

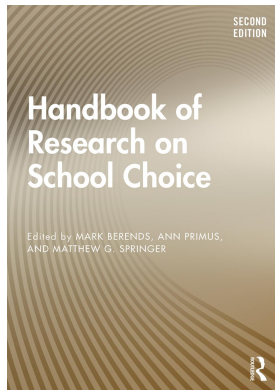
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SCHOOLS OF CHOICE AND MARGINALIZED STUDENTS

Students with Disabilities and English Learners

Madeline Mavrogordato and Carolyn Sattin-Bajaj*

An espoused goal of school choice policies is to expand educational access and opportunity for all students. Advocates of these policies assert that school choice “can break the cycle of poverty” by providing access to high-quality schooling options “regardless of [students’] zip code or family income” (DeVos, 2017, para. 4,2). Proponents also argue that school choice has the potential to foster innovative approaches to addressing the educational needs of the most challenged students (Nathan, 1996). Indeed, school choice is an issue that often transcends the political divide and receives bipartisan support from policymakers, particularly when framed as a means of improving education for historically underserved subgroups of students.

In this chapter, we focus on the intersection between school choice and two groups of marginalized students: Students with disabilities (SWDs) and English learners (ELs). These students may especially benefit from innovative methods that may emerge out of the autonomy granted to schools of choice. Alternatively, additional barriers may complicate their access to such schools, thus exacerbating rather than ameliorating long-standing gaps in educational opportunity. We begin by providing demographic, historical, and legal background information on SWDs and ELs. Then we review the empirical evidence on key questions related to these students’ school choice participation. After presenting the empirical landscape, we move to a discussion of the potential mechanisms contributing to the patterns documented in the research literature. We close with recommendations for policy and practice and offer directions for future research.

Demographic, Historical, and Legal Background: SWDs and ELs

Students with Disabilities (SWDs)

SWDs are a large, heterogeneous group of learners legally entitled to a range of academic, behavioral, and social-emotional supports in schools. The rights and entitlements of SWDs have developed over many years in response to a long history of explicit school exclusion, and more recently, informal deterrence from pursuing certain school options (Estes, 2004; Scott, 2012; Jessen, 2013; Waitoller, Maggin, & Trzaska, 2017). School choice policies are the latest front in SWDs’ battle for equal educational access and opportunity.

* The authors contributed equally to this chapter and are listed alphabetically.

Demographics of SWDs

According to the National Center for Education Statistics (2018), in the 2015–2016 school year, 6.7 million children and youth in the United States between the ages of 3 and 21—or 13 percent of all public school students—were receiving special education services. The Individuals with Disabilities Education Act (IDEA, 2004), a federal law, guarantees students with special needs ages 3–21 a “free and appropriate education” (FAPE). Demographic information for SWDs is summarized in Table 23.1.

SWDs tend to fare worse academically than their nondisabled peers on a range of outcomes. In the 2014–2015 school year, only 65 percent of SWDs graduated from high school after four years with a regular high school diploma compared to a national average of 83 percent for all students (Common Core of Data, 2016). Conversely, of the remaining students served under IDEA who left school that year, 18 percent dropped out, 11 percent received an alternative certification, and 1 percent reached the maximum age to qualify for free public education (NCES, 2018). The high school outcomes of SWDs vary substantially by students’ racial/ethnic background. Whereas 74 percent of White SWDs who left school in 2014–2015 earned a regular high school diploma, only 62 of Black SWDs earned the same degree. By contrast, Black SWDs had the highest rate of earning an alternative certificate at 14 percent (NCES, 2018). These trends highlight the importance of examining multiple sources of disadvantage that may differentially impact the educational chances of SWDs.

Table 23.1 Demographics of Students with Disabilities under IDEA in 2015–2016

<i>Demographic Characteristic</i>	<i>Percentage</i>
<i>Breakdown of SWD by Disability Type</i>	
Learning disability	34
Speech or language impairment	20
Other health impairment	14
Autism	9
Intellectual disabilities	6
Developmental delays	6
Emotional disturbance	5
Multiple disabilities	2
Hearing and visual impairments	1
Orthopedic impairment	1
<i>Percentage of Students in Each Racial Category Classified as SWD</i>	
American Indian/Alaska Native	17
Asian	7
Black	16
Latinx	12
Pacific Islander	12
White	14
Two or More Races	13
<i>Percentage of Male and Female Students Classified as SWD</i>	
Male	17
Female	9

Source: National Center for Education Statistics (2018).

SWDs experience a number of challenges—in schools and in society at large—that may be different from their nondisabled peers. Mathematica recently conducted an analysis of the National Longitudinal Transition Study 2012 for the U.S. Department of Education (USED), gathering information on secondary school students with and without disabilities that made them eligible for in-school supports (Lipscomb et al., 2017). Researchers found that young people with disabilities are 12 percentage points more likely to come from low socioeconomic backgrounds (58 versus 46 percent), and they report higher rates of bullying than their nondisabled peers (e.g. 37 versus 28 percent report being called names or teased). Parents of SWDs also report school suspensions at more than twice the rate of general education students (29 versus 14 percent), and their children have significantly lower rates of participation in extracurricular and social activities. Finally, SWDs are behind in postsecondary educational planning and/or preparation for jobs; almost half are as likely as their peers to report taking college entrance and placement tests (42 versus 70 percent).

A robust set of legal protections has developed over the course of the last half century as the extent of these difficulties has come to light. At the same time, ensuring fair and equal access to high-quality educational opportunities for SWDs remains a serious concern for advocates, families, and educators and is regularly litigated in courts and debated in school buildings.

Historical and Legal Framework for the Education of SWDs

The 1965 Elementary and Secondary Education Act formally recognized SWDs for the first time and provided an education grant program earmarked for their needs. However, it was not until the passage of the Education for all Handicapped Children Act in 1975, later reauthorized as IDEA, that SWDs were guaranteed a free and appropriate education. This came after years of SWDs receiving inadequate educational services or being blocked from schools entirely (Malkus & Keller, 2017).

