low special education enrollment.<sup>16</sup> These include signaling to parents that their special-needs child will be better served by the traditional public school, counseling enrolled special-needs families out of the school, advertising to specific target populations, and ignoring inquiries from prospective parents with special-

Average Percentage Enrolled Students With Disabilities: SDUSD, LAUSD & OUSD Combined



*Not only is the charter industry in LAUSD, OUSD, and SDUSD enrolling a smaller share of students with disabilities, but our analysis also uncovered that, of those students enrolled, charter schools were serving a significantly smaller share of students with the most severe—and typically most financially costly—disabilities (moderate to severe).*

<sup>13</sup> According to the Public Policy Institute of California’s report of Special Education Finance, the CDE defines severe disabilities as the following: autism, visual impairment, deaf, deaf-blind, orthopedic impairment, emotional disturbance, intellectual disability, traumatic brain injury, and multiple disabilities. The Los Angeles Unified School district also confirmed these categories are considered “moderate to severe” via email (See Appendix E9). Further, these category breakdowns can also be found in the California School Accounting Manual: <https://www.cde.ca.gov/fg/ac/sa/documents/csam2019complete.pdf>

<sup>14</sup> IDEA categories considered mild to moderate are: Speech or Language Impairment, Specific Learning Disability, and Other Health Impairment.

<sup>15</sup> Each of the mild to moderate categories were analyzed to determine both descriptive and statistically significant population differences. For a complete output of each analysis by category see Appendix A.

<sup>16</sup> Victor Leung, Sylvia Torres-Guillen, and Angelica Jongco (August 2016)

Estimated Gross Fiscal Impact of Disproportional Enrollment of Severely Disabled Students



needs children.<sup>17,18</sup> The typical refrain from charter advocates is that they just do not have the resources to serve special education students.<sup>19</sup> This reasoning ignores the fact that all schools have an immense legal, moral, and civic responsibility to serve all students, regardless of their special education status. Neither the federal government, nor the state of California, nor the individual authorizers have met their obligation to ensure all special-needs students have access to a free and appropriate public education. Until these entities fulfill their regulatory responsibilities to ensure the rights of all special education students are upheld, there will remain little incentive for privately operated charter schools to change their current practices.

<sup>17</sup> Simon, S. Special Report: Class Struggle - How Charter Schools Get Students They Want. Reuters (February 15, 2019): <https://www.reuters.com/article/us-usa-charters-admissions/special-report-class-struggle-how-charter-schools-get-students-they-want-idUSBRE91E0HF20130215>

<sup>18</sup> Bergman, Peter & Isaac McFarlin Jr. "Education for All? A Nationwide Audit Study of Schools of Choice\*." Columbia University, University of Florida, NBER working paper (December 2018): [http://www.columbia.edu/~psb2101/BergmanMcFarlin\\_school\\_choice.pdf](http://www.columbia.edu/~psb2101/BergmanMcFarlin_school_choice.pdf).

<sup>19</sup> National Council on Disability. School Choice Series: Charter Schools - Implications for Students with Disabilities (November 15, 2018): [https://ncd.gov/sites/default/files/NCD\\_Charter-Schools-Report\\_508\\_0.pdf](https://ncd.gov/sites/default/files/NCD_Charter-Schools-Report_508_0.pdf)

## INTRODUCTION

All Californians have the fundamental right to a free and appropriate public education.<sup>20</sup> Where students with disabilities are concerned, both the federal government and the state of California have an affirmative obligation to secure and actively protect that right.<sup>21</sup> Presently, however, a combination of policy and funding mechanisms at each level of governance incentivize privately operated charter schools to sidestep this legal and moral obligation to California's most vulnerable students. This problem is multi-tiered and particularly pressing in the current political landscape.

At the federal level, neither the executive nor the legislative branch is prioritizing the needs of students with disabilities. Under President Donald Trump and Secretary of Education Betsy DeVos, the administration attempted to remove the safeguards and oversight designed to protect students with disabilities, going so far as to delay the study of disparities in special education.<sup>22, 23</sup> The same administration submitted their first budget to Congress proposing drastic cuts to both IDEA and Medicaid.<sup>24</sup> Both are foundational safeguards for the differently abled, and cuts to such vital programs often cause states to move dollars from education to cover the loss of federal health funds.<sup>25</sup> In the most recent proposed budget, Secretary DeVos has for the third year in a row zeroed out federal financial support for the Special Olympics in her proposed budget for the U.S. Department of Education.<sup>26</sup> At the same time, the United States Congress continues to fall short of its promise to fund 40 percent of the average special education cost, with federal funding currently at 15 percent.<sup>27</sup> All the while, the cost of special education throughout California continues to rise.<sup>28</sup>

Simultaneously, state school systems have granted charters to private entities that operate more independently and, arguably, less transparently than publicly-governed school boards. Since the implementation of the first charter school laws, there has been concern that entities governed by unelected boards might potentially exclude protected classes, with special education students particularly at risk due to the additional costs of mandated individualized education plans.<sup>29</sup> In the intervening 27 years, several reports have uncovered systematic exclusion of protected classes.<sup>30</sup> In addition, California's AB 602 special education funding formula has unintentionally created a disincentive for identifying and enrolling students with the most severe, and typically most costly, disabilities.<sup>31</sup>

<sup>20</sup> California Education Code – EDC, § 1. – 32500, Article 1: Declaration of Purpose [200-201] (1982), [http://leginfo.ca.gov/legislat/codes\\_displayText.xhtml?lawCode=EDC&division=1.&title=1.&part=1.&chapter=2.&article=1](http://leginfo.ca.gov/legislat/codes_displayText.xhtml?lawCode=EDC&division=1.&title=1.&part=1.&chapter=2.&article=1).

<sup>21</sup> Individuals with Disabilities Education Act, Section 601 Purpose 9 d 1 A (As Reauthorized: 2004)851, <https://www.govinfo.gov/content/pkg/USCODE-2011-title20/pdf/USCODE-2011-title20-chap33.pdf>.

<sup>22</sup> Christina Samuels, "Special Education Bias Rule Put on Hold for Two Years by Devos Team," *On Special Education* (blog), *Education Week*, June 29, 2018, [http://blogs.edweek.org/edweek/speced/2018/06/special\\_education\\_bias\\_rule\\_postponed.html](http://blogs.edweek.org/edweek/speced/2018/06/special_education_bias_rule_postponed.html); Casey Bayer, "DeVos Rescinds Guidance Documents for Disabled Students: What Does It Mean?" *Harvard Graduate School of Education: News & Events*, October 24, 2017, <https://www.gse.harvard.edu/news/17/10/devos-rescinds-guidance-documents-disabled-students-what-does-it-mean>.

<sup>23</sup> Christina Samuels, "Special Education Bias Rule Put on Hold for Two Years by Devos Team," *On Special Education* (blog), *Education Week*, June 29, 2018, [http://blogs.edweek.org/edweek/speced/2018/06/special\\_education\\_bias\\_rule\\_postponed.html](http://blogs.edweek.org/edweek/speced/2018/06/special_education_bias_rule_postponed.html).

<sup>24</sup> Marcella Bombardieri, Colleen Campbell, Antoinette Flores, Sara Garcia, CJ Libassi, and Ben Miller, "Trump's Budget Proposes More Than \$200 Billion in Cuts to Students," *Center for American Progress*, February 14, 2018, <https://www.americanprogress.org/issues/education-postsecondary/news/2018/02/14/446660/trumps-budget-proposes-200-billion-cuts-students/>.

<sup>25</sup> Heidi Schultheis, Eliza Schultz, and Rachel West, "How Medicaid Cuts Could Threaten Public School Students and Teachers in Every State," August 14, 2018, <https://www.americanprogress.org/issues/healthcare/news/2018/08/14/454736/medicaid-cuts-threaten-public-school-students-teachers-every-state/>.

<sup>26</sup> Laura Meckler, "Trump administration scrambles to defend budget cut for Special Olympics," *The Washington Post*, March 27, 2019, [https://www.washingtonpost.com/local/education/trump-administration-scrambles-to-defend-budget-cut-for-special-olympics/2019/03/27/420b87ae-50aa-11e9-a3f7-78b7525a8d5f\\_story.html?utm\\_term=.d04b2f278e25](https://www.washingtonpost.com/local/education/trump-administration-scrambles-to-defend-budget-cut-for-special-olympics/2019/03/27/420b87ae-50aa-11e9-a3f7-78b7525a8d5f_story.html?utm_term=.d04b2f278e25).

<sup>27</sup> National Council on Disability, *Broken Promises: The Underfunding of IDEA*, IDEA Series (February 7, 2018) [https://ncd.gov/sites/default/files/NCD\\_BrokenPromises\\_508.pdf](https://ncd.gov/sites/default/files/NCD_BrokenPromises_508.pdf).

<sup>28</sup> Aleksandra Appleton, "Advocates: California's school budget still leaves rising special education costs to districts," *Education, The Fresno Bee*, June 18, 2018, <https://www.fresnobee.com/news/local/education/article213284609.html>.

<sup>29</sup> Julie Berry Cullen and Steven G. Rivkin, "The Role of Special Education in School Choice," in *The Economics of School Choice*, ed. Caroline M. Hoxby (University of Chicago Press: January 2003), 67-106. <https://www.nber.org/chapters/c10086.pdf>.

<sup>30</sup> Shakti Belway, "Access Denied: New Orleans Students and Parents Identify Barriers to Public Education," special report, *Special Education & School Discipline* (The Southern Poverty Law Center: December 1, 2010), <https://www.splcenter.org/20101130/access-denied-new-orleans-students-and-parents-identify-barriers-public-education>; Victor Leung, Sylvia Torres-Guillen, and Angelica Jongco (August 2016).

<sup>31</sup> Laura Hill, Paul Warren, Patrick Murphy, Iwunze Ugo, and Adita Pathak, "Special Education Finance in California," (Public Policy Institute of California: November 2016), [http://www.ppic.org/content/pubs/report/R\\_1116LHR.pdf](http://www.ppic.org/content/pubs/report/R_1116LHR.pdf); John Fensterwald, "Special education funding is a morass; straightening it out may not be cheap or easy," *EdSource, Special Education* (March 8, 2018), <https://edsources.org/2018/special-education-funding-is-a-morass-straightening-it-out-may-not-be-cheap-or-easy/594336>.

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California apportions funding through Special Education Local Planning Areas (SELPA)s<sup>32</sup> based on census count,<sup>33</sup> instead of funding by special education need. Built into this funding model is the untested assumption that special education needs do not vary throughout the state. Once funding is determined, SELPAs allocate these revenues according to their own formulas. Compound all of this with California’s inadequate accountability for charter schools, and the education environment is ripe for inappropriate and illegal behavior, that, at the same time, may be economically rational. At a time when students cannot rely on the federal government to enforce civil rights laws and fund special education at mandated levels, the state and charter school authorizers must ensure access and service for students with special needs in charter schools.

Over the past decade, both national and individual state-level analyses of charter school special education enrollment found that students with disabilities were enrolled at a lower percentage when compared with traditional public schools, and also less likely to have more severe disabilities.<sup>34</sup> For this report, we wanted to examine basic school- and district-level measures of the special education landscape in the state of California, while amplifying the voices of parents (see pages 13, 20, 29, and 35) who have experienced the various ways charter operators implicitly or explicitly discourage enrollment of certain children. Following an analysis on special education enrollment disparity between privately operated charter schools and schools of the district within the top three charter authorizers in the state (LAUSD, OUSD, and SDUSD), our team drilled down to identify disparities in enrollment by disability eligibility category. The goal was to present a simple but thorough comparison between the percentage of students with disabilities enrolled in charter schools and schools of the district, as well as enrollment differences between specific types of disabilities. These are measures which a state and local authorizer might use to monitor how it is meeting the needs of its special education students across all campuses. These are also indicators that a parent with a special-needs child might find helpful when navigating their local education landscape.

For example, analyses of the differences in special education enrollment shed light on which schools may be particularly experienced at serving students with various special needs. They can also expose schools whose track record hints at enrollment practices designed to limit access for students with disabilities. In a state that assumes an equitable distribution of special education students in its funding formula for students with disabilities, it is imperative to periodically corroborate that assumption. While several reports have descriptively compared select operators to statewide special education averages,<sup>35</sup> to our knowledge no previous report has statistically analyzed special education enrollment between all charter schools and schools of the district within geographic areas in the state of California.<sup>36</sup> Gathering, validating, and analyzing these data points proved time-consuming, technical, and costly—possibly explaining why analyses such as ours have not previously been published and widely publicized.

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<sup>32</sup> SELPAs are the entities that distribute special education funding, coordinate services, and submit special education data to the California Department of Education.

<sup>33</sup> For an in-depth write-up of Special Education Funding in California: Laura Hill, et al., “Special Education Finance in California,” (PPIC: November 2016).

<sup>34</sup> Peter Bergman and Isaac McFarlin Jr., “Education for All?...” (NBER, December, 2018); U.S. Government Accountability Office, “CHARTER SCHOOLS: Additional Federal Attention Needed to Help Protect Access for Students with Disabilities,” *Report to Congressional Requesters* (June 2012): <https://www.gao.gov/assets/600/591435.pdf>; Julian Vasquez Heilig, Jennifer Jellison Holme, Anthony V. LeClair, Lindsay D. Redd and Derrick Ward, “Separate and Unequal? The Problematic Segregation of Special Populations in Charter Schools Relative to Traditional Public Schools,” *Stanford Law & Policy Review* 27, no. 251 (2016): [http://www.academia.edu/33623412/Separate\\_and\\_Unequal\\_The\\_Problematic\\_Segregation\\_of\\_Special\\_Populations\\_in\\_Charter\\_Schools\\_Relative\\_to\\_Traditional\\_Public\\_Schools](http://www.academia.edu/33623412/Separate_and_Unequal_The_Problematic_Segregation_of_Special_Populations_in_Charter_Schools_Relative_to_Traditional_Public_Schools); Drew Atchison, Jesse Levin, Iliana Brodzia de los Reyes, “Study of Spending in Public Charter and Traditional Schools in California,” (American Institutes for Research, Washington, DC: November 2018): [https://www.gettingdowntofacts.com/sites/default/files/18-6018\\_Charter%20Report%20-%20Final\\_0.pdf](https://www.gettingdowntofacts.com/sites/default/files/18-6018_Charter%20Report%20-%20Final_0.pdf).

<sup>35</sup> Gordon Lafer, “Spending Blind: The Failure of Policy Planning in California Charter School Funding,” *In the Public Interest: Education* (April 2017): [https://www.inthepublicinterest.org/wp-content/uploads/FINAL\\_ITPL\\_SpendingBlind\\_April2017.pdf](https://www.inthepublicinterest.org/wp-content/uploads/FINAL_ITPL_SpendingBlind_April2017.pdf); Gordon Lafer, “Breaking Point: The Cost of Charter Schools for Public School Districts,” *In the Public Interest: Education* (May 2018): [https://www.inthepublicinterest.org/wp-content/uploads/ITPL\\_Breaking\\_Point\\_May2018FINAL.pdf](https://www.inthepublicinterest.org/wp-content/uploads/ITPL_Breaking_Point_May2018FINAL.pdf).

<sup>36</sup> American Institute of Research Report compares LAUSD and OUSD share of students with disabilities to Aspire and Green Dot. Report finds statistically significant disparities in special education enrollment and by share of moderate to severe disabilities. Refer to: Drew Atchison, et al., “Study of Spending...” (AIR: November 2018): [https://www.gettingdowntofacts.com/sites/default/files/18-6018\\_Charter%20Report%20-%20Final\\_0.pdf](https://www.gettingdowntofacts.com/sites/default/files/18-6018_Charter%20Report%20-%20Final_0.pdf).



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This project was formulated to answer three major questions about the impact of the charter industry on the special education landscape in California.

1. Within each authorizing district, were there significant differences in the percentage of special education students<sup>37</sup> enrolled within district-run schools compared to privately operated charter schools under the same district authorizer in our snapshot year 2016-2017 (academic year 2017)?
2. Are there significant differences in special education enrollment by eligibility under the categories established in the Individuals with Disabilities Act (IDEA) between privately operated charter schools and district-run schools managed within the same authorizing district?
3. Lastly, what is the financial impact on each of these local school districts due to special education enrollment disparity, if such disparity is found to exist?

To answer these questions, our team identified the three largest school districts in the state with the greatest number of privately operated charter schools. By that measure, Los Angeles Unified School District, San Diego Unified School District, and Oakland Unified School District are all within the top 25 in the United States.<sup>38</sup> These three districts are not only home to the state's greatest number of active charter operations, they are also the state's top three charter authorizers and are therefore responsible for oversight of nearly a third of California's active privately operated charter schools.<sup>39</sup> The answers to these questions carry immense weight, and require a thorough analysis of disparity within California schools.

## METHODOLOGY: ENROLLMENT DISPARITIES

In order to obtain the data necessary to answer the first two research questions, five California Public Records Act (CPRA) requests were sent to the six SELPAs responsible for collecting and maintaining the necessary data for all schools operating within the three target authorizing districts. Because privately operated charter schools are permitted to join SELPAs outside of their geographic region and are not required to stay within the same one as their authorizing school district, it was necessary to contact The Los Angeles Unified, Oakland Unified, San Diego Unified, Desert Mountain, Sonoma County Charter, and El Dorado Charter SELPAs for this request.<sup>40</sup>

Upon validation, the data received from each SELPA was joined with the California Department of Education's (CDE) master public school list using the school's unique County, District, School Code (CDS code).<sup>41</sup> Once joined, the data was filtered by school funding type to determine the difference between district schools and privately operated charter schools. *Schools of the district, or district schools*, are all schools identified as district-run or locally funded. Privately operated charter schools are designated *directly-funded* under column *funding type* in the CDE master file.<sup>42</sup>

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<sup>37</sup> For the purposes of this report, "students with disabilities" or "special education students" are those students identified eligible in one of the 13 IDEA categories (see Appendix B for a full list) and that have an individual education plan (IEP). Students identified under federal provision 504 are not included in any of the following analyses.

<sup>38</sup> Rebecca David, Kevin Hesla, and Susan Aud Pendergrass, "A Growing Movement: America's Largest Public Charter School Communities," National Alliance for Public Charter Schools, October 2017: [https://www.publiccharters.org/sites/default/files/documents/2017-10/Enrollment\\_Share\\_Report\\_Web\\_0.pdf](https://www.publiccharters.org/sites/default/files/documents/2017-10/Enrollment_Share_Report_Web_0.pdf).

<sup>39</sup> "Public Schools and Districts Data Files: Downloadable files containing general information about California's public schools and districts," Schools & Districts, California Department of Education, accessed March 7, 2018, <https://www.cde.ca.gov/ds/si/ds/pubschls.asp>. For the purpose of this research, all active, pending, closed, and merged charter schools are listed within the XLSX file titled "Public Schools and Districts Data Files: Contains all active, pending, closed, and merged public schools and districts," <https://www.cde.ca.gov/SchoolDirectory/report?rid=d11&tp=xlsx&ict=Y>.

<sup>40</sup> A single Oakland authorized, privately operated charter operator was in the Sonoma Valley SELPA. The relevant data for this charter was obtained from the Sonoma Valley SELPA for this report.

<sup>41</sup> CDS codes are the state of California's numerical, unique identifier for individual schools, their district, and their county of residence.

<sup>42</sup> All charter schools in OUSD and SDUSD are fiscally independent, privately operated and thus codified "Directly Funded." While most charter schools authorized by LAUSD are fiscally independent, privately operated, 70 of the nearly 300 schools were locally funded, or "affiliated" charter schools. Locally funded schools are treated as schools of the district. See footnote 12.

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## ANALYSIS OF SPECIAL EDUCATION ENROLLMENT

Our first analysis focused on the share of special education students<sup>43</sup> identified in each campus by funding type and authorizer district. The analyses conducted in each of the three districts were limited to charter schools authorized by each of the three districts. This does not include charters authorized and granted by the state or by the county. This decision was made primarily because authorizers are responsible for charter oversight. It would be less appropriate to compare schools of the district to privately operated charters that were authorized under the county or the state, as they are overseen by different authorizers under different operating structures. Limiting the analyses to authorizing districts—thereby excluding charter schools that may operate within the boundaries of the district but are authorized by other entities—increased comparability in terms of oversight and accountability. In other words, the locally elected school board is ultimately responsible for both district-run schools and the charter schools which it authorizes.

Our first question was, what percentage of each school's total enrollment was composed of students with disabilities? To arrive at the percentage of students with disabilities identified for each school, the following calculation was made: the total number of students with disabilities divided by the school's total enrollment as of Norm Day,<sup>44</sup> multiplied by 100. However, this seemingly simple calculation required immense effort due to long-running systemic quirks in California. Firstly, the CDE collects total enrollment counts through the California Longitudinal Pupil Achievement Data System (CALPADS) in October each year.<sup>45</sup> But the annual counts of record for all special education students are not conducted until December through the California Special Education Management Information System (CASEMIS).<sup>46</sup> Tracking special education student data at these separate points in time creates data-compatibility issues for the type of analysis we set out to perform.<sup>47</sup>

Further, CASEMIS data covers age ranges, not grade levels. People from birth to the age of 22 who are eligible for IDEA services are counted. SELPAs then report all people within the age range identified as eligible for services under IDEA that are attending schools for which the SELPA is responsible for coordination of special education funding and services. State enrollment numbers reported under CALPADS, however, cover kindergarten through 12<sup>th</sup> grade. Where schools enroll many students outside of the most common age ranges (5-18 years of age), enrollment data for those students (below 5 and above 18) is not available.

<sup>43</sup> Special Education Students are students identified as eligible for services under IDEA and have an Individualized Education Plan (IEP). Consistent with local, state, and federal counts of students with disabilities, students eligible under section 504 are not included in any of the following analyses.

<sup>44</sup> Norm Day is the day when a school's official total enrollment count is conducted for the academic year. It is the denominator by which all demographic calculations are set.

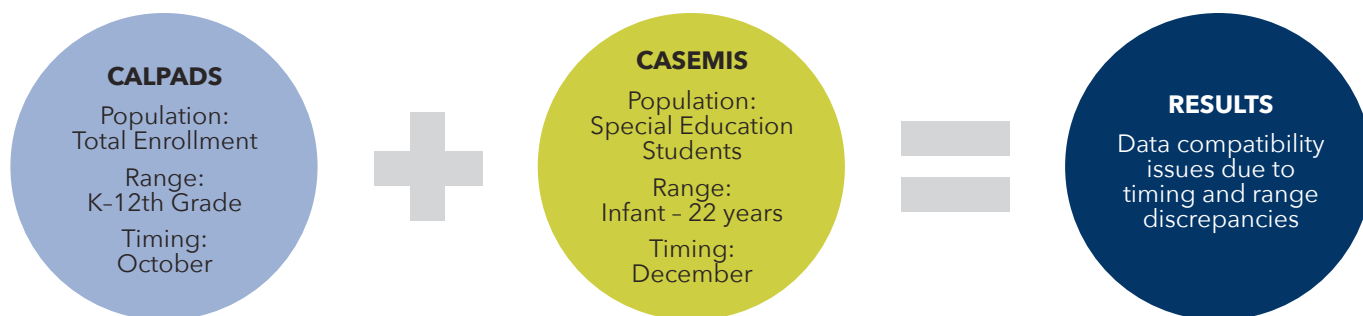
<sup>45</sup> Schools do send an aggregate count of SWDs to CALPADS. This number, however, excludes all students not enrolled in grades K-12. The count of record for students with disabilities is submitted by the SELPAs, who use CASEMIS. The disparity between the two data reporting systems yields a more than 74,000 student difference, or more than 10 percent of the state's official count of students with disabilities for the 2016-17 school year.

<sup>46</sup> CASEMIS counts may also take place in April and June. The December count was chosen because of its proximity to the October Norm Day count in order to limit the interval between the two snapshots.

<sup>47</sup> According to the CDE, the agency is currently taking steps to integrate CASEMIS and CALPADS. See CDE letter to County and District Superintendents and Charter School Administrators: "Letter from California state Superintendent of Public Instruction," California Longitudinal Pupil Achievement Data System (CALPADS), California Department of Education, accessed December 6, 2018, <https://www.cde.ca.gov/ds/sp/cl/c2c20161025.asp>.

## CALPADS VS. CASEMIS

Clearly, in the cases where there are CASEMIS counts present, and no corresponding enrollment counts, a calculation of percentage is not feasible. Such is the case in adult education centers and infant centers. For this reason, we excluded early education centers and adult education centers from our comparisons of the share of SWDs within schools.<sup>48</sup> No privately operated charter schools were classified by the CDE as being a “preschool” or an “adult education center.”<sup>49</sup> This conservative methodological decision results in an undercount of the special education students in district schools, but not in privately operated charter schools. For instance, the Special Education Infant/Preschool Program in Los Angeles Unified, a program of the district, enrolled nearly 2,500 students with disabilities in 2017. However, because a static, total enrollment count was not available, it was not included in the analysis of enrollment.<sup>50</sup>



In limited cases, calculating the percentage of students with disabilities for certain campuses using CASEMIS data as the numerator and the official state enrollment total as the denominator can result in percentages well over 100. This happens for two reasons. First, calculated percentages over 100 were most likely to be seen in district schools that enroll only special education students.<sup>51</sup> This is a likely consequence of timing, namely, taking a total enrollment count in October, and then separately counting students with disabilities two months later, in December. In 13 of the 16 special education schools (all schools of the district) more students were in these schools during the CASEMIS count than were enrolled on Norm Day. Pinpointing exactly where these students are coming from may provide further information about allegations that privately operated charter schools routinely counsel special education students out after the official enrollment count has been taken. The second reason the percentage of students with disabilities may result in a number over 100 is related to the previous discussion of preschool students. This is most often the case when a traditional elementary school also enrolls pre-kindergarten students with disabilities.<sup>52</sup> As explained below, we took several steps to limit the effects of these outlier schools.

<sup>48</sup> These schools were not excluded from the comparisons by disability type, which did not utilize enrollment data.

