

# Massachusetts Charter Public Schools: Students with Special Educational Needs

Demographic and Achievement Trends

Written by Ken Ardon and Cara Stillings Candal



## Pioneer's Mission

Pioneer Institute is an independent, non-partisan, privately funded research organization that seeks to improve the quality of life in Massachusetts through civic discourse and intellectually rigorous, data-driven public policy solutions based on free market principles, individual liberty and responsibility, and the ideal of effective, limited and accountable government.



**This paper is a publication of Pioneer Education**, which seeks to increase the education options available to parents and students, drive system-wide reform, and ensure accountability in public education. The Center's work builds on Pioneer's legacy as a recognized leader in the charter public school movement, and as a champion of greater academic rigor in Massachusetts' elementary and secondary schools. Current initiatives promote choice and competition, school-based management, and enhanced academic performance in public schools.



**Pioneer Health** seeks to refocus the Massachusetts conversation about health care costs away from government-imposed interventions, toward market-based reforms. Current initiatives include driving public discourse on Medicaid; presenting a strong consumer perspective as the state considers a dramatic overhaul of the health care payment process; and supporting thoughtful tort reforms.



**Pioneer Public** seeks limited, accountable government by promoting competitive delivery of public services, elimination of unnecessary regulation, and a focus on core government functions. Current initiatives promote reform of how the state builds, manages, repairs and finances its transportation assets as well as public employee benefit reform.



**Pioneer Opportunity** seeks to keep Massachusetts competitive by promoting a healthy business climate, transparent regulation, small business creation in urban areas and sound environmental and development policy. Current initiatives promote market reforms to increase the supply of affordable housing, reduce the cost of doing business, and revitalize urban areas.

## Table of Contents

Executive Summary	4
Introduction	4
Special Education Enrollment and Attrition in Charter Schools	5
SPED Achievement in Charter and District Schools	9
Conclusions and Recommendations	14
Endnotes	16



## Executive Summary

Massachusetts's charter public schools have been an important but controversial component of education reform in the Commonwealth. Detractors have long claimed that charter public schools that achieve strong academic results are able to do so in part because they do not enroll students with special needs at the same rate as district schools. While this claim used to be accurate, in response to recent public policy changes, charter schools have begun to reach demographic parity with their district counterparts.

As the number of students with special educational needs enrolled in charter public schools has increased, many charter schools, especially those in Boston, have continued to help all students, including those with special needs, achieve excellent academic outcomes. A growing and increasingly rigorous body of research is helping to refute claims that charters are successful due to an inherent "selection bias," or a tendency to enroll more motivated or more academically capable students.

And while many Massachusetts charter schools are enrolling a more diverse student body, they do so while facing financial challenges that district schools are less likely to face. Because the Commonwealth does not provide adequate financial assistance for charter school facilities and because many charter schools are small and find it difficult to achieve economies of scale, it is ultimately more difficult for them to serve special populations of students.

The following paper describes how charter schools, especially in Boston, enroll and serve students with disabilities, who are referred to throughout as students with special educational needs (SPED students). It also describes some of the challenges to which charters must rise in doing so. It concludes with a series of recommendations for change, including recommendations that the Commonwealth support charter schools with more equitable facilities funding and that the Commonwealth continue to ensure that all schools are accountable for accurately identifying and supporting students with special educational needs.

## Introduction

Massachusetts's schools have earned a reputation for excellence over the past 20 years, due in large part to state-initiated reforms that hold all schools accountable for outcomes. The Commonwealth's attempts to ensure excellence in public education have extended to all students, including some of the most vulnerable, such as those with special educational needs.

In 2012, Thomas Hehir and Associates reported that both "Massachusetts general education students and students with disabilities score near or at the top of the National Assessment

of Educational Progress (NAEP) distribution compared to students in other states."<sup>1</sup> The report also noted that the Commonwealth identifies students for special education services at a rate higher than almost any other state, and that higher rates of special education identification have neither a positive nor negative impact on district MCAS scores.<sup>2</sup> These findings are encouraging, because they suggest that schools are providing students with the services they need to be successful.

But the narrative about schools and students with special needs isn't always so positive. Students with special educational needs (a term that sometimes includes both students with disabilities and English language learners) have been an ongoing focus in the long and often heated debate about charter public schools in Massachusetts. Critics have long charged (and continue to do so) that charter schools enroll far fewer students with special educational needs. At one point in the not-so-distant past, this was true. As recently as six years ago, charter schools in Massachusetts enrolled very few special education students and English language learners (ELL). But state policies have changed and, as a result, so have charter enrollment patterns. Now the conversation about charter schools and students with special educational needs is increasingly focused on the impact of higher special education and ELL enrollments on the charter sector and the extent to which charter schools help students with special needs achieve positive outcomes.

This paper is one in series on charter school demographic and outcomes data in Massachusetts. It explores the rates at which students with disabilities enroll in and graduate from charter schools, as well as the outcomes these students achieve. *Throughout this paper, the term "students with special educational needs," or SPED, refers to students classified as "students with disabilities" by the Department of Elementary and Secondary Education (DESE).* Another paper in this series explicitly addresses data related to ELL students.

In addition to publicly available data DESE data, this paper includes evidence from charter school studies performed by external researchers. Some, though not all, of the data presented in this paper compare SPED students who applied to a charter school lottery and enrolled in a charter school to SPED students who applied to a lottery but did not. Studies that use this approach control for charter school selection bias because they compare similarly motivated students.

Finally, to complement a discussion of the changing demographics of the charter school sector, this paper discusses some of the choices that many schools, traditional and charter, have to make to appropriately serve students with special needs. In doing so it highlights specific challenges that charter schools face in supporting this population of students.

## Special Education Enrollment and Attrition in Charter Schools

Under both state and federal law, all schools are required to serve students with special educational needs.<sup>3</sup> Charter schools admit students via a lottery system and they cannot discriminate as to who enters the lottery or whom they “accept.”<sup>4</sup> Given that charter schools are publicly funded and open to all, it is curious that, for many years, Massachusetts charters served much lower percentages of students with special educational needs than their district counterparts. In fact, given that charter schools are mission-driven and many have missions to serve specific student populations, it might seem counter intuitive that charters don’t enroll SPED students at higher rates than their district counterparts.

Historically, demand for charter schools in Massachusetts has been greatest in urban centers and among lower-income black families. This is in part because a large number of the charter schools that the state has authorized have explicit missions to close achievement gaps and serve students, especially in urban centers, who have struggled in the traditional public system. While there are some charters with explicit missions to serve “at-risk” students, including students with special educational needs, until recently, the vast majority of charter schools have not served high rates of students who have been formally identified as SPED.

### Massachusetts Charter School Demographics

	Charters	State
African American	29.2%	8.8%
Asian	4.7%	6.5%
Hispanic	30.3%	18.6%
White	32.4%	62.7%
Economically Disadvantaged	35.5%	27.4%

Source: Massachusetts Department of Education, 2016

### Boston Charter School Demographics

	Boston Charters	Boston Public Schools
African American	53%	32%
Hispanic	35%	42%
White	8%	14%
Economically Disadvantaged	43%	49%

Source: Authors calculations from data published at [http://profiles.doe.mass.edu/state\\_report/](http://profiles.doe.mass.edu/state_report/).