IDEA mandates the general educational rights of SWDs, but districts are responsible for determining what constitutes a FAPE for each student. The law also requires ongoing data collection to monitor compliance. A multi-step process—required of all districts and Local Education Agencies (LEAs) to ensure that all SWDs, including those in private schools within the district's boundaries, are identified and supported—must occur for students to receive services. First, students are deemed eligible, generally after a series of evaluations administered by school psychologists or other licensed personnel. Then, they are given individualized education plans (IEPs), and finally, they are placed in the “least restrictive environment” to limit their exclusion from general education classrooms.

Once a student's IEP is in place, IDEA has provisions for parental recourse if they are unsatisfied with the supports that the school or district provides. Parents may appeal district decisions or remove their child from the public school system and sue the district for reimbursement for private school tuition. Parents may also directly enroll their child in a private school, either without seeking public funds or through voucher programs explicitly designed for SWDs like those in place in Arizona, Florida, Georgia, Louisiana, Mississippi, North Carolina, Ohio, Oklahoma, and Utah (Almazan & Marshall, 2016). However, private schools are not required to comply with all of the provisions of IDEA in the same way that public schools are—even when educating voucher students (Malkus & Keller, 2017). This disparity in the mandated supports for SWDs based on educational setting (public versus private) is a source of contention in the already heated debates about school voucher programs.

English Learners

ELs are language minority students who require additional supports to meaningfully participate in school and access academic content in English (Linguanti, Cook, Bailey, & McDonald, 2016). The definition of English learners found in the Every Student Succeeds Act (ESSA, 2015) and broadly

accepted by experts is based solely on English proficiency level and is not related to immigration status. While some ELs are immigrants, the majority were born in the U.S. In fact, 85 percent of pre-kindergarten to 5th grade EL students and 62 percent of 6th to 12th grade EL students are U.S.-born (Zong & Batalova, 2015).

Demographics of ELs

ELs come from many different language and ethnic backgrounds. More than 70 percent are Spanish-speaking, though 400 languages are represented among ELs in U.S. public schools (USED, 2018). ELs are most heavily concentrated in urban schools, comprising 14 percent of the population, but their representation is growing in suburban schools, where they represent 9.1 percent of the population (Snyder, de Brey, & Dillow, 2018). The majority of ELs come from economically disadvantaged families; U.S. Census Bureau data show that more than half of households where a language other than English is spoken are poor or low-income (Child Trends Data Bank, 2014).

Results from the National Assessment of Educational Progress reveal a large and persistent gap between EL and non-EL students. On average, EL students score about 40 percentage points lower than their peers on both the 4th grade reading and 8th grade math assessments, a gap that remained relatively stable between 2000 and 2013 (Murphey, 2014). Researchers have also documented important gaps in other educational outcomes. For example, ELs have lower grade point averages, lower rates of enrollment in honors and advanced coursework, higher dropout rates, and reduced postsecondary aspirations (e.g., Callahan & Shifrer, 2016; Umansky, 2016).

The rising prominence of the issue of EL education is driven in large part by growth in the EL population. As of the 2015–2016 school year, there were approximately 4,850,000 ELs enrolled in public schools in the U.S. (Office of English Language Acquisition [OELA], 2018). In 1990, ELs represented one in 20 students in U.S. public schools, which increased to more than one in ten by 2014 (NCES, 2016). Simultaneously, the EL population began to spread outside traditional immigrant gateway states and cities to “new destinations” (Zúñiga & Hernández-León, 2006), prompting school districts around the country to consider how to serve EL students. Moreover, the accountability movement ushered in by the No Child Left Behind Act (NCLB, 2002) required states to disaggregate the performance of the EL subgroup, motivating states to pay more attention to the academic performance of these students (Menken, 2010).

ELs are identified through a multi-step process largely based on two sources of information: students’ language background and level of English proficiency as measured by a state assessment (Abedi, 2008). Under federal law, ELs are entitled to receive language support services such as access to a bilingual program or English as a second language instruction (Bailey & Kelly, 2013). It is important to note that EL status is meant to be a temporary designation that lasts only as long as students require additional supports to access academic content in mainstream English classrooms. A key goal is for students to transition out of EL status and be reclassified as fluent English proficient (Mavrogordato & White, 2017). ESSA (2015) requires that states annually assess ELs to monitor their progress toward that goal.

Historical and Legal Framework for the Education of ELs

For many years, decisions regarding the education of ELs were left to state policymakers and local education agencies. All too often ELs were left to “sink or swim” by being immersed in mainstream English classrooms without support services and expected to overcome language barriers on their own (García, 2005). The Bilingual Education Act (BEA, 1968) emerged out of a concern that ELs were being denied an equal opportunity to learn. Following the Civil Rights Act of 1964, the BEA asserted that ELs require additional support in the classroom to fully take advantage of the educational opportunities a public education affords.

Several court cases led to a turning point in the enforcement of the BEA, but the Supreme Court's ruling in *Lau v. Nichols* (1974) had a particularly far-reaching impact. The Court found that the San Francisco school system violated the Department of Health, Education and Welfare federal regulations by failing to effectively educate EL students and meaningfully include them in the district's instructional programs. Since this ruling, there has been a protracted debate regarding how to best serve ELs and the extent to which the federal government has the authority to mandate specific educational models (e.g., bilingual versus English-only approaches). However, *Lau v. Nichols* continues to provide the basis for federal policies that require states and school districts take steps that allow EL students to overcome language barriers and meaningfully participate in school.

The BEA eventually became Title III of NCLB (2002), which strengthened the federal role in education and required that states be held accountable for the progress of the EL subgroup. It required that all school districts that receive federal funds submit an annual evaluation that describes the English language instruction program in addition to three Annual Measurable Achievement Objectives, including the percentage of ELs who 1) make progress in attaining English proficiency, 2) attain English proficiency and exit EL status, and 3) successfully meet academic achievement standards according to reliable and valid assessments.

When ESSA replaced NCLB in 2015, additional accountability provisions were added for ELs. States must report the number and percentage of ELs who attain English proficiency by the end of each academic year, as well as how many ELs have not attained English proficiency after five years. Moreover, the English proficiency indicator shifted from Title III to Title I, prompting states to include English proficiency in Title I accountability frameworks, thereby increasing the weight ELs carry in state accountability systems.