<sup>49</sup> “Public Schools and District Data Files: Downloadable files containing general information about California’s public schools and districts,” Schools & Districts, California Department of Public Education, accessed March 7, 2018, <https://www.cde.ca.gov/ds/si/ds/pubschls.asp>. For the purpose of this research, all active, pending, closed, and merged charter schools are listed within the XLSX file titled “Public Schools and District Data Files: Contains all active pending, closed, and merged public schools and districts,” <https://www.cde.ca.gov/SchoolDirectory/report?rid=d11&tp=xlsx&ict=Y>.

<sup>50</sup> This school was not excluded from the comparisons by disability type (AUT, DB, EMD, SLI, etc), as the denominator was the total count of special education students

<sup>51</sup> There were no privately operated charter schools classified by the state as Special Education Schools in LAUSD, OSUD, or SDUSD in 2017.

<sup>52</sup> For example, in San Diego Unified School District, Alcott Elementary enrolled 240 infants and toddlers in the 2016-17 school year. This results in more than half of the student population not counted in the CALPADS enrollment numbers but counted in the CASEMIS data. The calculation resulted in a 146 percent percentage special education population.

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## LIMITING OUTLIERS

As previously stated, because CASEMIS includes students with disabilities outside of the K-12 structure, and CALPADS does not, we removed all early education schools (preschools) and all adult education centers from the analysis. In addition, we excluded schools with less than 10 percent of the statewide average public-school enrollment; and excluded schools with SWD enrollment greater than 120 percent of total enrollment.

The first exclusion, of schools with less than 10 percent of the statewide average public-school enrollment, was done to mitigate the effect of small school populations.<sup>53</sup> Ten percent of the statewide average in 2017 was 60 enrolled students.<sup>54</sup> Between the three district authorizers, 14 schools were removed for this reason. Two of the 14 schools excluded for this reason were privately operated charter schools.

The second exclusion, of schools with SWD enrollment greater than 120 percent of total enrollment, was done to limit the effect of schools with outlier SWD percentages. Four schools were excluded for this reason, and all were schools of the district. No privately operated charter school had a calculated SWD percentage exceeding 100 percent. Again, this was a deliberately conservative methodological decision, as it results in an understatement of SWD enrollment solely at district-run schools.<sup>55</sup>

There was one district school that had both an enrollment of greater than 60 students as well as a percentage of students with disabilities greater than 120 percent. This was the previously footnoted Alcott Elementary in San Diego Unified (see footnote 52).

## ANALYSIS OF CASEMIS DISABILITY CATEGORIES

The second analysis sought to determine if there was a statistical difference in the types of students with disabilities enrolled at privately operated charter schools compared to schools of the district. There are 13 disability categories recognized by IDEA for which a student can qualify for services (i.e., eligibility categories). According to the Public Policy Institute of California's report of Special Education Finance, the CDE defines severe disabilities as the following: autism, visual impairment, deaf, deaf-blind, orthopedic impairment, emotional disturbance, intellectual disability, traumatic brain injury, and multiple disabilities.<sup>56</sup> In some publications these 10 eligibility categories are referred to as "low incidence" or "moderate to severe." While Specific Learning Disability, Speech and Language Impairment, and Other Health Impairment, are often labeled as "high incidence" or considered "mild to moderate." It is important to understand that intensity of disability within many eligibility categories can vary widely. Here, we analyzed all CASEMIS/IDEA eligibility categories in order to determine whether there was a statistically significant disproportionate concentration of students with specific disabilities between each of the three authorizing district's school types.

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<sup>53</sup> Small school population lead to greater variability due to the small denominator. All schools of the district excluded from the analysis due to enrollment less than 60 were Special Education Schools, Community Day Schools, Alternative Schools of Choice, or Home and Hospital Programs. Excluding these schools at this threshold was a deliberately conservative decision resulting in an underrepresentation of special education enrollment within schools of the district.

<sup>54</sup> "Fingertip Facts on Education in California - *CalEdFacts*," California Department of Education, accessed Tuesday, July 10, 2018, <https://www.cde.ca.gov/ds/sd/cb/ceffingertipfacts.asp>.

<sup>55</sup> The analysis was also conducted including all schools with an enrollment of fewer than 60 (while still excluding schools with a greater than 120% SWD enrollment). In each district, the SWD enrollment disparity increased between schools of the district and privately operated charter schools.

<sup>56</sup> Laura Hill, et al., "Special Education Finance in California," (PPIC: November 2016): 13.



“My son and I came as the perfect student-parent contribution to his education,” Tracy said. “He wanted to succeed. As an 11-year-old, he had put in two to five hours a day studying. I sat and helped him. I wasn’t not participating ... if the school is also putting in their part, it seems like he should be able to succeed.”

## TRACY & KAHLIL

**T**his last year, 16-year-old Kahlil played the lead role of Jean Valjean at a Berkeley Playhouse Teenstage production of *Les Misérables*. He is finished the 10th grade through classes at a local community college, where he has a 3.50 GPA. But two years ago, Kahlil was far from the confident young man he is today, when his parents pulled him out of 8th grade at Oakland School for Arts (OSA), a charter middle and high school.

In 5th grade, Kahlil was diagnosed with a disability called auditory processing disorder after his teacher and his mom, Tracy, noticed that he was having trouble with schoolwork. Tracy said that it seemed like he was really trying to do the work, but often didn’t quite know what the work was. Kahlil was given an Individualized Educational Plan (IEP) at his district-run public school. But in 6th grade, he enrolled at OSA.

Kahlil had worked hard to get into OSA’s theater program, and was excited to be at the new school. But according to Tracy, 6th grade was really a difficult year for their whole family because of academics. Kahlil would come home without really knowing what had gone on in his classes. It would take him—with help from Tracy—two to five hours every night to get through his homework. Kahlil got As and Bs that year, but all the time he and Tracy put in wore them both out.

In IEP meetings with the school staff, Tracy had no idea what services Kahlil could, or should, get to support him adequately, and would just agree to everything the school suggested. “OK, these are the experts,” Tracy thought, “they know what they are doing.” What the school provided, however, was clearly not helping Kahlil.

By 7th grade, Kahlil was still coming home without understanding what he was supposed to do—even though Tracy knew that Kahlil could do the work. He needed someone to outline a sequence of steps for him, which he would follow. Tracy did some of that at home, because it clearly wasn’t happening at school, but it exhausted both of them. She decided to put a two-hour time limit on homework because Kahlil needed time at home to relax and be a kid, not just study. That year, he got Bs and Cs. His grades were lower, but he was still passing.

There were also problems in the theater program. During one rehearsal for the middle school musical, while the cast was learning their music, Kahlil was pacing while singing. He was practicing the same music as everybody else, only standing. Kahlil was told by the high school student running the rehearsal to sit down, but he didn't want to. The other members of the cast began confronting him about why he was being difficult, making him—and the high school student—even more upset. After all, from Kahlil's perspective, he was just trying to do the work. When Tracy's husband came to pick Kahlil up, the theater teacher told him what happened, and her husband had to explain that Kahlil has a disability—something that Tracy believes the school staff should have already known and accommodated – and that he learns music better standing up. According to Tracy, the teacher told her husband, "Well, maybe we won't be able to work with your son anymore."

By 8th grade, both Kahlil and Tracy were completely burned out. Neither of them had it in them to put in hours of study time at home anymore. It was clear that Kahlil wasn't getting the support he needed. Tracy made a concrete demand of the special education department. First, she asked to have someone check in with Kahlil for all his classes to make sure he understood the assignment and knew how to complete it. When the school denied her request, she tried a different tack. She asked for approval for Kahlil to take his academic classes at a local community college but continue his arts education at OSA. Tracy knew of another student with this arrangement and thought it would be more manageable for Kahlil: because of the way the credits transferred, he could take fewer classes at a time to meet the yearly requirement. The school also denied that request.

“ According to Tracy, the special education director of OSA had a different proposal. He told Tracy that he didn't really see Kahlil going to college after high school, and suggested that her son could do high school diploma-track work, rather than college-track work...”

“OK, these are the experts,” Tracy thought, “they know what they are doing.” What the school provided, however, was clearly not helping Kahlil.

According to Tracy, the special education director of OSA had a different proposal. He told Tracy that he didn't really see Kahlil going to college after high school, and suggested that her son could do high school diploma-track work, rather than college-track work, which would mean fewer classes and less stress. Tracy was stunned and scared. She suddenly realized that the school hadn't been trying to help Kahlil succeed because they didn't think he could—despite all of the hours of effort that she and her son had both put in. “My son and I came as the perfect student-parent contribution to his education,” Tracy said. “He wanted to succeed. As an 11-year-old, he had put in two to five hours a day studying. I sat and helped him. I wasn't not participating ... if the school is also putting in their part, it seems like he should be able to succeed.”

Kahlil failed every class except for English. His English teacher was the only one who ensured that Kahlil knew the assignments and made sure that he did them. His confidence was shaken, and he was suffering from depression and anxiety. Kahlil, who already had his heart set on a “dream school,” was doubting that he could even attend college at all. It was clear to Tracy that he needed a break. At the end of the year, Tracy pulled her son out of OSA. She asked the principal of OSA whether Kahlil could return in the future, and was told that they couldn't hold his spot open. When she asked whether he would have to re-apply and re-audition, the principal never responded to her email.

Kahlil thrived in his 10th grade studies at community college. His teachers were conscientious about putting everything in writing for him, and as a result he completed his homework without Tracy's help, Kahlil's confidence returned.

...

Each IDEA eligibility category was compared against school type. For example: of the students enrolled with disabilities, what percentage were identified as Autistic? Is the difference between schools of the district and privately operated charters statistically significant? We analyzed each of the 13 categories<sup>57</sup> using the following calculation: the total number of students identified in a specific identification category (e.g., orthopedic impairment) divided by the total number of students with disabilities enrolled, then multiplied by 100. In order to compare schools of the district with privately operated charter schools, we used two-tailed Welch t-tests to determine significant differences of means for each of the analyses. The Welch t-test was appropriate given the methodological assumption of unequal variances and the unequal number of campuses within each school type.<sup>58</sup>



## DATA ISSUES

**Pulling together descriptive data on students with disabilities** locally and statewide for this analysis proved challenging. In the absence of public access to special education data and active governmental oversight of potential disparate enrollment practices, privately operated charter schools have insufficient external incentive to provide equitable access to California’s special education students. Further, pervasive difficulties in obtaining basic information about special education enrollment means that California families with students entitled to special education services do not have access to the information they need to make fundamental decisions about their child’s education.

Basic, descriptive special education enrollment statistics proved difficult to obtain from both the SELPAs and the Special Education Division within the CDE. In all, the necessary information and data gathering took more than six months, dozens of CPRA requests, significant financial costs, copious follow-up emails and phone conversations, post-receipt clarifications, and numerous corrections of conspicuous data anomalies, all of which shuffled our researchers between multiple departments at many levels of educational governance.<sup>59</sup>

None of the districts, at the time of data collection, had publicly posted any statistics regarding special education enrollments by campus.<sup>60</sup> Neither raw numbers nor percentages were available online. The data received from each of our five uniform information requests spanning five separate SELPAs came in five completely different formats. Data issues included both problematic identification of campuses as well as incorrect counts of students with disabilities.

*(continued)*

<sup>57</sup> In the 2016–17, no LAUSD authorized school identified a single student enrolled with Multiple Disabilities (MD). Because neither schools of the district, nor authorized privately operated charters within the district enrolled students identified MD, the MD comparison was not performed for LAUSD.

<sup>58</sup> The alpha level set for each of the null hypotheses was .05. This is the standard P-value for determining statistical significance in education research.

<sup>59</sup> See Appendix E for PRA Communications.

<sup>60</sup> District aggregate CASEMIS counts are available via Dataquest. However, school level CASEMIS counts are not, unless the district consists of only a single school, as is the case with some charters. As of late September 2018, LAUSD has rolled out their Open Data portal, where you can find the raw count of special education students in each of LAUSD’s district schools. If you dig deep enough, you can even find the number of students enrolled by disability type on the website. This raw, contextless data might even be useful, had the school district chosen to include the more than 200 privately operated charter schools it currently authorizes and is responsible for monitoring.

It took several specially trained researchers 18 months to collect and analyze this data. Not all parents have the resources nor time to pursue this type of investigation, yet they have the most pressing need for this information.

For example, some SELPAs sent only partial strings of a school's unique CDS identification code, while others did not send statewide codes at all and instead displayed indistinct, abbreviated school names. One SELPA sent data documents in which several school codes had been matched to incorrect schools.<sup>61</sup> Another sent only its internal codes for each special education category and did not provide a key until it, too, was specifically requested. All of these variations made for a cumbersome data collection and validation process.

Not only were there issues related to properly identifying schools—a baseline necessity for accurately connecting schools across data sets—but several files were sent with data that was contextually illogical. Two SELPAs sent files with clear issues and data errors involving students with an established medical disability (EMD), which pertains exclusively to three- to five-year-old children. One sent a file claiming each of its schools enrolled large numbers of students with an EMD across grade levels, including middle and high school campuses. Another SELPA left out EMD students altogether (along with having left out the category deaf-blind). These errors required immense scrutiny and time to correct in order to run reliable analyses.

In an initial attempt to conduct a statewide analysis, the researchers worked through the Special Education Division of the CDE. This proved more challenging than working through the SELPAs. Anyone requesting data from the CDE that is not currently published in DataQuest or available on the download data files page is required to complete an onerous data request process, including a preliminary request requiring a full concept write-up by the requestor (see *Appendix G12*). The requestor may also expect to pay for data requests made through the CDE. As a reminder, this request was for a simple numerator and denominator: the total CASEMIS count of special education students enrolled in each school and the total number of students enrolled. Once they overcame the initial barriers to data access, our researchers contended with ongoing confusion within the state's Special Education Division over education terminology, CDS codes, and the three funding types for each school. It should also be noted that the CDE does not perform thorough validation procedures on the data they receive from schools. These issues may stem from the CDE maintaining its Special Education Division separately from other departments responsible for student population counts.<sup>62</sup> As a result, obtaining the data requested for counts of special education students in each of the schools required extensive communications. By its own admission, the Special Education Division, on two separate occasions, sent our team data where valid counts were severely limited (See *Appendix E7 & E8*). These challenges and inaccuracies proved costly for data that ultimately could not be validated and were thus deemed unusable. Consequently, a statewide analysis could not be conducted for this report.

Further, there was immense confusion over the terms "school district" and "Norm Day." The former because the Special Education Division deals with SELPAs exclusively, instead of local education agencies (e.g. districts), and the latter due to the CDE's practice of maintaining counts of students with disabilities separate from counts of all other student demographics. Just as with SELPAs, there were problems with correctly identifying schools. However, the Special Education Division was candid about their inability to ensure that schools have submitted the correct school-level unique identifier to the state.<sup>63</sup> Therefore every data request made for school level data with the accompanying unique CDS code from the Special Education Division could not be validated. In other words, there would be no way that this research team

<sup>61</sup> The state's master list of public schools was compared to each of the SELPA data sets in order to identify anomalous school to CDS pairings. The CDE master list of public schools was established as the reference document.

<sup>62</sup> See methodology for further clarification on the difference between CASEMIS and CALPADs data collection.

<sup>63</sup> See Appendix E7



could verify that the count of students with disabilities matched the particular school as provided by the CDE. For this reason, the CDE-provided special education data set was not used for this report. As it currently stands, the CDE does not have a process for identifying discrepancies and the Special Education Division cannot identify which schools are run by private charter operators and which are run by traditional school districts.<sup>64</sup>

Researchers also initially had difficulty obtaining data from LAUSD. While requesting and gathering data for this project, our team requested data regarding severity of disabilities, including definitions, population counts, and all ways in which LAUSD categorizes students by “severity” such as mild to moderate and moderate to severe. After nearly three months of going back-and-forth, we were informed that neither LAUSD’s Special Education Department, nor the Office of Data and Accountability, nor any other department “keeps track of this kind of information.”<sup>65</sup> After making this claim in April 2018, six months later LAUSD unveiled its Open Data Portal,<sup>66</sup> where school district data is made available to the public. Currently a count of students considered mild to moderate and moderate to severe, as they relate to each of the eligibility categories, is readily available for each of the past three years within the data portal for all schools of the district.<sup>67</sup>

## FINDINGS: ENROLLMENT DISPARITIES

*In Los Angeles, Oakland, and San Diego, students with disabilities who had been enrolled by privately operated charter schools were concentrated in categories considered less severe than those enrolled in schools of the district.*

According to our analysis of CASEMIS data for academic year 2017, privately operated charter schools as a group in Los Angeles and Oakland under-enrolled students with disabilities compared to district-run schools. In Los Angeles, Oakland, and San Diego, students with disabilities who had been enrolled by privately operated charter schools were concentrated in categories considered less severe than those enrolled in schools of the district. Across all three authorizers, students with intellectual disabilities, students on the autism spectrum, and students with an orthopedic impairment<sup>68</sup> were routinely under-enrolled in privately operated charter schools. This under-enrollment of students with severe disabilities in privately operated charter schools also revealed a relative surfeit of students in the Specific Learning Disability and Other Health Impairment categories, both considered to be mild to moderate in severity. Below are the results of analyses regarding special education enrollment and service by eligibility categories.

Average Percentage of Enrolled Students with Disabilities			
Authorizing District	Independent Charters	Schools of the District	P Value
All 3 Authorizing Districts*	11.01%	14.27%	0.00
LAUSD*	11.11%	14.16%	0.00
OUSD*	7.67%	13.58%	0.00
SDUSD	12.96%	15.07%	0.06

<sup>64</sup> See Appendix E6

<sup>65</sup> See Appendix E2

<sup>66</sup> “LAUSD Open Data,” Open Data Portal, Los Angeles Unified School District, 2019, <https://my.lausd.net/opendata/dashboard>.

<sup>67</sup> Privately operated charter schools, though authorized by the district, are not included in this Open Data Portal. Only 2 privately run charter schools authorized by LAUSD were not part of the LAUSD SELPA in 2017.

<sup>68</sup> Defined as a physical disability that does not impair cognitive functioning

## UNDER-ENROLLMENT OF SPECIAL EDUCATION STUDENTS OVERALL

Though it has been repeated anecdotally throughout the United States, there has been little quantitative evidence presented to show how privately operated charter schools are underserving students with disabilities. In an aggregate analysis of all three authorizing districts, privately operated charters enrolled a significantly smaller share of students with disabilities than did schools of the district (11.01 percent vs. 14.27 percent,  $p=0.00$ ). In individual statistical analyses of Los Angeles and Oakland, privately operated charter schools were found to have enrolled students with disabilities at a significantly lower rate than schools of the district. This disproportionate enrollment was greatest in Oakland, where privately operated charter schools enrolled students with disabilities at roughly half the rate of district-run schools. On first glance, it appears that under-enrollment was prevalent in all three school districts. However, while San Diego’s privately operated charter schools averaged a smaller share of students with disabilities (12.96 percent vs. 15.07 percent,  $p=0.06$ ), they did not do so at a statistically significant lower rate.

## UNDER-ENROLLMENT OF STUDENTS WITH THE MOST SEVERE DISABILITIES

Average Percentage of Special Education Student Population with a Mild to Moderate Disability			
Authorizing District	Independent Charters	Schools of the District	P Value
LAUSD*	84.82%	71.15%	0.00
OUSD*	87.10%	76.28%	0.00
SDUSD*	83.75%	72.78%	0.00

Students who generally require greater support and more costly accommodations are systematically under-enrolled within privately operated charter schools. This statistically significant disproportionality by severity was identified in nearly half of the IDEA eligibility categories considered most severe. Conversely, students with disabilities considered to be mild to moderate—generally requiring less costly accommodations—made up a greater percentage of the special education enrollment within privately operated charters. When it comes to moderate to severe disability, these students comprised between 23.7 and 28.9 percent of the special education population enrolled within the three cohorts of district schools. Conversely, within privately operated charter schools the concentration of these students ranged between 12.9 and 16.25 percent on average.

Percentage of Campuses Enrolled <10 Students with a Moderate to Severe Disability		
Authorizing District	Independent Charters	Schools of the District
LAUSD	74.66%	25.03%
OUSD	88.89%	52.38%
SDUSD	69.23%	19.77%

Nearly seven of every 10 privately operated charters in San Diego enrolled fewer than 10 students eligible for special education services in moderate to severe categories, whereas fewer than two out of every 10 schools of the district did the same. In LAUSD, three of every four privately operated charter schools enrolled less than 10 of these students, whereas three of every four of Los Angeles’ district schools enrolled *more* than 10. While a greater percentage of both charters and district schools in Oakland enrolled a smaller share of students with moderate to severe disabilities, the disproportionality persists. Just over half of Oakland’s schools of the district enrolled less than 10 of these students, but nearly nine in every 10 privately operated charter schools did the same.

## LOS ANGELES UNIFIED SCHOOL DISTRICT (LAUSD)

LAUSD Special Education Students Identified in Moderate to Severe Categories			
Moderate to Severe	Independent Charters	Schools of the District	P Value
Autism (AUT)*	10.96%	18.59%	0.00
Intellectual Disability (ID)*	1.15%	4.42%	0.00
Orthopedic Impairment (OI)*	0.50%	2.48%	0.00
Hard of Hearing (HH)*	1.09%	1.50%	0.02
Visually Impaired (VI)*	0.14%	0.43%	0.00

*Note: Displayed categories are those identified with a statistically significant difference in the percentage of SWDs enrolled. See statistical outputs for all Categories in Appendix A.*

During the 2016–2017 school year, privately operated charter schools in LAUSD enrolled a significantly smaller share of special education students on average than did schools of the district (11.11 percent vs. 14.16 percent,  $p=0.00$ ). Looking at moderate to severe eligibility categories, schools of the district enrolled a greater proportion in five of 11 categories (ID, HH, VI, OI, and AUT). Statistically significant differences were not found in the remaining six categories. Students in the ID, OI, or VI categories were enrolled within privately operated charter schools at roughly a quarter of the rate at which they were enrolled in district-run Los Angeles Unified schools. For students on the autism spectrum, there was a nearly eight percentage point difference in enrollment between the private charter schools and schools of the district.

By contrast, students identified as having a mild to moderate disability made up a greater percentage of privately operated charter schools' special education population in two of three categories (SLD and OHI). There was not a statistically significant difference in the percentage of SLI students between LAUSD schools of the district and privately operated charter schools.

## OAKLAND UNIFIED SCHOOL DISTRICT (OUSD)

OUSD Special Education Students Identified in Moderate to Severe Categories			
Moderate to Severe	Independent Charters	Schools of the District	P Value
Autism (AUT)*	4.43%	11.09%	0.00
Intellectual Disabilities (ID)*	2.04%	5.85%	0.00
Orthopedic Impairment (OI)*	0.00%	0.26%	0.01
Deaf (DEAF)*	0.00%	0.21%	0.01
Multiple Disabilities (MD)*	0.07%	0.79%	0.01

*Note: Displayed categories are those identified with a statistically significant difference in the percentage of SWDs enrolled. See statistical outputs for all Categories in Appendix A.*

Students with disabilities made up an average 7.67 percent of the total student population in privately operated charter schools within OUSD—significantly less than the 13.58 percent that make up the student population within Oakland Unified schools of the district ( $p=0.00$ ). Of all the school districts analyzed, the greatest disproportionality in special education enrollment was identified in Oakland. As with LAUSD and SDUSD, a more granular analysis of severity categories revealed five categories in which schools of the district enrolled greater percentages of students identified with moderate to severe disabilities (ID, DEAF, OI, MD, and AUT). A statistically significant difference was not found in the remaining six categories. Oakland-area privately operated charter schools enrolled students with autism and students with intellectual disabilities at less than half the average rate of district schools. Students in the OI or Deaf categories were not enrolled in any privately operated charter school within Oakland during the 2016–17 school year.



“Vanessa was new to the charter school. She didn't know what to expect, and didn't push back. She now says that if she had one lesson to share with other parents from this experience it would be, “Speak up when you think something is wrong.”

## VANESSA & ISABEL

**V**anessa Aguirre's daughter, Isabel, went to elementary school at a traditional public school in San Diego Unified School District, where she first was diagnosed with a learning difference in 3rd grade, and received an Individualized Educational Plan (IEP). When Isabel reached middle school, Vanessa decided to send her to The Learning Choice Academy (TLC) because her friends whose kids went there really liked it. She was assured by TLC staff that they would be able to accommodate Isabel's disability.

TLC is a homeschool program, which meant that Isabel did schoolwork three days per week at home and went to campus two days per week for a full day of classes. It was a big decision to send Isabel to TLC, because it was over nine miles away from her home, and the commute to campus would take nearly 45 minutes in morning traffic. But Vanessa thought that the time commitment would be worth it for her daughter.

When Isabel first started at TLC, Vanessa was surprised that she wasn't being given more schoolwork to do. Vanessa inquired, and was told that anything her daughter didn't complete in class would be sent home. She was concerned that the amount Isabel received to do at home didn't seem like enough to fill three days, but because Vanessa was new to the charter school she didn't know what to expect, and didn't push back.

A month into the first semester, one of the school staff requested to meet with Vanessa because Isabel was behind. They scheduled a meeting, but the TLC staffer called the day before the scheduled date to say that Vanessa had missed their meeting. This happened repeatedly, and each time Vanessa says the staffer told her that she would have to put a letter in Isabel's file about the alleged missed meeting. It was Vanessa's understanding that the school has a policy that after a parent misses three meetings, the student can be kicked out of the charter, making these events particularly stressful.

Further, Vanessa found out that Isabel was missing assignments that she had never seen. Two months into the school year, the school staffer showed Vanessa how to access the school's online portal, where parents and students can see assignments and progress. Vanessa was excited that she could finally get Isabel on track to getting her work

done. However, after a couple days of Isabel making good progress on her assignments, they were locked out of the website. The staffer had changed their password, and it took several days to figure out what had happened and make up for the interruption.

Vanessa began to feel like Isabel was being set up to fail. Her feelings grew stronger as the school year progressed, heightened by instances like a TLC staffer telling her that Isabel had not completed the required Physical Education time—something she was responsible for doing at home, and had always done.

What ultimately made Vanessa realize that TLC wasn't the right place for her daughter was when the special education staff told her, in contradiction of their initial promise, that Isabel's needs were greater than TLC could accommodate. "I could tell they were trying to squeeze us out from the beginning," Vanessa says, "but that really clinched it."

