



Data Analysis of Special Education Enrollment, Service Provision, Virtual Schools, and Specialized Schools in Florida

*Conducted by the National Center for Special Education in Charter Schools for
the Tri-State Alliance to Improve District-Led Charter Authorizing*

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I. Overview¹

The extent and manner in which charter schools welcome and provide quality supports and services to students with disabilities is an ongoing focus of discussion in education reform circles in Florida and the nation more broadly. To provide insight into the current status of special education in Florida charter schools, we revisited data we collected as part of a study of charter school special education finance and examined federal and state datasets related to enrollment, service provision, virtual schools, and specialized schools. The objective of this brief summarizing our findings is to 1) assist stakeholders to understand the current trends in special education enrollment and 2) inform development of recommendations related to improving opportunities and outcomes for students with disabilities.

Florida Charter School Law

The Florida charter school law took effect on July 1, 1996 and there have been multiple statutory amendments since then. During the 2017-18 school year, there were 655 charter schools serving over 295,000 students in the state, reflecting approximately 11 percent of the total public school population. Charter schools in Florida are required to comply with all federal and state laws regarding special education compliance and service provision. In Florida, the laws impacting charter schools include, but are not limited to:

- Special Education Law
 - Fla. Stat. Ann. § 1011.62: Funds for operation of schools
 - Fla. Stat. Ann. § 1011.62-1: Computation of the basic amount to be included for operation (funding formula)
- Charter School Statute
 - Fla. Stat. Ann. § 1002.33: Charter schools
 - 10. Eligible Students. (7)(f) Students with disabilities and students served in English for Speakers of Other Languages programs shall have an equal opportunity of being selected for enrollment in a charter school.
 - 16. Exemption from Statutes. (a) A charter school shall operate in accordance with its charter and shall be exempt from all statutes in chapters 1000-1013. However, a charter school shall be in compliance with the following statutes in chapters 1000-1013:
 - 3. Those statutes pertaining to the provision of services to students with disabilities.
 - 25. Local Educational Agency Status for Certain Charter School Systems—
 - (a) A charter school system’s governing board shall be designated a local educational agency for the purpose of receiving federal funds, the same as though the charter school system were a school district, if the governing

¹ Note, this section is adapted from an analysis NCSECS conducted of state charter laws for the publication: *Getting Lost While Trying to Follow the Money: Special Education Finance in Charter Schools* (2015) and a needs assessment conducted and written by the Florida Special Education Collaborative (FLSpEC): *Strengthening Charter School Authorizing to Improve Access and Services for Students with Disabilities in Florida* (2019).

board of the charter school system has adopted and filed a resolution with its sponsoring district school board and the Department of Education in which the governing board of the charter school system accepts the full responsibility for all local education agency requirements and the charter school system meets all of the following:

1. Has all schools located in the same county;
 2. Has a total enrollment exceeding the total enrollment of at least one school district in the state; and
 3. Has the same governing board.
- (b) A charter school system's governing board may be designated a local educational agency for the purpose of receiving federal funds for all schools within a school district that are established pursuant to s. 1008.33 and are under the jurisdiction of the governing board. The governing board must adopt and file a resolution with its sponsoring district school board and the Department of Education and accept full responsibility for all local educational agency requirements.² (See Funding section below for more detail)
 - Fla. Stat. Ann. § 1002.33-17: Funding
 - (c) If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in charter schools in the school district shall be provided federal funds for the same level of service provided students in the schools operated by the district school board. (See Funding section below for more detail)

Under the federal Individuals with Disabilities Education Act (IDEA), states and local education agencies (i.e., LEAs or districts) are responsible for providing special education and related services to eligible students with disabilities. Florida law provides that the school district authorizer is the LEA, with the schools responsible for providing services and the districts responsible for overseeing the provision of services. The charter school is a member of that LEA, with the schools responsible for providing services and the districts responsible for overseeing the provision of services. The law states that districts must provide services to charter schools, but it does not grant blanket access to any state offered services.

However, the law allows charter schools that meet each of the following requirements to be designated an LEA for the purpose of receiving federal funds: has all schools located in the same county; has total enrollment exceeding the total enrollment of at least one school district in the state; and has the same governing board for all schools. The governing board must adopt and file a resolution with its authorizing district and the state department of education and accept full responsibility for all LEA requirements related to the federal programs (e.g., IDEA). Additionally, a governing board that is operating a system of charter schools within a district that are established pursuant to public school improvement efforts may also be designated as an LEA for the purpose of receiving federal funds. The law states that charter schools that are

² http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1002/Sections/1002.33.html

their own LEA are entitled to any Title I and IDEA funds for which they qualify and they will receive this funding directly from the state department of education.