School Choice for Students with Disabilities and English Learners

Inequitable access to schools of choice for students who are seen as more challenging to educate has been a persistent critique of school choice policies and one that has received considerable legal response and media attention. Given the long-standing and litigious history surrounding the opportunity to learn for SWDs, the extent to which schools of choice are accessible to and meet the special needs of SWDs has been closely scrutinized. For example, there is currently a federal class action lawsuit against the Louisiana Department of Education claiming that charter schools under-enrolled SWDs and violated IDEA (*SPLC v. Pastorek*, 2010). Moreover, the federal Office of Civil Rights has investigated numerous complaints against school districts for failure to adequately serve SWDs in charter and other public schools of choice, including in Washington, D.C. and New York City. Questions around equity and school choice for ELs are equally important but have received less attention. This may be because ELs overwhelmingly come from economically disadvantaged families or because concerns about documentation and legal status preclude ELs' families from filing formal complaints or taking legal action.

In what follows, we provide an overview of the school choice offerings—including schools, policies, and programs—that are specifically dedicated to SWDs and ELs and describe how they fit into the broader choice marketplace. Then we review the empirical evidence on some of the key questions of interest related to the school choice participation of SWDs and ELs. While most of the school choice research in this area is centered on charter schools, we include studies of intradistrict choice programs and the growing literature on school voucher programs as well.

School Choice for Students with Disabilities

The expansion of school choice nationally has shifted the landscape of educational possibilities for all students in the U.S., including SWDs. An increasing number and type of new schooling options are being made available to SWDs while also introducing different barriers to school participation

in some cases. Today, school-aged SWDs are overwhelmingly educated in public schools. In fall 2015, roughly 95 percent of students ages 6–21 served under IDEA were enrolled in public schools that also had a general education population, with the remainder educated in separate schools for SWDs (public or private), regular private schools, residential facilities, at home, in hospitals, or in correctional facilities (NCES, 2018).

School Choice Options for SWDs

The FAPE legal mandate extends to all public schools of choice. Thus, the charter school laws, magnet programs, and inter- and intradistrict choice policies in place across the country apply to SWDs, and these schools must provide the necessary educational supports identified in a student's IEP or 504 Plan. Moreover, the National Center for Special Education in Charter Schools (NCSEC) verified the existence of 137 charter schools primarily or exclusively focused on SWDs, most of which were located in Texas, Florida, and Ohio (Rhim & Kothari, 2018).

Private school choice is another rapidly expanding area that includes programs open to the general student population (for which SWDs are also eligible) and some developed explicitly for SWDs. As of the 2016–2017 school year, there were 56 private school choice programs in 25 states and the District of Columbia, 20 of which were limited to SWDs (Malkus & Keller, 2017). Another 20 gave additional consideration to SWDs but were available to a broader student population. Secretary of Education DeVos has expressed interest in making federal special education funding portable so that SWDs can pay for the schools and services they choose (Samuels, 2017). Vouchers, or publicly funded tuition grants, give some or all of the state's per-pupil education funding normally allocated to district public schools directly to families, which they can apply toward tuition at a participating private school. Of the 26 voucher programs operating across the country, 12 are limited to SWDs (Samuels, 2017).

Questions about the extent to which SWDs can equitably participate in school choice and whether they are being appropriately served by schools of choice—public and private alike—get at the heart of the disagreements between choice proponents and critics. As evidence of basic inequity, critics point to the fact that private schools are not required to fully comply with IDEA the same way public schools are. Furthermore, private schools have the right to refuse enrollment to SWDs entirely, a fundamental distinction from public schools. Proponents of private school choice counter these arguments with claims about the power of the market to pressure private schools to recruit and effectively serve SWDs to ensure enrollment targets in a competitive environment (Malkus & Keller, 2017).

SWDs' Enrollment in Schools of Choice

The application and enrollment patterns of SWDs in schools of choice has been an enduring matter of concern to school choice researchers, advocates, and opponents. Early in the charter school movement, gaps in enrollment rates of SWDs between charter schools and traditional public schools (TPSs) were documented in a number of districts, including in Washington D.C. (Lacireno-Paquet, Holyoke, Moser, & Henig, 2002) and New York City (Hoxby, Murarka, & Kang, 2009), two of the largest urban school districts with sizable charter school sectors. When the Government Accountability Office (GAO) published a report in 2012 showing a nearly 4 percentage point difference of SWDs in charter and TPSs, the issue of disparities in enrollment was elevated to the national level (Scott, 2012). Nationally, enrollment gaps between charter and TPSs have, on average, persisted, with the most recent national data from the Office of Civil Rights from the 2013–2014 school year showing a 2 percentage point difference in the proportion of charter school students classified as SWDs (10.5 percent) compared to TPS enrollment of SWDs (12.5 percent) (Rhim & Kothari,

2018). Using the Common Core of Data from 2011–2012, Malkus (2016) also found that charter schools generally served a lower proportion of SWDs relative to their five nearest TPS neighbors as measured by distance, jurisdiction, and grade range.

Stanford University's Center for Research on Education Outcomes (CREDO) further highlighted state- and district-level differences in enrollment disparities in its 2015 report comparing the enrollment and achievement outcomes of students in charter schools and TPSs in 41 urban regions. Analyzing the school records of one million students in charter schools and a matched comparison group of students in TPSs from a six-year period between 2006–2007 and 2011–2012, researchers found that in the large majority of the urban regions in their sample, TPSs served a greater percentage of SWDs than charter schools.

More recent state- and district-level studies in Denver (Winters, 2015), Chicago (Waitoller et al., 2017), and New York (Lake, Gross, & Denice, 2012) have confirmed these ongoing, albeit declining, enrollment imbalances. Some of this work also has identified variation in the size of the gaps by grade levels, with Lake et al. and Winters reporting smaller differences in SWD enrollment in early elementary school that grew by grade level. Significantly, Malkus (2016) and other researchers have also identified meaningful differences in the size of the enrollment gaps by state and type of charter school (Scott, 2012; Barnard-Brak, Schmidt, & Almekdash, 2018; Tuckman, Campbell, & Heyward, 2018). This variation points to the importance of considering differences by geographic context and within the charter sector given state and local regulations and the distinct missions and imperatives of for-profit and nonprofit operators.

