



# Educational Settings of Students with Disabilities in Charter and Traditional Public Schools

OCTOBER 8, 2024

# One of the most important guarantees of the Individuals with Disabilities Education Act (IDEA) is the requirement that each student with a disability be educated in the “least restrictive environment.”

**DRIVEN BY RESEARCH** showing better outcomes for students with disabilities in integrated settings,<sup>1</sup> the law requires that each student with a disability be educated within general educational settings alongside nondisabled peers. More than a place, the “least restrictive environment” requirement ensures that every student’s Individualized Education Program (IEP) team will start with a presumption that they can be appropriately educated in a general education setting, and deviate from that assumption only where the student’s interest requires it.<sup>2</sup>

This third of six briefs analyzing data from the U.S. Civil Rights Data Collection (CRDC), covering the 2020–21 school year, explores the educational settings where students with disabilities spend their time. As was the case in our analysis of the previous CRDC covering the 2018–19 school year, students with disabilities spend more time in general education settings in charter schools than in traditional public schools. Students with disabilities are also underrepresented in gifted and talented education (GTE) programs, an important complement to ensuring students are educated in the least restrictive environment and provided access to general education curricula.

This brief, covering the 2020–21 school year, explores the educational settings where students with disabilities spend their time.



<sup>1</sup> National Council on Disability. (2018). IDEA Series: The Segregation of Students with Disabilities. <https://www.ncd.gov/assets/uploads/docs/ncd-segregation-swd-508.pdf>.

<sup>2</sup> Consortium of Citizens with Disabilities. (2019). Least Restrictive Environment: A Requirement under IDEA. <https://council-for-learning-disabilities.org/wp-content/uploads/2019/08/July-2019-CCD-LRE-Position-Statement-final-1.pdf>.

**The Center for Learner Equity** (CLE) is committed to catalyzing student success and eradicating the complex, pervasive, and systematic barriers that prevent students with disabilities from accessing quality educational opportunities and choices, robust support, and inclusive environments. We accomplish this through research, advocacy, coalition formation, and capacity building with national, state, and local partners.

The Civil Rights Data Collection (CRDC), maintained and released biennially by the U.S. Department of Education's Office for Civil Rights (OCR) since 1968, publishes data on leading indicators related to access and barriers to education opportunities from early childhood through grade 12. With each biennial release, CLE analyzes similarities and differences in student populations and student experiences in public charter schools and traditional public schools for students with disabilities. Understanding these national-level data supports success for students with disabilities without regard to educational setting and placement.

The findings shared in this brief are based on data reported in the 2020–2021 CRDC, collected from 97,575 schools. This report uses a data-cleaning methodology that selected a sample of these schools. For more information about the methodology used in these briefs, including a data file and accompanying instructions, [see our methodology brief here](#).

Students with disabilities receive services under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and both or neither of those laws. Unless otherwise noted, statistics in this brief refer to students eligible to receive services under IDEA.

## Key Takeaways

- ✓ A greater proportion of students with disabilities in charter schools (83.1%) spend more than 80% of the day in a general education setting (what the CRDC calls “regular class”), compared to students with disabilities in traditional public schools (67.5%). This difference has been generally consistent since at least 2012.
- ✓ From 2012 to 2021, the proportion of students educated in separate settings — including separate schools, parental placement in private schools, correctional facilities, hospital/homebound placements, and residential facilities — remained under 3% in both charter and traditional public schools.
- ✓ In traditional public schools, 1.3% of students with disabilities participated in gifted and talented education programs, compared with 6.4% of students overall. In charter schools, 0.6% of students with disabilities participated in gifted programs, compared with 2.4% of the general student population. These rates are similar to previous years.