Vanessa decided to take Isabel out of the charter school and enroll her in the neighborhood public school. Vanessa had initially been reluctant to put Isabel in her local school because she was concerned that she wouldn't get all the services she needed. But Isabel is now thriving alongside other kids with similar disabilities, and feels like she finally fits in. She already knows kids at her new school from the neighborhood, so it doesn't feel as lonely as the charter school did. And, crucially, Isabel is getting the support she needs from the staff at the school to really succeed.

Vanessa says that if she had one lesson to share with other parents from this experience it would be, "Speak up when you think something is wrong. I should have spoken up earlier because I thought they had our best interests at heart, but now I don't think they did."

...

*“What ultimately made Vanessa realize that TLC wasn't the right place for her daughter was when the special education staff told her, in contradiction of their initial promise, that Isabel's needs were greater than TLC could accommodate. “I could tell they were trying to squeeze us out from the beginning,” Vanessa says, “but that really clinched it.”*

Consistent with all three cohort districts, students identified with a Specific Learning Disability eligibility accounted for a significantly greater percentage of special education enrollment within privately operated charter schools than in schools of the district (49.52 percent vs. 38.96 percent,  $p= 0.02$ ).

## SAN DIEGO UNIFIED SCHOOL DISTRICT (SDUSD)

SDUSD Special Education Students Identified in Moderate to Severe Categories			
Moderate to Severe	Independent Charters	Schools of the District	P Value
Autism (AUT)*	9.93%	16.05%	0.00
Intellectual Disabilities (ID)*	1.52%	4.66%	0.00
Orthopedic Impairment (OI)*	0.99%	1.68%	0.03
Emotional Disturbance (ED)*	2.78%	1.53%	0.04
Established Medical Disability (EMD)*	0.00%	0.05%	0.01
Multiple Disabilities (MD)*	0.03%	1.33%	0.00

*Note: Displayed categories are those identified with a statistically significant difference in the percentage of SWDs enrolled. See statistical outputs for all Categories in Appendix A.*

On average students with disabilities made up nearly 13 percent of privately operated charter schools' enrollment in San Diego. While this is a lower percentage than the 15 percent or more of students with disabilities in all other schools in San Diego, the difference is not statistically significant. Consistent with Los Angeles and Oakland, however, a more granular analysis by severity revealed statistically significant differences in enrollment by disability between San Diego's privately operated charter schools and district-run schools. Students on the autism spectrum made up a smaller share of the special education enrollment within privately operated charter schools compared with schools of the district by more than six percentage points. ID students made up more than three times the share of special education students in San Diego's district schools than in privately operated charter schools. At less than a percentage point difference, ED was the only moderate to severe disability of which privately operated charter schools enrolled a greater share on average than did schools of the district. No student with an EMD (three- to five-year-olds) was enrolled within a privately operated charter school in San Diego during the 2017 academic year. MD students were enrolled at more than 40 times the rate in schools of the district than in privately operated charter schools. As in Los Angeles, SLD and OHI students accounted for a statistically significant greater share of the special education enrollment within privately operated charter schools in San Diego. However, SDUSD was the only authorizer in which all three mild to moderate categories were found to be significantly different. SLI students also made up a statistically significant greater share of the special education population within schools of the district than within privately operated charter schools (21.20 percent vs. 14.50 percent,  $p= 0.00$ ).

*Students with disabilities made up an average 7.67 percent of the total student population in privately operated charter schools within OUSD—significantly less than the 13.58 percent that make up the student population within Oakland Unified schools of the district.*

## CHARTER NETWORKS SYSTEMATICALLY UNDER-ENROLLING SWDS

2017 Charter Management Networks with Less than 10% SWD Enrollment			
Charter Network	# Schools	Total Student Enrollment	SWD
The Accelerated Schools	3	1,728	9.78%
American Indian Model Schools	3	1,048	2.86%
Amethod Public Schools	6	1,540	6.36%
Aspire Public Schools	35	14,401	8.61%
Albert Einstein Academies	2	1,409	8.94%
Celerity Educational Group	6	3,088	9.42%
Compass Charter Schools	3	885	4.52%
Education for Change	6	3,084	7.72%
Inspire Charter Schools	5	7,392	7.05%
KIPP Charter Schools	25	10,731	9.98%
New Designs Educational Group	2	1,370	6.86%
Rocketship Public Schools	12	5,897	7.34%

The data our team received from the five SELPAs allowed for an analysis of a set of complete charter networks throughout California. Some of these charter chains have schools within each of our three authorizing districts, while others maintain a local concentration of schools. In an analysis of charter networks which enrolled more than 800 students in 2017, a pattern of under-enrollment in some of the most popular and far reaching charter networks was discovered. Well-known charter organizations like Aspire Public Schools (the largest charter management organization in the state),<sup>69</sup> KIPP Charter Schools, Inspire Charter Schools, and Rocketship Public Schools were among the networks who enrolled more than 5,000 students from across the state and whose share of students with disabilities was less than 10 percent. Of the largest charter chains, Inspire (7.05 percent) and Rocketship (7.34 percent) enrolled among the lowest percentage of students with disabilities across the three authorizing districts. The localized charter networks under-enrolling students with disabilities are the Celerity Education Group and the New Designs Education Group in Los Angeles, and the Albert Einstein Academies of San Diego. The most glaring difference is in Oakland, where American Indian Model’s three schools enrolled less than three percent students with disabilities. No network enrolling more than 800 students, authorized within our cohort districts, enrolled a smaller percentage of students with disabilities than American Indian Model schools.

<sup>69</sup> Based on an analysis of total enrollment. “Enrollment by School: Downloadable data files for school-level enrollment by racial/ethnic designation, gender, and grade,” Student & School Data Files, California Department of Education, accessed March 7, 2018, <https://www.cde.ca.gov/ds/sc/sd/filesenr.asp>. For the purpose of this report, information was retrieved from the 2016-17 year of data, <http://dq.cde.ca.gov/dataquest/dfile/dfile.aspx?cLevel=School&cYear=2016-17&cCat=Enrollment&cPage=filesenr.asp>.

## STAND-ALONE CHARTER SCHOOLS UNDER-SERVING STUDENTS WITH DISABILITIES

Stand-Alone Charter with Less than 10% SWD Enrollment		
Charter Network	Total Student Enrollment	SWD
Goethe International Charter (LAUSD)	434	7.14%
Granada Hills Charter High (LAUSD)	4,662	7.70%
Iftin Charter (SDUSD)	423	4.02%
Larchmont Charter (LAUSD)	1,432	9.50%
Montague Charter Academy (LAUSD)	898	8.24%
Oakland Military Institute, College Preparatory Academy (OUSD)	683	7.17%
Oakland School for the Arts (OUSD)	779	8.34%
Palisades Charter High (LAUSD)	2,982	8.99%
Port of Los Angeles High (LAUSD)	979	9.60%
Preuss School UCSD (SDUSD)	816	3.68%
The O'Farrell Charter (SDUSD)	1,689	9.30%
Urban Discovery Academy Charter (SDUSD)	485	8.66%
Vaughn Next Century Learning Center (LAUSD)	2,906	6.68%
Vista Charter Middle (LAUSD)	415	6.99%

This issue of under-enrollment in privately operated charter schools was not limited to large charter networks. The persistent under-enrollment of special education students also occurs frequently in stand-alone charter schools. Students with disabilities accounted for less than 10 percent of the total population in many of the large one-off charter schools with an enrollment of 400 students or more.

Some charter schools on the list have both a very large reach and a long history. The Vaughn Next Century Learning Center was granted one of California's first charters, converting in 1993 and reauthorized four separate times since. This privately operated charter, which enrolled nearly 3,000 students in 2017, enrolled well under half the average percentage of students with disabilities enrolled in Los Angeles Unified schools of the district (6.68 percent vs. 14.16 percent). In the Preuss School in San Diego, which received its charter authorization in 1999, students with disabilities made up less than four percent of enrollment.

Privately operated charter schools in all three cohort districts enrolled a smaller share of the area's students with disabilities than did schools of the district. These findings are consistent across both stand-alone charter schools, as well as within some of the largest charter school chains in the country. Persistent under-enrollment is not just a surface-level finding. As the eligibility categories are broken down, it is clear that the students with disabilities whom charter schools *are* enrolling are statistically more likely to have mild to moderate disabilities, and thus more likely to be less fiscally demanding and less resource intense.

## SPECIAL EDUCATION FUNDING OVERVIEW

According to California's Legislative Analyst's Office (LAO), "special education is among the most significant areas of K-12 expenditures, supported by a combination of the single largest state categorical allocation, one of the biggest federal education grants, and a substantial portion of local school budget." Schools are legally required to provide the services outlined in each student's Individualized Education Program (IEP). The LAO estimates that students with disabilities cost, on average, more than twice as much as educating general education students—\$22,300 compared to \$9,600, as of 2013.<sup>70</sup> Unsurprisingly, the enrollment disparity quantified in this report potentially has significant financial implications.

<sup>70</sup> Mac Taylor, "Overview of Special Education in California," Legislative Analyst's Office (Sacramento, CA: January 3, 2013): <https://lao.ca.gov/reports/2013/edu/special-ed-primer/special-ed-primer-010313.pdf>.



The additional costs of serving students with disabilities—the excess, or marginal, expense resulting from the costs of IEP required services, not the full costs of educating a SWD—are supposed to be paid via restricted special education funding.<sup>71</sup> Each state determines their system for special education funding, in terms of the formula used to determine funding levels between local education agencies, with this in turn informing what percentage of the marginal costs are covered by restricted revenue. Cullen and Rivkin (2003) provide a succinct description of the trade-offs that must be balanced when choosing how to fund special education and the potential interplay of those trade-offs within a market system of education:

“The tensions inherent in the development of a finance system that encourages schools to provide special services where appropriate but not to classify students as disabled inappropriate in order to procure additional resources will persist regardless. However, expanding schooling choices has the potential to mitigate these tensions through competitive discipline or to exacerbate them through increased sorting ... How well the amount of federal and state revenue matches the marginal costs of serving disabled students will determine whether schools have incentives to under- or overclassify students as disabled and to offer too few or too many additional services.”

As this report shows, for at least the three districts analyzed in California, the outcome for SWD under the growth of charter schools has been increased sorting by charter schools, commonly known as “cropping.”

## SPECIAL EDUCATION FUNDING IN CALIFORNIA

According to the Public Policy Institute of California (PPIC), in California, “the federal government provides 9 percent, the state 29 percent, and local school districts 62 percent of total [special education] funding.” However, the cost of providing all IEP-required services typically exceeds the amount of federal and state restricted funding received for these students. This funding shortfall, or unfunded mandate, is subsidized from the Local Education Agency (LEA)’s other revenue generated by all students, including special education students. This contribution from other funding represents an average of 53.9 percent of the total cost of education special education students in the state of California.<sup>72</sup> The total costs in our three districts were \$51.5 million in Oakland, \$212.6 million in San Diego, and \$930 million in Los Angeles.<sup>73</sup>

In other words, when charter schools under-enroll students with disabilities, the public school district is forced to spend a disproportionate share of its general fund revenue to support students with disabilities, and charter schools are able to spend less. When a student *without* disabilities enrolls in a charter school who would have otherwise attended their neighborhood public school, the student takes with them their Local Control Funding Formula (LCFF) revenue, a portion of which would have gone to defray the unfunded special education mandate. This represents an additional loss of revenue to the public school district over and above the multi-factorial effects of declining enrollment.<sup>74</sup>

<sup>71</sup> For the purposes of this report, “students with disabilities” or “special education students” are those students identified eligible in one of the 13 IDEA categories (see Appendix B for a full list) with an individual education plan (IEP). Students identified under federal provision 504 are not included in any of the following analyses.

<sup>72</sup> MGT of America, *Review: Fiscal Impact of Charter Schools on LAUSD, Final Report* (Tallahassee, FL: 2016): 8.

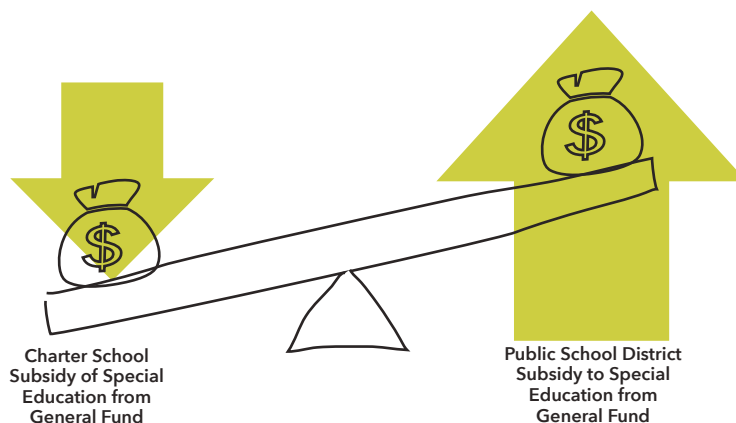
<sup>73</sup> Gordon Lafer, “Breaking Point: The Cost of Charter Schools for Public School Districts,” *In the Public Interest: Education* (May 2018): [https://www.inthepublicinterest.org/wp-content/uploads/ITPI\\_Breaking\\_Point\\_May2018FINAL.pdf](https://www.inthepublicinterest.org/wp-content/uploads/ITPI_Breaking_Point_May2018FINAL.pdf); Communication from San Diego Unified School District received October 27, 2017; “Special Education,” Los Angeles Unified School District, May 17, 2016, <https://boe.lausd.net/sites/default/files/05-17-16SpclBdSpecialEducation.pdf>.

<sup>74</sup> See the following for details on the various ways that declining enrollment due to charter schools interacts with factors such as increased oversight burdens and fixed costs: MGT of America, *Review: Fiscal Impact of Charter Schools on LAUSD* (2016); Gordon Lafer, “Breaking Point...” (2018).

The corollary is that when a student *with* disabilities enrolls in their neighborhood public school, the school must still meet the unfunded portion of their special education mandate, despite having a smaller proportion of non-disabled students from whom to draw LCFF revenue. This spares the charter school, which the student could have attended, from an even greater special-education funding shortfall, and, in fact, represents an additional gain in revenue over and above the simple effect that increased enrollment might have.

In addition to the overall special education funding shortfall caused by the underfunding from the federal government, California’s main program for financing special education provides further perverse financial incentives that reward disproportionality. AB 602, passed in 1997, accounts for 80 percent of state special education funds and operates on the law of averages—rather than on the basis of disability category, which was how funds were previously allocated. It distributes funds based on an average daily attendance amount for all students (i.e. a census formula), not based on counts of students with special needs. One underlying assumption with a census formula is that both the proportionate share and category/severity mix of students with disabilities is roughly equivalent throughout the state. When choosing between the available trade-offs referenced above, California chose to avoid creating a financial incentive to over-identify students for special education services, thereby potentially creating incentives to *under-identify* and/or *under-enroll* SWDs, especially those with the highest needs.

*When charter schools under-enroll students with disabilities, the public school district is forced to spend a disproportionate share of its general fund revenue to support students with disabilities, and charter schools are able to spend less.*



## CALIFORNIA’S SELPA SYSTEM, CHELPAS, AND ADVERSE SELECTION

California’s system for distributing special education dollars further exacerbates the issues with using a census formula. State special education funding, largely composed of AB 602 funding, is distributed to LEAs through SELPAs<sup>75</sup> that are typically organized by geographic region. Though many are composed of several LEAs that join together to deliver services amongst themselves, school districts that enroll kindergarten through 12th grade and enroll 30,000 or more pupils may be large enough to form their own “single-district” SELPA. LAUSD, OUSD, and SDUSD all qualify, and have opted to form their own “single-district” SELPAs. In addition to multi-district and single-district SELPAs, five SELPAs consist exclusively of charter schools (“CHELPAS”), and one SELPA serves only court schools in Los Angeles County. When the California Legislative Analyst’s Office examined CHELPAs in 2013, it found that they enroll disproportionately fewer SWDs than other SELPAs.<sup>76</sup>

The federally guaranteed right to special education, accompanied by additional state and federal funding for that right, is essentially a type of insurance program. Both individual families and individual local schools or education agencies are insured against the high costs required to educate a child with special needs. If we think of special education as a type of insurance program, California’s SELPA system functions similar to risk pooling, allowing the higher costs of SWDs to be offset by the lower costs of general education students. A larger risk pool filled with a more diverse population of individuals will generally result in more predictable and stable costs for providers.

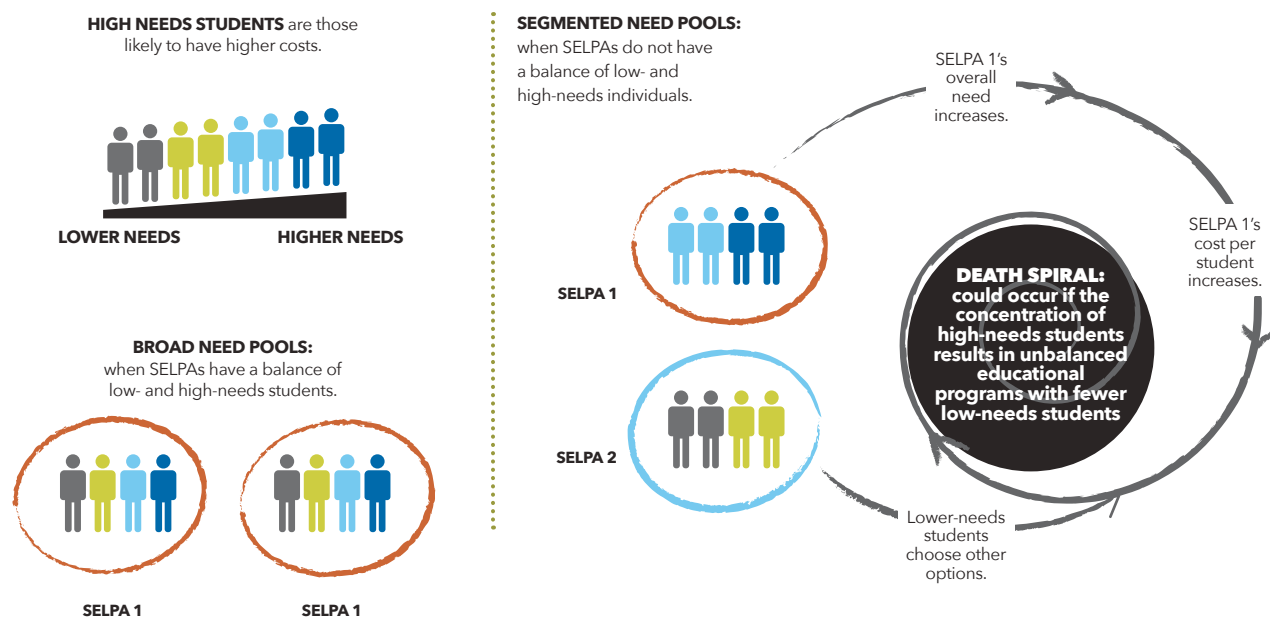
<sup>75</sup> The AB 602 base allocation, the largest source of funding for SELPAs, includes both state funds and federal IDEA funds.

<sup>76</sup> School districts these SELPAs reference: Sonoma, Desert Mountain, EDCOE, LACOE, Fresno.

When charter schools opt out of SELPAs and into CHELPAs, this insurance system is subject to adverse selection. Adverse selection occurs when an insurer—in this case, individual SELPAs—attracts a disproportionate share of higher-cost individuals, skewing the enrollment pool. One possible mechanism for this adverse selection in the SELPA system is that charter schools, combined with the various financial choices outlined above, create rewards for providers who avoid high-cost individuals.

### Special Education as Social Insurance

*If we think of the right to special education as a type of social insurance program, this is what can happen as charter schools serving lower needs students segment the population.*



What is happening in California is what we would see in the Affordable Care Act exchanges if some ACA insurance plans were allowed to evade consumer protections and deny policies based on pre-existing conditions. If this were allowed to happen, insurance plans playing under looser rules would structure themselves to be attractive to lower-cost individuals—and unattractive to higher-cost individuals—by providing fewer required benefits and premiums that vary by health status.

In other words, because some players in public education—charter schools—are allowed to participate in the same market under looser rules, despite theoretically equivalent legal obligations, there are effectively two unbalanced risk pools for the social insurance program that is special education: a fiscally unsustainable high-cost pool for the “compliant coverage” offered by public schools to all students, and a low-cost pool for “non-compliant coverage” offered by charter schools that have implicit and explicit methods at their disposal to self-select their students. The former comply with their legal and social obligations to educate all students regardless of disability status. The latter evade it. Long-term, sorting into two unbalanced risk pools via adverse selection could destabilize the entire public education system that educates both students with and without disabilities.

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## METHODOLOGY: GROSS FISCAL IMPACT

The first two questions we asked in this report dealt with enrollment. First, were there significant differences in the percentage of special education students enrolled at district-run schools compared to charter schools within the same district authorizer? Second, and more granularly, were there significant differences between special education enrollment by IDEA eligibility categories?

Having found that the answer to both enrollment questions was a resounding “yes,” we now ask: what is the gross fiscal impact in each of the authorizing districts due to this pervasive special education enrollment disparity?<sup>77</sup>

There are potentially several ways to model the fiscal impact of disproportionate distribution of SWDs, and the further disparity in distribution of student with severe disabilities. To our knowledge, no prior report has quantified the distribution disparity between district-run public schools and all privately operated charter schools authorized by the host districts, and no report has attempted to estimate the fiscal impact of those disparities.

One obvious method would be to use an average cost to educate SWDs, either by severity or by disability category.<sup>78</sup> However, when asked, the three districts did not provide neither an average nor a range of costs to educate SWDs, either by severity or by disability category.<sup>79</sup> In addition, there does not seem to be consensus in the education field on an average cost to educate a severely disabled versus non-severely disabled student, nor is there consensus on the average cost to educate by disability category.<sup>80</sup> In addition to the districts’ inability to provide information regarding costs to educate SWDs, the availability and comparability of overall financial data was also an issue, mirroring the issues with obtaining disability severity data.<sup>81</sup>

Comparability was a pressing issue to consider given the multi-district analysis. In terms of comparability, when asked for total special education expenditures for 2016–17, each district’s self-report appeared to include and exclude different line items, revealing what appears to be a variety of methodologies behind each districts’ self-report.<sup>82</sup> The Fiscal Crisis & Management Assistance Team (FCMAT), which provides guidance to LEAs in business and financial management practices, has itself stated that “special education financial reporting methods used by districts, county offices, and SELPAs can vary.”<sup>83</sup>

In short, much like with the overall enrollment disparity analysis, the issues with data accessibility and comparability, and state accountability for expenditure information for students with disabilities turned what could have been a straightforward financial analysis into a much more involved model. Given the potential financial impacts of disproportionality on public school districts, special education financial reporting from district and charter schools should be much more transparent in order to proactively protect students with disabilities.

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<sup>77</sup> This report considers the district-level gross fiscal impact due to charter schools’ special education enrollment disparity. This report does not model the net fiscal impact, i.e. revenues minus costs in an “if equal” enrollment scenario.

<sup>78</sup> For example, an actual average cost per district for the same year for which disproportionate enrollment was analyzed. Failing that, an estimated average cost for another year could be used to model the fiscal impact of disproportionality, with appropriate adjustments where necessary for inflation and/or geographic cost-of-living differences.

<sup>79</sup> It is beyond the scope of this report to speculate as to whether the districts would not, or could not, provide these costs. However, it is worth noting that, when asked directly, LAUSD did not provide cost estimates to educate SWDs. But a separate search of the district’s website found a “Special Education: Fiscal Facts and Challenges” presentation that estimated the 2015-16 cost per general ed student at \$11,169 and the cost per SWD at \$19,500.

<sup>80</sup> One of the most recent per-pupil expenditure analyses was published twenty years ago by the Special Education Expenditure Project and does include an analysis of expenditures by disability. However, we did not use this analysis as the basis for our fiscal impact model for a number of reasons: the information is extremely outdated; IDEA disability categories have changed since the study was published; only 11 of the 13 IDEA categories in use at the time were disaggregated; and the expenditures are based on a national study, limiting the applicability to a high-cost-of-living state such as California.

<sup>81</sup> See Appendix D.

<sup>82</sup> Although each district’s self-reporting had its own idiosyncrasies, correspondence about LAUSD’s self-reporting revealed \$80.6 Million in Goal 5770 (Nonseverely Disabled Students) that the district disclosed was attributable to “Fiscally Independent Charter Schools.” (There were no expenditures attributable to FICS in 5750 Severely Disabled Students.) After months of correspondence to gain further clarity, it appears that this is related to LAUSD’s unique SELPA arrangements with some of its authorized charter schools. Because LAUSD did not provide us information that would allow us to distinguish this amount using the information in the CDE SACs database, in the interest of uniformity across the districts, this amount, which represents approximately 5 percent of LAUSD’s total Special Education expenditures, was included in LAUSD’s estimated fiscal impact analysis. See Appendix D for more information about data accessibility issues and correspondence with LAUSD.

<sup>83</sup> Michael H. Fine, *Corona-Norco Unified School District: Special Education Review* (Sacramento, CA: Fiscal Crisis & Management Team, California School Information Services, June 14, 2018).



“You won’t need to worry about anything,” the representative told her. In retrospect, Nerey is reminded of the old saying that if something seems too good to be true, then it probably is.

## NEREYDA BAUTISTA

**A**fter a representative from a Futuro Prep charter school visited her daughter’s preschool, Nerey Bautista decided to enroll her soon-to-be kindergartner at the charter school instead of their local public school. After all, the Futuro representative made a compelling case: two teachers per classroom, “better” academic outcomes than the neighborhood school, a promise that her daughter would have “everything she needs” to be successful—all at no cost to families. Nerey was sure she was making the right choice for her child.

Around that same time, Nerey and her husband began to worry that their daughter didn’t seem to be developing verbal communication skills at the rate they were expecting. She asked the charter school representative about this and was repeatedly assured that her daughter would have the focus and support that she needed at Futuro Prep, whatever the challenge. “You won’t need to worry about anything,” the representative told her. In retrospect, Nerey is reminded of the old saying that if something seems too good to be true, then it probably is.