Florida Charter School Special Education Funding

Florida's special education funding formula used to be based on multiple student weights, and the per-pupil amount varies based on a student's needs, disability, and type of placement. Students with IEPs were reported at support levels I, II, III, IV, or V, depending on the nature and intensity of the services they required. Several years ago, the state did away with that weighted funding model for the majority of students, and lumped together all level I, II, and III students. The funding formula in Florida now uses basic funding for students with disabilities at support levels I, II, and III (i.e., the same amount as nondisabled students), with additional funds to pay for ESE services provided through the ESE guaranteed allocation. The weighted funding formula also provides for an increased per-pupil allocation for students at support levels IV and V who require significant supports, and the LEA may apply for any additional state and federal categorical aid available for these students on behalf of any student within the LEA, including students enrolled in charter schools.

For the vast majority of charter schools that operate as part of an existing LEA, federal, state, and district funds, including those designated for special education, flow through the LEA. Florida law provides that charters are to be funded in the same manner as traditional public schools, and are to receive the same proportion of federal, state, and district funding—including funding designated for special education—as any other public school of the LEA. According to the Florida charter statute, charter schools are to receive from the district all federal funding for which the school is otherwise eligible. There have been concerns on the ground related to charter schools lacking a clear understanding of how much they are eligible for, and a lack of transparency from districts related to how eligibility is determined and how those amounts are calculated. Charter schools that operate as their own LEA, receive these funds directly.

Methodology

This memo presents a brief overview of the legal status of charter schools in Florida and a description of enrollment and service provision trends. To develop the memo, we drew upon a brief financial overview of Florida NCSECS conducted in 2014³ and two data sets: the 2015-16 Civil Rights Data Collection⁴ and internal data from a 2018-19 survey of charter schools conducted by the Florida Association of Charter School Authorizers (FACSA). Notably, the two quantitative datasets are not directly comparable because they are based on different years and slightly different sample groups (i.e., not all of the schools in the FACSA

³ http://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2015/11/sped_finance_web.pdf

⁴ The CRDC is a large data set compiled by the USED's Office of Civil Rights (OCR). The CRDC survey is administered every other school year and collects data from the universe of public schools in the U.S. rather than a sample of schools. Released to the public in the spring of 2018, the 2015-2016 CRDC provides the most recent and comprehensive data set regarding the U.S. public education system. For the 2015-2016 collection, the response rate was 99.8% for school districts (United States, Department of Education, Office of Civil Rights, Civil Rights Data Collection 2015-2016 Data Notes). It includes 85,863 public schools from across the nation of which 5,548 were charter schools, including 506 in Florida.

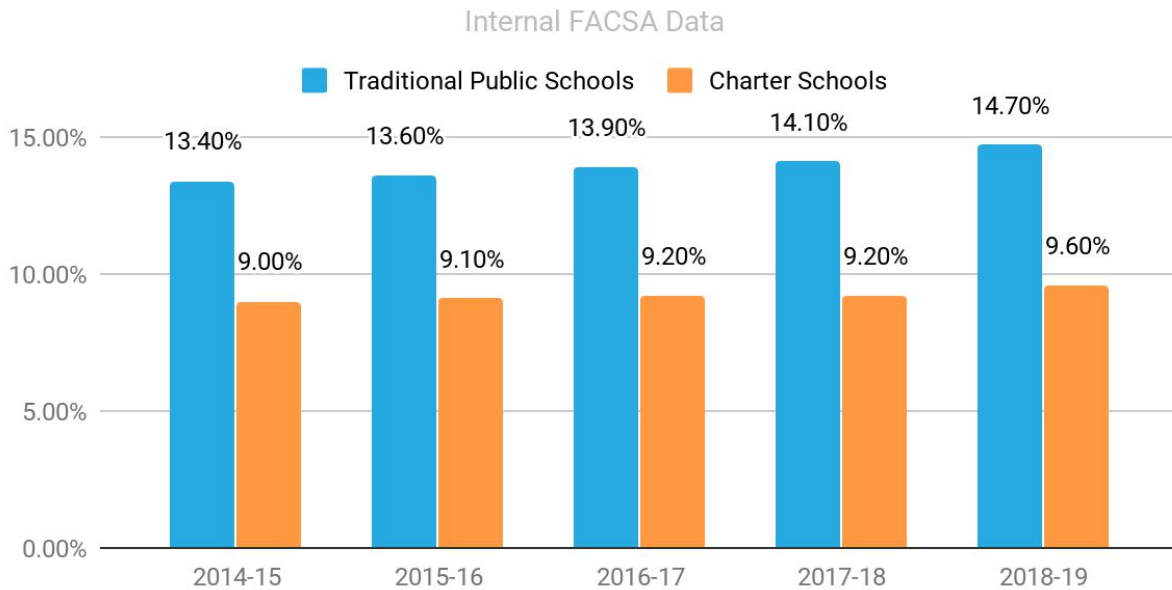
dataset are included in the CRDC).⁵ Additionally, both datasets contain data self-reported by participating schools. However, in combination, they provide an emerging picture of how charter schools are enrolling and serving students with disabilities in Florida.