## Key Questions for Policymakers and Researchers

- 1** Are greater rates of inclusion translating to better academic outcomes for students with disabilities?
  - Is inclusion of students with disabilities in general education settings accompanied by meaningful supports to enable access to grade-level curriculum?
- 2** Is the greater proportion of students with disabilities educated in general education settings in charter schools primarily due to the educational practices in those schools or trends toward charter schools enrolling different profiles of disability need?
- 3** To what degree, if any, are shortages of special education staff and specialized support personnel influencing placement decisions?
- 4** How do state policies and funding influence efforts to educate more students with disabilities for a greater proportion of the school day in the general education classroom?
- 5** Is there any relationship between placement decisions and state special education funding formulas?
- 6** Will practices introduced during the COVID-19 pandemic (e.g., virtual therapies and online instruction) continue to influence placement decisions for students with disabilities?
- 7** What barriers prevent including students with disabilities in gifted and talented programs?
  - Can elements of how these programs are designed be changed to support students with varied learning needs?
  - Are current policies and assessments used for gifted and talented placement sufficiently focused and in students' best interests?
  - What factors in particular enable the development of gifted and talented programs in charter schools?

# 1. Placement in Less Restrictive Environments

The goal of inclusive education is to provide equitable access for students with disabilities to grade-level content by ensuring most of their day is spent in general education contexts, alongside non-disabled peers. While each student has unique needs, inclusion has been found to improve academic achievement and skills acquisition, improve communication skills and social interaction, and increase self-confidence for students with disabilities.<sup>3</sup> Students with disabilities have a legal right, guaranteed by IDEA, to an education in the “least restrictive environment.”

One of the most frequently cited measures of inclusion is the proportion of students with disabilities in a school who spend 80% or more of their time in a general education setting. A greater proportion of students with disabilities in charter schools (83.1%) spend 80% or more of the day in a general education setting, compared to students with disabilities in traditional public schools (67.5%). An additional 9.8% of students with disabilities in charter public schools and 17.4% of students with disabilities in traditional public schools spend between 40% and 79% of their time in general education settings.

Rates of inclusion have fluctuated historically over time, increasing and decreasing over reporting periods for the CRDC. Compared to 2018, a larger proportion of students with disabilities were educated in a less restrictive environment across both charter schools and traditional public schools. However, since 2012, the proportions of students with disabilities in less restrictive environments in both traditional public schools and charter schools have not changed significantly.

Some important data limitations caveat this brief. As with past CRDC data collections, New York and North Carolina reported insufficient data to determine educational settings for charter school students with disabilities. Additionally, for the 2020–21 year, Illinois did not report disability by placement data for either charter or traditional public schools. These three states represent 11.8% of students with disabilities in charter schools.



<sup>3</sup> Wehmeyer, M. L., Shogren, K. A., & Kurth, J. (2021). The state of inclusion with students with intellectual and developmental disabilities in the United States. *Journal of Policy and Practice in Intellectual Disabilities*, 18(1), 36–43. <https://doi.org/10.1111/jppi.12332>

Figure 1. Percentage of Students with Disabilities by Time in General Education Settings and by School Sector (2021)

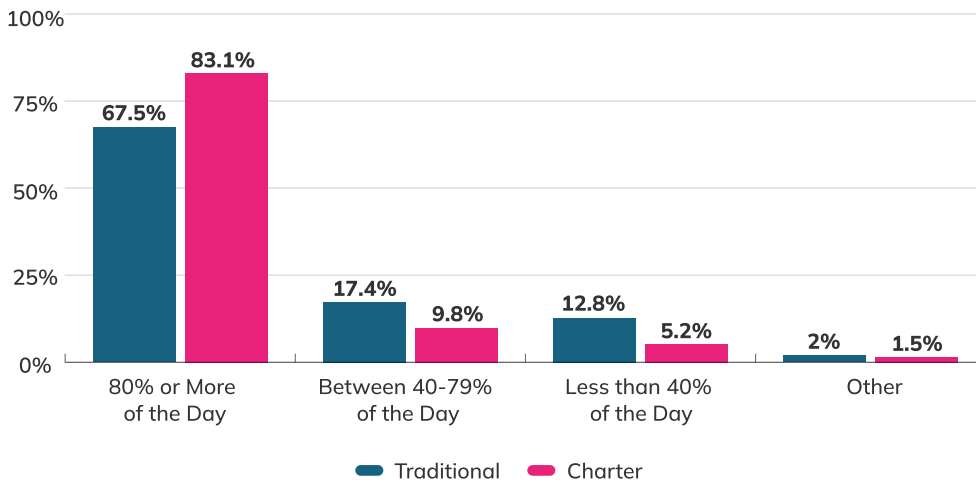
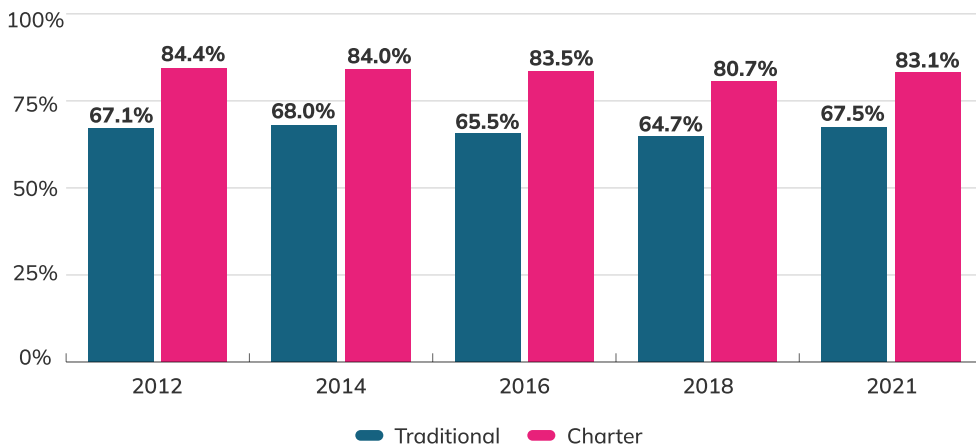