Categories of Disability Served

There is substantial heterogeneity among SWDs, and the services called for in a student's IEP may vary widely based on diagnoses and severity of disabilities—with highly variable associated costs for schools (Slade et al., 2009). Researchers have therefore taken an interest in the type of disability, and in particular the proportion of SWDs with a more severe disability or multiple disabilities, enrolled in schools of choice as compared to TPSs.

By and large, SWDs enrolled in charter schools across multiple settings tend to have less severe forms of disability and are less expensive to educate than the SWDs attending TPSs. According to the recent NCSEC analysis (Rhim & Kothari, 2018), charter schools enrolled a higher proportion of students with a “specific learning disability” (e.g., dyslexia, dyscalculia, dysgraphia) and lower percentages of students with intellectual impairments and developmental delays. Studies of charter school enrollments in Chicago (Waitoller et al., 2017), New York City (Winters, 2014), and Arizona (Garcy, 2011) identified similar trends. Certain categories of disabilities were more likely to be found among the charter school population, and the SWDs in charter schools tended to require fewer, less intensive, and less expensive supports than their peers in TPSs (USED, 2016). This pattern is not exclusive to the charter sector; a study of the Louisiana Scholarship Promise voucher program found that among SWDs offered a private school placement through the voucher program, students with intellectual disabilities received offers at a 3 percentage point lower rate, and students with a speech or language impairment received offers at a 3 percentage point higher rate (Tuchman & Wolf, 2017).

Educational Settings for SWDs

Another way to understand how schools of choice are serving and educating particular SWDs is to examine the types of classroom settings in which SWDs spend most of their time. Inclusion or “mainstreaming” of SWDs in general education classrooms has become increasingly common in the past 10 years. Fueled by the results of the Special Education Elementary Longitudinal Study,

which showed academic benefits of spending 75 percent or more of the school day in general education settings, IDEA now explicitly states that SWDs should be taught in such classrooms (Wagner, Kutash, Duchnowski, & Epstein, 2005). At a national level, 60 percent of SWDs spend 80 percent or more of their school day in general education classrooms, and SWDs in charter schools are significantly more likely than their peers in TPSs to do so (Gilmour, 2018; Rhim & Kothari, 2018). This may, in part, reflect the fact that charter schools tend to enroll students with less severe disabilities who do not require instruction outside of the general education setting. There are also concerns that SWDs in schools of choice who would benefit from more specialized instruction may not be not be receiving it or are being excluded from some schools of choice entirely (Lacireno-Paquet et al., 2002; Estes, 2004; Rhim, Ahearn, Lange, & McLaughlin, 2007; Scott, 2012; Jensen, 2013).

In fact, the evidence on the benefits of inclusion is debated. Whereas multiple studies have found sizable academic benefits for SWDs who spend more time in general education settings (Schifter, 2011; Theobald, Goldhaber, Gratz, & Holden, 2018), others have pointed out issues of selection bias, given that students with less severe academic or behavioral challenges are more likely to be placed in inclusive settings (Gilmour, 2018). Ultimately, some researchers and advocates fear that the push for inclusion has gone too far, resulting in SWDs in all school types not receiving essential services in specialized settings (Gilmour, 2018).

Rates of Special Education Classification and Declassification

Variation in the likelihood that a student ever receives a special education diagnosis and/or has his/her special education classification removed in different school settings may be yet another explanation for the SWDs enrollment gap between schools of choice and TPSs. There is convincing evidence that SWDs are less likely to receive a new special education classification and more likely to lose their classification while enrolled in a charter school compared to similar students in TPSs, at least in some contexts.

In one study of students in Denver, Winters (2015) attributed the special education enrollment gap between charters and TPSs in large part to differences in new IEP classifications. Another Denver study looked at the types of disability classifications students received and when they were made in a student's educational career, comparing students in TPSs and charter schools (Winters, Carpenter, & Clayton, 2017). They concluded that the growing gap in the size of the special education population across successive grades largely resulted from students in TPSs being more likely to be classified with a specific learning disability (SLD) in later grades than students in charter schools. Interestingly, there were no differences in diagnosis rates for autism (a more severe disability category) or in speech or language impairments, which experts assert are more objectively diagnosed than SLDs (Tucker, 2014).

Finally, in another study of Boston's charter schools—some of the highest performing charter schools in the country—Setren (2015) used admissions lotteries to estimate the effect of enrolling in a charter school on achievement and classification among SWDs. She found that being enrolled in a charter school almost doubled the likelihood that a student would lose his/her special education classification by the beginning of the school year after “winning” the charter lottery. In light of evidence of the positive academic effects of attending Boston charter schools for SWDs, including for those whose SWD label was removed, Setren argued that special education classification is not a necessary precondition for SWDs to achieve academic gains, and all schools instead should focus on implementing rigorous educational practices.

Differences in classification and reclassification rates are not exclusive to the charter sector. To the contrary, studies of multiple school voucher programs have documented a similar pattern. An analysis of the Milwaukee Parent Choice Program, the oldest school voucher program in the country, showed significant differences in the identification of students as having disabilities when they

were enrolled in schools in the private school sector compared to when they were in public schools (Wolf, Witte, & Fleming, 2012). In Louisiana, students enrolled in the Louisiana Scholarship Program are 7 percentage points less likely to receive a new special education diagnosis than students in the control group and 14 percentage points less likely to be in special education by the third year in the program (Tuchman & Wolf, 2017). Researchers attributed this growing disparity to a combination of lower rates of identification and higher declassification rates. Ultimately, if the purpose of a special education classification is to provide students with supports that help them reach their maximum potential—academically and otherwise—it is necessary to examine the extent to which receiving special education services or not in these distinct school settings may contribute to disparate results.

Achievement and Behavioral Outcomes of SWDs

Research on how SWDs fare in certain school types versus others is relatively sparse, especially when compared to the plentiful descriptive evidence about the size and characteristics of SWDs enrolled in schools of choice and how they compare with students in TPSs. Two studies of the effects of Boston charter schools on students' graduation rates and test performance provide the most rigorous experimental evidence to date, although as mentioned, Boston's charter sector represents the far end of the distribution in terms of quality. Setren (2015) found that students with special education classifications attending Boston charter schools experienced large academic gains (compared to similar students who applied but did not win admission to charter schools via lotteries). Moreover, SWDs in charter schools were more likely to meet high school graduation requirements and earn a state merit scholarship, and they scored 116 points higher on the SAT, on average, than their TPS peers. Yet, both Setren (2015) and Angrist, Pathak, and Walters (2013) found that there was a negative effect of attending a Boston charter school on SWDs' on-time graduation.