Low SPED enrollment in charter schools has not only been a function of the student population charter schools target through their missions. It has also likely been a function of

community perception. Charter schools tend to be small, and in Massachusetts they are classified as their own school districts (or “local educational agencies” (LEA)). As such, charters “are wholly responsible for providing students with disabilities a full array of services, including a full continuum of alternative placements, analogous to a multi-school district.”<sup>5</sup>

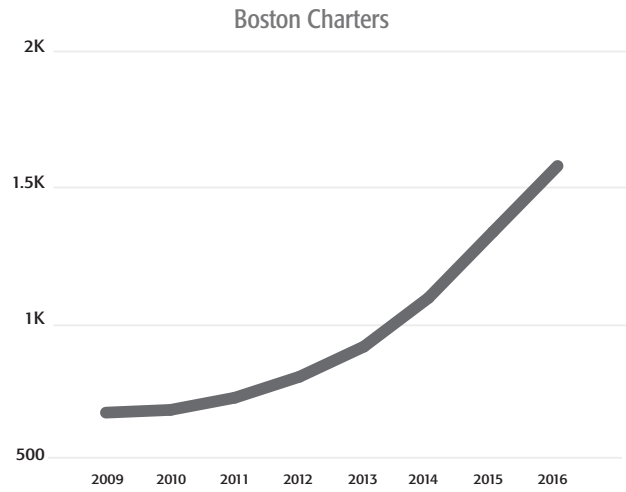
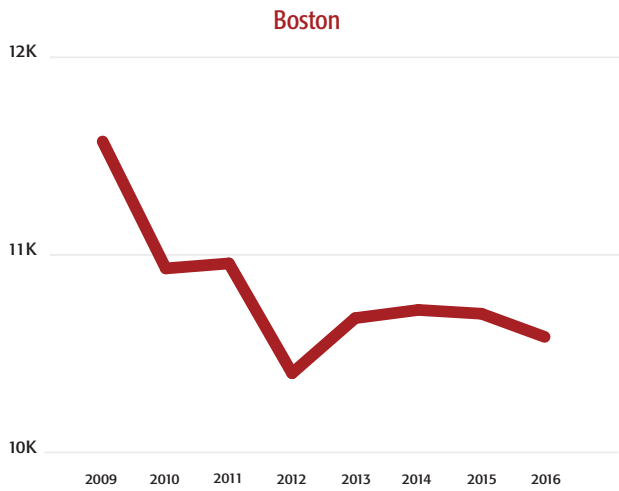
While operating as individual districts provides Massachusetts charter schools with many advantages over their counterparts in other states, it also complicates matters when it comes to serving SPED students. In contrast to large, multi-school districts, which have economies of scale and can therefore provide concentrated resources to larger numbers of special needs students, small charter schools may struggle to provide the same, often expensive, resources to the smaller numbers of SPED students they enroll.<sup>6</sup> Given this, parents of students with special needs may be more likely to choose a large district after considering the specific needs of their children and the resources different school settings can provide.

No matter the reason for lower SPED enrollment in charter schools, in 2010 the Commonwealth formally decided to hold charters accountable for serving a more diverse student body. With the passage of *An Act Relative to the Achievement Gap*, the legislature required that every charter school in Massachusetts, existing or new, develop a detailed plan for how to recruit and retain students with special educational needs, including English language learners. The same law also enabled charters to widen their recruitment nets by requiring districts to share student mailing addresses with their charter school counterparts, something for which there was little precedent.<sup>7</sup>

Before 2010, some charter school leaders had observed that it was difficult for them to recruit a more diverse student body because they were limited to grassroots recruitment efforts through local community organizations and, in many cases, knocking on doors in the neighborhoods they served. Charter middle and high schools, in particular, had little or no information about how district schools “classified” individual students; many parents, they noted, are not eager to disclose whether a student has an Individualized Education Plan (IEP) or specific behavioral needs for fear of the stigma that might be attached.<sup>8</sup>

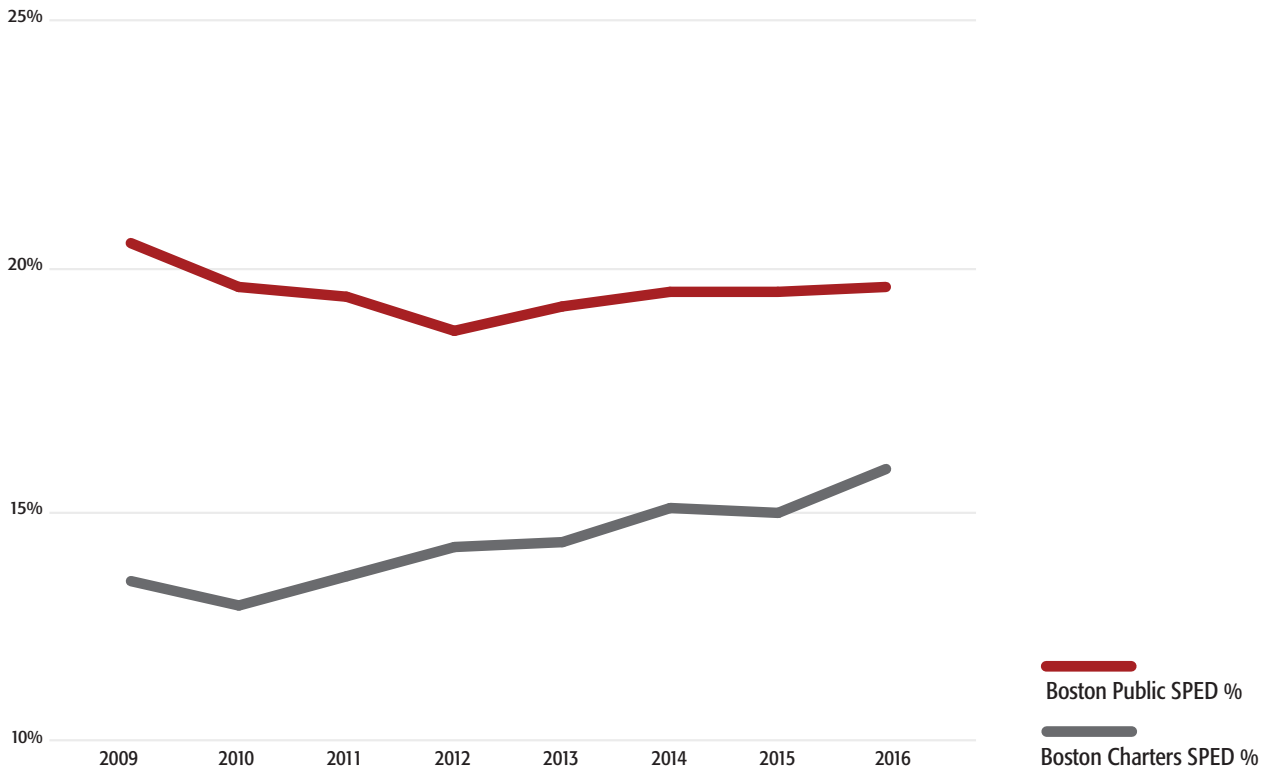
The graphs on the following pages show the increase in charter school special education enrollment since 2010. The second graph focuses exclusively on the Boston public school district and Boston charter schools, as Boston is a large urban center with high numbers of students with special educational needs. These graphs demonstrate (in part) the presumed impact of the 2010 legislation on charter recruitment behaviors.

