



of Wisconsin Disability Organizations

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June 24, 2014

To: Dr. Tony Evers, State Superintendent
Carolyn Stanford Taylor, Assistant State Superintendent
Barbara Van Haren, Director, Special Education

From: Survival Coalition of Wisconsin Disability Organizations

Re: Charter Schools Serving Wisconsin Students with Disabilities

We write to bring attention to recent federal action related to charter schools, including guidance related to supports for students with disabilities, and to inquire about Wisconsin data and DPI's plans to monitor the issues identified by the federal government.

Specifically, on May 14, the U.S. Department of Education Office of Civil Rights (OCR) issued a Dear Colleague letter regarding charter schools, online at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405-charter.pdf>. The letter was written to underscore the fact that "the Federal civil rights laws, regulations, and guidance that apply to charter schools are the same as those that apply to other public schools."

The OCR-enforced federal civil rights laws that are highlighted in the letter include Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) (prohibiting discrimination based on disability). The letter further goes on to address three areas of particular relevance for students with disabilities:

- Nondiscrimination in admissions
- Free appropriate public education for students with disabilities
- Nondiscrimination in discipline

Charters are a fast-growing segment of public education in Wisconsin, comprising 11% of Wisconsin schools and 5% of students. In 2013-2014, among a total of 2,213 public schools in Wisconsin, there were 242 charter schools, including 24 newly-opened schools. Legislation introduced, but not passed, in the recent legislative session would have set significant changes and expansion into motion. AB549 would have changed the governance structure of Wisconsin's charters and allowed significant expansion by replication, while one version of another proposal (SB486) would have provided for public schools with poor scores on the statewide report cards to convert to charter schools.

Questions regarding nondiscrimination on the basis of disability in charter schools have arisen in publications in multiple states, including in Wisconsin in a May 2014 Economic Policy Institute Report by Dr. George Lafer, *Do Poor Kids Deserve Lower-Quality Education Than Rich Kids? Evaluating School Privatization Proposals in Milwaukee, Wisconsin* (<http://www.epi.org/publication/school-privatization-milwaukee/>).

Dr. Lafer includes in his report the following statistics about special education enrollment in Milwaukee:

- Milwaukee Public Schools (MPS) students receiving special education: 21%
Milwaukee charter students (all types) receiving special education: 9.6%
Rocketship charter students (nationwide) receiving special education: 5.5%
- Both the share of students with autism and the share of students with emotional and behavioral disabilities are 1.5 times higher in MPS than in Milwaukee charters (all types)
- The share of students with cognitive disabilities is 5 times higher in MPS than in Milwaukee's 2R charters.

The Survival Coalition of Wisconsin Disability Organizations includes member groups that support students with disabilities and their families to advocate for quality special education supports. While calls to our member groups from families about charter school concerns are not prevalent statewide, we support DPI taking a proactive strategy to ensure protection of student rights, particularly as we expect continued promotion of charter school expansion.

The Survival Coalition has the following questions for the Department of Public Instruction:

- What, if any, new information will DPI be issuing to Wisconsin charter schools in light of the May 14 guidance letter from the U.S. Department of Education?
- What, if any, additional measures is DPI taking to increase awareness or provide assurances of the rights of students with disabilities in potential legislative proposals to expand charters?
- What is the current breakdown of student enrollment by disability and charter school type across the state of Wisconsin?
- What is the current breakdown of suspensions and expulsions by disability and charter school type across Wisconsin?

As you are aware, Survival Coalition Co-Chair Beth Swedeen and Education Issue Team member Lisa Pugh will be meeting with DPI staff on June 27, if you are able to address these questions at that time. Otherwise we hope you will follow-up with co-chairs listed below. Thank you for considering these concerns. Please let us know if you need further clarification.

This document prepared by the Survival Coalition Education Issue Team

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Survival Coalition is comprised of more than 30 statewide disability organizations that advocate and support policies and practices that lead to the full inclusion, participation, and contribution of people living with disability.

*Real Lives, Real Work, Real Smart, Wisconsin
Investing in People with Disabilities*