II. Special Education Enrollment in Florida

As of 2018-19, schools in Florida enrolled 2,846,857 students in 4,004 public schools.⁶ Of these, 656 (16.3%) were charter schools that educated 311,974 students.⁷ The overall enrollment of students with disabilities in all public schools for 2018-19 was 14.1%.⁸

- Traditional schools enrolled 14.7% students with disabilities, and charter schools enrolled 9.6% students with disabilities (Figure 1).⁹
- Further, even though the total enrollment of students with disabilities is increasing over the years for both traditional public and charter schools, the gap remains about 5% (Figure 1).

Figure 1: Enrollment of Students with Disabilities in Florida, by Type of School and Year



⁵ CRDC is self-reported from schools to the federal government with not all schools participating and data missing due to inaccurate reporting.

⁶ Florida Department of Education, <http://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/students.stml> Retrieved 8/18/2019

⁷ Internal FACSA Data, 2019

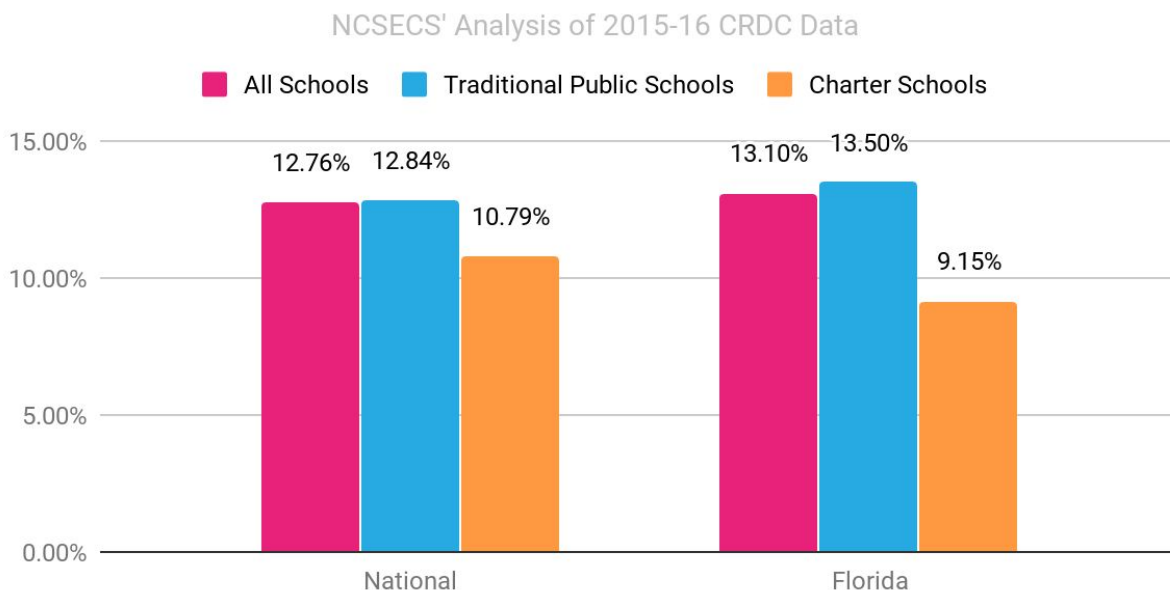
⁸ Florida Department of Education, <http://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/students.stml> Retrieved 8/18/2019

⁹ Internal FACSA Data, 2019

In order to dig deeper into the comparison of enrollment of students with disabilities by type of school as compared to national data and to identify the schools with the highest and lowest rates of enrollment of students with disabilities by sector, we looked at the 2015-16 CRDC dataset¹⁰ previously analyzed by the Center. For Florida, this sample consisted of 506 charter schools and 2,929 traditional public schools.

- Overall, traditional public schools in this sample enrolled 2,490,815 students of which 13.5% were students with disabilities, and charter schools enrolled 247,741 students of which 9.15% were students with disabilities (Figure 2).¹¹
- Compared to national averages, public schools in Florida enroll a greater percentage of students with disabilities, however, when broken down by type of school, charter schools enroll a smaller percentage of students with disabilities as compared to the national average of all schools as well as the national average of charter schools (Figure 2).

Figure 2. Percentage of Students with Disabilities, by Type of School in Florida and Nationally (2015-16)



Further, 82 out of the 2,929 (2.3%) traditional public schools had less than 5% enrollment of students with disabilities, whereas 89 out of the 506 (17.59%) charter schools had less than 5% enrollment of students with disabilities.

- For traditional public school, Lawton Chiles Middle Academy had the lowest enrollment of students with disabilities at 1.22%.
- For charter schools, Pinecrest Preparatory Academy had the lowest enrollment of students with disabilities at 1.67%.