Nerey’s daughter entered kindergarten unable to communicate using phrases and speaking with only single words. She and her husband were told by Futuro Prep their daughter’s communication would grow as she progressed through school alongside her classmates, and that they would make sure she had everything she needed. Over the course of the next few months, Nerey’s daughter’s communication skills didn’t improve. Nerey requested an evaluation and asked the school to consider speech therapy. The evaluation determined that Nerey’s daughter was autistic. Soon, Nerey found herself attending a meeting at the charter school to discuss an Individualized Educational Program (IEP) that had been developed for her daughter. That meeting forever changed Nerey’s life as a parent.

During the IEP meeting, Nerey learned that her daughter had been regularly separated from the other students and taken to sit in the school’s main office until the end of each day. There, she was left alone to entertain herself with colored pencils and paper. According to Nerey, this happened “most of the time” she was enrolled at Futuro Prep, “because she was different than the other kids.” The charter school told Nerey that if she remained enrolled, she would likely be left behind the other students.

"It felt like they were not trying to help at all," she said, "like they just wanted her out of the school." She felt like she had somehow failed her daughter. She couldn't believe that her daughter wasn't receiving the services or the education she had been promised. "Coloring in a coloring book?!" Nerey said, "She could do that at home!" She left the school in tears, feeling incredibly sad and guilty for enrolling her daughter at a charter school without being fully aware of what was going on every day. Nerey wholeheartedly believes that those few months of struggling in school set her child back even further. Soon, Nerey would be enrolling her second youngest daughter, who also received an autism diagnosis, in kindergarten too. Nerey committed to becoming an advocate for her children and to fighting for their ability to receive a quality education. She immediately withdrew her daughter from Futuro Prep and enrolled her in the neighborhood school.

Today, both Nerey's daughters are receiving the support they need in public school to grow socially, emotionally, and academically. Nerey now takes a very active role in securing support for her children and she jumps at every opportunity to volunteer or just be present at her children's school. And thanks to guidance from school faculty and a local regional center, Nerey and her husband have developed an understanding of what autism is and how best to work in partnership with school faculty to make sure their children have what they need to succeed. "We need to be a team," she said, "It's better for our kids."

Nerey is quick to caution other parents who are considering enrolling their child in a charter school, especially if that child is in need of special education services. Her advice to others facing similar circumstances is to talk with parents who have their children enrolled in a particular charter school to gauge their experience, and to try hard to speak with other parents who have removed their children from charter schools about why they made that decision. Finally, Nerey recommends that parents ask lots of questions of their school. "If I see something that doesn't make sense to me, I ask. If it still doesn't make sense to me, I go to other places to ask," she said. "I don't just hear something and say 'oh okay!'"

**“** Nerey and her husband have developed an understanding of what autism is and how best to work in partnership with school faculty to make sure their children have what they need to succeed. "We need to be a team," she said, "It's better for our kids."

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## USING SACS DATA AND SPECIAL EDUCATION GOAL CODES

The California School Accounting Manual (CSAM) provides some guidance on how to proceed given the lack of uniform financial information available directly from the districts. Under the Standardized Accounting Code Structure (SACS) that public school districts are required to use when reporting finances to the state, LEA “defines an objective” in various goal fields, for example by looking at the instructional setting or group of students receiving services.<sup>84</sup> Goal Codes 5000-5999 relate to special education and provide specific codes for severely disabled vs. non-severely Disabled expenditures, among other special education-related goals.

The CSAM states that the following disability categories fall under Goal Classification Code 5750: “Severely disabled students have the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbances, and/or severe mental retardation<sup>85</sup> (*Education Code* Section 56030.5).”<sup>86</sup> Non-severely disabled students are defined as those who do not fall within those categories.<sup>87</sup> In addition, the CSAM requires “consistent and verifiable supporting documentation that indicates how the costs relate to the goal” in order to charge costs directly to a goal such as the Special Education Goal (p. 540).

## AVERAGE PROPORTIONAL EXPENDITURES METHOD

However, although the disability categories for the SACS Goals are clearly outlined, and theoretically require documentation of how costs relate to the goal, interviews with LEA finance professionals reveal that in practice, the self-reported categorization of expenditures to these goals and the ready availability of documentation may vary widely. For example, a conversation with an OUSD official revealed that the attribution of expenditures to 5750 (severely disabled students) versus 5770 (non-severely disabled students) was not directly related to disability category, but more likely related to a variety of factors such as instructional placement.<sup>88</sup>

This bears out in the SACS data: if one were to assume that OUSD attributed expenditures to goals using the CSAM-defined disability categories, OUSD would appear to be spending nearly three times *more* to educate mild to moderately disabled students than severely disabled students. An official from the El Dorado SELPA, when summarizing the wide variation in self-reported categorization, said, “If you’ve seen one SELPA, you’ve seen one SELPA.”<sup>89</sup>

To distribute the LEA-specific variations in attribution decisions of severe versus non-severe student expenditures to their relative SACS Goal, we averaged the share of the specific Special Education Goals relative to total expenditures attributed to the Special Education Goal for all districts that are also their own single-district SELPA,<sup>90</sup> serve 30,000 students or more, and serve grades K-12.

The proportional expenditure analysis was limited to single-district SELPAs because the allocation of funds is relatively straightforward: funding is received directly from the state, and the districts pay for services on their own.<sup>91</sup> Including multi-district SELPAs, on the other hand, would have introduced potential issues with the allocation

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<sup>84</sup> Using the state SACS database also improves comparability, as it eliminates timing issues that could occur with district self-reports and uses data that has gone through a consistent process through local audits, and county and state approvals.

<sup>85</sup> This disability is now properly called Intellectual Disability (ID). The researchers acknowledge that this term is a vestigial relic of an outdated document.

<sup>86</sup> School Fiscal Services Division, California Department of Education, *California School Accounting Manual*, 2016 ed. (Sacramento: Department of Education, CDE Press, 2016): 154.

<sup>87</sup> Ibid.

<sup>88</sup> Conversation with N. Bawa, Executive Director, Special Education, OUSD, on 12/18/2018.

<sup>89</sup> Conversation with G. Quann, El Dorado Director, on 06/06/2018

<sup>90</sup> There are two distinct types of Single District SELPAs: metropolitan or non-metropolitan. The listed parameters are for urban single-district SELPAs. Non-metropolitan single-district SELPAs were not included in this analysis, as they are not comparable to the three authorizing metropolitan districts that are the focus of this study. “Size and Scope of Special Education Local Plan Areas as approved by the State Board of Education at the November 17-18, 1983 meeting.” Special Education Laws, Regulations, & Policies, California Department of Education, last reviewed Wednesday, August 29, 2018, <https://www.cde.ca.gov/sp/se/lr/szscpselpa.asp>.

<sup>91</sup> For these reasons, San Francisco Unified School District was excluded from the cohort, as it has a unique relationship with its county Office of Education and thus its accounting for certain goals, including special education, is structured differently in the SACS data.

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and distribution of state and federal funding through multi-district SELPAs to their member LEAs, impairing meaningful comparison of LEA data.<sup>92</sup> Limiting the expenditure analysis to single-district SELPAs also limits the set to expenditures made by districts in metropolitan areas that are similar to the urban districts of LAUSD, OUSD, and SDUSD.

We then applied this *average* proportional distribution to each district's *actual* SACS expenditures attributed to all Special Education 5000-5999 goals in the SACS 2016-17 data, to arrive at an "equalized dollar figure" per goal. As outlined above, this equalized dollar figure provides a more comparable per-goal expenditure as it distributes inter-district variations in goal attribution decisions.

This equalized dollar figure method makes the following assumptions:

1. That there is a reasonable benchmark range for proportionality of expenditures, direct costs attributable to specific student populations, and overhead costs.<sup>93</sup>
2. That LEA-specific variations in attribution of severe versus non-severe student expenditures to respective SACS Goals are relatively evenly distributed across the spectrum of over- versus under-attribution to the CSAM-defined disability categories. For example, this model assumes that if one district under-allocates expenditures for autism for Goal 5750, another district may be over-allocating expenditures for autism to Goal 5770.<sup>94</sup>
3. That the distribution of students with disabilities is relatively equal amongst the single-district SELPA LEAs.
4. That the distribution of students with severe disabilities is relatively equal amongst the single-district SELPA LEAs.

After arriving at the equalized dollar figure per Special Education Goal, we then assigned Goals as either direct costs attributable to an identifiable sub-group of SWD, or as overhead costs attributable to all SWD enrolled by the LEA. Note that in this instance, the overhead costs are *not* indirect costs as they can be directly attributed to the SWD population, and the relative severe versus non-severe SWD populations, using an allocation factor.

Some overhead costs are clearly attributable to all SWDs: 5001-Special Education Unspecified, 5050-Regionalized Services, and 5060-Regionalized Program Specialist. And 5750 and 5770 costs are clearly direct costs attributable to severely and non-severely disabled students, respectively.<sup>95</sup>

Further, 5710-Special Education Infants and 5730-Special Education Preschool Students are direct costs attributable to their respective SACS-defined populations of infants and preschool students, respectively. However, these costs could justifiably come into play in the calculation of overall SWDs disproportionality because infants and preschool students are almost exclusively enrolled in public schools. In other words, although these costs are direct costs for the public schools themselves, attributable to their respective student populations, in the broader framework of a public education system that includes charter schools that are not required nor equipped to serve infants and preschool students, these costs could be interpreted as *overhead* costs borne only by public schools.<sup>96</sup>

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<sup>92</sup> For example, some member LEAs of multi-district SELPAs are designated the Administrative Unit, receiving funds on behalf of the SELPA and distributing those funds to other member LEAs. Additionally, multi-district SELPAs are not required to use AB 602's census formula to distribute funding to their constituent LEAs. Multi-district SELPAs also frequently reserve some funding at the SELPA level to pay for shared services for member LEAs, which would further reduce comparability to LEAs in single-district SELPAs.

<sup>93</sup> This method does not take into account inter-district differences in service delivery models that might affect either total special education expenditures or proportionality of expenditures per student populations.

<sup>94</sup> This assumption is supported by the relatively symmetrical distribution of the actual proportions of expenditures attributable to 5750 and 5770.

<sup>95</sup> Transitioning special education students receiving training in ROCP classes are not necessarily reflected as such as the SACS Goal is 6000-ROCP, Resource 6360-Pupils with Disabilities attending ROCP.

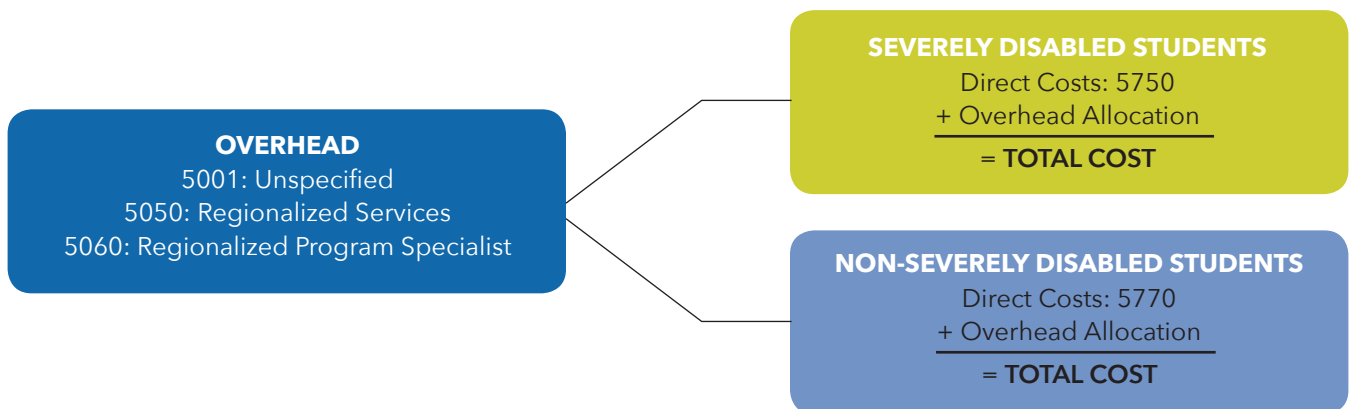
<sup>96</sup> This revealed yet another data issue when the researchers attempted to quantify how many charter schools service infants and/or preschoolers. CDE does not appear to be a reliable source of information regarding which schools service preschool-aged students. For example, the CDE master public schools list, which feeds the CDE school directory, lists very few schools as serving a low grade of "P", and a random check of schools known to the researchers to serve preschoolers revealed that many of these schools were listed with a low grade of "K."



Despite a logical rationale that these expenditures are a marginal cost largely attributable to public schools only, the researchers made a deliberately conservative choice to exclude 5710 and 5730 expenditures for infants and preschool students from the overhead allocation for SWDs enrolled by public schools. Excluding these expenditures produces a more conservative final estimate of the fiscal impact of the disproportionate enrollment of SWDs between public and charter schools.<sup>97</sup>

The overhead allocation was then determined by dividing the total overhead costs by the total number of SWDs enrolled by the district.<sup>98</sup> This per-SWD overhead allocation was then allocated to the specific subgroup of SWDs by severity.

### Special Education Overhead Allocation



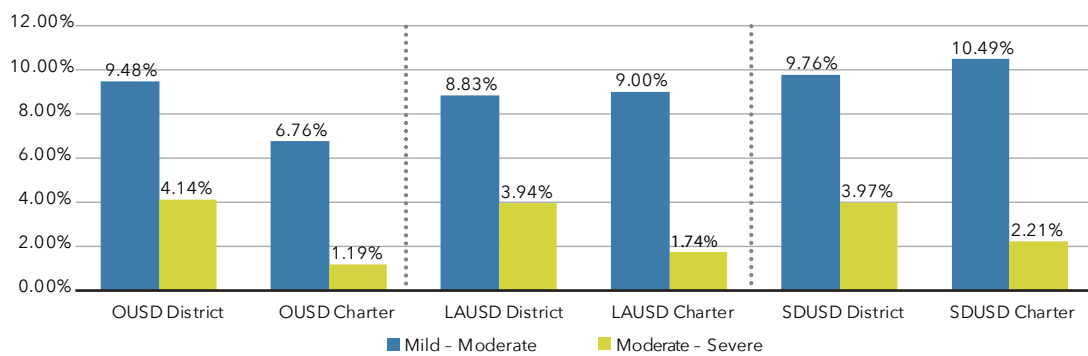
<sup>97</sup> 5710 and 5730 expenditures make up a total of approximately 6.5 percent of single-district SELPA special education expenditures.

<sup>98</sup> Weighting all SWD equally for the overhead allocation is a deliberately conservative allocation method. Anecdotal reports could be used to justify weighting the overhead allocation more heavily towards severely disabled students. For example, expenditures in 5060-Regionalized Program Specialist tend to be more focused on severely disabled students than non-severely disabled students.

## FINDINGS: ESTIMATED GROSS FINANCIAL IMPACT

Given that disproportionate enrollment was found to be pervasive across all three cohort districts, it is unsurprising that these disparities have a significant estimated gross financial impact. In OUSD, where the enrollment disparities in particular stood out, the estimated gross financial impact is attributable to both the disproportionality in non-severely disabled students and severely disabled students, with a greater portion of the financial impact caused by the latter. On the other hand, in LAUSD and SDUSD, almost all the estimated gross fiscal impact is attributable to the relative under-enrollment of students with disabilities considered moderate to severe.<sup>99</sup>

**Cohort Districts: SWD Enrollment as Percentage of Total Enrollment**



Another factor that affects the relative size of the gross fiscal impact in each district is the equalized per-student cost by disability severity. In OUSD and LAUSD, the per-student cost for those with moderate to severe disabilities was 89.92 percent and 86.42 percent higher, respectively, than the per-student cost for those with mild to moderate disabilities. In SDUSD, however, the per-student cost for those with moderate to severe disabilities is over twice as much as the per-student cost for those with mild to moderate disabilities (101.26 percent higher).

An inter-district comparison of the equalized per-student cost by disability severity also shows a key difference between the districts. OUSD’s per-student cost for students in both severity categories was significantly lower than the per-student costs in LAUSD and SDUSD.

Equalized per-Student Cost by Disability Severity			
Authorizing District	OUSD	LAUSD	SDUSD
5750 - Severe	\$ 23,991.58	\$ 37,219.50	\$ 39,381.64
5770 - Non-Severe	\$ 12,632.29	\$ 19,965.21	\$ 19,567.47

<sup>99</sup> Note that the estimated financial impact uses *aggregate* (district-wide) enrollment figures to arrive at a gross financial impact estimate for each district, whereas the enrollment disparity analysis uses the *average* (school-specific) percentage of special education students in order to be able to perform a statistical comparison of means. As a result, there are slight differences in the enrollment figures between the financial impact section and the disparity analysis section. For example, unlike in the disparity analysis, only schools with no enrollment available were excluded; other outliers were not excluded.



*The charter middle school they chose really seemed like a good fit, and both parents were excited about the possibilities for their children to learn and grow in an environment tailored to fit their needs.*

## CHERYL, NORMAN & THEIR TWIN SONS

**A**t age four, Cheryl and Norman’s twin sons were both diagnosed as autistic. When it came time to enroll the boys in elementary school, they decided to place their sons in their neighborhood public school with the intention of “mainstreaming” their children, knowing that they could rely on the help of teachers and staff at the school. As both boys were relatively high functioning at the time, their parents decided to complement this with additional services they found outside the school. The boys had good experiences in elementary school and were soon ready to move on to middle school.

At that point, Cheryl and Norman had been looking into a small handful of area charter schools where they hoped to find a complete set of services for their sons. They were very interested in what they saw being offered, and decided to enroll the boys in the smaller of the schools where they felt their sons “wouldn’t get lost in the shuffle.” The charter middle school they chose really seemed like a good fit, and both parents were excited about the possibilities for their children to learn and grow in an environment tailored to fit their needs. “It seemed like a miracle to get in,” Cheryl said, “It felt like we won the lottery.”

Just prior to the start of middle school, Cheryl met with the charter school’s principal to explain that the boys had some additional needs for support related to their autism diagnoses. She sought some assurance that the decision to enroll her children at the school was indeed the right one, and inquired directly about whether the school would be able to get them matched with the support they needed. According to Cheryl, she was given very little along those lines. She was instead reminded by the principal that the school was a “very high achieving school,” and that the parents “would have to keep that in mind.”

Cheryl and Norman went ahead with placing their sons in the charter school. “In some ways it was really good,” Cheryl said. She and Norman were definitely impressed by the school’s rigorous educational program, but when it came to specialized support, the charter school could only provide a “very small” program—essentially one period per day that the parents say amounted to little more than homework help. “There really wasn’t anything else,”

Cheryl said, “no place for them to go and no person on campus who knew anything about autism.” In fact, they don’t recall the charter school promising anything specific for their sons. While they didn’t necessarily feel like the school was intent on “getting rid of them,” Cheryl and Norman both felt that the charter school was merely “tolerating” their children while asking them to ensure their sons’ good behavior and classroom progress.

While at the charter school, both the boys had Individualized Education Programs (IEPs), and the school was well aware of their diagnoses and individual needs. In addition, Cheryl and Norman describe their sons at the time as having been “very socially awkward,” which led to feeling ostracized at school by their peers. The boys were bullied and some of the teachers at the charter school became increasingly frustrated and upset by the boys’ behavior. “We would get calls from the school and think to ourselves, ‘you know they’re autistic—that’s a symptom,’” Cheryl said. Both parents felt like they were not being engaged to do real problem solving with the school, or offered any real help. “It was just ‘your child is doing this, please do something,’” said Norman. At one point, one of their sons—who had been struggling with understanding certain social cues—was given a written warning for perceived back-talk to one of his teachers. He was placed on a disciplinary track, which “was a little scary” for Cheryl and Norman.



*With both of their sons now graduated from high school and attending college, the parents look back at their experience with mixed feelings. “You’ve got to see that there is good and bad in both traditional public schools and in charter schools...”*

Looking back at their sons’ time in middle school, Cheryl and Norman feel that it was “a very isolating experience” for them as parents of special education students and that it left their sons “not feeling very good about themselves.” When considering high schools for the boys, Cheryl and Norman decided to keep exploring their options. They applied both of their sons for a private school with a bona fide autism program, but only one of the boys was admitted. Their other son, who required slightly more in terms of support, went back to the neighborhood public school to begin the ninth grade.

Cheryl and Norman are happy to report that both of their sons ended up thriving in high school, and both were able to take advantage of programs, support, and the help of teachers who worked hard to find opportunities for the boys to learn and to realize their potential. In fact, at the neighborhood public high school, Cheryl and Norman’s higher-needs son connected with a music teacher who was able to help bring his musical talent to the forefront. With the support of his music teacher, their son developed a talent and love for music that took him all the way to college. “None of these gifts or abilities were recognized at the charter school,” Cheryl said.

With both of their sons now graduated from high school and attending college, the parents look back at their experience with mixed feelings. Neither can say that if they had it all to do over again they wouldn’t have enrolled their kids in a charter school. They still appreciate the charter school’s relatively smaller class sizes and its academic program, but wish they had been more proactive in advocating for the services they felt their kids’ needs warranted. “You’ve got to see that there is good and bad in both traditional public schools and in charter schools,” they said.

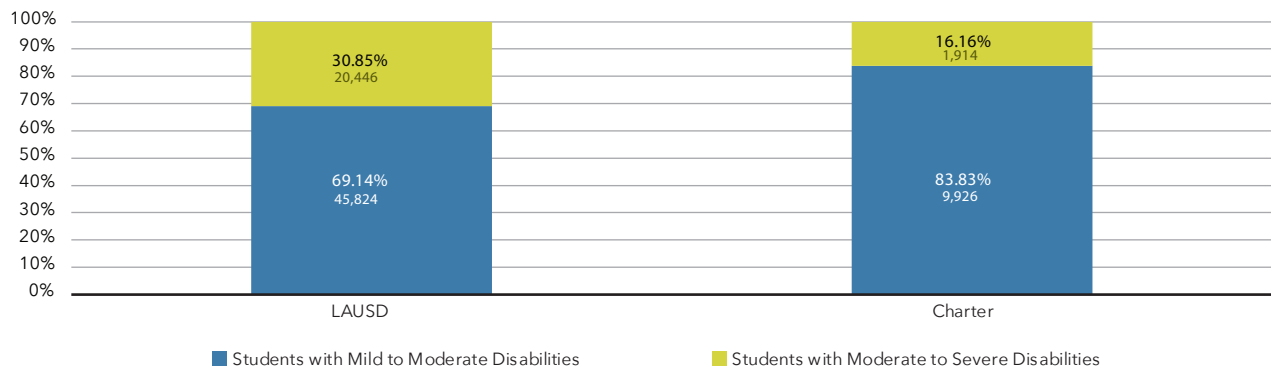
Still, Cheryl and Norman have advice for other parents who are considering enrolling their special education student in a charter school. They say parents should be sure to research the school, visit it, talk to the principal and resource staff, and ask other parents about their experiences. But they caution that the unfortunate reality is that if a parent pushes too hard for programs or services at a charter school, they just may not be able to get their child enrolled there.

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## LOS ANGELES UNIFIED SCHOOL DISTRICT (LAUSD)

In LAUSD, charter schools enrolled students with disabilities at a statistically significant lower rate than district schools (12.78 percent vs. 10.74 percent). Exploring this disproportionality at a more granular level, the majority of the disproportionality was attributable to the fact that, as a percentage of students with disabilities, district schools enrolled students with disabilities considered the most severe (30.85 percent) at almost twice the rate as charter schools (16.16 percent). Meanwhile students with disabilities considered mild to moderate made up a much lower percentage of students with disabilities at district schools than at charter schools (69.14 percent vs. 83.83 percent).<sup>100</sup> But, when looking at the enrollment of students with disabilities considered mild to moderate as a percentage of *total* enrollment, the share is about equal between district and charter schools (8.83 percent vs. 9.00 percent).

LAUSD vs Charter Enrollment of Students with Disabilities, by Severity



The intersection of the relatively *equal* proportion of students with mild to moderate disabilities as a share of *total* enrollment, combined with the significantly lower proportion of students with all disabilities as a share of total enrollment, clearly shows that the disproportionality is due to a marked over-enrollment in those students with mild to moderate disabilities. This means that there is a relatively wide range of the estimated gross fiscal impact in Los Angeles arising from the under-enrollment of students with disabilities, depending on whether the model takes into account the disparity in severity of disabilities. The estimates range from a low of \$50.09 million to a high of \$74.65 million annually as of the 2016-17 school year.

Using the simplest model, which only takes into account the overall disproportionality in the enrollment of students with disabilities, the estimated gross fiscal impact is an annual \$50.09 Million as of the 2016-17 school year.

LAUSD Charter Schools, Gross Fiscal Impact Regardless of Severity*	
Total Special Education Expenditures	\$1,791,852,858.41
Total SWDs, District	66,277
Average Expenditure per SWDs	\$27,035.82
Total SWDs Under-enrolled, Charters	1,853
<b>Estimated Fiscal Impact to District**</b>	<b>\$50,093,997.16</b>

\* A single document displaying the average cost per special education student was received from LAUSD. Multiple requests for the document's context and the underlying methodology for calculation were made by researchers for this project. None were provided. According to the single document provided by LAUSD, the estimated cost in the 2017-18 school year per special education student was \$20,689 (See Appendix G13)

\*\* Products and sums in all tables may not calculate to displayed total due to rounding.

<sup>100</sup> To reiterate, the count of children with an eligibility of established medical disability is excluded from the numerator of these calculations, as it pertains exclusively to three- to five-year-old children.

By contrast, using the model that does consider the more granular disparities in the enrollment of students with disabilities considered moderate to severe, but assumes that the overall disparity in SWD-enrollment prevails, the estimated gross fiscal impact is an annual \$54.91 million as of the 2016-17 school year. This more specific fiscal impact model reveals how great the impact is of the disproportionality due to moderate to severely disabled student enrollment. The magnitude of the gross fiscal impact is caused largely by the fact that the estimated costs to educate a severely disabled student in LAUSD are 86.42 percent higher than the estimated costs to educate a student with mild to moderate disabilities, and because the disparity in SWD enrollment is so heavily caused by the under-enrollment of students with the most severe disabilities.