The CREDO Urban Charter School study (2015) provides a wider view on the academic outcomes of SWDs in charter schools across multiple geographic settings. Using quasi-experimental methods, researchers analyzed the reading and math achievement of students in charter schools in 41 urban regions and compared them to matched peers in TPSs. They found that SWDs in charter schools experienced more growth in both areas than their counterparts in TPS. They also found considerable variation across regions in the size of the gains for students in charter schools and the size of the gaps in their math and reading growth relative to TPS peers.

Beyond academic achievement, disproportionalities in how frequently SWDs are disciplined and the punishments they receive has been a long-standing concern among special education advocates. This concern extends to discipline practice for SWDs in schools of choice (Skiba et al., 2008; Sullivan, Van Norman, & Klingbeil, 2014), which a report from researchers at the NCSEC substantiates (Rhim & Kothari, 2018). They found that both charter schools and TPSs suspended SWDs at about twice the rate of general education students (12.3 percent of SWDs for charter schools and 11.6 percent of SWDs for TPS). They also found that charter schools suspended all students at higher rates than TPSs (6.6 percent versus 5.6 percent respectively), but this figure has been dropping over time. These results mirror the patterns Losen, Keith, Hodson, & Martinez (2016) reported based on prior year's Civil Rights Data showing that charter schools suspended a greater proportion of SWDs than TPSs.

The rate at which students exit schools is one final measure of students' experiences in schools of choice. Exiting is generally taken to reflect students leaving a school for reasons other than expulsion or dropping out. Studies of charter schools in multiple choice markets (e.g., Denver, New York City) have shown that students with IEPs are less likely to exit a charter school than a TPS (Winters 2014, 2015), even if SWDs overall are more likely to exit than general education students regardless of sector. In sum, as with much of the school choice research generally, the evidence about how

SWDs are doing in schools of choice and whether they are being treated fairly and receiving the supports they need to be successful is mixed. The answers to those questions depend in large part on the specifics of the questions themselves.

School Choice for English Learners

As is the case for SWDs, all public school districts, charter schools, and public alternative schools are required to comply with federal civil rights laws that guide the education of ELs. A 2014 Office of Civil Rights Dear Colleague letter emphasized that all public schools, including public schools of choice, must take “affirmative steps to help [ELs] overcome language barriers so that they can participate meaningfully in their school’s educational programs.” In addition, they must “timely identify language-minority students who have limited proficiency in reading, writing, speaking or understanding English, and must provide those students with an effective language instruction educational program that also affords meaningful access to the school’s academic content” (Lhamon, 2015, p. 5).

School Choice Options for ELs

Public schools of choice are open to EL students. Because magnet schools have a specialized curricular focus, those that adopt dual language programs are particularly promising for ELs. For example, the nation’s top district in terms of EL enrollment, Los Angeles Unified School District (LAUSD), offers 38 dual language and bilingual magnet programs in languages such as Spanish, Mandarin, Korean, Arabic, French, and Armenian (LAUSD, 2018). Similarly, charter schools’ relatively greater autonomy may facilitate their more readily catering to EL students’ needs. Moreover, charter schools have been able to bypass state policies that have restricted access to bilingual education. For example, charter schools were exempt from the legal requirements that were added in 1998 under California’s Proposition 227, which required that ELs be taught in English immersion classrooms as opposed to bilingual education models (California Department of Education, 2017). (This was repealed by Proposition 58, which took effect in 2017.)

Private schools also enroll EL students. As is the case with some other federal education programs, ELs who attend private schools may receive services funded by Title III and provided by LEAs that serve the same geographic area (USED, 2015). Moreover, ELs are eligible to participate in voucher programs. As more states consider implementing voucher programs, education watchdogs are quick to point out that many school voucher policies do not explicitly require that private schools accepting vouchers serve ELs, raising concerns about whether ELs will be discriminated against during the admissions process (e.g., Education Law Center, 2017).

EL Enrollment in Schools of Choice

The families of many ELs face linguistic, cultural, and economic barriers that may make it more difficult for them to engage in school choice. The limited extant research examining EL students’ school choice participation has focused on public school choice. For example, Mavrogordato and Harris (2017) explored rates of ELs’ enrollment in any nonzoned public school, including magnet schools and district-authorized charter schools, as well as inter- and intradistrict enrollment in nonzoned TPSs. They found significant and meaningful gaps in school choice participation rates. Whereas 46 percent of elementary students in their sample who had never been ELs enrolled in a nonzoned school, only 33 percent of ELs did. The gap was larger in upper grades: 45 percent of never-EL high school students enrolled in a nonzoned school, while only 18 percent of their EL peers did. Even when controlling for a host of demographic characteristics, they found ELs were 28 percent less likely than never-ELs to enroll in a nonzoned school, raising important questions

about whether ELs' parents are able to overcome barriers and access various forms of schools of choice.

Much of the literature examining EL enrollment in schools of choice has focused on the charter sector. As of the 2013–2014 school year, ELs represented approximately 9.8 percent of the charter school population nationwide, about on par with their representation in TPSs (OELA, 2017). However, this estimate masks variation between and within states. For example, in California, which has the largest EL population nationwide, only 16.6 percent of the charter school population is EL while 22.9 percent of the noncharter public school population is (OELA, 2017). Conversely, in Texas, second in EL enrollment, ELs comprise 19.4 percent of the charter population but only 15.3 percent of the noncharter public school population. Across the country, 18 states report a higher percentage of ELs in charter schools, but local education markets within these states vary (OELA, 2017). For example, ELs are overrepresented in charter schools in New York, but underrepresented in New York City (Buckley & Sattin-Bajaj, 2011; Winters, 2014; OELA, 2017).

Malkus (2016) endeavored to account for this variation across local education markets by comparing EL enrollment in charter schools to the five nearest TPSs. He found that 46 percent of charter schools served similar proportions of EL students to their neighboring TPSs, but 24 percent served fewer EL students and 17 percent served substantially less (a difference of more than 15 percent). On the basis of these findings, Malkus concluded that the evidence substantiates claims that “charter schools serve disproportionately fewer students who are more expensive to educate (including [EL] and special education students) than neighboring TPSs” (p. 11).