Figure 2. Percentage of Students with Disabilities Spending 80% or More of the Day in General Education Settings by School Sector Over Time (2012–2021)

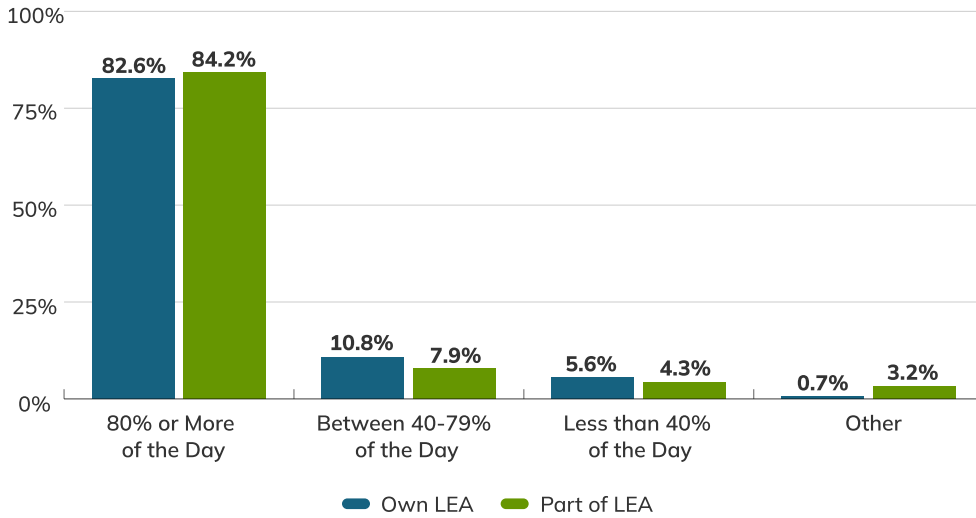


Source: U.S. Department of Education, Office for Civil Rights, 2020–21 Civil Rights Data Collection, released November 2023, available at <https://civilrightsdata.ed.gov>.

## Placement in Less Restrictive Environments by LEA Status

Charter school governance differs across states, with charter schools operating as either their own LEA or as part of another LEA for the purposes of special education service delivery. Because charter schools' LEA status is an important part of how charter schools are governed and operated, whether a charter functions as its own district or is operating as one school within a district may influence IEP team decisions regarding a student's placement.

Figure 3. Percentage of Students with Disabilities by Regular Class Time and by Charter LEA Status (2021)



Source: U.S. Department of Education, Office for Civil Rights, 2020–21 Civil Rights Data Collection, released November 2023, available at <https://civilrightsdata.ed.gov>.