## SPED Enrollment, 2009-16

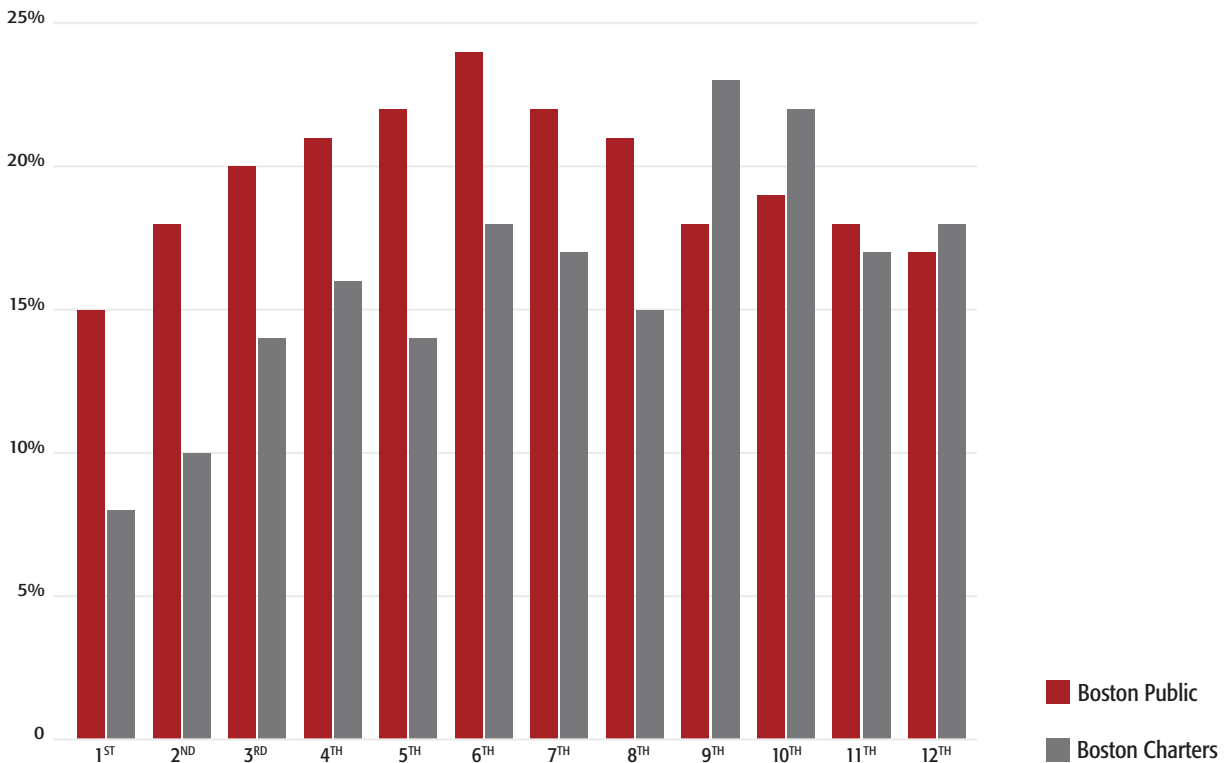


SPED enrollment in Boston charter schools has increased over time. But this has not only been a function of more SPED students enrolling in charters. It has also been a function of an increase in overall enrollment in Boston charter schools. The following graphs provide this context. The first shows that while the percentage of SPED enrollment in Boston Public Schools has decreased very slightly in some years but remained relatively flat overall, the percent of SPED enrollment in Boston charter schools has increased over time. The third graph, which has been taken from the Appendix of Elizabeth Setren's 2015 working paper, shows a post-2010 increase in special education applications and high school enrollment in charter school entry grades.<sup>9</sup>