ELs only constitute approximately 2.6 percent of private school students (NCES, 2012). However, evaluations of individual private school voucher programs in different contexts suggest that, at least in some cases, ELs are slightly overrepresented in voucher programs compared to TPSs (e.g., Carlson, Cowen, & Fleming, 2013; Waddington & Berends, 2018). That said, ELs using vouchers to attend private schools might not have access to specialized learning programs that address their language learning needs. For example, only 26 percent of students randomly assigned to receive a voucher in Washington D.C. had access to programs for ELs, whereas 57 percent of those who did not receive a voucher did (Wolf et al., 2009).

What emerges from the enrollment data discussed above is that there is no clear trend in the extent to which ELs are represented in schools of choice. There is a tremendous amount of variation across different school choice sectors, states, and local education markets, suggesting the need for more fine-grained analysis regarding whether ELs have access to school choice and the characteristics of the EL students who are more or less likely to participate.

English Proficiency and Achievement Outcomes for ELs

Another way to gauge whether school choice is expanding or constraining educational opportunity for EL students is to examine how ELs who enroll in schools of choice are performing on meaningful educational outcomes, such as academic achievement and English proficiency. In a recent study using data from Indianapolis, Waddington and Berends (2018) estimated the impact of switching from a TPS to a charter, magnet, Catholic, or other private school on student achievement. They found that ELs who switched to magnet, Catholic, and other private schools experienced a statistically significant annual loss in mathematics achievement. With regard to English language arts, ELs in Catholic schools experienced positive but statistically insignificant gains, and ELs switching to the other three types of schools had consistent losses in mathematics.

Studies of EL achievement have tended to focus overwhelmingly on the differences between EL students in TPSs and their peers in charter schools. CREDO's (2015) quasi-experimental study of charter schools in 41 urban regions found that when looking across all regions, ELs in charter schools experienced the same amount of growth in math and reading as their peers in TPSs. However, upon

closer examination in specific regions, there were differences between ELs in TPSs and charter schools. For example, within Florida, ELs in Miami charter schools experienced reading growth over their matched TPS peers, whereas in Fort Meyers, ELs experienced less growth.

Very few school choice studies have explored outcomes for ELs beyond achievement. For example, English proficiency is arguably an equally important outcome for this subgroup but is often overlooked in the school choice literature. With her school lottery data from Boston, Setren (2015) found that ELs in charter schools outperformed their TPS peers not only in math achievement but also in English proficiency, eligibility for a state merit college scholarship, and the likelihood of taking AP coursework. Conversely, charter enrollment appears to substantially lower the likelihood that EL students will graduate from high school in four years, consistent with the finding on SWDs discussed above. Moreover, Setren (2015) found differential effects for the neediest students; ELs with the lowest level of English proficiency experienced the greatest gains in charter schools when compared to their TPS peers.

Potential Mechanisms Contributing to Enrollment Patterns of SWDs and ELs in Choice Schools

A number of possible explanations have been given for ongoing disparities in the enrollment of SWDs and ELs across schools of choice. Much of the work behind these explanations has relied on qualitative data, providing more in-depth accounts yet a smaller number of cases than quantitative data sources can offer. The debate therefore continues about what practices or policies might be responsible for enrollment imbalances and the best way to remedy them.

Enrollment in schools of choice requires some degree of individual or family-motivated pursuit of the school. Lower rates of participation in school choice programs generally among underserved student populations—including disproportionately fewer applications to charter schools, magnet schools, and selective public high schools—is one potential driver of the enrollment gaps documented (Sattin-Bajaj, 2014, 2015; Winters, 2015). They may not participate in optional school choice programs or pursue competitive schools in the context of compulsory choice (such as New York City) for a number of reasons. An additional set of challenges specific to SWDs and ELs may complicate their efforts to effectively learn about, access, and be served by schools of choice.

Barriers to clear, comprehensive information about students' school choice options remain a significant obstacle for families of SWDs and ELs, even in districts where school choice has been in place for decades. To start, some schools or choice-rich districts provide limited information about language and special education supports (DiMartino & Jessen, 2018), do not offer translated materials or have bilingual staff (Sattin-Bajaj, 2014; Mavrogordato & Stein, 2016), and market themselves to selective subgroups of students who may live in more advantaged areas, have higher test scores, or may be less costly to educate (Epple, Romano, & Zimmer, 2016).

Another obstacle may be school leaders' efforts to dissuade some students from applying to or enrolling in their schools, either through "counseling out" or by not providing some of the services ELs and/or SWDs need, or both. Unlike private schools, public schools may not formally exclude students from certain disability categories and must comply with all mandates of a student's IEP under IDEA. However, researchers have found multiple examples of traditional public and charter school leaders attempting to encourage students to consider other schools or "cropping off" services so that students with particular needs may be less inclined to apply or enroll in theirs.

As part of a larger study of charter school enrollments, the GAO conducted site visits to 13 charter schools and some TPSs in three states (Scott, 2012). They found evidence of some charter school leaders actively discouraging applicants from subgroups of students, including SWDs. Likewise, Rhim and colleagues (2007) surveyed charter school authorizers, who reported that schools sometimes used IEPs to determine their suitability for particular students and, under some conditions,

would “counsel” parents to look for other schools. In New York City’s mandatory high school choice context, Jessen (2013) observed principals of some of the city’s new small high schools telling students with restrictive IEPs that their schools did not have the services they needed.

The phenomenon of “counseling out” or “cropping off” has been documented from Texas (Estes, 2004) to Chicago (Waitoller et al., 2017), but it has been refuted by those who attribute the application and enrollment gaps to parents’ preferences and school selections rather than school-driven actions (Hanushek, Kain, Rivkin, & Branch, 2007). Some special education researchers have contested that claim, arguing, “although the ultimate decision belongs to parents, the end result might be that parents of [SWDs] voluntarily do not send their children to charter schools because these schools do not have adequate resources to accommodate their needs” (Rhim & McLaughlin, 2007, p. 12).