Charters that operated as part of an LEA reported a slightly higher percentage of students with disabilities educated in less restrictive settings (84.2%) than charters that operated as their own LEA (82.6%). At the same time, charters that operated as part of an LEA reported a larger proportion of students with disabilities spending time in “other” class settings (3.2%) than charters that operated as their own LEA (0.7%). This suggests that charters operating as part of an LEA both place more students with disabilities overall in inclusive settings and place more students requiring significant supports in more restrictive settings.

## Students Placed in Separate Settings (“Other” Placements)

Students with disabilities enrolled in a traditional or charter public school may have some or all of their educational needs met outside of their home school, in other facilities at public expense. This brief considers these varied placements together as “other” placements. More students with disabilities in traditional public schools were educated in other settings (2.0%)—including separate schools, parental placement in private schools, correctional facilities, hospital/homebound placements, and residential facilities—than in charter schools (1.5%).

Of students with disabilities educated in other placements, the vast majority are educated in “separate schools.” Separate schools include public and private day schools for students with disabilities and public and private residential facilities if the student does not live at the facility. Students may spend



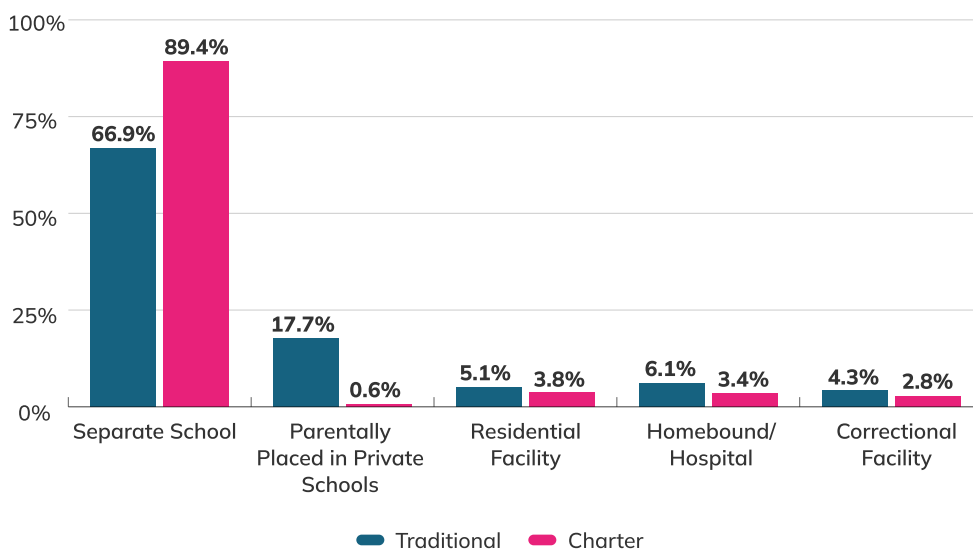
between half and all of the school day being educated at these facilities.<sup>4</sup> These settings are different from “specialized schools” (the focus of brief #6), which refers to schools chosen by families that are primarily or entirely focused on educating students with disabilities.

Among the small proportion of students with disabilities in “other” placements, 89.4% of charter school students and 66.9% of traditional public school students were placed in separate schools.

Students voluntarily placed by their parents in private schools (including home school) may have basic education paid for with private funds and special education and related services paid for with public funds. These students are identified as “parentally placed in private schools.”<sup>5</sup> Among students with disabilities in other placements, 0.6% of charter school students were parentally placed in private schools and 17.7% of traditional public school students were parentally placed in private schools.

Other placements also include residential facilities, hospital/homebound placements, and correctional facilities. Traditional public schools reported higher proportions of students with disabilities in residential facilities (5.1%), homebound/hospital placements (6.1%), and correctional facilities (4.3%) than charter schools (3.8%, 3.4%, and 2.8%, respectively). Notably, when families deem these types of placements appropriate, they may choose to return to a home school district from a charter school in order to seek access, impacting these frequencies.

Figure 4. Percentage of Students with Disabilities in “Other” Placements by Sector (2021)



Source: U.S. Department of Education, Office for Civil Rights, 2020–21 Civil Rights Data Collection, released November 2023, available at <https://civilrightsdata.ed.gov>.