<b>LAUSD Charter Schools Gross Fiscal Impact, Severity as a Factor, Overall SWD Disparity Prevails</b>	
Total Moderate-Severe SWDs Under-enrolled, Charters	1,475
Equalized Per-Student Cost, Moderate-Severe	\$37,219.50
<b>Estimated Fiscal Impact to District</b>	<b>\$54,909,660.11</b>

Finally, using the model that takes into account both the enrollment disparities in severity as well as the overall enrollment disparity of all students with disabilities, the estimated gross fiscal impact for LAUSD is an annual \$74.65 million as of the 2016-17 school year. This model, arguably the most specific, illustrates the impact of the under-enrollment of the highest needs students when further magnified by the under-enrollment of students with disabilities overall. Strikingly, the charter industry in LAUSD under-enrolls an estimated 2,165 students with the most significant, lower-incidence disabilities, when both the overall enrollment and more granular severity disparities are equalized. The charter industry has recently taken to pointing out the growth in the percentage of students with disabilities, for example, “from 7.5% in 2010-11 to 9.2% in 2015-16”<sup>101</sup> for charter schools in the El Dorado Charter SELPA. However, as this analysis shows, much of that surface gain is due to a marked over-enrollment in those students with mild to moderate disabilities, i.e. disabilities that, on average, require only 54 percent of the expenditures that the highest-needs students require.

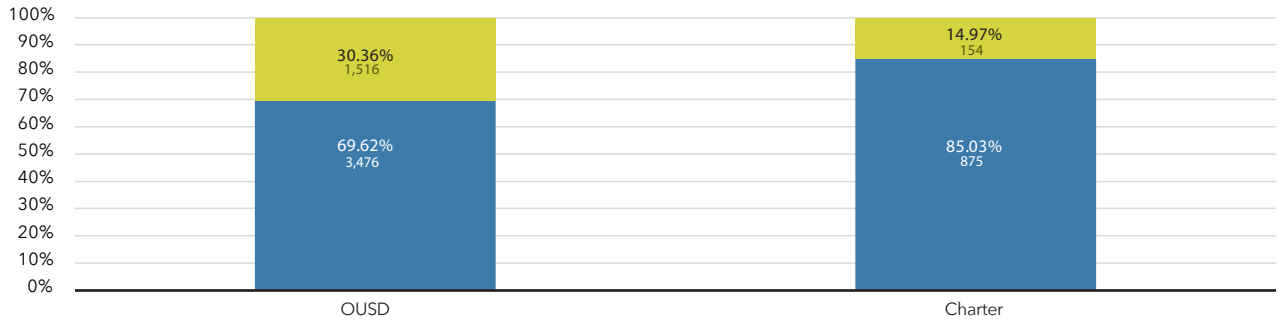
<b>LAUSD Charter Schools Gross Fiscal Impact, Severity and Overall SWD Disparity Equalized</b>	
Total Mild-Moderate SWDs Under-enrolled, Charters	0
Total Moderate-Severe SWDs Under-enrolled, Charters	2006
Equalized Per-Student Cost, Mild - Moderate	\$19,965.21
Equalized Per-Student Cost, Moderate - Severe	\$37,219.50
<b>Estimated Fiscal Impact to District</b>	<b>\$74,649,219.62</b>

<sup>101</sup> California Charter Schools Association, “Meeting the Needs of Every Student Through Inclusion: A Qualitative Study of Ten California Charter Schools,” October 2016, <http://library.ccsa.org/2016-Special-Education-Report.pdf>.

## OAKLAND UNIFIED SCHOOL DISTRICT (OUSD)

In OUSD, which had the most marked disparities in enrollment of students with disabilities, charter schools enrolled students with disabilities at a statistically significant lower rate than district schools (7.95 percent vs. 13.62 percent). When the disproportionality is examined more granularly, although a large portion is attributable to the under-enrollment of students with disabilities considered most severe, a noticeable portion is also attributable to the under-enrollment of students with disabilities considered mild to moderate as well.

**OUSD vs Charter Enrollment of Students with Disabilities, by Severity**



Depending on whether the model takes into account the disparity in severity of disabilities, the estimated gross financial impact in OUSD arising from the under-enrollment of students with disabilities ranges from an annual low of \$3.15 million to a high of \$10.01 million as of the 2016-17 school year.

Using the simplest model, which only takes into account the overall disproportionality in the enrollment of students with disabilities, the estimated gross financial impact on OUSD is an annual \$9.33 million as of the 2016-17 school year.

OUSD Charter Schools, Gross Fiscal Impact Regardless of Severity	
Total Special Education Expenditures	\$85,838,597.24
Total SWDs, District	4,993
Average Expenditure per SWDs	\$17,191.79
Total SWDs Under-enrolled, Charters	543
<b>Estimated Fiscal Impact to District</b>	<b>\$9,332,085.09</b>

By contrast, using the model that does consider the more granular disparities in the enrollment of students with disabilities considered moderate to severe, but assumes that the overall disparity in SWD enrollment prevails, the estimated gross financial impact is an annual \$3.15 million as of the 2016-17 school year. In LAUSD and SDUSD, considering severity as a factor results in a higher estimate of the financial impact. In OUSD, however, it results in a lower estimate. As mentioned above, charter schools as a whole in LAUSD and SDUSD do *not* under-enroll students with disabilities considered mild to moderate when compared to district schools, and the vast majority of the under-enrollment of SWDs in those districts is attributable to the under-enrollment in students with moderate to severe disabilities. In OUSD, however, the overall under-enrollment of SWDs is attributable to students with disabilities in both populations.

OUSD Charter Schools Gross Fiscal Impact, Severity as a Factor, Overall SWD Prevails	
Total Moderate-Severe SWDs Under-enrolled, Charters	131
Equalized Per-Student Cost, Moderate-Severe	\$23,991.58
<b>Estimated Fiscal Impact to District</b>	<b>\$3,151,502.74</b>

Finally, using the model that takes into account *both* the enrollment disparities in severity as well as the overall enrollment disparity of all students with disabilities, the estimated gross financial impact in OUSD is an annual \$10.10 Million as of the 2016-17 school year.

OUSD Charter Schools Gross Fiscal Impact, Severity and Overall SWD Disparity Equalized	
Total Mild-Moderate SWDs Under-enrolled, Charters	261
Total Moderate-Severe SWDs Under-enrolled, Charters	282
Equalized Per-Student Cost, Mild-Moderate	\$12,632.29
Equalized Per-Student Cost, Moderate-Severe	\$23,991.58
<b>Estimated Fiscal Impact to District</b>	<b>\$10,055,888.45</b>

## SAN DIEGO UNIFIED SCHOOL DISTRICT (SDUSD)

In San Diego, the disparity in enrollment of students with disabilities overall between charter and district schools was not found to be statistically significant. However, because there is still an observable disparity in both, a financial impact from both the overall SWD enrollment disparity as well as the more granular disparity in severity can be estimated. SDUSD had the smallest disparity in overall SWD enrollment (13.74 percent vs. 12.70 percent, district vs. charter). However, this top-level appearance of greater equity masks a more granular inequity in terms of the students with the highest needs. In SDUSD, charter schools as a whole enroll a *greater* proportion of students with mild to moderate disabilities, but continue the pervasive trend of enrolling a lower proportion of students with moderate to severe disabilities.

Depending on whether the model takes into account the disparity in severity of disabilities, the estimated gross financial impact in SDUSD arising from the under-enrollment of students with disabilities ranges from an annual low of \$5.10 million to a high of \$ 12.49 million as of the 2016-17 school year.

Using the simplest model, which only takes into account the overall disproportionality in the enrollment of students with disabilities, the estimated gross fiscal impact is an annual \$5.10 million as of the 2016-17 school year.

SDUSD Charter Schools, Gross Fiscal Impact Regardless of Severity	
Total Special Education Expenditures	\$393,228,254.68
Total SWDs, District	14,549
Average Expenditure per SWDs	\$27,027.85
Total SWDs Under-enrolled, Charters	189
<b>Estimated Fiscal Impact to District</b>	<b>\$5,095,476.43</b>

By contrast, using the model that considers the more granular disparities in the enrollment of students with disabilities considered moderate to severe, but assumes that the overall disparity in SWD enrollment prevails, the estimated gross fiscal impact doubles an annual \$10.48 million as of the 2016-17 school year. Similar to LAUSD,



the charter industry in SDUSD does *not* under-enroll students with disabilities considered mild to moderate when compared to district schools, and the vast majority of the under-enrollment of SWDs in those districts is attributable to the under-enrollment in students with moderate to severe disabilities.

SDUSD Charter Schools Gross Fiscal Impact, Severity as a Factor, Overall SWD Prevails	
Total Moderate–Severe SWDs Under-enrolled, Charters	266
Equalized Per-Student Cost, Moderate–Severe	\$39,381.64
<b>Estimated Fiscal Impact to District</b>	<b>\$10,481,766.16</b>

Finally, using the model that accounts for *both* the enrollment disparities in severity as well as the overall enrollment disparity of all students with disabilities, the estimated gross fiscal impact by the charter industry in SDUSD is an annual \$12.49 Million as of the 2016-17 school year.

SDUSD Charter Schools Gross Fiscal Impact, Severity and Overall SWD Disparity Equalized	
Total Mild–Moderate SWDs Under-enrolled, Charters	0
Total Moderate–Severe SWDs Under-enrolled, Charters	317
Equalized Per-Student Cost, Mild–Moderate	\$19,567.47
Equalized Per-Student Cost, Moderate–Severe	\$39,381.64
<b>Estimated Fiscal Impact to District</b>	<b>\$12,489,753.89</b>

## CONCLUSION

Our research shows significant disparities between schools of the district and privately operated charter schools in both the aggregate and breakdowns by severity of disability. These findings have acute consequences for any vulnerable student population, especially for those generally considered to be the most costly to educate in a state where education dollars are scarce. While all schools in the state currently operate under a funding system that arguably disincentivizes enrollment of students with severe disabilities, privately operated charters operate in an even less regulated environment. They may be able to engage, undetected, in adverse selection practices that ensure they enroll fewer students with moderate to severe disabilities when compared to other area schools.

Pulling together descriptive data on students with disabilities locally and throughout the state for this report proved difficult, owing to a lack of adequate data infrastructure and reticence from public agencies in sharing that data. This lack of transparency results in major problems related to both parental access to information and charter accountability. Accountability structures must ensure all schools are accessible to and meeting the needs of California’s diverse population of special-needs students. The barriers to data access experienced by this research team give some indication of how difficult it would be for an average parent with a special-needs child to navigate their local special education environment.

For too long, California has allowed charter school operators and their advocates to employ multiple strategies to ensure low special education enrollment. The industry’s general response is that they do not have the resources to accommodate special education students.<sup>102</sup> It’s up to California to choose whether to consider this excuse—and the inequities it begets—acceptable. All operators of all schools, regardless of type, have an immense moral and civic

<sup>102</sup> National Council on Disability. School Choice Series: Charter Schools - Implications for Students with Disabilities (November 15, 2018): [https://ncd.gov/sites/default/files/NCD\\_Charter-Schools-Report\\_508\\_0.pdf](https://ncd.gov/sites/default/files/NCD_Charter-Schools-Report_508_0.pdf)

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responsibility to educate all students, regardless of their special education status. Neither the federal government nor the state of California has met their obligation to fund district special education programs, and as a result there are real consequences to public schools. District public schools advocate and fight for additional resources, while concurrently providing the necessary services required to meet the needs of all students. It would be manifestly unacceptable—and illegal—for any district public school to claim that this task is just too difficult and the resources just too scarce for them to continue providing services for students with disabilities. The question is whether California will continue to find it acceptable for publicly financed, privately operated charter schools to claim they just don't have the capacity to ensure access to all students.

## REFERENCES

- Appleton, Aleksandra. "Advocates: California's school budget still leaves rising special education costs to districts." *Education, The Fresno Bee*, June 18, 2018. <https://www.fresnobee.com/news/local/education/article213284609.html>.
- Atchison, Drew, Jesse Levin, Iliana Brodziak de los Reyes. "Study of Spending in Public Charter and Traditional Schools in California." American Institutes for Research (November 2018): [https://www.gettingdowntofacts.com/sites/default/files/18-6018\\_Charter%20Report%20-%20Final\\_0.pdf](https://www.gettingdowntofacts.com/sites/default/files/18-6018_Charter%20Report%20-%20Final_0.pdf).
- Bayer, Casey. "DeVos Rescinds Guidance Documents for Disabled Students: What Does It Mean?" *Harvard Graduate School of Education: News & Events, Harvard University*, October 24, 2017. <https://www.gse.harvard.edu/news/17/10/devos-rescinds-guidance-documents-disabled-students-what-does-it-mean>.
- Belway, Shakti. "Access Denied: New Orleans Students and Parents Identify Barriers to Public Education." *Special Education & School Discipline*, The Southern Poverty Law Center (December 1, 2010): <https://www.splcenter.org/20101130/access-denied-new-orleans-students-and-parents-identify-barriers-public-education>.
- Bergman, Peter & Isaac McFarlin Jr. "Education for All? A Nationwide Audit Study of Schools of Choice\*." Columbia University, University of Florida, NBER working paper (December 2018): [http://www.columbia.edu/~psb2101/BergmanMcFarlin\\_school\\_choice.pdf](http://www.columbia.edu/~psb2101/BergmanMcFarlin_school_choice.pdf).
- Berry Cullen, Julie and Steven G. Rivkin. "The Role of Special Education in School Choice." In *The Economics of School Choice*, edited by Caroline M. Hoxby, 67-106. Chicago: University of Chicago Press, January 2003. <https://www.nber.org/chapters/c10086.pdf>.
- Bombardieri, Marcella, Colleen Campbell, Antoinette Flores, Sara Garcia, CJ Libassi, and Ben Miller. "Trump's Budget Proposes More Than \$200 Billion in Cuts to Students." *Education, Postsecondary, Center for American Progress* (February 14, 2018): <https://www.americanprogress.org/issues/education-postsecondary/news/2018/02/14/446660/trumps-budget-proposes-200-billion-cuts-students/>.
- California Charter Schools Association. "Meeting the Needs of Every Student Through Inclusion: A Qualitative Study of Ten California Charter Schools." (October 2016): <http://library.ccsa.org/2016-Special-Education-Report.pdf>.
- California Department of Education, Special Education Division. *California Special Education Management Information System: Technical Assistance Guide 2017-18. Draft*. Sacramento, CA, 2018.
- California Legislative Analyst's Office. "History and Development of Charter School Policy in California." Sacramento, CA: August 1, 2006. [https://lao.ca.gov/handouts/education/2006/Charter\\_School\\_Policy\\_080106.pdf](https://lao.ca.gov/handouts/education/2006/Charter_School_Policy_080106.pdf).
- "California Special Education Local Plan Areas." Special Education, Administration & Support, California Department of Education. <https://www.cde.ca.gov/sp/se/as/caselpas.asp>.
- "CALPADS Primary Disability Category Codes." California Assessment of Student Performance and Progress (CAASPP) System, California Department of Education. <https://www.cde.ca.gov/ta/tg/ca/disablecodes.asp>.

---

David, Rebecca, Kevin Hesla, and Susan Aud Pendergrass. "A Growing Movement: America's Largest Public Charter School Communities." National Alliance for Public Charter Schools (October 2017): [https://www.publiccharters.org/sites/default/files/documents/2017-10/Enrollment\\_Share\\_Report\\_Web\\_0.pdf](https://www.publiccharters.org/sites/default/files/documents/2017-10/Enrollment_Share_Report_Web_0.pdf).

"Enrollment by School: Downloadable data files for school-level enrollment by racial/ethnic designation, gender, and grade." Student & School Data Files, California Department of Education. <https://www.cde.ca.gov/ds/sd/sd/filesenr.asp>.

Fensterwald, John. "Special education funding is a morass; straightening it out may not be cheap or easy." *EdSource, Special Education* (March 8, 2018): <https://edsources.org/2018/special-education-funding-is-a-morass-straightening-it-out-may-not-be-cheap-or-easy/594336>.

Fine, Michael H. *Corona-Norco Unified School District: Special Education Review*. Fiscal Crisis & Management Team, California School Information Services. Sacramento, CA (June 14, 2018): <http://fcmat.org/wp-content/uploads/sites/4/2018/07/Corona-Norco-USD-final-report.pdf>.

"Fingertip Facts on Education in California - *CalEdFacts*." California Department of Education. <https://www.cde.ca.gov/ds/sd/cb/ceffingertipfacts.asp>.

Heilig, Julian V., Jennifer Jellison Holme, Anthony V. LeClair, Lindsay D. Redd and Derrick Ward. "Separate and Unequal? The Problematic Segregation of Special Populations in Charter Schools Relative to Traditional Public Schools." *Stanford Law & Policy Review* 27, no. 251 (2016): [http://www.academia.edu/33623412/Separate\\_and\\_Unequal\\_The\\_Problematic\\_Segregation\\_of\\_Special\\_Populations\\_in\\_Charter\\_Schools\\_Relative\\_to\\_Traditional\\_Public\\_Schools](http://www.academia.edu/33623412/Separate_and_Unequal_The_Problematic_Segregation_of_Special_Populations_in_Charter_Schools_Relative_to_Traditional_Public_Schools).

Hill, Laura, Paul Warren, Patrick Murphy, Iwunze Ugo, and Adita Pathak. "Special Education Finance in California." Public Policy Institute of California (November 2016): [http://www.ppic.org/content/pubs/report/R\\_1116LHR.pdf](http://www.ppic.org/content/pubs/report/R_1116LHR.pdf)

Special Education: K-22 Special Education Disability Categories. California State University, Los Angeles. <http://www.calstatela.edu/academic/ccoe/programs/cats/categories-disability-under-idea-children-and-youth-aged-3-through-21>.

Lafer, Gordon. "Breaking Point: The Cost of Charter Schools for Public School Districts." *In the Public Interest: Education* (May 2018): [https://www.inthepublicinterest.org/wp-content/uploads/ITPI\\_Breaking\\_Point\\_May2018FINAL.pdf](https://www.inthepublicinterest.org/wp-content/uploads/ITPI_Breaking_Point_May2018FINAL.pdf).

Lafer, Gordon. "Spending Blind: The Failure of Policy Planning in California Charter School Funding." *In the Public Interest: Education* (April 2017): [https://www.inthepublicinterest.org/wp-content/uploads/FINAL\\_ITPI\\_SpendingBlind\\_April2017.pdf](https://www.inthepublicinterest.org/wp-content/uploads/FINAL_ITPI_SpendingBlind_April2017.pdf).

Leung, Victor, Sylvia Torres-Guillen, and Angelica Jongco. "Unequal Access: How Some California Charter Schools Illegally Restrict Enrollment." ACLU of Southern California and Public Advocates (August 2016): [https://www.aclusocal.org/sites/default/files/field\\_documents/report-unequal-access-080116.pdf](https://www.aclusocal.org/sites/default/files/field_documents/report-unequal-access-080116.pdf).

Meckler, Laura. "Trump administration scrambles to defend budget cut for Special Olympics." *The Washington Post*, March 27, 2019. [https://www.washingtonpost.com/local/education/trump-administration-scrambles-to-defend-budget-cut-for-special-olympics/2019/03/27/420b87ae-50aa-11e9-a3f7-78b7525a8d5f\\_story.html?utm\\_term=.d04b2f278e25](https://www.washingtonpost.com/local/education/trump-administration-scrambles-to-defend-budget-cut-for-special-olympics/2019/03/27/420b87ae-50aa-11e9-a3f7-78b7525a8d5f_story.html?utm_term=.d04b2f278e25).

National Center for Education Statistics. "Chapter 2. Elementary and Secondary Education." *Digest of Education Statistics: 2015*. (December 2016): <https://nces.ed.gov/programs/digest/d15/index.asp>.

National Center for Education Statistics. "Chapter 2. Elementary and Secondary Education." *Digest of Education Statistics: 2017*. (January 2018): [https://nces.ed.gov/programs/digest/d17/tables\\_2.asp](https://nces.ed.gov/programs/digest/d17/tables_2.asp).

National Center for Education Statistics. "Children and Youth With Disabilities." *The Condition of Education*. Washington, DC: April 2018. [https://nces.ed.gov/programs/coe/indicator\\_cgg.asp](https://nces.ed.gov/programs/coe/indicator_cgg.asp).

National Council on Disability. *Broken Promises: The Underfunding of IDEA*. IDEA Series. (February 7, 2018): [https://ncd.gov/sites/default/files/NCD\\_BrokenPromises\\_508.pdf](https://ncd.gov/sites/default/files/NCD_BrokenPromises_508.pdf).

---

"Public Schools and Districts Data Files: Downloadable files containing general information about California's public schools and districts." California Department of Education. <https://www.cde.ca.gov/ds/si/ds/pubschls.asp>.

Samuels, Christina. "Special Education Bias Rule Put on Hold for Two Years by Devos Team." *Education Week's blogs>On Special Education*, *Education Week*, June 29, 2018. [http://blogs.edweek.org/edweek/speced/2018/06/special\\_education\\_bias\\_rule\\_postponed.html](http://blogs.edweek.org/edweek/speced/2018/06/special_education_bias_rule_postponed.html).

School Fiscal Services Division. *California School Accounting Manual*. 2016 ed. Sacramento: California Department of Education, CDE Press, 2016.

Schultheis, Heidi, Eliza Schultz, and Rachel West. "How Medicaid Cuts Could Threaten Public School Students and Teachers in Every State." August 14, 2018. <https://www.americanprogress.org/issues/healthcare/news/2018/08/14/454736/medicaid-cuts-threaten-public-school-students-teachers-every-state/>.

Strauss, Valerie. "Will California Gov. Brown sign a bill to ban for-profit charter schools?" *The Washington Post*, August 27, 2018. [https://www.washingtonpost.com/education/2018/08/27/will-california-gov-brown-sign-bill-ban-for-profit-charter-schools/?noredirect=on&utm\\_term=.7f7afed6c8aa](https://www.washingtonpost.com/education/2018/08/27/will-california-gov-brown-sign-bill-ban-for-profit-charter-schools/?noredirect=on&utm_term=.7f7afed6c8aa).

Taylor, Mac. "Overview of Special Education in California." California Legislative Analyst's Office. Sacramento, CA: January 3, 2013. <https://lao.ca.gov/reports/2013/edu/special-ed-primer/special-ed-primer-010313.pdf>.

U.S. Government Accountability Office. "CHARTER SCHOOLS: Additional Federal Attention Needed to Help Protect Access for Students with Disabilities." *Report to Congressional Requesters* (June 2012): <https://www.gao.gov/assets/600/591435.pdf>.

Wieder, Ben. "State Special Education Rates Vary Widely." *Stateline*, an initiative of The PEW Charitable Trusts (January 24, 2012): <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2012/01/24/state-special-education-rates-vary-widely>.

Wright, Kristin and Jerry Winkler. "Letter from California state Superintendent of Public Instruction." California Longitudinal Pupil Achievement Data System (CALPADS), California Department of Education. <https://www.cde.ca.gov/ds/sp/cl/c2c20161025.asp>.

Zoller, Susan. *REVIEW: Fiscal Impact of Charter Schools on LAUSD*. Final Report. MGT of America (May 2016): <https://assets.documentcloud.org/documents/2829121/LAUSD-UTLA-Report-on-Charter-School-Costs.pdf>.

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## APPENDIX A

### ANALYSES OF STUDENTS WITH DISABILITIES ENROLLED WITHIN COHORT DISTRICTS

The following section is an analysis of the percentage of students with disabilities enrolled at each school within the three cohort districts. The calculation for each school is the total December 1, 2016 CASEMIS count/CALPADS Total Enrollment for 2016-2017.

#### LAUSD AUTHORIZED SCHOOLS

- **Populations:** All non-preschool or adult education centers LAUSD district and affiliated schools compared to all non-preschool or adult education centers LAUSD Authorized privately operated charters.
  - N = 992
  - (Schools of the District) n1 = 771
  - (Charters) n2 = 221
- **Welch T-Test (two-tail):** Privately operated charters authorized within the Los Angeles Unified School District enrolled lower average percentages of special education students (M = 11.11, SD = 3.49) than LAUSD schools of the district (M = 14.16, SD = 11.62). **The mean difference was significant,  $t(988) = 6.36$ ,  $p = 0.00$ .**

#### OUSD AUTHORIZED SCHOOLS

- **Populations:** All non-preschool or adult education centers LAUSD district and affiliated schools compared to all non-preschool or adult education centers OUSD Privately operated charters.
  - N = 120
  - $n_1 = 84$
  - $n_2 = 36$
- **Welch T-Test (two-tail):** Privately operated charters authorized within the Oakland Unified School District enrolled lower average percentages of special education students (M = 7.67, SD = 2.96) than OUSD schools of the district (M = 13.58, SD = 6.16). **The mean difference was significant,  $t(116) = 7.09$ ,  $p = 0.00$ .**

#### SDUSD AUTHORIZED SCHOOLS

- **Populations:** All non-preschool or adult education centers LAUSD district and affiliated schools compared to all non-or adult education centers SDUSD Privately operated charters.
  - N = 222
  - $n_1 = 172$
  - $n_2 = 50$
- Privately operated charters authorized within the San Diego Unified School District did not enroll lower than average percentages of special education students (M = 12.96, SD = 4.58) than SDUSD schools of the district (M = 15.07, SD = 11.95). *The mean difference was not significant,  $t(205) = 1.89$ ,  $p = .06$*

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## ANALYSIS OF STUDENT ENROLLMENT BY MILD TO MODERATE DISABILITIES WITHIN COHORT DISTRICTS

The following section is a calculation of the IDEA categories Specific Learning Disorder (SLD), Speech and Language Impairment (SLI), and Other Health Impairment (OHI) as a percentage of each school's total special education population. This is the # of students identified SLD + SLI + OHI and reported December 1, 2016 through CASEMIS/total campus special education population reported December 1, 2016 through CASEMIS.