**% SPED in Boston Public and Boston Charters, 2009-16**

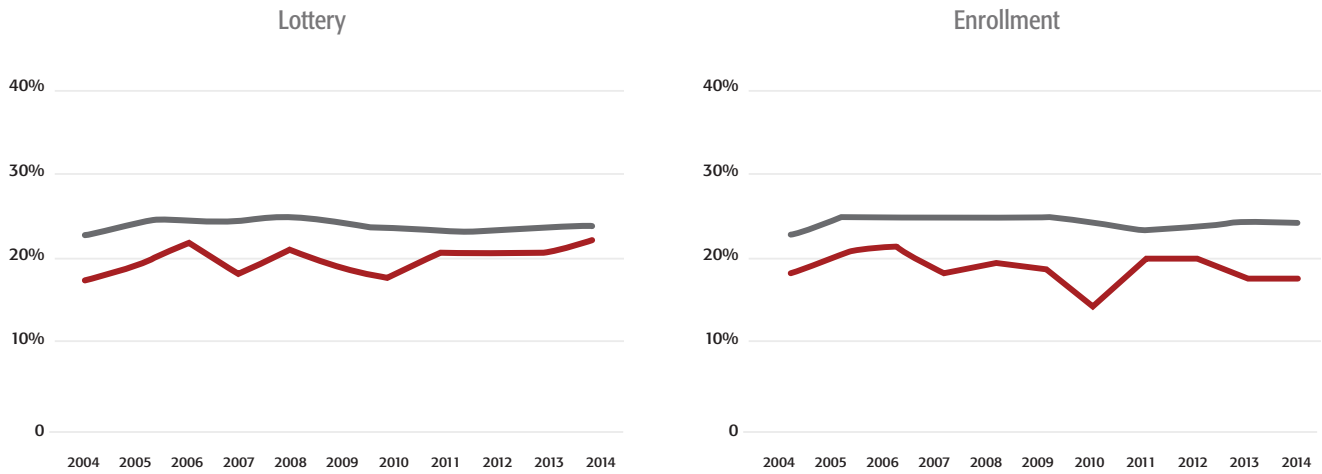


**% SPED by grade, 2015**

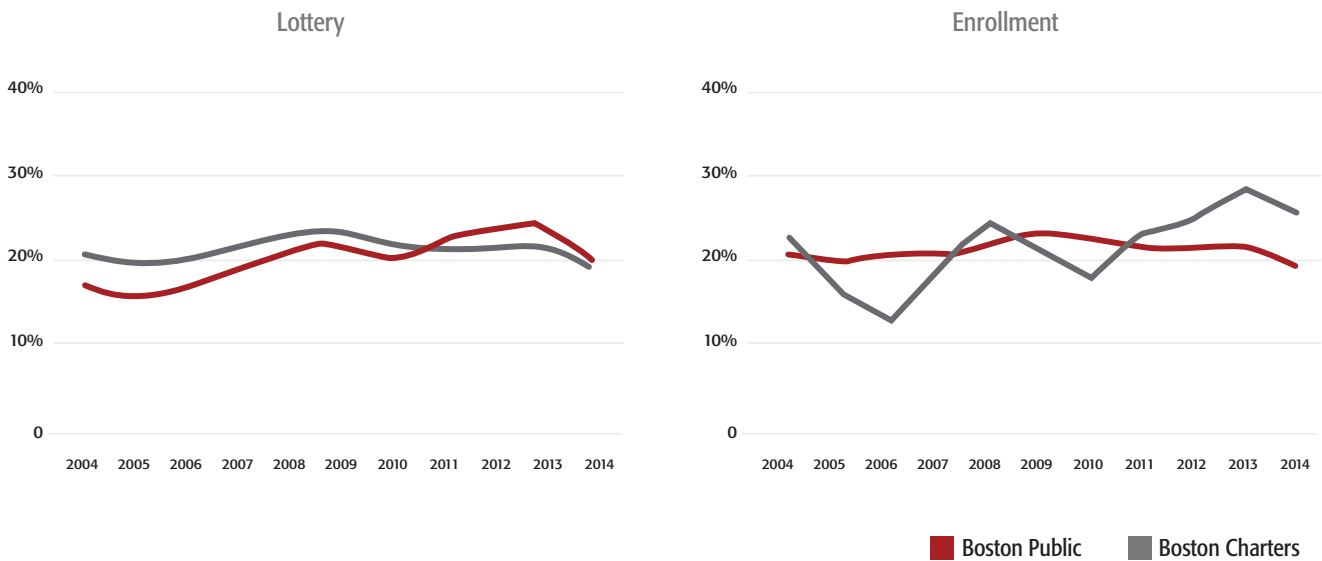


## Special Education Prevalence in Charters and Boston Public Schools

Panel A: Middle School



Panel B: High School



■ Boston Public    ■ Boston Charters

NOTE: The graphs on the left plot the percent of students with special education status at the time of the lottery for Charter applicants and Boston Public School (BPS) students in charter application grades (4, 5, and 8). The graphs on the right plot the percent of students with special education status at the time of the lottery for charter enrollees and BPS students in charter entry grades (5, 6, and 9). Using the special education status at the time of the lottery ignores any post-lottery changes to classification. From: Setren, Elizabeth (2015) "Special Education and English Language Learner Students in Boston Charter Schools: Impact and Classification," Massachusetts Institute of Technology, Appendix, Figure A1 1.



An increase in SPED student enrollment in charters over time, and an even more dramatic increase in SPED enrollment in some charter entry grades after 2010, suggests that thoughtful policies can have an important impact on practice. But enrollment increases only matter if charter schools are keeping students, including those with special needs, enrolled in school and achieving at high levels.

Another frequent charge from charter school critics is that charters “push out” students unlikely to achieve high test scores, or counsel them to return to the district. In 2009, the Massachusetts Teachers Association (MTA) published a paper entitled “*Charter school success? Or selective out-migration of low-achievers?: Effects of enrollment management on student achievement.*” In it, the MTA claims, “high performance on the part of some [Massachusetts charter] schools appears to be the result of significant student attrition.”<sup>10</sup> Testing and understanding the veracity of this claim is important. If it is true, individual schools and even the charter sector should be held to account. Furthermore, the “push out” of students with special educational needs would be particularly egregious, as it would speak to both an unwillingness on behalf of the school to adjust programming appropriately and, perhaps, to an implicit belief that students with special needs aren’t capable of high achievement.

Several recent studies that have attempted to verify the MTA claim and others report findings that are encouraging for the charter sector. DESE’s 2016 “Charter School Enrollment Data Annual Report”<sup>11</sup> gives the following weighted<sup>12</sup> attrition rates for all students in charter and district schools, (with “attrition” referring to “the percentage of students who were enrolled at the end of one school year and did not remain in the same school in the following fall”<sup>13</sup>):

- The weighted attrition rate for Massachusetts charter schools has **declined** and has **approached** the statewide weighted attrition rate.
- The weighted attrition rate of Boston charter schools has **remained lower** than the weighted attrition rate of Boston district schools.
- The weighted attrition rate of charter schools located in Gateway Cities has **remained lower** than the weighted attrition rate of Gateway City district schools and has **declined** over time.

With regard to students with special needs in particular, data provided to the authors by DESE suggest that the attrition of SPED students from Boston charters is roughly the same as the attrition of SPED students from the district: About one in six, or 16 percent, of SPED students leave their school or district.<sup>14</sup> But it is important to note that comparing attrition rates between charters and districts can be complicated. When students move within a city they may be likely to leave

an individual school, such as a charter, because it is no longer close to their home. If a student attending a charter decides to switch to a school across town that is closer to home, the move would be counted as attrition from the charter. Districts, however, are large, and students could switch schools within a school district and it would not be counted as attrition. This suggests that “real” attrition—or students leaving a school of their own volition rather than for reasons of convenience such as moving—from charter schools could be less than these data suggest.

A recent MIT report supports this assertion. Setren uses an “apples-to-apples” approach to mitigate selection bias; she compares students who won charter school lotteries and enrolled in charters to those who applied to lotteries but were not selected. She states that “special needs students are overall similarly or less mobile in charters,” as compared to the Boston Public Schools. She also notes that “it is unlikely that high mobility out of charters drives the main results” that charter school students to achieve. Setren’s findings thus refute two important claims often made by charter critics: that charters achieve strong academic results because they “cherry pick” the most motivated students and “push out” the least motivated.<sup>15</sup>

Setren’s work is also helpful in understanding whether charter schools help students with special needs achieve strong academic outcomes. The section below details what she and other researchers understand about the achievement of students with disabilities and other special needs in both charter and district settings.

## SPED Achievement in Charter and District Schools

In the past decade, several studies have highlighted the strong academic outcomes that Boston charter schools, in particular, help students achieve.<sup>16</sup> The studies are important because they speak to the effectiveness of charter authorizing in Massachusetts and the strength of charter school offerings in a state where traditional public schools are also known for excellence. But until recently charter school detractors have rightly questioned the validity of these studies, given the low numbers of students with special needs charter schools historically enrolled.