¹⁰ US Department of Education, <https://www2.ed.gov/about/offices/list/ocr/data.html> Retrieved 8/14/2019

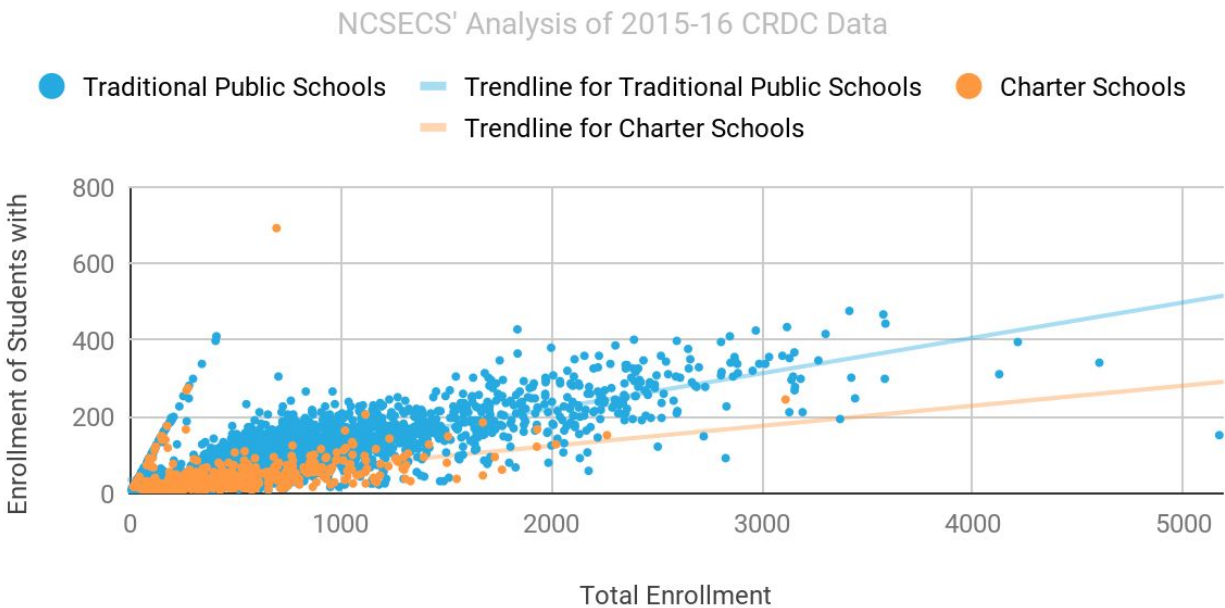
¹¹ Rhim, Kothari, Lancet (2019) *Key Trends in Special Education in Charter Schools in 2015-2016: Secondary Analysis of the Civil Rights Data Collection* (In press).

Notably, 202 out of the 2,929 (6.72%) traditional public schools had more than 25% enrollment of students with disabilities, whereas 37 out of 506 (7.31%) charter schools had more than 25% enrollment of students with disabilities. (See section on specialized schools for more details)

Additionally, 1,715 of the 2,929 (58.55%) traditional public schools in Florida enroll more students with disabilities than the national average, and 124 of the 506 (24.51%) charter schools in Florida enroll more students with disabilities than the national average. However, 1,214 of the 2,929 (41.45%) traditional public schools in Florida enroll fewer students with disabilities than the national average and 382 of the 506 (65.49%) charter schools in Florida enroll fewer students with disabilities than the national average.

Overall, within the sample of schools included in the CRDC dataset, even though charter schools have a lower enrollment of students with disabilities, the enrollment does not vary much from the average. Conversely, within the traditional public school sector, there is notably more variance in enrollment of students with disabilities from school to school (Figure 3). Interestingly, this differs from the national trend - charter schools (which similarly enroll fewer students who qualify for services under IDEA) show greater variance in enrollment percentages of students with disabilities compared to traditional public schools.¹²

Figure 3. Variance in Enrollment of Students with Disabilities in Florida, by Type of Schools (2015-16)



¹² Secondary Analysis of the Civil Rights Data Collection (In press).

III. Profile of Students with Disabilities and Educational Environment in Florida

In order to understand the profile of students with disabilities along with the extent to which they are being educated in general education classrooms in Florida, we examined enrollment by disability category and by educational environment.

Enrollment by Disability Type

The IDEA¹³ defines 13 categories of disability: Autism, Deaf-blindness, Deafness, Emotional Disturbance, Hearing Impairment, Intellectual Disability, Multiple Disabilities, Orthopedic Impairment, Other Health Impairment, Specific Learning Disability, Speech or Language Impairment, Traumatic Brain Injury, and Visual Impairment (Including Blindness).