### LAUSD AUTHORIZED SCHOOLS

- **Populations:** (2) All LAUSD district and affiliated schools compared to all LAUSD Authorized privately operated charters.
  - $N = 1001$
  - $n_1 = 779$
  - $n_2 = 222$
- **Welch T-Test (two-tail):** Privately operated charter schools authorized within the Los Angeles Unified School District enrolled greater than average percentages of special education students identified mild to moderate ( $M = 84.82$ ,  $SD = 8.66$ ) than LAUSD schools of the district ( $M = 71.15$ ,  $SD = 16.93$ ). **The mean difference was significant,  $t(719) = -22.20$ ,  $p = 0.00$ .**

### OUSD AUTHORIZED SCHOOLS

- **Populations:** All OUSD district and affiliated schools compared to all OUSD Privately operated charters.
  - $N = 121$
  - $n_1 = 85$
  - $n_2 = 36$
- **Welch T-Test (two-tail):** Privately operated charter schools authorized within the Oakland Unified School District enrolled greater than average percentage of special education students identified mild to moderate ( $M = 87.06$ ,  $SD = 7.86$ ) than OUSD schools of the district ( $M = 76.28$ ,  $SD = 17.21$ ). **The mean difference was significant,  $t(118) = -6.92$ ,  $p = 0.00$ .**

### SDUSD AUTHORIZED SCHOOLS

- **Populations:** (2) All SDUSD district and affiliated schools compared to all SDUSD Privately operated charters.
  - $N = 223$
  - $n_1 = 173$
  - $n_2 = 50$
- Privately operated charter schools authorized within the San Diego Unified School District did not enroll greater than average percentage of special education students identified mild to moderate ( $M = 83.43$ ,  $SD = 7.68$ ) than SDUSD schools of the district ( $M = 72.78$ ,  $SD = 12.51$ ). **The mean difference was significant,  $t(131) = -7.37$ ,  $p = 0.00$**

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## ANALYSES OF ELIGIBILITY CATEGORIES WITHIN COHORT DISTRICT

The following section is a calculation of each eligibility category as a percentage of each school's total special education population. Example: # of students identified as requiring services for an intellectual disability/total campus special education population.

In each of our analyses, autism, intellectual disability, and orthopedic impairment identifications made up a statistically significant greater proportion of their special education population in schools of the district than in privately operated charter schools.

### OAKLAND UNIFIED SCHOOL DISTRICT ELIGIBILITY CATEGORIES:

**Populations:** All OUSD district and affiliated schools compared to OUSD privately operated (directly funded) charters.

*The following tests pertain to categories considered "moderate to severe" (or low incidence) by California and PPIC:*

#### \*Autism

Welch T-Test (two-tail): Privately operated charter schools authorized within the Oakland Unified School District enrolled lower average percentages of students entitled to services for autism ( $M = 4.43$ ,  $SD = 5.12$ ) than OUSD schools of the district ( $M = 11.09$ ,  $SD = 14.52$ ). **The mean difference was significant,  $t(116) = 3.72$ ,  $p = 0.00$ .**

#### \*Deaf

Welch T-Test (two-tail): Privately operated charter schools authorized within the Oakland Unified School District enrolled lower average percentages of students entitled to services for deafness ( $M = 0.00$ ,  $SD = 0.0$ ) than OUSD schools of the district ( $M = 0.21$ ,  $SD = 0.77$ ). **The mean difference was significant,  $t(84) = 2.54$ ,  $p = 0.01$ .**

#### Deaf-Blind

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for deaf-blindness in privately operated charter schools authorized within the Oakland Unified School District ( $M = 0.00$ ,  $SD = 0.00$ ) and the same population of students in OUSD schools of the district ( $M = 0.03$ ,  $SD = 0.21$ ). *The mean difference was not statistically significant,  $t(84) = 1.39$ ,  $p = 0.17$ .*

#### Emotional Disturbance

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for an emotional disturbance in privately operated charter schools authorized within the Oakland Unified School District ( $M = 4.49$ ,  $SD = 4.82$ ) and the same population of students in OUSD schools of the district ( $M = 4.07$ ,  $SD = 6.58$ ). *The mean difference was not statistically significant,  $t(89) = -0.40$ ,  $p = 0.69$ .*

#### Hard of Hearing (HH)

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of hard of hearing students entitled to services in privately operated charter schools authorized within the Oakland Unified School District ( $M = 1.23$ ,  $SD = 2.68$ ) and the same population of students in OUSD schools of the district ( $M = 0.71$ ,  $SD = 1.25$ ). *The mean difference was not statistically significant,  $t(42) = -1.12$ ,  $p = 0.27$ .*

#### \*Intellectual Disability

Welch T-Test (two-tail): Privately operated charter schools authorized within the Oakland Unified School District enrolled lower average percentages of students entitled to services for an intellectual disability ( $M = 2.04$ ,  $SD = 3.27$ ) than OUSD schools of the district ( $M = 5.85$ ,  $SD = 6.89$ ). **The mean difference was significant,  $t(117) = 4.13$ ,  $p = 0.00$ .**

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### \*Multiple Disabilities

Welch T-Test (two-tail): Privately operated charter schools authorized within the Oakland Unified School District enrolled lower average percentages of students entitled to services for Multiple Disabilities ( $M = 0.07$ ,  $SD = 0.43$ ) than OUSD schools of the district ( $M = 0.79$ ,  $SD = 2.24$ ). **The mean difference was significant**,  $t(97) = 2.85$ ,  $p = 0.01$ .

### \*Orthopedic Impairment

Welch T-Test (two-tail): Privately operated charter schools authorized within the Oakland Unified School District enrolled lower average percentages of students entitled to services for an orthopedic impairment ( $M = 0.00$ ,  $SD = 0.00$ ) than OUSD schools of the district ( $M = 0.26$ ,  $SD = 0.84$ ). **The mean difference was significant**,  $t(84) = 2.82$ ,  $p = 0.01$ .

### Traumatic Brain Injury

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for a traumatic brain injury in privately operated charter schools authorized within the Oakland Unified School District ( $M = 0.34$ ,  $SD = 1.30$ ) and the same population of students in OUSD schools of the district ( $M = 0.30$ ,  $SD = 0.74$ ). *The mean difference was not statistically significant*,  $t(45) = -0.19$ ,  $p = 0.85$ .

### Visual impairment

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for a Visual impairment in privately operated charter schools authorized within the Oakland Unified School District ( $M = 0.34$ ,  $SD = 1.24$ ) and the same population of students in OUSD schools of the district ( $M = 0.38$ ,  $SD = 1.52$ ). *The mean difference was not statistically significant*,  $t(80) = 0.13$ ,  $p = 0.89$ .

### Established Medical Disability (EMD)

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for an established medical disability in privately operated charter schools authorized within the Oakland Unified School District ( $M = 0.00$ ,  $SD = 0.00$ ) and the same population of students in OUSD schools of the district ( $M = 0.02$ ,  $SD = 0.18$ ). *The mean difference was not statistically significant*,  $t(84) = 1.00$ ,  $p = 0.32$ .

### The following tests pertain to categories considered mild to moderate (or high incidence) by California and PPIC:

### \*Other Health Impairment (OHI)

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for Other Health Impairments in privately operated charter schools authorized within the Oakland Unified School District ( $M = 13.24$ ,  $SD = 10.86$ ) and the same population of students in OUSD schools of the district ( $M = 11.75$ ,  $SD = 8.21$ ). *The mean difference was not statistically significant*,  $t(53) = -0.74$ ,  $p = 0.47$ .

### \*Specific Learning Disability (SLD)

Welch T-Test (two-tail): Privately operated charter schools authorized within the Oakland Unified School District enrolled greater than average percentages of students entitled to services for a Specific Learning Disabilities ( $M = 49.52$ ,  $SD = 22.43$ ) than OUSD schools of the district ( $M = 38.50$ ,  $SD = 19.71$ ). **The mean difference was significant**,  $t(59) = -2.56$ ,  $p = 0.01$ .

### Speech or Language Impairment (SLI)

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for a speech or language impairment in privately operated charter schools authorized within the Oakland Unified School District ( $M = 24.30$ ,  $SD = 25.34$ ) and the same population of students in OUSD schools of the district ( $M = 26.03$ ,  $SD = 19.95$ ). *The mean difference was not statistically significant*,  $t(54) = 0.36$ ,  $p = 0.72$ .



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## SAN DIEGO UNIFIED SCHOOL DISTRICT ELIGIBILITY CATEGORIES:

**Populations:** All SDUSD district and affiliated schools vs. All SDUSD privately operated (directly funded) charters.

*The following tests pertain to categories considered “moderate to severe” (or low incidence) by California and PPIC:*

### \*Autism

Welch T-Test (two-tail): Privately operated charter schools authorized within the San Diego Unified School District enrolled lower average percentages of students entitled to services for autism ( $M = 9.93$ ,  $SD = 7.12$ ) than SDUSD schools of the district ( $M = 16.05$ ,  $SD = 8.69$ ). **The mean difference was significant**,  $t(95) = 5.08$ ,  $p = 0.00$ .

### Deaf

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students with deafness entitled to services in privately operated charter schools authorized within the San Diego Unified School District ( $M = 0.15$ ,  $SD = 1.09$ ) and the same population of students in SDUSD schools of the district ( $M = 0.41$ ,  $SD = 2.26$ ). *The mean difference was not statistically significant*,  $t(174) = 1.13$ ,  $p = 0.26$ .

### Deaf-Blind

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for deaf-blindness in privately operated charter schools authorized within the San Diego Unified School District ( $M = 0.00$ ,  $SD = 0.00$ ) and the same population of students in SDUSD schools of the district ( $M = 0.02$ ,  $SD = 0.16$ ). *The mean difference was not statistically significant*,  $t(173) = 1.32$ ,  $p = 0.19$ .

### \*Emotional Disturbance

Welch T-Test (two-tail): Privately operated charter schools authorized within the San Diego Unified School District enrolled greater than average percentages of students entitled to services for an Emotional disturbance ( $M = 2.78$ ,  $SD = 3.51$ ) than SDUSD schools of the district ( $M = 1.53$ ,  $SD = 4.47$ ). **The mean difference was significant**,  $t(99) = -2.07$ ,  $p = 0.04$ .

### Hard of Hearing (HH)

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of hard of hearing students entitled to services in privately operated charter schools authorized within the San Diego Unified School District ( $M = 0.75$ ,  $SD = 1.32$ ) and the same population of students in SDUSD schools of the district ( $M = 1.04$ ,  $SD = 2.78$ ). *The mean difference was not statistically significant*,  $t(174) = 1.05$ ,  $p = 0.30$ .

### \*Intellectual Disability

Welch T-Test (two-tail): Privately operated charter schools authorized within the San Diego Unified School District enrolled lower average percentages of students entitled to services for an intellectual disability ( $M = 1.52$ ,  $SD = 2.18$ ) than SDUSD schools of the district ( $M = 4.66$ ,  $SD = 4.48$ ). **The mean difference was significant**,  $t(174) = 6.85$ ,  $p = 0.00$ .

### \*Multiple Disabilities

Welch T-Test (two-tail): Privately operated charter schools authorized within the San Diego Unified School District enrolled lower average percentages of students entitled to services for Multiple Disabilities ( $M = 0.03$ ,  $SD = 0.14$ ) than SDUSD schools of the district ( $M = 1.33$ ,  $SD = 3.76$ ). **The mean difference was significant**,  $t(175) = 4.54$ ,  $p = 0.00$ .

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### \*Orthopedic Impairment

Welch T-Test (two-tail): Privately operated charter schools authorized within the San Diego Unified School District enrolled lower average percentages of students entitled to services for an orthopedic impairment ( $M = 0.99$ ,  $SD = 1.85$ ) than SDUSD schools of the district ( $M = 1.68$ ,  $SD = 2.24$ ). **The mean difference was significant**,  $t(94) = 2.22$ ,  $p = 0.03$ .

### Traumatic Brain Injury

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for a traumatic brain injury in privately operated charter schools authorized within the San Diego Unified School District ( $M = 0.24$ ,  $SD = 0.70$ ) and the same population of students in SDUSD schools of the district ( $M = 0.17$ ,  $SD = 0.60$ ). *The mean difference was not statistically significant*,  $t(71) = -0.59$ ,  $p = 0.56$ .

### Visual impairment

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for a Visual impairment in privately operated charter schools authorized within the San Diego Unified School District ( $M = 0.20$ ,  $SD = 0.61$ ) and the same population of students in SDUSD schools of the district ( $M = 0.32$ ,  $SD = 0.97$ ). *The mean difference was not statistically significant*,  $t(127) = 1.06$ ,  $p = 0.29$ .

### \*Established Medical Disability (EMD)

Welch T-Test (two-tail): Privately operated charter schools authorized within the San Diego Unified School District enrolled lower average percentages of students entitled to services for an established medical disability ( $M = 0.00$ ,  $SD = 0.00$ ) than SDUSD schools of the district ( $M = 0.05$ ,  $SD = 0.26$ ). **The mean difference was significant**,  $t(173) = 2.55$ ,  $p = 0.01$ .

*The following tests pertain to categories considered mild to moderate (or high incidence) by California and PPIC:*

### \*Other Health Impairment (OHI)

Welch T-Test (two-tail): Privately operated charter schools authorized within the San Diego Unified School District enrolled greater than average percentages of students entitled to services for Other Health Impairments ( $M = 22.37$ ,  $SD = 11.38$ ) than SDUSD schools of the district ( $M = 16.6$ ,  $SD = 7.02$ ). **The mean difference was significant**,  $t(60) = -3.41$ ,  $p = 0.00$ .

### \*Specific Learning Disability (SLD)

Welch T-Test (two-tail): Privately operated charter schools authorized within the San Diego Unified School District enrolled greater than average percentages of students entitled to services for a Specific Learning Disabilities ( $M = 46.26$ ,  $SD = 16.32$ ) than SDUSD schools of the district ( $M = 35.15$ ,  $SD = 15.85$ ). **The mean difference was significant**,  $t(78) = -4.27$ ,  $p = 0.00$ .

### \*Speech or Language Impairment (SLI)

Welch T-Test (two-tail): Privately operated charter schools authorized within the San Diego Unified School District enrolled lower average percentages of students entitled to services for a speech or language impairment ( $M = 14.79$ ,  $SD = 14.08$ ) than SDUSD schools of the district ( $M = 21.01$ ,  $SD = 15.10$ ). **The mean difference was significant**,  $t(84) = 2.71$ ,  $p = 0.01$ .

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## LOS ANGELES UNIFIED SCHOOL DISTRICT ELIGIBILITY CATEGORIES:

**Populations:** All LAUSD district and affiliated schools vs. All LAUSD privately operated (directly funded) charters.

*The following tests pertain to categories considered "moderate to severe" (or low incidence) by California and PPIC:*

### \*Autism

Welch T-Test (two-tail): Privately operated charter schools authorized within the Los Angeles Unified School District enrolled lower average percentages of students entitled to services for autism ( $M = 10.96$ ,  $SD = 7.50$ ) than LAUSD schools of the district ( $M = 18.59$ ,  $SD = 13.28$ ). **The mean difference was significant**,  $t(646) = 11.03$ ,  $p = 0.00$ .

### Deaf

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students with Deafness entitled to services in privately operated charter schools authorized within the Los Angeles Unified School District ( $M = 0.25$ ,  $SD = 1.08$ ) and the same population of students in LAUSD schools of the district ( $M = 0.34$ ,  $SD = 3.15$ ). *The mean difference was not statistically significant*,  $t(970) = 0.64$ ,  $p = 0.52$ .

### Deaf-Blind

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for deaf-blindness in privately operated charter schools authorized within the Los Angeles Unified School District ( $M = 0.00$ ,  $SD = 0.00$ ) and the same population of students in LAUSD schools of the district ( $M = 0.00$ ,  $SD = 0.03$ ). *The mean difference was not statistically significant*,  $t(778) = 1.65$ ,  $p = 0.16$ .

### Emotional Disturbance

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for an Emotional disturbance in privately operated charter schools authorized within the Los Angeles Unified School District ( $M = 1.02$ ,  $SD = 1.85$ ) and the same population of students in LAUSD schools of the district ( $M = 0.99$ ,  $SD = 2.95$ ). *The mean difference was not statistically significant*,  $t(572) = -0.17$ ,  $p = 0.87$ .

### \*Hard of Hearing (HH)

Welch T-Test (two-tail): Privately operated charter schools authorized within the Los Angeles Unified School District enrolled greater than average percentages of hard of hearing students entitled to services ( $M = 1.09$ ,  $SD = 1.92$ ) than LAUSD schools of the district ( $M = 1.50$ ,  $SD = 3.17$ ). **The mean difference was significant**,  $t(593) = 2.40$ ,  $p = 0.02$ .

### \*Intellectual Disability

Welch T-Test (two-tail): Privately operated charter schools authorized within the Los Angeles Unified School District enrolled lower average percentages of students entitled to services for an intellectual disability ( $M = 1.15$ ,  $SD = 2.48$ ) than LAUSD schools of the district ( $M = 4.42$ ,  $SD = 7.86$ ). **The mean difference was significant**,  $t(991) = 9.99$ ,  $p = 0.00$ .

### Multiple Disabilities

*Multiple Disabilities were not reported for any Los Angeles Unified Authorized Schools.*

### \*Orthopedic Impairment

Welch T-Test (two-tail): Privately operated charter schools authorized within the Los Angeles Unified School District enrolled lower average percentages of students entitled to services for an orthopedic impairment ( $M = 0.50$ ,  $SD = 1.19$ ) than LAUSD schools of the district ( $M = 2.48$ ,  $SD = 6.50$ ). **The mean difference was significant**,  $t(926) = 8.05$ ,  $p = 0.00$ .

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## Traumatic Brain Injury

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for a traumatic brain injury in privately operated charter schools authorized within the Los Angeles Unified School District ( $M = 0.08$ ,  $SD = 0.51$ ) and the same population of students in LAUSD schools of the district ( $M = 0.12$ ,  $SD = 0.41$ ). *The mean difference was not statistically significant,  $t(305) = 1.18$ ,  $p = 0.24$ .*

## \*Visual impairment

Welch T-Test (two-tail): Privately operated charter schools authorized within the Los Angeles Unified School District enrolled greater than average percentages of students entitled to services for a Visual impairment ( $M = 0.14$ ,  $SD = 0.69$ ) than LAUSD schools of the district ( $M = 0.43$ ,  $SD = 2.10$ ). **The mean difference was significant,  $t(983) = 3.25$ ,  $p = 0.00$ .**

## Established Medical Disability (EMD)

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for an established medical disability in privately operated charter schools authorized within the Los Angeles Unified School District ( $M = 0.01$ ,  $SD = 0.13$ ) and the same population of students in LAUSD schools of the district ( $M = 0.01$ ,  $SD = 0.14$ ). *The mean difference was not statistically significant,  $t(379) = 0.39$ ,  $p = 0.69$ .*

*The following tests pertain to categories considered mild to moderate (or high incidence) by California and PPIC:*

## \*Other Health Impairment (OHI)

Welch T-Test (two-tail): Privately operated charter schools authorized within the Los Angeles Unified School District enrolled greater than average percentages of students entitled to services for Other Health Impairments ( $M = 16.15$ ,  $SD = 8.72$ ) than LAUSD schools of the district ( $M = 11.94$ ,  $SD = 8.04$ ). **The mean difference was significant,  $t(336) = -6.45$ ,  $p = 0.00$ .**

## \*Specific Learning Disability (SLD)

Welch T-Test (two-tail): Privately operated charter schools authorized within the Los Angeles Unified School District enrolled greater than average percentages of students entitled to services for a Specific Learning Disabilities ( $M = 53.25$ ,  $SD = 18.52$ ) than LAUSD schools of the district ( $M = 42.73$ ,  $SD = 21.19$ ). **The mean difference was significant,  $t(401) = -7.22$ ,  $p = 0.00$ .**

## Speech or Language Impairment (SLI)

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for a speech or language impairment in privately operated charter schools authorized within the Los Angeles Unified School District ( $M = 15.41$ ,  $SD = 18.36$ ) and the same population of students in LAUSD schools of the district ( $M = 16.45$ ,  $SD = 14.77$ ). *The mean difference was not statistically significant,  $t(307) = 0.77$ ,  $p = 0.44$ .*

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## APPENDIX B

### DISABILITY CATEGORY CODES EXPLAINED<sup>103</sup>

The following categories are considered “moderate to severe” according to the California Department of Education.

**Autism (AUT):** The Autism category covers the autism spectrum, including students displaying difficulties interpreting social interactions, adjusting to interruptions in routine, and experiencing intense sensitivity to certain sensory experiences. Autism covers a wide spectrum. One student with autism may be high-functioning, verbal, and able to navigate the eclectic sensory environment of a school with relative comfort. Another student with autism may have difficulties expressing themselves through speech with major barriers to communication and may perpetually need intense support.

**Deafness/Hearing Impairment (DEAF):** Hearing impairment is of greater severity than Hard of Hearing. A student who is hearing-impaired may have difficulties processing linguistic information through learning, with or without amplification.

**Deaf-Blindness (DB):** A student with a combination of hearing and visual impairment which may cause severe communication difficulties shall be identified by deaf-blindness.

**Emotional Disturbance (ED):** Emotional Disturbance is defined as an inability to learn that cannot be explained by intellectual, sensory, or health factors. A student with schizophrenia shall be identified under IDEA as having an emotional disturbance.

**Established Medical Disability (EMD):** A child aged three to five that an IEP team has concluded has high probability of requiring special education services.

**Hard of Hearing (HH):** A student who is hard of hearing may have a permanent or fluctuating hearing impairment that has not risen to the level of deaf. HH students may have a difficult time with hearing classroom discussion or educational videos.

**Intellectual Disability (ID):** A student with an intellectual disability has difficulty adapting to expected behaviors and will function significantly below average intellectually. ID students will have difficulty accomplishing complex tasks, understanding new concepts, and may have a limited vocabulary. A pupil with Down syndrome shall be identified under the ID eligibility category.

**Multiple Disabilities (MD):** A student with a combination of disabilities across eligibility categories. For example, a student who is deaf-blind and dyslexic shall be identified MD, rather than identified as both DB and SLD.<sup>104</sup>

**Orthopedic Impairment (OI):** A student with an orthopedic impairment may have a physical impairment that does not impact their intellectual capacity. A student born without an appendage or who has a cerebral palsy shall be identified under IDEA as having an orthopedic impairment.

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<sup>103</sup> “CALPADS Primary Disability Category Codes,” California Assessment of Student Performance and Progress (CAASPP) System, California Department of Education, accessed November 6, 2018, <https://www.cde.ca.gov/ta/tg/ca/disablecodes.asp>; “Disability Categories,” K-22 Special Education, California State University, Los Angeles, 2019, <http://www.calstatela.edu/academic/ccoe/programs/cats/categories-disability-under-idea-children-and-youth-aged-3-through-21>.

<sup>104</sup> Because Los Angeles Unified SELPA uses the Welligent software to track individual education plans, it is claimed that adding a unique MD category would make it impossible to disentangle without triple counting that same student qualifying under both DB and SLD. This student would show up once in DB, once in SLD, and once in MD. It is for this reason that the LAUSD SELPA does not contain the MD category.

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**Traumatic Brain Injury (TBI):** TBI encompasses open and closed injuries to the head which impairs an array of cognitive functions. A student who has incurred a head injury that leads to long-term memory deficiency shall qualify for services under TBI. Congenital brain abnormalities, those present from birth, are separately included under the Intellectual Disabilities category.

**Visual impairment (VI):** A student who is blind or has great difficulty seeing (even with correction) shall be identified under IDEA as having a visual impairment.

*The following categories are considered "mild to moderate" according to the California Department of Education:*

**Other Health Impairment (OHI):** Conditions under OHI are wide ranging and include hemophilia, epilepsy, diabetes, ADHD, and other impairments that can cause a student's strength or alertness to be limited.

**Specific Learning Disability (SLD):** SLD is the largest category within IDEA and accounts for nearly half of all identified disabled students in the United States. A student with dyslexia, dysgraphia, or dyscalculia shall be identified as having a Specific Learning Disability.

**Speech or Language Impairment (SLI):** A student who stutters or has difficulty speaking shall be identified under the Speech or Language Impairment category.