As the number of charter school students with special needs has increased since 2010, charters generally have continued to achieve strong academic outcomes for their overall student populations and for students with special needs. In 2013, Stanford’s Center for Research on Education Outcomes (CREDO) reported that while special education students in all Massachusetts schools “perform significantly worse” on standardized examinations than students who do not receive

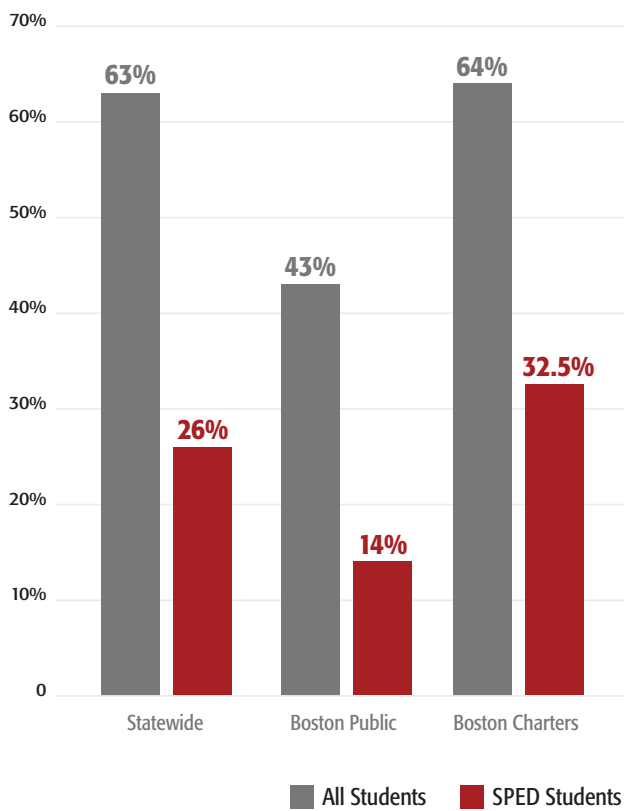
special education services, students with special educational needs in Massachusetts charter schools “see significantly larger growth . . . in reading and math than their counterparts in traditional public schools.”<sup>17</sup>

CREDO qualifies its findings, however, noting: “It is especially difficult to compare the outcomes of special education students. . . regardless of where they enroll.” Not only is special education a broad category, encompassing students with a wide range of disabilities and need; but CREDO, unlike some other studies, does not use charter lotteries to control for selection bias. For this reason, though they are compelling, general findings on the achievement of SPED students in Massachusetts, CREDO says, “deserve the greatest degree

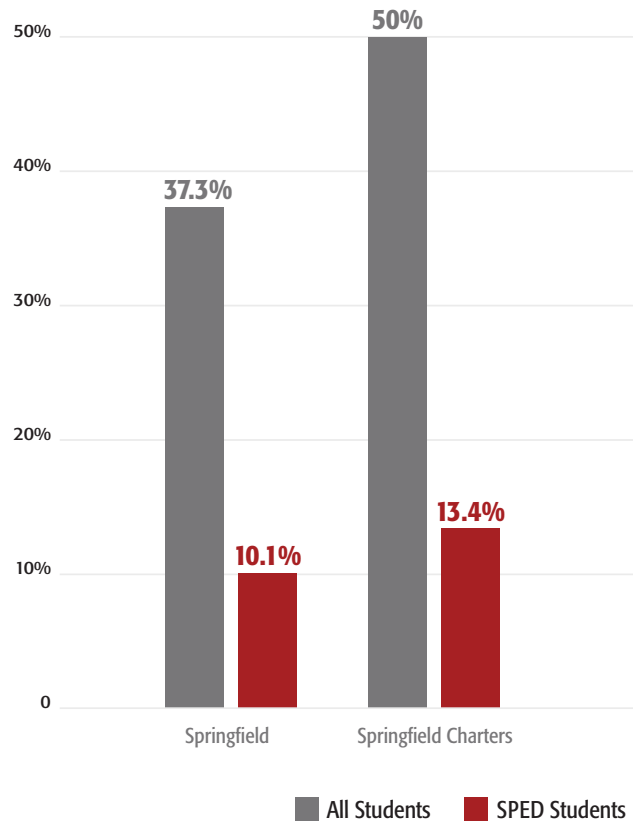
of skepticism” of any included in the study.<sup>18</sup>

Without controlling for selection bias, a general look at the academic performance of special education students in charter and traditional public schools in Springfield and Boston, two cities with greater concentrations of charters than most areas, suggests (like the CREDO study) some charter effect. In Springfield, a slightly higher portion of charter school SPED students score proficient or advanced on MCAS than their counterparts in district schools. In Boston, the number of charter school SPED students that score proficient or advanced is more than double that of their district counterparts.