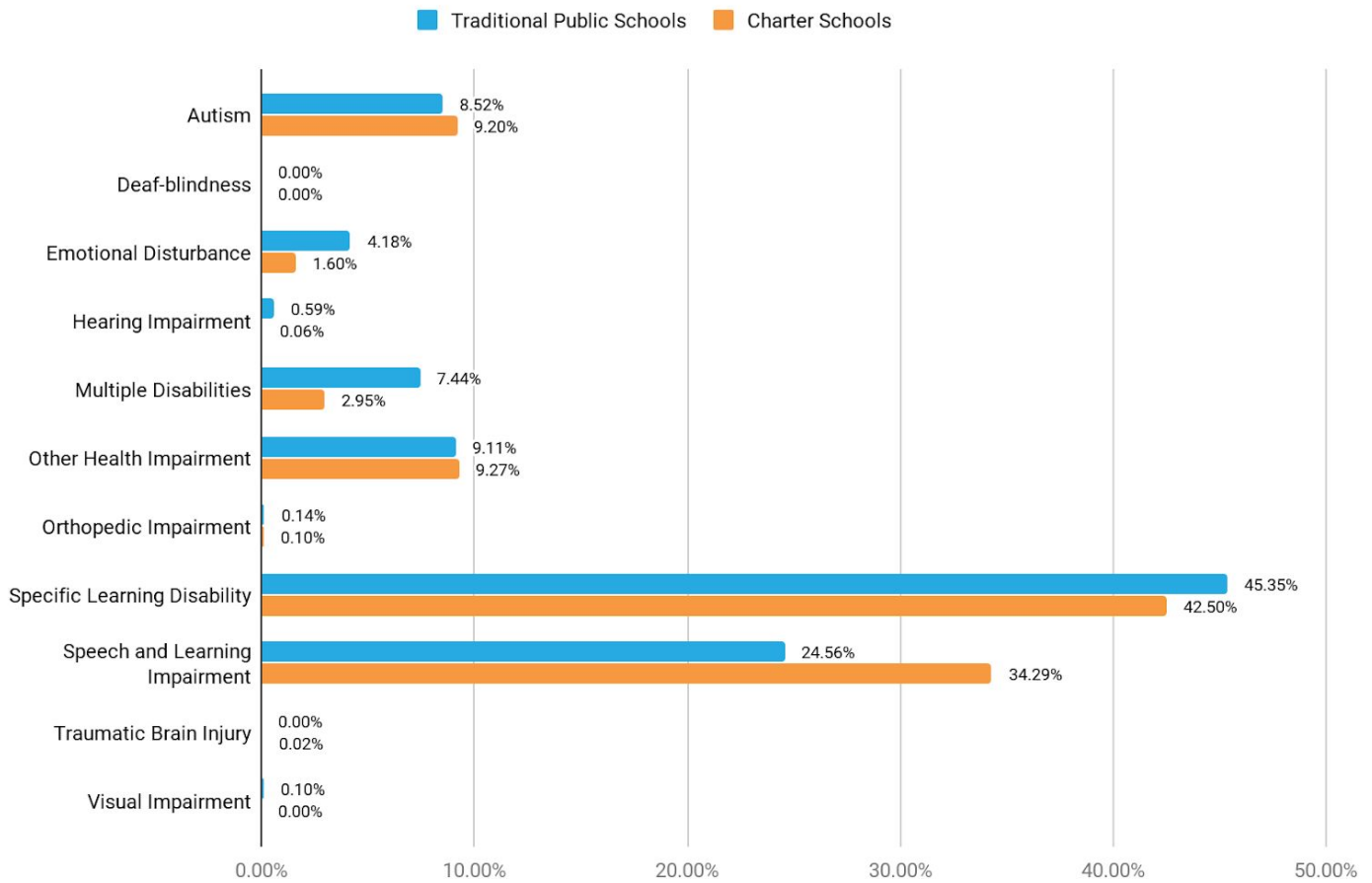
While relatively imprecise, disability categories can provide some insight into the levels of support students require. For instance, students with Specific Learning Disabilities or Speech or Language Impairments are the most prevalent and *generally* require the fewest supports and services, while students with Intellectual Disabilities or Multiple Disabilities generally, but not always, less prevalent and require more significant supports and services.

The Florida Department of Education does not publish school-specific data related to enrollment by disability type. To dig deeper into enrollment by disability by type of school, we examined the 2015-16 CRDC sample. Overall, in the 2015-16 CRDC sample of schools in Florida, traditional public schools enrolled a larger percentage of students with Emotional Disturbance, Multiple Disabilities and Specific Learning Disabilities, while charter schools enrolled a larger percentage of students with Autism and Speech and Learning Impairments (Figure 4)¹⁴.

¹³ US Department of Education, <https://www.esc1.net/cms/lib/TX21000366/Centricity/Domain/59/13ClassificationsUnderIDEA.pdf>, Retrieved 8/14/2019

¹⁴ One caveat with this data is that not all schools in the sample were represented. Since the values for any school that reported having less than 10 students for any disability type were privacy protected, this data does not contain information for all categories in all schools.