Turning to the issue of lower rates of special education classification for students in schools of choice (charters and voucher programs) and less severe categories of disability among them, scholars point to the high costs of educating SWDs and fully complying with the mandates specified in a student’s IEP (Slade et al., 2009; Epple et al., 2016). Charter schools do not uniformly receive the same per pupil amount as TPSs. For example, in Indiana, which has a rapidly growing EL population, charter schools were ineligible for extra state aid to support the education of ELs until 2017 (Cavazos, 2017). Moreover, charter schools may not be able to leverage resources from across the district to serve special populations of students like SWDs and ELs (Wolf, Maloney, May, & DeAngelis, 2017), although the issue of charter school funding is hotly contested (Baker, 2014). Nonetheless, the expense associated with serving costlier students—including accessible, dedicated space in the building, skilled personnel, appropriate educational materials—may be compounded for some schools like charters, making the incentive not to serve these students high. Furthermore, some scholars argue that lower classification rates may in fact be positive for students if they do well in school without the formal special education designation like they have in Boston (Setren, 2015; Winters et al., 2017).

Responses to Improve Underserved Students’ Access to Schools of Choice

Questions about inequity in access to schools of choice have been around nearly as long as school choice policies themselves. In response to empirical evidence documenting this inequity, state policymakers, charter school authorizers, school choice advocacy organizations, and individual school leaders have begun to introduce new policies and programs to facilitate expanded choice and remove barriers to access.

One strategy that has begun to gain traction is developing specific enrollment targets for under-represented student populations and pairing this with support for outreach and greater accountability. Lawmakers in New York State took some of the boldest steps to address persistent underrepresentation of SWDs and ELs in charter schools when they passed a state law requiring charter authorizers to set enrollment and attendance targets for these two groups of students and to consider schools’ efforts to meet these targets when making charter renewal decisions. New York State Assembly Bill A.11310/S.7990 was signed into law on May 28, 2010.

New York City has followed suit in its own district school choice plans, giving preference to certain categories of historically disadvantaged students in academically screened high schools and setting enrollment goals in high-performing elementary schools (NYCDOE, 2017). Similarly, some states’ charter laws permit lottery preferences for certain categories of students (i.e., students in low-performing schools, low-income students, SWDs, ELs). Other states have focused on ensuring that students’ legally mandated services are provided, like in Illinois where state legislation was approved guaranteeing that charter schools follow more stringent laws for special education services (Waitoller et al., 2017). Finally, district-charter compacts, now in place in more than 20 districts

across the country (Whitmire, 2014), represent a new avenue through which schools across sectors are working to expand options for students who had previously been excluded from the full range of educational opportunities, including SWDs and ELs.

Denver is one such example. Denver charter schools entered into a compact with the district that included provisions requiring charter schools to serve a larger percentage of special education students, with a target of serving 15 percent of the district's students with significant needs (Meyer, 2010). Notably, the compact identified forms of disability that should be included among the charter school special needs population, highlighting the importance of paying attention to the intensity of a student's need rather than just the existence of an IEP. In return, charters were granted access to Denver Public School facilities and provided greater resources to serve these students (Meyer, 2010).

Another approach to building capacity for schools of choice to serve SWDs and ELs is to pool and share expertise by forming consortia. The New York City Charter School Center provides support to charter schools around recruiting, identifying, and educating ELs. This group disseminates information on exemplar EL program models, best practices for serving ELs, and policies to help schools comply with current federal and state regulations. The New York City Special Education Collaborative operates along the same lines, supporting 190 NYC-based charter schools with professional development, technical assistance, and advocacy to help their efforts to effectively serve students with disabilities. These consortia provide a particularly valuable resource for independent charter schools and those that are part of smaller management organizations because they can create economies of scale around serving special populations.

Future Research Directions on Expanding Equity for Underserved Students in Schools of Choice

In 2010, U.S. Secretary of Education Arne Duncan challenged the nation's charter schools to ensure that they are equitably serving special populations such as SWDs and ELs, saying:

If there are places—New York or other cities—that don't have enough charters serving ELL students, you guys need to collectively think through who are the players who are doing a fantastic job, who are going to step into the void, and systemically, across the country each year, start to address that issue. (para. 5)

Since that time, a number of steps have been taken to better serve SWDs and ELs in schools of choice. Policymakers in some states have moved away from unregulated choice models in favor of controlled programs that strive to balance enrollment by considering student characteristics such as whether the student has a disability or is an EL. Moreover, researchers have begun to investigate issues of equity for SWDs and ELs in schools of choice. More work is needed in this area.

The vast majority of the research that explores SWDs and ELs in schools of choice continues to focus narrowly on achievement outcomes. While academic performance is obviously important, it is only one of many meaningful educational outcomes. For example, progress toward meeting key cognitive, behavioral, and social-emotional benchmarks is vital for SWDs, and acquiring English proficiency and being reclassified as fluent English proficient are critical for ELs. Very little work has investigated how schools of choice are faring in these areas.

More research is also needed that explores important variations within these subgroups of students. Many of the findings on how schools of choice are serving SWDs and ELs are mixed, which may be partly a function of how the analyses of these groups were conducted. SWDs and ELs are not monolithic subgroups, but they are often treated as such in the literature. Disaggregation of data on SWDs by disability type and recommended educational setting would allow for a more comprehensive picture of which students are being served where and how well. ELs vary in the level

of English proficiency upon enrollment in school, literacy in their native language, refugee status, and whether their parents have opted out of language support services. These variations have ramifications for comparing whether these subgroups of students have access to schools of choice and how they perform relative to their TPS peers. In sum, a more nuanced approach to understanding these subgroups may help answer the next generation of questions about whether schools of choice are expanding or constraining educational opportunity for SWDs and ELs. Moreover, the research literature should expand beyond these two groups to examine the school choice experiences and obstacles of less commonly studied ones, such as students in temporary housing, formerly incarcerated youth, and students in foster care.

Finally, it will be important to map out and study the geography of opportunity for historically underserved students such as SWDs and ELs. What matters is whether students have access to *high quality* school choice options *where they live* as opposed to aggregates across districts or states. SWDs and ELs are more likely to attend school in urban contexts. Therefore, when we compare the enrollment of SWDs and ELs in charter schools versus TPSs at the state level, we are likely masking important variation in local education markets. For example, in New York ELs are overrepresented in charter schools at the state level, but underrepresented in New York City, likely an artifact of lower EL representation in less urbanized areas.