2014 MCAS - All Grades - % Proficient or Advanced



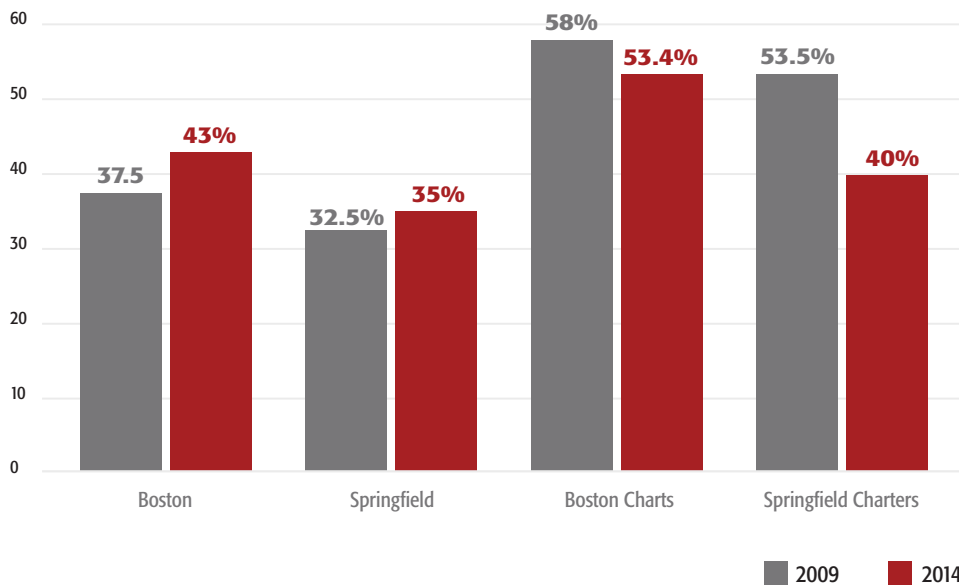
2014 MCAS - % Proficient or Advanced



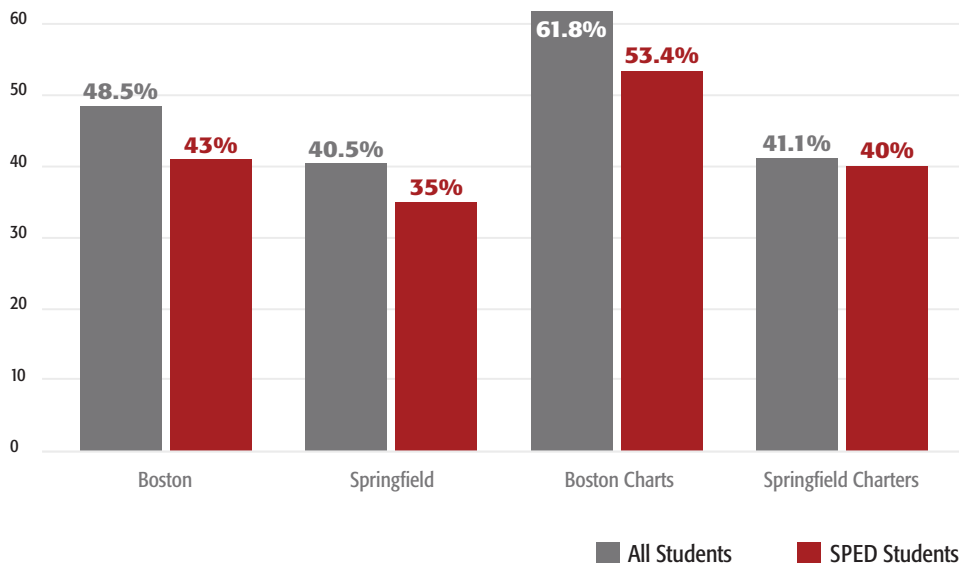
The Student Growth Percentile (SGP) provides a slightly better measure than MCAS scores themselves. SGP compares a student's growth on the MCAS to the growth by students with similar MCAS scores – in other words how a student performed compared to his or her academic peers.<sup>19</sup> Like a straight comparison of MCAS scores, a comparison of SGP does not control for selection bias. Acknowledging that, SGP data suggest that the special education students in charters in these cities (though they could be differently motivated or able than their district peers) show greater academic growth.

In 2014, the SGP for students with special educational needs in Boston and Springfield, respectively, were 43 and 35 percent. In Boston and Springfield charter schools, respectively, the SGP for students with special educational needs were 53 and 40 percent. In Boston (though not Springfield), higher growth percentiles for SPED students mirror the higher growth percentiles of their general education charter peers. In 2014, the SGP for all students in Boston and Springfield, respectively, were 49 and 41 percent. The SGP scores for all Boston and Springfield charter school students, respectively, were 62 and 41 percent.

### SGP Scores 2009 and 2014, SPED Students



### SGP Scores 2014



Setren's study focused on SPED students in Boston does control for selection bias. It suggests that the "positive charter school effect" that can be seen for some SPED students just by looking at MCAS and SGP results is not entirely misleading. Focusing on Boston and using charter school lotteries to control for selection bias, Setren finds that

*Charter school attendance [in Boston] has large positive effects for math and English state exam scores for special needs students. A year of charter attendance increases math test scores by over 0.223 standard deviations for middle and high school special education applicants and by 0.309 standard deviations for elementary school special education applicants. Since the charter effects are similar across special needs status, the special needs achievement gap remains in charters. However, one year of charter attendance for a special needs student narrows the special needs achievement gap.<sup>20</sup>*

Thus, a growing and increasingly rigorous body of research finds that as charter schools in Massachusetts, and especially in Boston, serve more students with special needs, those students are achieving strong academic outcomes, even when studies control for the potential effects of selection bias. A next step for researchers should be an attempt to understand how some charter schools help students achieve these strong outcomes and/or whether charter schools do anything substantially different for students with special needs.

One interesting feature of charter schools that researchers have noticed, however, is that "charter schools remove special needs classifications and move students to more inclusive settings at the time of enrollment at a higher rate than traditional public schools."<sup>21</sup> This quote is taken from research specific to Boston, but the findings mirror a national trend. The National Center for Special Education in Charter Schools finds that charters across the country "place relatively more students with disabilities in more inclusive settings"<sup>22</sup> and "place relatively more students with disabilities in high inclusion settings" than traditional school districts.<sup>23</sup>

While keeping students in inclusive settings is, in general, considered a best educational practice,<sup>24</sup> there is little research to explain why charter schools in Boston and elsewhere are more likely to remove special needs classifications and practice inclusion. One reason could be that when students transfer from a district school to a charter school, they do not disclose their IEP status. It can take time for paperwork for transfer from one school or district to another, and in such cases charter schools may default to including students in mainstream settings and/or not conducting a special needs evaluation

unless a need is demonstrated. If a student is identified as having had an IEP in his or her district but is succeeding at the charter school, charters may opt to go through the appropriate legal channels and work with families to remove the IEP.

Another reason charter schools may be less likely to classify students as SPED and more likely to practice inclusion is that charters tend to be smaller schools than their district counterparts. Higher SPED classification rates mean hiring additional specialized staff, and even finding additional space if students require pullout instruction. Federal law requires that students be placed in the "least restrictive environment" that is suitable for each child;<sup>25</sup> small schools have additional incentives to ensure that this happens.

Whatever the reasons individual charter schools have for differential classification practices, it is the state's role to ensure that SPED students in all public schools, charters included, are treated equitably and, whenever possible, inclusively. The comparatively strong academic outcomes that students with special

educational needs achieve in Massachusetts charter schools can be taken as one indicator that charters are taking steps to serve all students. However the Commonwealth should and will continue to investigate how individual schools classify and include students with special educational needs for the purposes of accountability and (perhaps) highlighting effective practice.

### State Policy, SPED Students, and

#### Charters: Considerations

Holding charter schools accountable for enrolling and supporting all students, including those with special educational needs, has been and will continue to be a primary focus for the DESE. But in doing so, DESE and policymakers should not overlook the different challenges charter schools face, as compared to their district counterparts, as they enroll more students with special needs.

In recent years, several charter schools and charter school networks have seen relatively dramatic increases in the populations of SPED students they serve. In some cases, these increases are much more dramatic than would typically be seen in a district setting. If, for example, a charter network opens in a new city or is suddenly able to better focus recruitment on students with special needs, it could see a sharp increase in its SPED population compared to other schools that it operates or compared to past enrollment trends. In a district setting, on the other hand, schools can expect SPED enrollment to remain relatively constant from year to year, though individual schools may experience variation.

**"A year of charter attendance increases math test scores by over 0.223 standard deviations for middle and high school special education applicants and by 0.309 standard deviations for elementary school special education applicants."**

Charter	% SPED 2009-10	% SPED 2015-16	% Growth in SPED	Growth in SPED Students
Dorchester Collegiate Academy	8%	28%	20%	53
Phoenix Charter Academy, Chelsea	10%	23%	12%	18
City on a Hill Charter, Circuit Street	13%	24%	11%	31
Boston Day and Evening Academy	15%	24%	9%	48
Academy Of the Pacific Rim	15%	23%	8%	49
Excel Academy	10%	17%	7%	113
Mystic Valley Regional Charter	7%	14%	7%	108
Martha's Vineyard Charter	18%	25%	7%	11
Benjamin Banneker Charter	5%	12%	6%	23
Lowell Community Charter	11%	17%	6%	35

Another challenge charter schools face but district schools do not pertain to finance. The Commonwealth has a sensible formula for ensuring that charters receive the same per-pupil funding as their district counterparts. Moreover, students with special needs receive the same state and federal assistance regardless of whether they enroll in a district or charter school. However, Massachusetts does not provide facilities funding for charter public schools. Save for a small “facilities component” provided with tuition reimbursement payments, charter schools are responsible for paying the cost of rent and/or raising funds to buy a building to house students. Charter schools often raise private monies to build and renovate schools.