Figure 4. Enrollment of Students with Disabilities in Florida, by Type of School and Disability Type (2015-16)
 NCSECS' Analysis of 2015-16 CRDC



Enrollment by Educational Environment

Federal statute directs districts to educate students with disabilities in the “Least Restrictive Environment” (LRE), to the maximum extent appropriate, with nondisabled peers and that students with disabilities are not removed from general education classes unless, even with supplemental aids and services, education in general education classes cannot be achieved satisfactorily.¹⁵

There are a number of important nuances to consider when analyzing data by educational placement, including the extent to which the rates of identification, levels of student need, and types of services provided impact placement and outcomes. Notably, without information on model, supports, or programming, educational placement falls short of serving as a reliable proxy for evaluating outcomes and the extent to which being included in the general education classrooms in fact enables individual students

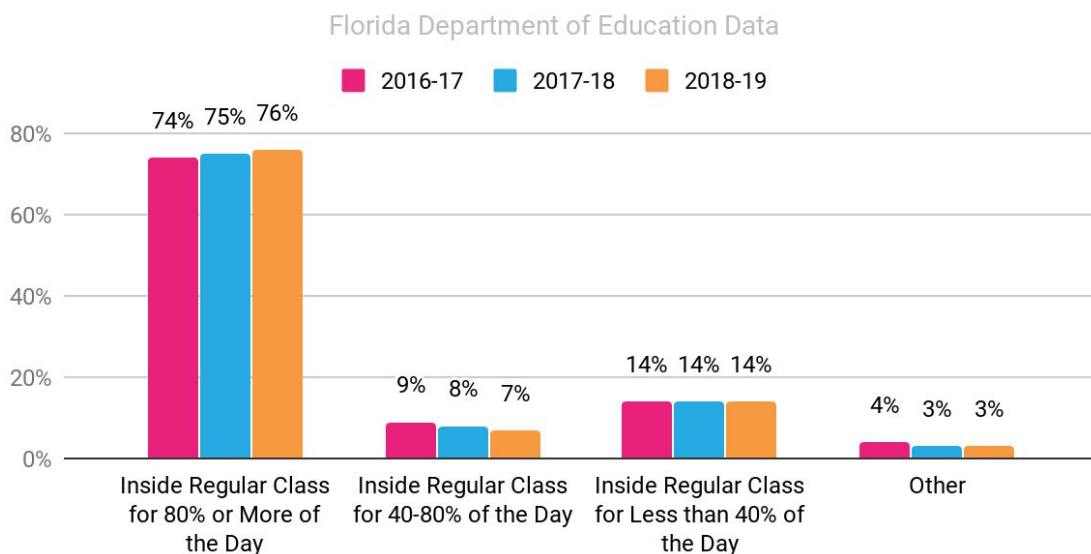
¹⁵ US Department of Education, <https://sites.ed.gov/idea/regs/b/b/300.114>, Retrieved 8/14/2019

to access the general education curriculum. Moreover, absent additional data regarding educational placement **by disability type**, we cannot determine whether these data are a product of who is enrolling (i.e., more students with SLD and SLI) or charter schools moving more students into the general education classroom.

In 2018-19, public schools in Florida served 76% of students with disabilities in the regular class for 80% or more of the school day (Figure 5).¹⁶

- Since 2016-17, there has been a 1% increase each year in the amount of students with disabilities educated in the regular class for 80% or more of the school day.
- Conversely, since 2016-17 there has been a 1% decrease each year in the amount of students with disabilities educated in the regular class for 40-79% of the day.

Figure 5. Percentage Enrollment of Students with Disabilities in Florida (All Schools), by Educational Placement