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## APPENDIX C

- ADA** - Americans with Disabilities Act
- IDEA** - Individuals with Disabilities Education Act
- CALPADS** - California Longitudinal Pupil Achievement Data System
- CASEMIS** - California Special Education Management System
- CDE** - California Department of Education
- CMO** - Charter Management Organization
- CPRA** - California Public Records Act Request
- DB** - Deaf-Blind
- ED** - Emotional Disturbance
- EMD** - Established Medical Disability
- HH** - Hard of Hearing
- ID** - Intellectual Disability
- IEP** - Individual Education Plan
- LAUSD** - Los Angeles Unified School District
- MD** - Multiple Disabilities
- OCR** - United States Department of Education Office of Civil Rights
- OI** - Orthopedic Impairment
- OHI** - Other Health Impairment
- OUSD** - Oakland Unified School District
- SACS** - Standardized Accounting Code Structure
- SDUSD** - San Diego Unified School District
- SELPA** - Special Education Local Plan Area
- SLD** - Specific Learning Disability
- SLI** - Speech or Language Impairment
- SWD** - Student with Disabilities
- TBI** - Traumatic Brain Injury
- USED** - United States Department of Education
- VI** - Visual Impairment

## APPENDIX D

### DATA ISSUES EXPANDED

#### LOS ANGELES UNIFIED SCHOOL DISTRICT SELPA

The Los Angeles Unified School District SELPA sent all CASEMIS/IDEA disability categories except for Multiple Disabilities. LAUSD, like most of the other SELPAs, sent only primary disabilities and abbreviated each of the disability categories instead of applying numeric category codes, which aided in initial analyses. While the California Department of Education (CDE) and the US Department of Education collapse students with Multiple Disabilities into the single category MD, the LAUSD SELPA does not. After several rounds of communication, LAUSD did append a Multiple Disabilities column to the CASEMIS report. This, however, was a duplicative count. Unlike all other SELPAs in this report, LAUSD could not respond with a CASEMIS report including a distinct count of students eligible for services by category MD. Our team confirmed with all other SELPAs that the MD category provided by each consisted of a distinct category count wherein a single student could not be represented both in the category of their primary disability and the MD count. For instance, a student whose primary disability is identified on the autism spectrum and is also deaf would only show in the MD category, not the MD category *in addition to* the categories for identified autistic and identified deaf. Without this distinct student disability count, it would not be appropriate to compare these categories to those in other SELPAs.<sup>105</sup>

ESC	LOC CODE	SCHOOL NAME	COST CENTER	NORM ENROLLMENT	AUT	DV	DEAF	ED	EMD	HH	ID	OHI	OI	SLD	SLI	TBI	VI	SWD TOTAL	%SWD	HIGH	LOW
C	1914	WIDNEY HS	1191401	278	82			*		*	124	*	48	*		*	*	278	100.0%	*	271
C	1918	MCALISTER HS CYESIS	1191801	143								*	*	16				19	13.3%	18	*
C	1919	LANTERMAN HS	1191901	92	28						25	*	44				*	102	110.9%	*	100
C	1955	SALVIN SP ED CTR	1195501	100	17				*	26	*	40				*		107	107.0%	*	105
C	2027	ALDAMA EL	1202701	509	*					*	*	*		17	14			43	8.4%	36	*
C	2041	ALEXANDRIA AVE EL	1204101	744	*					*		*		28	16			60	8.1%	51	*
C	2068	ALLESANDRO EL	1206801	398	*						*	*		21	*			39	9.8%	35	*
C	2076	JONES SPS	1207601												*			*		*	0
C	2134	STUDIO SCHOOL	1516401	290	*			*		*		*		33				41	14.1%	37	*
C	2151	ANNANDALE EL	1215101	210	18				*	*	*	*	*	*	*			44	21.0%	16	28

Referring to the above snapshot, the reader may notice that “%SWD” has been provided. The LAUSD SELPA was the only one to provide a total student count and a percentage calculation. Notice, too, that there are schools reporting students with disabilities greater than 100 percent. As previously mentioned, this is because there is no stable denominator to calculate the percentage of students with a disability in California public schools. LAUSD used Norm Day total enrollment as the denominator. In cases where schools are also special education centers, any increase in population between the Norm Day enrollment snapshot and the December 1 CASEMIS snapshot will yield an illogical percentage (greater than 100). Anecdotally, we are aware that student mobility is high after Norm Day, especially regarding students with disabilities. Thus special education schools may be more likely to receive an influx of special

<sup>105</sup> First Responsive CASEMIS 2016 document received from LAUSD SELPA. Asterisks represent student counts of less than 10.



education students after the Norm Day enrollment snapshot. Where all other schools are concerned, any increase or decrease is far less likely to reveal the inherent problem with these mismatched points in time.

Accounting for another wrinkle in the collection of accurate special education data, we learned during a call with the Los Angeles Unified SELPA that SELPA CASEMIS counts do not always match the official numbers published by the CDE. This discrepancy happens when more than one SELPA claims the same student on the December 1 CASEMIS report.<sup>106</sup> When this occurs, the CDE drops this student from both SELPA counts and, according to the LAUSD SELPA, the state makes no attempt to resolve the issue with either of the claiming SELPAs.<sup>107</sup> This mismatch does not factor into California’s AB 602 special education funding model, as the state apportions special education funding by SELPA based on average daily attendance of all students, not on how many special education students have been identified and are enrolled.<sup>108</sup> However, these discrepancies, which the CDE does not report to SELPAs, make it difficult to obtain an accurate statewide count of how many special-needs students have been identified as eligible for receiving special education services.

Further into this phone conversation, our team learned that if a SELPA wants to make a rough calculation of the percentage of special education students within each of its member schools, they must reach out directly to their LEAs for total enrollment numbers. Some comply with the request, others do not. Since LAUSD is a single-district SELPA, they therefore have access to all data relating to their own district-run public schools. In the 2016-17 school year, 205 out of the 215 non-LAUSD LEAs (privately operated charter schools) provided total enrollment numbers to the LAUSD SELPA. It appears that privately operated charter schools have no obligation to report these numbers to their SELPA—the entity charged with compliance-monitoring and all aspects of special education coordination.<sup>109</sup> LAUSD provides excellent, practical, examples of how the two data points separated by two months lead to over/ understated special education percentages.

## SAN DIEGO SELPA CASEMIS

San Diego Unified School District’s (SDUSD) SELPA CASEMIS data came in a different format. In the initial response, SDUSD provided codes for all schools and disability categories without a key, and mislabeled the school code column “Count of STUDENT\_ID.” After verifying these were, in fact, school codes (the last six or seven digits of a CDS code), a follow-up email was sent inquiring about the numeric codes in row two (likely referring to each of the different disability types) and the odd school codes in column A, such as those consisting of a single number “1” or another with the characters “PARENTA.”<sup>110</sup>

ROW LABELS	210	220	230	240	250	260	270	280	281	290	300	310	320	330	GRAND TOTAL
1	27		*	*		57	*	51		90		*	187		364
107029		*		*		*		*		35		*			55
107052	10					*		18		56		*	*		99
107078					*	*	*	13		33		*	*		53
107086	*					*		*		25			10		44
107094	*	*		*		*	*	*		17			*		35
107102	*			*			*	*		34		*	*		54
107177	16	*		*	*	*	*	14		67		*	13		122
201219	11			*		*	*	29		62		*	15	*	133
107482										*			*		18
108266	*			15						26			10		61
108274	*	*		29			*	24	31	31	*	*	14		109

<sup>106</sup> The magnitude of this issue is currently unknown.

<sup>107</sup> Phone conversation with LAUSD SELPA March 1, 2018.

<sup>108</sup> California carved special education funding out of the Local Control Funding Formula Law of 2013; PPIC Special Education Finance in California (November 2016).

<sup>109</sup> “California Special Education Local Plan Areas,” Special Education, Administration & Support, accessed January 8, 2018, <https://www.cde.ca.gov/sp/se/as/caselpas.asp>.

<sup>110</sup> Responsive CASEMIS 2016 document from San Diego Unified School District. Asterisks represent student counts of less than 10.

The SELPA responded and explained that “1” is the code used for non-public school students receiving special education services within the district, and “PARENTA” refers to parentally placed students in private schools, which show up in the two-other large district SELPAs as NPS, or nonpublic nonsectarian schools.<sup>111</sup> SDUSD was the only one to provide a separate count of both primary and secondary disabilities.<sup>112</sup>

## DESERT/MOUNTAIN CHARTER SELPA CASEMIS

Desert/Mountain SELPA, one of two composed primarily of charter operators, provided CASEMIS documents initially consisting of only heavily abbreviated school names. No uniquely identifying county and district codes were attached, severely limiting our ability to identify where schools are geographically located. This is uniquely important with data from Desert Mountain and El Dorado, as they are composed of charter operations from throughout the state that have opted out of their own truly local SELPA. This was also the only SELPA that did not provide a separate column for the total number of students with disabilities. However, before reaching back out for totals, we noticed anomalies in the EMD column.<sup>113</sup>

SCHOOL	ID	HH	DEA	SLI	VI	ED	OI	OHI	SLD	DB	MD	AUT	TBI	EMD
ACA OF CAREERS & EX	0	0	0	0	*	0	*	21	0	0	*	0	0	31
ACADEMY ACAD EX	0	0	38	0	0	*	28	50	0	0	10	0	0	140
CA STRAM SAN BERNARD	0	0	*	0	*	0	*	*	0	0	*	0	0	20
EXCELSIOR CHARTER	*	0	13	*	15	*	68	128	0	0	25	0	0	260
EXPLORER SCHOOL	0	0	10	0	0	0	20	25	0	0	*	0	0	67
HEALTH SCI MS	0	0	*	*		0	*	14	0	0	0	0	0	20
HEALTH SCIENCES HIGH	0	0	*	0		0	27	58	0	0	11	0	0	101
HIGH TECH ELEM	0	0	*	0		0	12	19	0	0	13	0	0	63
HIGH TECH HIGH	*	0	*	0		0	28	30	0	0	13	0	0	85
HIGH TECH MIDDLE	*	0	*	0		0	15	19	0	0	*	0	0	47
HTH MEDIA ARTS	0	0	*	0		0	20	20	0	0	10	0	0	56
HTI	*	0	*	*		*	18	20	0	0	10		0	58

The CASEMIS data received contained extraordinarily large counts of students identified as having an established medical disability (EMD). This category is exclusive to three- to five-year-old children with either a congenital syndrome or a disabling medical condition.<sup>114</sup> Integers in the EMD category were reported for schools serving students at all grade levels, including middle and high schools. We sent a follow-up email inquiring about the unlikely counts contained under the EMD category. A representative from the Desert Mountain SELPA responded that this column was misnamed and adds up to the sum of all other disability categories in each row. A quick sum of each row, however, revealed that the number in the formerly identified “EMD” column matched the total of all other columns within a record less than 10 percent of the time. Further, because we no longer had the EMD category, did this mean there were not any EMD students within the SELPA? A call to follow up with Desert Mountain was scheduled to achieve clarity. The call was short. Immediately after inquiring about the summed record totals, the analyst offered to rerun the data.

In the final CASEMIS pull we received from Desert Mountain preschool students were presented as a separate row count. This practice by Desert Mountain is extremely valuable given the limitations of enrollment numbers to include preschool students. No other SELPA was able to provide us data with separately identified preschool students with disabilities.

<sup>111</sup> “Nonpublic Nonsectarian Schools,” California Education code - EDC, § 33000 - 64100, Article 2: Definitions (1980), [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=56034.&lawCode=EDC](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=56034.&lawCode=EDC).

<sup>112</sup> They were provided in the same workbook on separate sheets.

<sup>113</sup> First Responsive CASEMIS 2016 document received from Desert Mountain SELPA. Asterisks represent student counts of less than 10.

<sup>114</sup> California Education Code - EDC, § 33000 - 64100, Chapter 4.45: Special Education Programs for Individuals With Exceptional Needs Between the Ages of three and Five years, inclusive, [56440 - 56447.1], [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=EDC&sectionNum=56441.11](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=56441.11).

## THE EL DORADO COUNTY CHARTER SELPA

The other charter exclusive SELPA, El Dorado County, initially provided CASEMIS data excluding the deaf-blind and EMD categories. This was quickly rectified with a follow-up email.<sup>115</sup>

LEA NAME	ID	HH*	DEAF*	SLI	VI*	ED	OI*	OHI	SLD	MD	AUT	TBI	GRAND TOTAL
ACACIA ELEMENTARY CHARTER	0	0	0	10	0	0	0	*	0	0	0	0	17
ADACIA MIDDLE CHARTER	*	0	0	*	0	0	1	0	0	0	0	0	*
ACADEMY OF ARTS AND SCIENCES	0	0	0	0	0	0	0	*	0	0	*	0	11
ACADEMY OF ARTS AND SCIENCES: FRESNO	*	0	0	*	*	0	0	*	0	0	0	0	*
ACADEMY OF ARTS AND SCIENCES: LA K-12	0	0	0	*	*	0	0	*	0	0	*	0	22
ACADEMY OF ARTS AND SCIENCES: SONOMA	0	0	0	*	0	*	0	*	0	0	0	0	14
ACADEMY OF ARTS AND SCIENCES: THOUSAND OAKS & SIMI VALLEY	*	0	0	0	0	*	0	0	0	0	*	0	*
ACADEMY OF PERSONALIZED LEARNING	*	0	0	*	0	0	0	0	0	0	*	0	18
ACE CHARTER HIGH	*	*	0	*	0	*	0	*	0	0	0	0	60

Having requested CDS codes with all data CPRAs, and having received them in several different formats, some with full unique identification codes, and others with only the school code, we found some schools were paired with the wrong CDS code while performing standard, necessary quality controls to confirm the responsive data. Having received a warning from the CDE regarding their inability to validate CDS codes, we knew this to be a possibility.

All three California Virtual Academy (CAVA) Schools within the El Dorado SELPA (Kings, Mateo, and Fresno), submitted school codes that did not match the campus, e.g. the school code for CAVA Kings was attached to CAVA Fresno, etc. In a follow-up request for the full CDS code for each campus (or LEA), the error was corrected. However, another issue was immediately revealed.

Once we received the full CDS codes from El Dorado, the schools were missing leading zeroes resulting in false county codes. For instance, the code "1612590115014" was received by El Dorado County SELPA for campus KIPP Bridge Academy. CDS codes are uniform in structure, the first two digits refer to the county, followed by six digits for the district, and the last 6 or 7 digits for the individual school. This CDS code, as received, places this school in Kings County (16). KIPP Bridge Academy, however, is actually in Alameda County (01).

## THE CALIFORNIA DEPARTMENT OF EDUCATION (CDE):

Throughout our interactions with the Special Education Division of the CDE, there was significant confusion surrounding terms that required multiple rounds of emails and phone calls. The first of which centered on the category "district." Each of our requests asked that CDS codes be included in order to provide us a unique ID for each school and/or each school district. While the term "school district" is commonly used as a synonym for a local education agency, the CDE assumed this term to mean "district of accountability" or "district of service" which is their designation for SELPA.

Once the miscommunication was corrected, the Special Education Division informed our team they do not commonly work with CDS codes. If they agreed to attempt to pull the CDS codes into the data documents, there would be no guarantee of code accuracy. While schools and districts do include their CDS code when submitting CASEMIS data, ultimately ending up at the Special Education Division, there are no internal checks to ensure the correct CDS code was submitted for a particular school. Our contact at the CDE explained they sometimes receive CDS codes with anomalous characters appended. In a later email correspondence, we received the following message reiterating the CDS code Issue.<sup>116</sup>

<sup>115</sup> First Responsive CASEMIS 2016 document received from El Dorado SELPA. Asterisks represent student counts of less than 10.

<sup>116</sup> Communication from the California Department of Education Special Education Division received March 01, 2018.

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How this occurs, when the CASEMIS technical reporting guide states error codes will populate if any part of the CDS code is erroneously entered, is a question currently without an answer.<sup>117</sup> Our immediate concern after hearing this was that a school might inadvertently submit an incorrect code, making it extremely difficult to accurately depict the special education population between schools and districts. As we found in the El Dorado CASEMIS data set, our concern was valid.

The next significant confusion was revealed in a request for total special education students and total Norm Day enrollment at each school by funding type. An important part of this analysis was to situate each of the SELPAs within the statewide context. In June 2018, we reached out to the CDE for CASEMIS category totals for each school by funding type in order to conduct analyses of district schools, affiliated charters, and privately operated charter schools. After receiving a letter from the CDE confirming receipt of our request and noticing that the term "Norm Day enrollment" was amended to read "Total Day Enrollment," we replied seeking clarification.<sup>118</sup> The Special Education Division was wholly unfamiliar with the term "Norm Day." They had interpreted the request to mean the team wanted to know how many special education students were attending "normal day classes." This data would have referred to the total number of students spending all or part of the day in the general education setting. When we were all on the same page, the Special Education Division stated they do not have access to general education totals, and we would need to contact CALPADS to receive that data.<sup>119</sup> Further, the Special Education Division does not have a way to identify which schools are district-run and which schools are affiliated or privately operated. This resulted in both miscommunication, lost time, and incomplete state data.

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<sup>117</sup> California Department of Education, Special Education Division. *California Special Education Management Information System: Technical Assistance Guide 2017-18. Draft*. Sacramento: 11, 13.

<sup>118</sup> CDE Cost Letter for PRA, received January 22, 2018.

<sup>119</sup> Email communication with the CDE Special Education Division, received January 22, 2018.

# APPENDIX E

## COMMUNICATIONS

Figure 10: PRA to LAUSD Regarding CASEMIS Category Expenditures

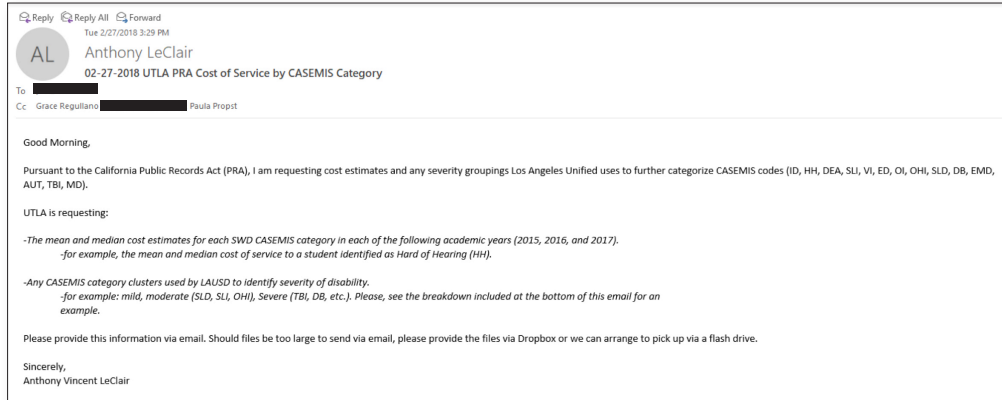


Figure 11: Response to PRA from LAUSD Regarding CASEMIS Category Expenditures

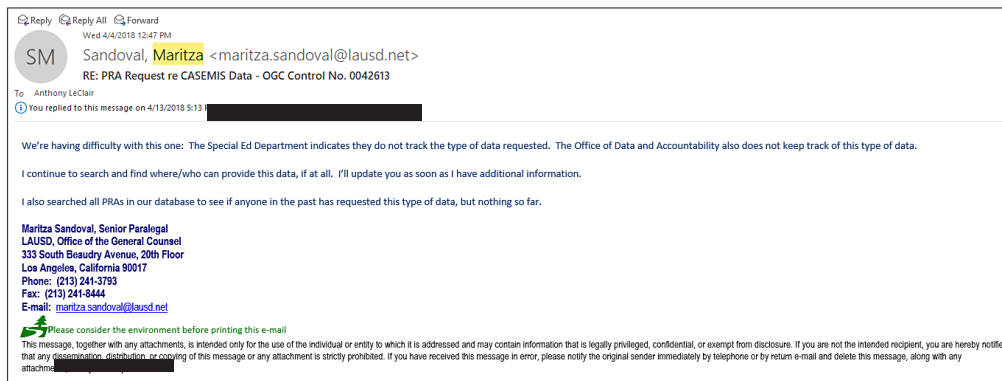


Figure 12: PRA Cost Letter from CDE Special Education Division

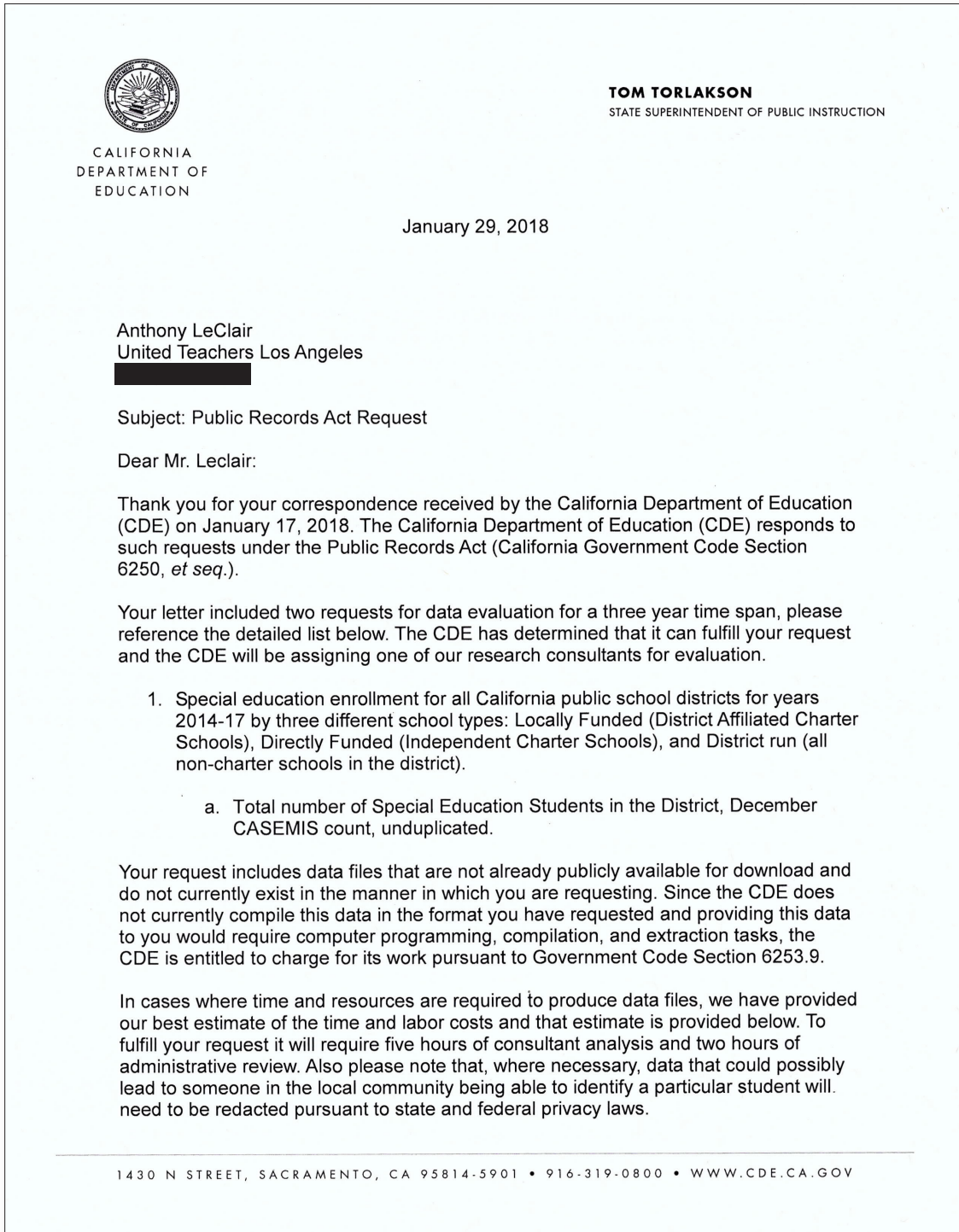


Figure 12: PRA Cost Letter from CDE Special Education Division, cont'd.

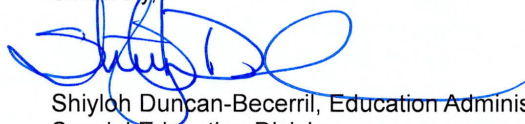
Anthony Vincent LeClair  
January 29, 2018  
Page 2

The total cost for your Public Records Act request comes to \$455.00. Please send your check or money order to the CDE at the address below, and we will send you the records as requested:

California Department of Education  
Special Education Division, Data, Evaluation and Analysis Unit  
1430 "N" Street, Suite 2401  
Sacramento, California 95814

Please also note that your request for public records, as well as our response, may be subject to a future records request filed by another party. If you have any questions at all regarding this correspondence, please contact me by phone at [REDACTED] or by e-mail at [REDACTED]

Sincerely,



Shiyloh Duncan-Becerril, Education Administrator  
Special Education Division  
Assessment, Evaluation, and Support