Districts, on the other hand, have access to the local property tax base and can ask residents to pass initiatives that will provide more funding for facilities. They also receive monies from a “school building assistance” fund that can go to the “construction, reconstruction, or improvement of school buildings”.<sup>26</sup> In a new charter school, which is adding students as it adds grade-levels, this can mean switching facilities to accommodate year-to-year growth and constantly fundraising to meet rent on a building or raise enough capital to buy a more permanent space.

There are a number of reasons why this difference in facilities funding poses an additional challenge for charter schools. First, charters must factor the cost of rent or mortgage into overall budgets, which means they have to carefully consider

the costs, for example, of providing enough classroom space to meet legal class-size requirements to serve SPED students. Massachusetts regulations impose different class-size caps, according to the number of SPED students in mainstream or sub-separate classrooms.<sup>27</sup>

Furthermore, by federal law, schools must be accessible for all students. All public schools, charters included, receive state and federal assistance to support students with special needs and can apply for help to make buildings accessible.<sup>28</sup> However, if growing charter schools transfer facilities from year to year to accommodate a growing student population while at the same time keeping facilities costs to a minimum, the challenge of finding an accessible building or making a building accessible is amplified.

Finally, the additional problem charter schools may face is one of scale. Even some of the biggest Massachusetts charter schools are comparatively small schools. There are many reasons for this: some charter operators believe students fare better in smaller school environments; raising capital for very large facilities can be immensely challenging; and the

charter school cap means charter operators in districts that are close to the cap (the same districts where there is the most demand for charters) are in fierce competition with one another for new charter school seats. Simply put, the state doesn't have the seats available to authorize large schools in most districts.

**“ However, Massachusetts does not provide facilities funding for charter public schools. Save for a small “facilities component” provided with tuition reimbursement payments, charter schools are responsible for paying the cost of rent and/or raising funds to buy a building to house students. Charter schools often raise private monies to build and renovate schools.”**

Smaller scale means the costs of serving special education students are less easily dispersed and absorbed. To meet legal requirements, schools may have to make very expensive programmatic or other accommodations from which only one student will benefit.<sup>29</sup> From a legal/ethical perspective, this is necessary, though fiscally challenging.

If, for example, a large school district with a \$100 million budget identifies the need to better serve students with behavior issues by establishing an alternative program, it will feel the financial pain of that expense but will likely have enough students with similar needs profiles to make the program efficient. If a small school, on the other hand, has to establish a similar program for only a few students (or in some cases, an individual), it will do so on the same per-pupil dollar as the large district, and the comparative large scale of the undertaking will mean that the cost of the new program is less easily absorbed.<sup>30</sup>

Given the increase in the number of students with special needs in Massachusetts charter schools, initiatives are underway to help charters more efficiently navigate some of the challenges that can arise when serving a more diverse student population. According to DESE,

*MCPSA was recently awarded a national leadership activities grant from the U.S. Department of Education. The award provides \$2 million to create the Massachusetts Charter School Collaborative Access Network, the first statewide effort of its kind in the nation, to enhance charter school capacity to serve students with disabilities and English language learners.*<sup>31</sup>

In addition to sharing best practices for students with special educational needs and collaborating on professional development initiatives, among other things, the Network will also create “Cooperative working groups within geographic areas.” These groups will focus “on building regional charter school capacity to support enrolled students with disabilities and English learners.”<sup>32</sup>

Since 2010, Massachusetts charter schools have been more accountable for serving students with diverse needs and, as a group (with some variation among schools), they have risen to the occasion. Like all public schools, charters have a legal and moral obligation to serve all students to the best of their ability.

However, in the all-too-often black and white charter versus traditional public school debate, the additional financial

burdens charter schools face, mainly due to the cost of facilities and the programmatic impact of those costs, is often overlooked. If charters are to continue to serve every student that desires a charter public school education well, the Commonwealth should consider how it might fairly enable charter schools and their district counterparts to do so.

## Conclusions and Recommendations

Since 2010, Massachusetts’s charter schools have dramatically diversified the population of students they recruit, enroll, and retain. This is a testament to the power of sound education policy and charters’ willingness to live up to the promise to serve all students who desire a charter public school education.

Furthermore, charter schools have maintained high standards of academic excellence for all the students they enroll, including those with special educational needs. A growing body of rigorous research points to the success of these schools. Future research should continue to track academic trends in all public schools, including charters, and highlight how schools that achieve strong academic outcomes with diverse groups of students design and deliver their programming.

But the Commonwealth should not only think about how it can leverage successful schools to highlight

and share best practices, it should also consider the additional burdens charter schools face in providing often expensive programming to students with special educational needs. When the cost of establishing, renovating, and updating facilities is included, many charter schools are operating on much smaller budgets than their district counterparts, even though they receive the same per-pupil tuition. Although many charters still manage to help students achieve strong academic outcomes, they do so with comparatively constrained budgets. This and other challenges associated with the difficulties of scaling programming in small schools is something the state should consider. Finally, the state might also consider how to help charter and district schools better collaborate to serve all students, including those with special needs.

### State Policy Matters

Not all aspects of the 2010 charter legislation helped improve our public schools. However, the requirements that districts share student addresses with their charter school counterparts and that charters propose to DESE comprehensive plans for

recruiting and retaining a more diverse student demographic enabled charter schools to do what many had previously found very difficult: make their programming available to students with special education needs. Legislators should consider the policy environment in which charters (indeed, all schools) are most likely to thrive: appropriate autonomy coupled with strict accountability for outcomes, as well as accountability for recruiting and retaining students of all backgrounds.

### Transparency and Careful Data Collection Improve Our Schools

In the past 20 years, the DESE has done a commendable job of collecting and making publicly available data about all Massachusetts schools. These data have been important in holding schools accountable for student outcomes. They have also helped schools better understand how they fare, on many different measures, in comparison to their counterparts elsewhere. The consistent and careful collection and publication of school demographic and outcomes data was a key lever that DESE pulled to help charter schools understand how they might recruit more diverse student bodies. DESE should continue this data collection and publication in its effort to consistently improve all public schools. Moreover, DESE should help to facilitate a more efficient process for charters to receive student IEP classifications and paperwork. The timely receipt of this information can impact a school's ability to effectively understand and meet student needs.

### Accountability Works

Correct policy and ample data make little difference if schools are not held accountable for outcomes. The success of Massachusetts charter schools suggests that holding schools accountable helps performance. When charter schools do not live up to the terms of their charter, they are closed. And academic performance is not the only factor DESE considers when holding schools accountable. Accountability shines a light on where schools can improve. In many cases, charter schools have proven that schools respond. The Commonwealth should

**“ Correct policy and ample data make little difference if schools are not held accountable for outcomes. The success of Massachusetts charter schools suggests that holding schools accountable helps performance. When charter schools do not live up to the terms of their charter, they are closed.**

consider how all public schools could benefit from being held to accountability standards similar to those to which charter public schools are held.