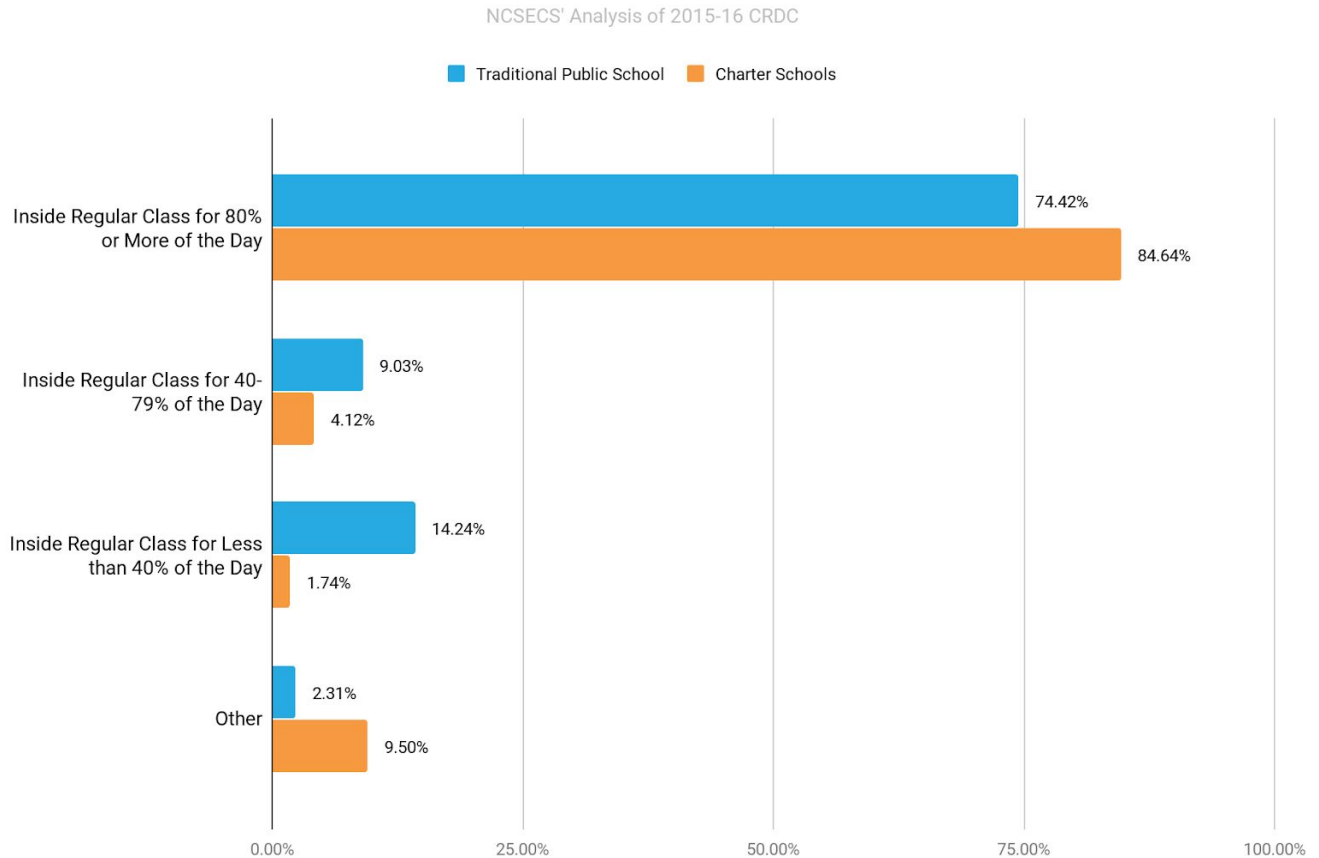
Using the CRDC sample to compare the educational environment by type of school (Figure 6), charter schools in Florida have a notably higher proportion of students with disabilities (84.64%) spending 80% or more of their time in the general education classroom as compared to traditional public schools in Florida (74.42%).¹⁷ This mirrors national trends, as charter schools nationally report a higher proportion of students with disabilities (83.50%) on average spending 80% or more of their time in the general education classroom as compared to traditional public schools nationally (65.53%).

¹⁶ The four categories included in this data set are: Regular class includes students who spend 80% or more of their school week with peers without disabilities. Resource room includes students spending between 40% and 80% of their school week with peers without disabilities. Separate class includes students spending less than 40% of their week with peers without disabilities. Other separate environment includes students served in public or private separate schools, residential placements or hospital/homebound placements. Reference: 2019 SEA Profile: <http://www.fldoe.org/core/fileparse.php/7672/urlt/SEAProfile19.pdf>

¹⁷ One caveat with this data is that not all schools in the sample were represented. Since the values for any school that reported having less than 10 students for any educational environment category were privacy protected, this data does not contain information for all categories in all schools.

Extrapolating from the enrollment by disability type (Figure 4) and the educational placement data (Figure 6), there appears to be a correlation between the types of students with disabilities enrolled in Florida charter schools and the higher prevalence of students with disabilities spending 80% or more of their time in the general education classroom. This may be indicative of the enrollment of higher incidence disability types as opposed to a focus on inclusive practices relative to traditional public schools. However, additional qualitative data are required to fully understand the apparent correlations.

Figure 6. Enrollment of Students with Disabilities in Florida, by Educational Placement and Type of School (2015-16)



IV. Specialized Charter Schools in Florida

The Center’s analysis of the 2015-2016 CRDC includes a deep dive into specialized charter schools across the country, specifically identifying 165 schools that either self-identify as specialized on the CRDC survey with at least 25% enrollment of students with disabilities or report 50% or greater enrollment of students with disabilities.¹⁸ 39 of the 165 specialized charter schools across the country are in Florida.

¹⁸ It is important to reiterate that the criteria used to classify a charter schools as specialized with the 2015-16 CRDC is different that the criteria used to classify specialized public schools within the Florida specific data.