<sup>4</sup> Office of Special Education Programs. (2022). *IDEA Part B child count and educational environments for school year 2021-2022*. US Department of Education. <https://data.ed.gov/dataset/docs/idea-section-618-data-products-state-level-data-files#documentation>.

<sup>5</sup> Ibid.



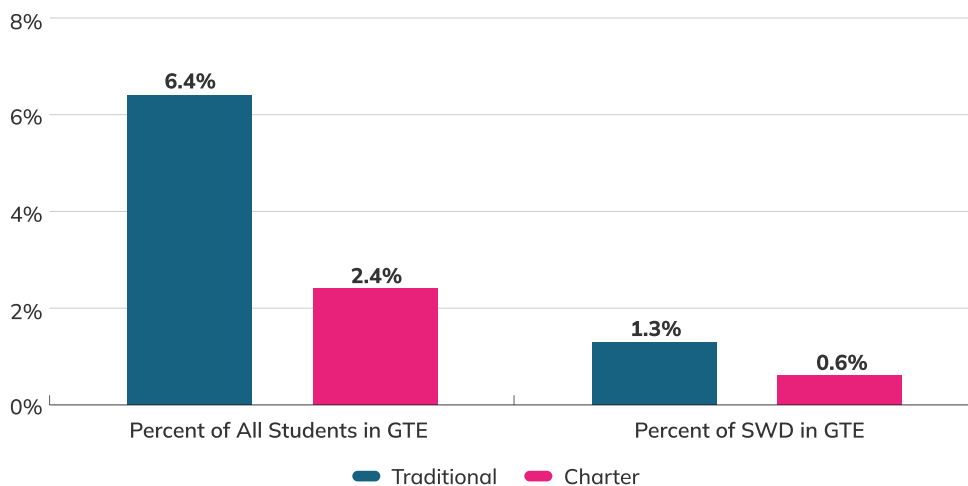
## 2. Students with Disabilities in Gifted and Talented Educational Programs

Gifted and talented education (GTE) programs are intended to provide services for students who demonstrate high achievement in one or more “intellectual, creative, artistic, or leadership” areas and require additional educational support in order to “fully develop those capacities.”<sup>6</sup> While the federal government provides a definition of gifted students, state and local education agencies are primarily responsible for defining the eligibility criteria, funding, scope, and services provided within GTE.

While students participating in GTE programs make up a small proportion of students across school types – about 6% of students in the United States during the most recent CRDC – ensuring that students with disabilities have access to gifted and talented programs is integral to equitable educational practice. GTE programs may ensure that gifted students with disabilities have access to higher education, stay involved in creative or productive work, or otherwise thrive in the classroom.<sup>7</sup>

Unfortunately, students with disabilities remain systematically underrepresented in GTE in both charter schools and traditional public schools. In charter schools, 0.6% of students with disabilities in charter schools were placed in gifted and talented programs, compared with 2.4% of all students in charter schools. In traditional public schools, 1.3% of students with disabilities in traditional public schools participated in gifted and talented programs, compared with 6.4% of students in traditional public schools.

Figure 5. Percentage of Students in Gifted and Talented Education (GTE) by School Sector (2021)



Source: U.S. Department of Education, Office for Civil Rights, 2020–21 Civil Rights Data Collection, released November 2023, available at <https://civilrightsdata.ed.gov>.

<sup>6</sup> Elementary and Secondary Education Act of 1965, as amended (2024), 20 U.S.C. 6301 § 8101.27. <https://www.govinfo.gov/content/pkg/COMPS-748/uslm/COMPS-748.xml>

<sup>7</sup> National Association for Gifted Children. (2024). Why Are Gifted Programs Needed? <https://nagc.org/page/why-are-gifted-programs-needed>





## About the Center for Learner Equity (CLE)

CLE is a nonprofit organization dedicated to ensuring that students with disabilities have equitable access to high-quality public education. CLE provides research, policy analysis, coalition building, and technical assistance to a variety of stakeholders nationwide.

## Mission

We are committed to catalyzing student success and eradicating the complex, pervasive, and systematic barriers that prevent students with disabilities from accessing school choice, educational opportunities, quality support, and inclusive environments.

## Vision

All students with disabilities are respected, learning, and thriving.

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