### Charter Schools Need Support for Establishing and Maintaining Facilities

Massachusetts charter schools have an advantage over their counterparts in many other states in that they receive the same per-pupil funding allotment as their district counterparts. The burden of raising funds to establish, renovate, and properly maintain facilities, especially for students with diverse needs, can make it more difficult for charter schools to provide all students with the robust programming that they otherwise might. Charter schools in Massachusetts have responded to the call to recruit, enroll, and retain more diverse student populations, and they have done so while supporting all students to achieve at very high levels. They deserve to operate on a level financial playing field with their district counterparts and the facilities burden charters face may prevent this. With a level playing field, charters may be more able to build upon the strong results many of them achieve for all students, including those with diverse needs.

## Endnotes

1. Hehir, Thomas, Grindal, Todd, & Eidealman, Hadas (2012) "Review of Special Education in the Commonwealth of Massachusetts," Report commissioned by the Massachusetts Department of Elementary and Secondary Education, Mitchell D. Chester, Commissioner, p. 1, <http://www.doe.mass.edu/sped/hehir/2014-09synthesis.pdf>.
2. *ibid*
3. See Massachusetts General Law, c. 69, § 1B; c. 69, §§ 1J and 1K, as amended by St. 2010, c. 12, § 3; c. 71, § 38G.
4. See Massachusetts General Law, c. 71, section 89.
5. Rhim et. al. (2015) "Getting lost while trying to follow the money: Special education finance in charter schools," National Alliance for Charter Public Schools, [https://www.charterschoolcenter.org/sites/default/files/files/field\\_publication\\_attachment/sped\\_finance\\_web.pdf](https://www.charterschoolcenter.org/sites/default/files/files/field_publication_attachment/sped_finance_web.pdf)
6. Setren, Elizabeth (2015) "Special Education and English Language Learner Students in Boston Charter Schools: Impact and Classification," Massachusetts Institute of Technology, p. 12
7. Massachusetts Session Law, Chapter 12, Section 7.
8. Interview with Paul Hays, Chief Academic Officer, City on a Hill Charter School Network, published in: Candal, Cara (2013) "Preserving charter school autonomy," Pioneer Institute White Paper, no. 99, p. 6.
9. Setren, Elizabeth (2015) "Special Education and English Language Learner Students in Boston Charter Schools: Impact and Classification," Massachusetts Institute of Technology, Appendix 1.
10. See: "Charter school success? Or selective out-migration of low-achievers?: Effects of enrollment management on student achievement," (2009), Center for Education Policy and Practice, Massachusetts Teachers Association, p. 2
11. Massachusetts Department of Elementary and Secondary Education (2016), "Charter school enrollment data annual report," p. 12, <http://www.doe.mass.edu/research/reports/2016/02CharterReport.pdf>.
12. According to DESE, "Charter school enrollment data annual report," (p. 13) weighted attrition weights were calculated in the following way: "School-level attrition rates were averaged, weighted by the number of students enrolled at the school. District-level attrition rates do not provide the appropriate comparison because they do not capture mobility between schools within the same district, which occurs frequently in urban districts."
13. Massachusetts Department of Elementary and Secondary Education (2016), "Charter school enrollment data annual report," p. 12.
14. Author estimates based on DESE data.
15. Setren, Elizabeth (2015) Special Education and English Language Learner Students in Boston Charter Schools: Impact and Classification, pp. 16-17.
16. See, for example: "Informing the debate: comparing Boston's charter, pilot, and traditional schools," (January, 2009), American Institutes for Research, Washington, D.C.; "Charter school performance in Massachusetts," (2013), Center for Research on Educational Outcomes (CREDO), Stanford University; Setren, Elizabeth (2015) Special Education and English Language Learner Students in Boston Charter Schools: Impact and Classification, pp. 16-17.
17. Charter school performance in Massachusetts," (2013), Center for Research on Educational Outcomes (CREDO), Stanford University, pp. 26-27.
18. *ibid*
19. See: <http://www.doe.mass.edu/mcas/growth/>
20. Setren (2015), pp. 8-9.
21. Setren (2015), p. 12.
22. Defined as 80 percent or more of the day in a general education classroom
23. Rhim, Lauren Mirando, Gumz, Jesse, & Henderson, Kelly (2015) "Key trends in special education in charter schools: a reanalysis of the Civil Rights data collection, 2011-12," National Center for Special Education in Charter Schools, [http://static1.squarespace.com/static/52feb326e4b069fc72abb0c8/t/567b0a3640667a31534e9152/1450904118101/crdc\\_full.pdf](http://static1.squarespace.com/static/52feb326e4b069fc72abb0c8/t/567b0a3640667a31534e9152/1450904118101/crdc_full.pdf).
24. Hehir, Thomas, Grindal, Todd, & Eidealman, Hadas (2012); It is important to note that degree of inclusiveness can vary according to student disability and need. Hehir and his colleagues stress that students should be provided maximum inclusion based on individual need in order to access maximum academic opportunity/exposure.
25. Morin, Amanda "Least restrictive environment: what you need to know," <https://www.understood.org/en/school-learning/special-services/special-education-basics/least-restrictive-environment-lre-what-you-need-to-know>.
26. Massachusetts Department of Elementary and Secondary Education (2015) "Questions and answers about charter schools," p. 10.
27. <http://www.doe.mass.edu/lawsregs/603cmr28.html?section=all>
28. [http://www.doe.mass.edu/charter/sped/primer\\_sIII.pdf](http://www.doe.mass.edu/charter/sped/primer_sIII.pdf)
29. Rhim et. al. (2015) "Getting lost while trying to follow the money: Special education finance in charter schools."
30. Interview with Paul Hays, Chief Academic Officer, City on a Hill Charter School Network, August 20, 2016.
31. Massachusetts Department of Elementary and Secondary Education (2016), "Charter school enrollment data annual report," p. 6.
32. Massachusetts Charter Public School Association website "Capacity Building Network," <http://www.masscharterschools.org/resources/capacity-building-network>



## Authors

**Cara Stillings Candal** is an education researcher and writer. She is a senior consultant for research and curriculum at the National Academy of Advanced Teacher Education and a senior fellow at Pioneer Institute. She was formerly research assistant professor and lecturer at the Boston University School of Education. Candal holds a B.A. in English literature from Indiana University at Bloomington, an M.A. in social science from the University of Chicago, and a doctorate in education policy from Boston University.

**Ken Ardon** received a Ph.D. in economics from the University of California at Santa Barbara in 1999, where he co-authored a book on school spending and student achievement. He taught economics at Pomona College before moving to Massachusetts, and from 2000 to 2004, Dr. Ardon worked for the Commonwealth of Massachusetts in the Executive Office of Administration and Finance. He is a professor of economics at Salem State University, where he has taught since 2004. Dr. Ardon is a member of Pioneer Institute's Center for School Reform Advisory Board.