SBD:rw  
PRA reference number: 2018-3

Figure 13: CDE Special Education Division Email Regarding Norm Day Enrollment

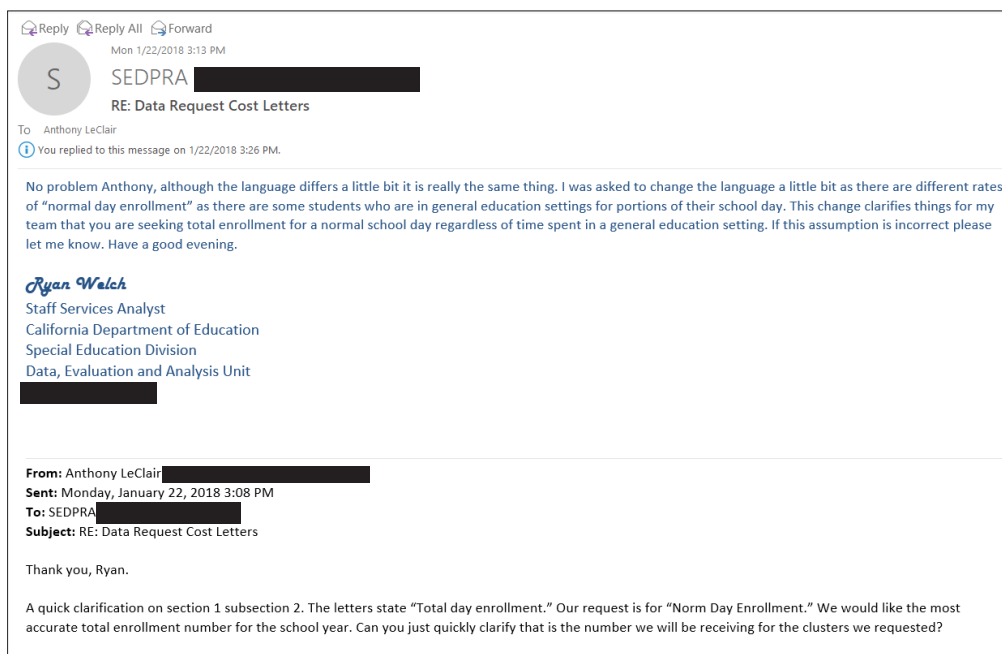


Figure 14: CDE Special Education Division Email Regarding CASEMIS and CALPADS

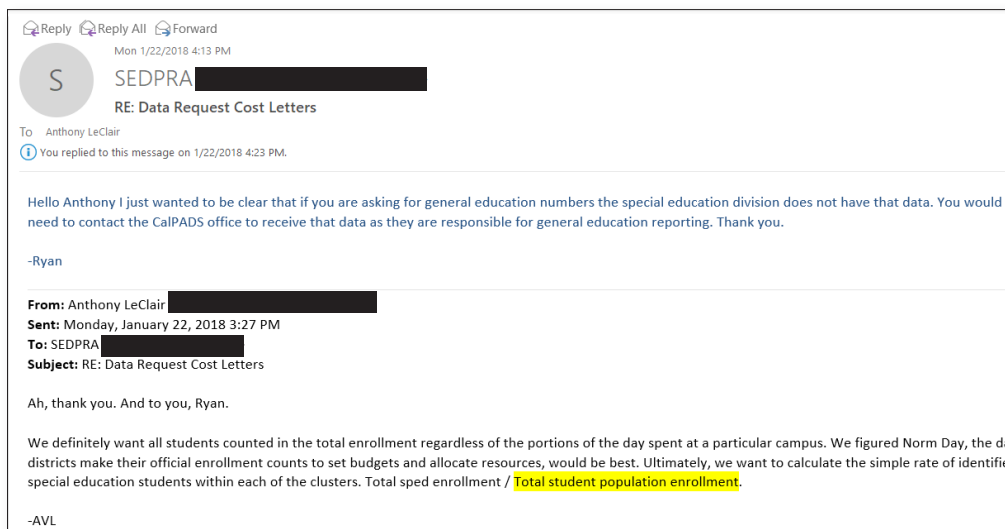




Figure 15: PRA Response from the CDE Regarding Validation of CDS Codes

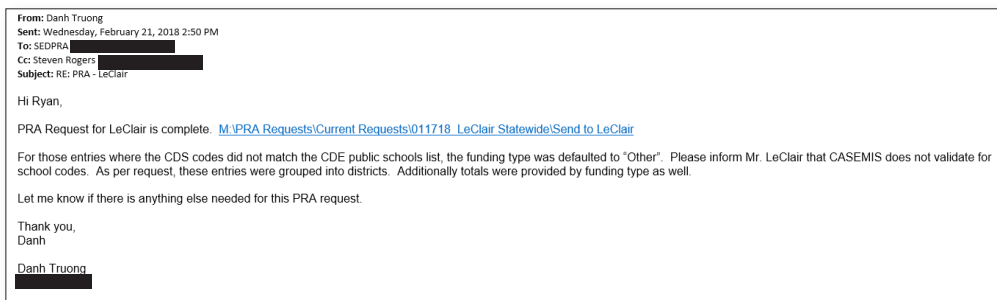


Figure 16: PRA Response from the CDE Regarding CDS Codes and Valid Counts

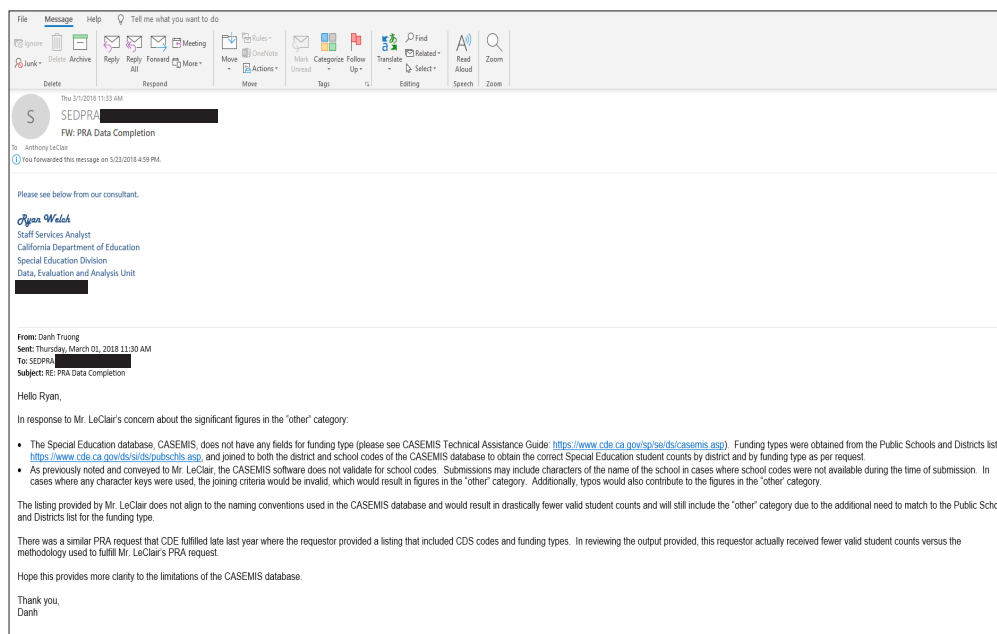


Figure 17: Educational Employees Relations Act Special Education Costs in LAUSD<sup>120</sup>

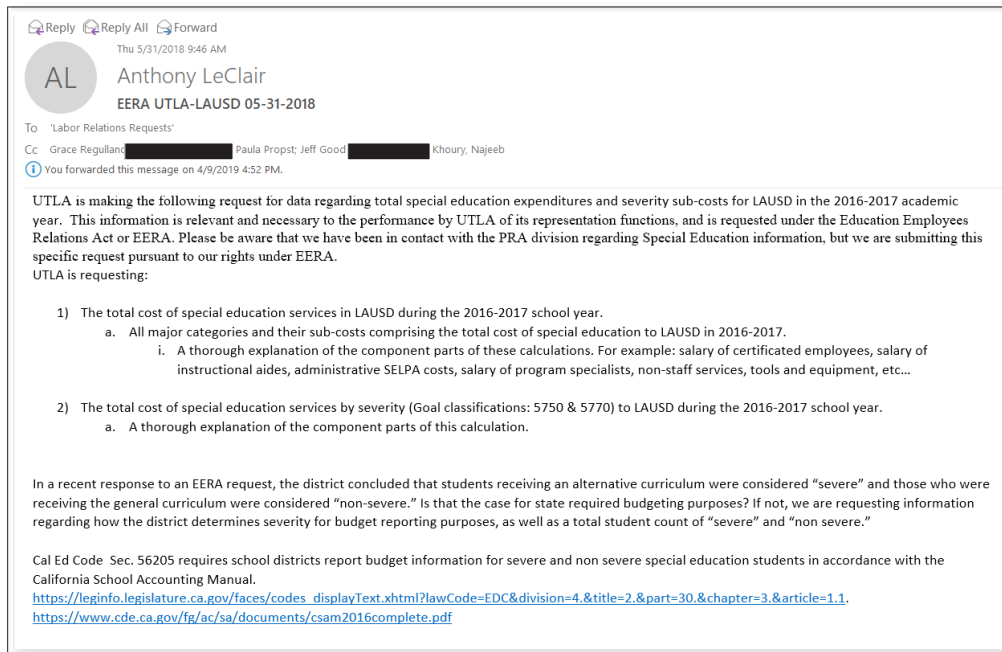
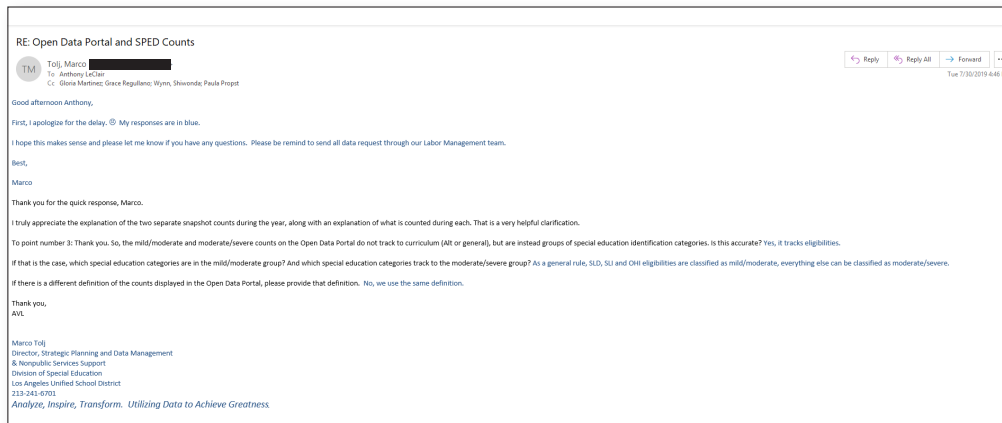


Figure 18: Confirmation of Special Education Mild/Moderate and Moderate to Severe Counts and Eligibility Categories



<sup>120</sup> The following request for information remained unresolved for over 7 months.

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## APPENDIX F

### FINANCIAL MODEL EQUATIONS

Below is a summary of the calculations used in the financial model.

#### STEP 1: PROPORTIONAL DISTRIBUTION PER SACS GOAL

$$\text{AVG SD SELPA \% 5750 (SEVERE)} = [\$/\text{TOTAL 5750}] \div [\$/\text{TOTAL 5XXX SPED}]$$

$$\text{AVG SD SELPA \% 5770 (NONSEVERE)} = [\$/\text{TOTAL 5770}] \div [\$/\text{TOTAL 5XXX SPED}]$$

#### STEP 2: EQUALIZED DISTRICT-SPECIFIC SACS GOAL

$$\$/\text{EQUALIZED PER DISTRICT 5750} = [\text{AVG SD-SELPA 5750 \%}] \times [\$/\text{DISTRICT TOTAL 5XXX}]$$

$$\$/\text{EQUALIZED PER DISTRICT 5770} = [\text{AVG SD-SELPA 5770 \%}] \times [\$/\text{DISTRICT TOTAL 5XXX}]$$

#### STEP 3: EQUALIZED OVERHEAD ALLOCATION

$$\$/\text{OVERHEAD ALLOCATION PER SWD} = \frac{([\$/\text{EQUALIZED 5001}] + [\$/\text{EQUALIZED 5050}] + [\$/\text{EQUALIZED 5060}])}{([\# \text{DISTRICT SWD}] )}$$

#### STEP 4: EQUALIZED TOTAL COST BY SEVERITY

$$\begin{aligned} \$/\text{EQUALIZED TOTAL COST, SEVERE} \\ = [\$/\text{EQUALIZED 5750}] + ([\$/\text{OVERHEAD ALLOCATION}] \times [\# \text{SEVERE SWD}]) \end{aligned}$$

$$\begin{aligned} \$/\text{EQUALIZED TOTAL COST, NONSEVERE} \\ = [\$/\text{EQUALIZED 5770}] + ([\$/\text{OVERHEAD ALLOCATION}] \times [\# \text{NONSEVERE SWD}]) \end{aligned}$$

#### STEP 5: EQUALIZED PER-STUDENT COST BY SEVERITY

$$\begin{aligned} \$/\text{EQUALIZED PER SWD COST, SEVERE} \\ = [\$/\text{EQUALIZED TOTAL COST, SEVERE}] / ([\# \text{AUT} + \text{VI} + \text{DEAF} + \text{OI} + \text{ED} + \text{ID} + \text{HH} + \text{DB} + \text{MD} + \text{TBI}]) \end{aligned}$$

**Note:** This excludes established medical disability (EMD), a classification used for 3-, 4-, and 5-year-olds only, to more closely match the numerator to the denominator.

$$\begin{aligned} \$/\text{EQUALIZED PER SWD COST, NONSEVERE} \\ = ([\$/\text{EQUALIZED TOTAL COST, NONSEVERE}]) / ([\# \text{SLD} + \text{SH} + \text{OHI}]) \end{aligned}$$

**Note:** The numerator excludes infant and preschool expenditures, but the denominator may include some students less than five years old because students under the age of five may be identified as being entitled to special education services in categories other than EMD. This is a conservative choice, resulting in an understated equalized per SWD cost.

**STEP 6a-1: NUMBER UNDER-ENROLLED SEVERELY DISABLED SWD – OVERALL SWD ENROLLMENT DISPARITY PREVAILS**

$$\text{'IF EQUAL' SWD \%} = ([\#SWD_{FICS}] + [\#SWD_{DISTRICT}]) \div ([\#ENR_{FICS}] + [\#ENR_{DISTRICT}])$$

$$\text{'IF EQUAL' SWD SEVERE \%} = ([\#SEVERE_{FICS}] + [\#SEVERE_{DISTRICT}]) \div ([\#SWD_{FICS}] + [\#SWD_{DISTRICT}])$$

$$\# \text{'IF EQUAL' SWD SEVERE} = [\text{'IF EQUAL' SWD SEVERE \%}] \times [\#SWD_{FICS}]$$

**STEP 6a-2: GROSS FISCAL IMPACT ATTRIBUTABLE TO SEVERELY DISABLED SWD UNDER-ENROLLMENT – OVERALL SWD ENROLLMENT DISPARITY PREVAILS**

**# SEVERE SWD UNDERENROLLED (OVERALL SWD DISPARITY STAYS)**

$$=[\text{'IF EQUAL' SWD SEVERE}] - [\#SEVERE_{FICS}]$$

**\$GROSS FISCAL IMPACT<sup>SEVERE SWD</sup>**

$$=(\#SEVERE_{FICS} - \text{'IF EQUAL' SWD SEVERE}) \times \$ \text{EQUALIZED PER SWD COST, SEVERE}$$

**STEP 6b-1: NUMBER UNDER-ENROLLED SEVERELY DISABLED SWD – AND OVERALL SWD DISPARITY EQUALIZED**

**'IF EQUAL' SWD SEVERE %**

$$= (\#SEVERE_{FICS} + \#SEVERE_{DISTRICT}) \div (\#ENR_{FICS} + \#ENR_{DISTRICT})$$

**# 'IF EQUAL' SWD SEVERE**

$$=[\text{'IF EQUAL' SWD SEVERE \%}] \times [\#ENR_{FICS}]$$

**STEP 6b-2: GROSS FISCAL IMPACT ATTRIBUTABLE TO SEVERELY DISABLED SWD UNDER-ENROLLMENT – AND OVERALL SWD DISPARITY EQUALIZED**

**\$GROSS FISCAL IMPACT<sup>SEVERE SWD</sup>**

$$= ([\#SEVERE_{FICS}] - [\text{'IF EQUAL' SWD SEVERE}])$$

$$\times [\$ \text{EQUALIZED PER SWD, COST SEVERE}]$$

**STEP 7a: NUMBER UNDER-ENROLLED SWD, NON-SEVERE – AND OVERALL SWD DISPARITY EQUALIZED**

**Note:** Because non-severely disabled students make up a disproportionate share of privately operated charter schools' SWD population, it does not make sense to model without the overall disparity addressed.

**'IF EQUAL' SWD NONSEVERE %**

$$= ([\#NONSEVERE_{FICS}] + [\#NONSEVERE_{DISTRICT}]) \div ([\#ENR_{FICS}] + [\#ENR_{DISTRICT}])$$

**# 'IF EQUAL' SWD NONSEVERE**

$$=[\text{'IF EQUAL' NONSEVERE \%}] \times [\#ENR_{FICS}]$$

---

**STEP 7b: GROSS FISCAL IMPACT ATTRIBUTABLE TO NON-SEVERELY DISABLED SWD UNDER-ENROLLMENT**

$$\begin{aligned} & \text{\$GROSS FISCAL IMPACT}_{\text{NONSEVERE SWD}} \\ &= ([\$EQUALIZED PER SWD COST, NONSEVERE] \times [\#NONSEVERE_{\text{FICS}}]) \\ & - ([\$EQUALIZED PER SWD COST, NONSEVERE] \times [\# 'IF EQUAL' SWD NONSEVERE]) \end{aligned}$$

**STEP 8a: TOTAL GROSS FISCAL IMPACT, OPTION 1: REGARDLESS OF SEVERITY**

$$\begin{aligned} \text{AVG\$ REGARDLESS SEVERITY} &= \frac{([\$TOTAL 5XXX SPED])}{([\#TOTAL SWD])} \\ \text{\# 'IF EQUAL' SWD} &= [ 'IF EQUAL' SWD \% ] \times [\#ENR_{\text{FICS}}] \\ \text{\$ GROSS FISCAL IMPACT} &= ([\text{'IF EQUAL' SWD \#}] - [\#SWD_{\text{FICS}}]) \times [\text{AVG \$ REGARDLESS SEVERITY}] \end{aligned}$$

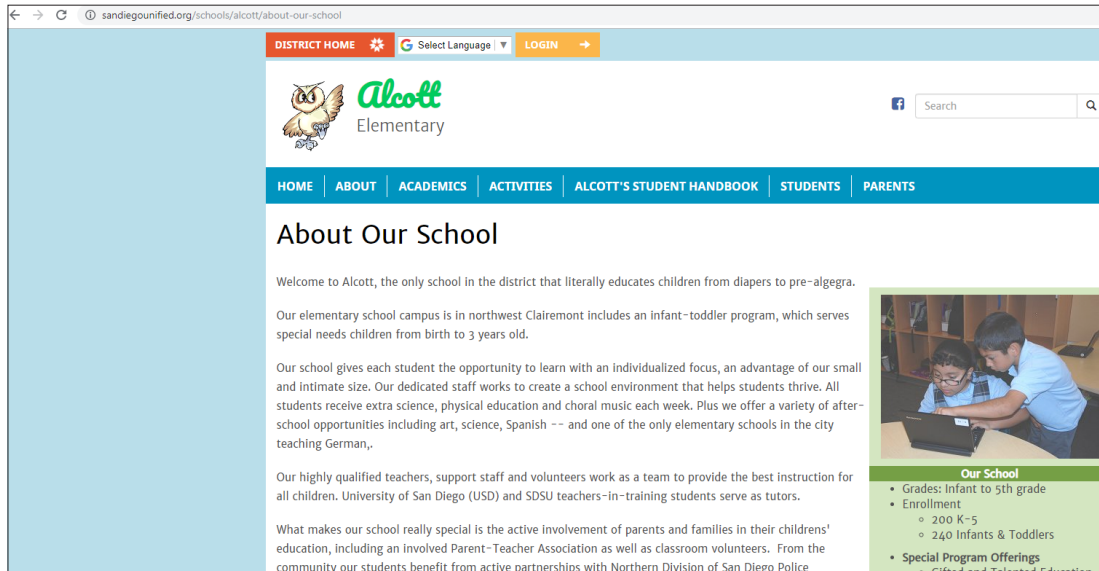
**STEP 8b: TOTAL GROSS FISCAL IMPACT, OPTION 2: SEVERITY AS A FACTOR**

$$\text{\$ GROSS FISCAL IMPACT}_{\text{SEVERE SWD}} + \text{\$ GROSS FISCAL IMPACT}_{\text{NONSEVERE SWD}}$$

## APPENDIX G

### IMAGES

Figure 18: Alcott Elementary in SDUSD "About Our School" Page Highlighting Enrollment of Students Under 5 Who Are Not Included in CALPADS Enrollment.



LAUSD Open Data Portal: Special Education Severity Count. The research team was told by LAUSD through multiple means of communication that an aggregate count by "severity" was unavailable.

Figure 19: LAUSD Open Data Portal Students with Disabilities Severity Type

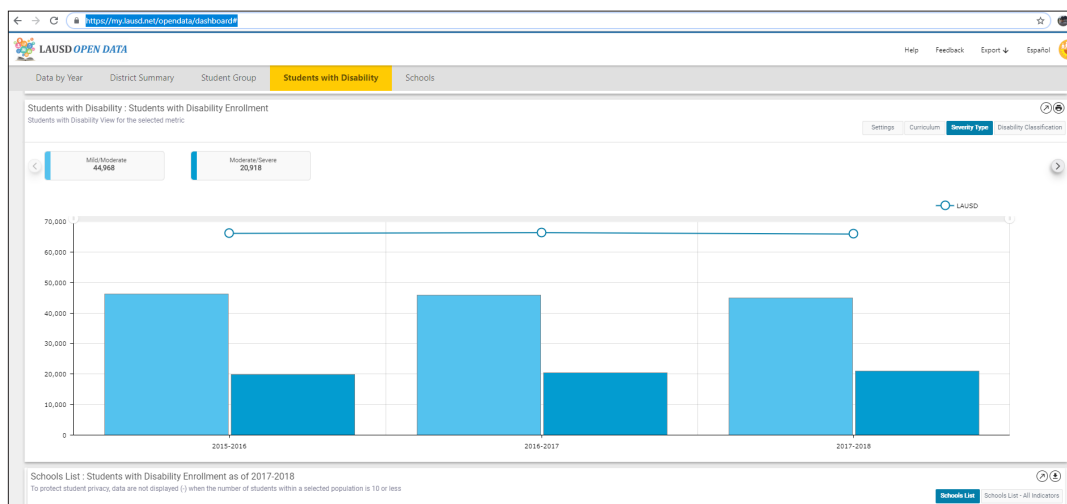


Figure 20: Special Education Fiscal Facts and Challenges LAUSD 2016<sup>121</sup>

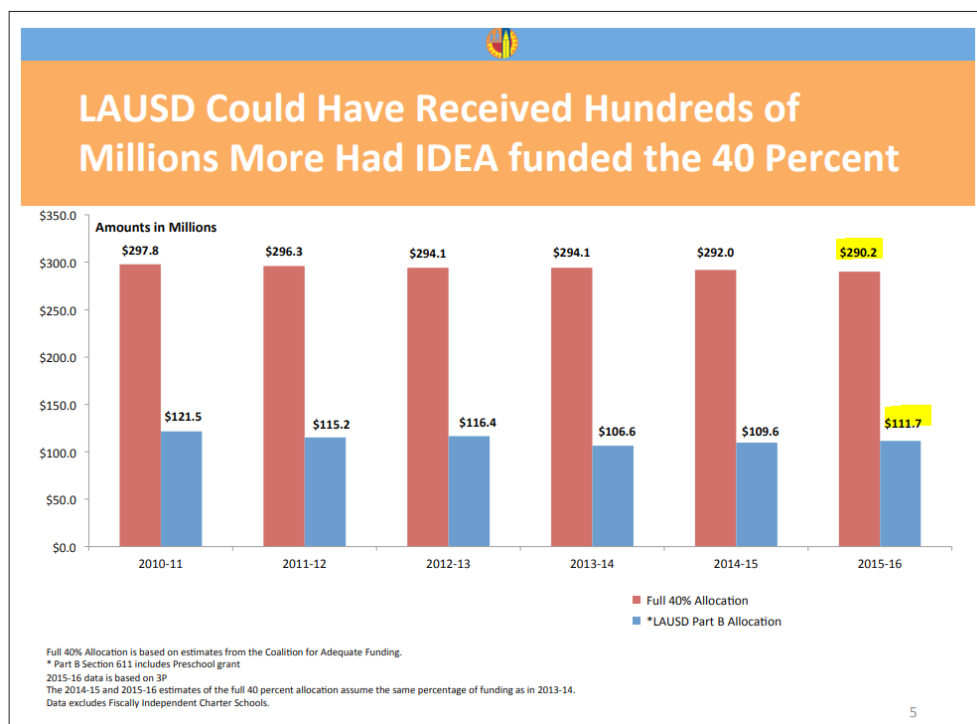


Figure 21: CDE Data Request Page Including Research Concept Paper

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Home / Data & Statistics / Data Requests

## Data Requests

Individuals may request data that are not publicly available on the CDE Web site (e.g. DataQuest).

The California Department of Education (CDE) collects student-level data through the California Longitudinal Pupil Achievement Data System (CALPADS) for state and federal reporting purposes. These data, in addition to assessment data, are available at the aggregate level to the public through the CDE's data reporting portal, [DataQuest](#), and the [CDE Downloadable Data Files Web page](#).

For data that are not available through these public resources, the CDE maintains a Data Request process that facilitates the release of assessment data and CALPADS information (located under the [Resources](#) tab) while ensuring compliance with state and federal data privacy and security laws (see the [Laws and Regulations](#) tab for further information). For data that do not fit the above criteria, please consult the [Data Resource Guide](#). **Requestors must complete the Preliminary Data Request Form and submit it electronically with a Research/Evaluation Concept Paper.** Guidelines for the required [Research/Evaluation Concept Paper](#) are located under the [Resources](#) tab. Also located under the [Resources](#) tab is the [2018-2020 CDE Research Priorities](#).

Members of the press or other media outlets requesting data from the CDE must contact the CDE Communications Office for assistance by e-mail at [communications@cde.ca.gov](mailto:communications@cde.ca.gov) or by phone at 916-319-0818.

Please note that the CDE is a public state agency and as such all data requests (i.e., personally identifiable information [PII] and non-PII), once fulfilled or denied, will be publically posted on this Data Request Web page under the [Archived Data Requests](#) tab.

[Laws and Regulations](#) | [PII and Non-PII](#) | [Costs and Billing](#) | [Resources](#) | [Archived Data Requests](#)

### Laws and Regulations

All data requestors seeking to use CDE data must be familiar with, and comply with, state and federal laws pertaining to data security and confidentiality. Data requests must be managed in accordance with all applicable federal and state privacy laws including, but not limited to: the Family Educational Rights and Privacy Act (FERPA) of 1984 (20 U.S.C. Sec. 1232g; 34 CFR Part 99); The National School Lunch Act (42 U.S.C. 1758; 7 CFR Section 245.6), the California Information Practices Act (California Civil Code Section 1798); and California *Education Code* (EC).

#### Family Education Rights and Privacy Act (FERPA)

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Trending in Data Requests

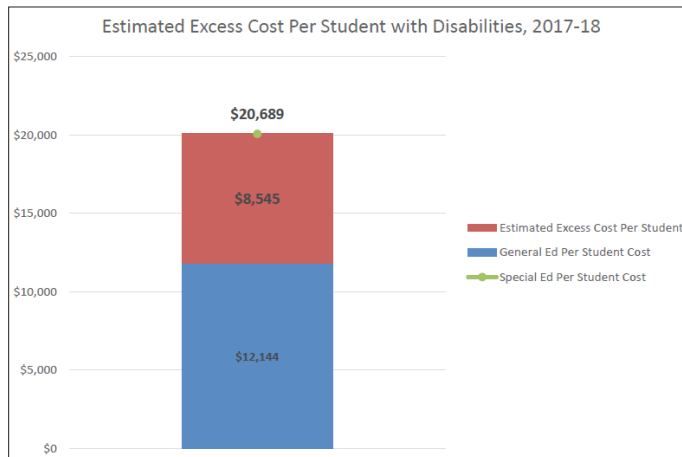
Data Requests (this page)

Recently Posted in Data Requests

No items posted in the last 60 days.

<sup>121</sup> <https://boe.lausd.net/sites/default/files/10-11-16SPEDFiscalFactsChallenges.pdf> Retrieved April 8, 2019

Figure 22: Estimated Excess Cost Per Student with Disabilities (Single Page Received)



Authors: Anthony LeClair, Data Specialist, UTLA; Elaine Grace Regullano, CPA (inactive), Strategic Research and Analytics Director, UTLA; & Ann Swinburn, Strategic Research Analyst, CTA

Thanks to Terry Lutz for the report design.