- In addition to Ohio and Texas, Florida has the highest number of specialized charter schools across the country.
- In Florida and Texas, most of these schools are not part of charter networks (unlike those in Ohio).¹⁹
- The majority of specialized charter schools in Florida have a general focus on students with disabilities (n= 28), followed by a specific focus on students with Autism (n= 7) and students with Developmental Delay (n= 3).

V. Virtual Charter Schools

According to the Florida Department of Education, “virtual charter schools are charter schools that are full-time public virtual schools in which students access the curriculum and instruction, and interact with teachers, outside of a traditional school setting, usually from home. Virtual charter schools receive school grades based on the performance of their full-time students like other public schools in the district and state; are school choice options for parents; and must meet performance criteria outlined in their charters with their sponsor. Virtual charter schools are funded through the Florida Education Finance Program (FEFP) and the funding is based on ‘successful completion’ rather than on seat time (attendance and enrollment). Virtual charter schools may report Full-Time Equivalent (FTE) for all FEFP funding programs (Basic, ESE, Career Education and ESOL). ”²⁰

Overall, the CRDC data included 16 virtual schools in Florida; 9 virtual traditional public schools enrolling 3.87% of students with disabilities and 7 virtual charter schools enrolling 10.18% of students with disabilities (Table 3).

- In 2015-16, nationally, there were exactly 264 virtual charter schools (50%) and 264 virtual traditional public schools (50%)²¹, whereas Florida had 9 virtual traditional public schools (56.3%), and 7 virtual charter schools (43.7%).
- In 2015-16, nationally, virtual schools enrolled 278,511 students, 17.8% of which were enrolled in virtual traditional public schools, and 82.2% of which were enrolled in virtual charter schools.^{22 23} For Florida, virtual schools enrolled 10,511 students, 88.6% of which were enrolled in virtual traditional public schools and 11.4% of which were enrolled in virtual charter schools (Table 3).
- For traditional public schools in Florida, enrollment of students with disabilities is lower in virtual schools (3.87%) than in non-virtual schools (14.7%).
- For charter schools in Florida, enrollment of students with disabilities is higher in virtual schools (10.18%) than in non-virtual schools (9.6%).

¹⁹ It is important to note that some states (Florida, Ohio, Tennessee, etc.) encourage the creation of charter schools that serve a majority of students with specific disabilities however, this does not always lead to a higher number of specialized charter schools in the state (National Alliance for Public Charter Schools, Measuring up to the Model: A Tool for Comparing State Charter School Laws, 2018).

²⁰ <http://www.fldoe.org/schools/school-choice/virtual-edu/virtual-charter-school/vcs-info.stml>

²¹ Molnar, A. (2017). Virtual Schools in the U.S. 2017. Retrieved from

https://nepc.colorado.edu/sites/default/files/publications/RB%20Virtual%20Schools%202017_0.pdf

²² While all virtual charter schools had data on enrollment, 20 virtual traditional public schools had missing data on enrollment.

²³ Molnar, A. (2017)

Table 3: Overview of Virtual Schools in Florida (2015-16)

NCSECS' Analysis of 2015-16 CRDC

School Type	Total Enrollment	% Enrollment of Students with Disabilities	Number of Schools
Virtual Traditional Public Schools	9313	3.87%	9
Virtual Charter Schools	1198	10.18%	7
All Virtual Schools	10511	4.59%	16

IV. Summary of Findings

Overall, based on data from across the state of Florida, we identified the following trends:

- Charter schools in Florida share responsibility for educating students with disabilities with their authorizers (i.e., the school district that serves as the authorizer) and as such, have varying degrees of control over their special education finances and provision of services.
- While the 2015-16 CRDC data and the 2018-19 state data are not directly comparable, they provide evidence that the difference in enrollment between traditional public schools and charter schools persists. Charter schools enroll a smaller percentage of students with disabilities than traditional public schools in Florida. This trend is reversed only for virtual schools.
- Traditional public schools in Florida enroll a larger percentage of students with disabilities than the national average, however, charter schools enroll a smaller percentage of students with disabilities than the national average.
- In Florida, the enrollment variance of students with disabilities in charter schools is less than that of traditional public schools, which differs from national trends.
- Traditional public schools enrolled a larger percentage of students with Emotional Disturbance, Multiple Disabilities, and Specific Learning Disabilities. Charter schools, on the other hand, enrolled a larger percentage of students with Autism and Speech or Language Impairment.
- Charter schools in Florida tend to enroll a greater percentage of students with disabilities in the general education classroom for 80% or more of the day as compared to traditional public schools.
- Florida (along with Ohio and Texas) has the most specialized charter schools of any state, with a higher enrollment average of students with disabilities than the national average for specialized charter schools.
- There are more virtual traditional public schools than virtual charter schools in Florida, however, the enrollment of students with disabilities is substantially higher in the virtual charter schools in the state.