School choice policies have set the foundation for innovative school models to develop in response to the specialized needs of diverse groups of students like SWDs and ELs. As a case in point, the nearly 140 charter schools dedicated to students with disabilities offer a public schooling option for students whose needs might not be met in traditional public school settings (Rhim & Kothari, 2018). By the same token, the Internationals Network for Public Schools, comprising 27 stand-alone schools and academies that serve newcomer immigrant students in nine school districts across the country, has achieved remarkable success in helping ELs develop language proficiency and make significant academic progress through a tailored approach to language learning. Overall, however, school choice policies have not yet delivered on their promise of greater educational opportunities for all students, particularly those from marginalized backgrounds. As the school choice movement continues to evolve, researchers and policymakers alike must commit to pursuing agendas designed to serve the wide range of student and parent interests in the U.S. today.

References

- Abedi, J. (2008). Classification system for English language learners: Issues and recommendations. *Educational Measurement: Issues and Practice*, 27(3), 17–31.
- Almazan, S., & Marshall, D. (2016). *School vouchers and students with disabilities: Examining impact in the name of choice*. Towson, MD: Council of Parent Attorneys and Advocates.
- Angrist, J.D., Pathak, P.A., & Walters, C.R. (2013). Explaining charter school effectiveness. *American Economic Journal: Applied Economics*, 5(4), 1–27.
- Bailey, A.L., & Kelly, K.R. (2013). Home language survey practices in the initial identification of English learners in the United States. *Educational Policy*, 27(5), 770–804.
- Baker, B.D. (2014). *Review of charter school funding: Inequity expands*. Boulder, CO: National Education Policy Center.
- Barnard-Brak, L., Schmidt, M., & Almekdash, M.H. (2018). Enrollment of students with disabilities in charter schools: Contemporary national and state level findings. *Education Policy Analysis Archives*, 26(43). Retrieved from <http://dx.doi.org/10.14507/epaa.26.3276>
- Buckley, J., & Sattin-Bajaj, C. (2011). Are ELL students underrepresented in charter schools? Demographic trends in New York City, 2006–2008. *Journal of School Choice*, 5(1), 40–65.
- California Department of Education. (2017, May 8). *Charter Schools FAQ Section 4*. Retrieved from <https://www.cde.ca.gov/sp/cs/re/qandasec4mar04.asp#q2>
- Callahan, R.M., & Shiffrer, D. (2016). Equitable access for secondary English learner students: Course taking as evidence of EL program effectiveness. *Educational Administration Quarterly*, 52(3), 463–496.

- Carlson, D.E., Cowen, J.M., & Fleming, D.J. (2013). Third-party governance and performance measurement: A case study of publicly funded private school vouchers. *Journal of Public Administration Research and Theory*, 24(4), 897–922.
- Cavazos, S. (2017, April 26). \$32 million is headed to Indiana schools to educate English-learners. *Chalkbeat*. Retrieved from <https://www.chalkbeat.org/posts/in/2017/04/26/32-million-is-headed-to-indiana-schools-to-educate-english-learners/>
- Center for Research on Education Outcomes (2015). *Urban charter school study Report on 41 regions*. Palo Alto, CA: Center for Research on Education Outcomes.
- Child Trends Databank. (2014). *Dual language learners*. Bethesda, MD: Child Trends. Retrieved from <https://www.childtrends.org/?indicators=dual-language-learners>
- Common Core of Data (2016). *EDFacts Data Groups 695 and 696, School year 2014–15 (Data file)*. Washington, D.C.: Department of Education.
- DeVos, B. (2017, February 28). *Statement to Congress*. Retrieved from <https://www.ed.gov/news/press-releases/secretary-education-betsy-devos-praises-president-trumps-call-increase-access-quality-education-all-children>
- DiMartino, C., & Jessen, S.B. (2018). *Selling school: The marketing of public education*. New York, NY: Teachers College Press.
- Duncan, A. (2010, July 1). *Remarks to the National Alliance of Public Charter Schools*. Retrieved from <https://www.ed.gov/news/speeches/remarks-secretary-arne-duncan-national-alliance-public-charter-schools>
- Education Law Center. (2017). *Voucher watch*. Newark, NJ: Education Law Center.
- Epple, D., Romano, R., & Zimmer, R. (2016). Charter schools: A survey of research on their characteristics and effectiveness. In E.A. Hanushek, S. Machin, & L. Woessmann (Eds.), *Handbook of the economics of education, Vol. 5* (pp.139–208). New York, NY: Elsevier.
- Estes, M.B. (2004). Choice for all? Charter schools and students with special needs. *The Journal of Special Education*, 37, 257–267.
- Every Student Succeeds Act (ESSA) of 2015, Pub. L. 114–95 (2015).
- García, E.E. (2005). *Teaching and learning in two languages: Bilingualism & schooling in the United States*. New York, NY: Teachers College Press.
- Garcy, A.M. (2011). High expense: Disability severity and charter school attendance in Arizona. *Education Policy Analysis Archives*, 19(6), 1–26.
- Gilmour, A.F. (2018). Has inclusion gone too far? *Education Next*, 18(4), 1–9.
- Hanushek, E.A., Kain, J.F., Rivkin, S.G., & Branch, G.F. (2007). Charter school quality and parental decision making with school choice. *Journal of Public Economics*, 91, 823–848.
- Hoxby, C.M., Murarka, S., & Kang, J. (2009). *How New York City's charter schools affect achievement*. New York City Charter Schools Evaluation Project. Cambridge, MA: New York City Charter Schools Evaluation Project.
- Individuals with Disabilities Education Act, 20 U.S.C. § 1400 (2004).
- Jessen, S.B. (2013). Special education & school choice: The complex effects of small schools, school choice and public high school policy in New York City. *Educational Policy*, 27(3), 427–466.
- Lacireno-Paquet, N., Holyoke, T.T., Moser, M., & Henig, J.R. (2002). Creaming versus cropping: Charter school enrollment practices in response to market incentives. *Educational Evaluation and Policy Analysis*, 24(2), 145–158.
- Lake, R., Gross, B., & Denice, P. (2012). *New York state special education enrollment analysis*. Bothel, WA: Center on Reinventing Public Education. Retrieved from <http://bit.ly/2sSlpQg>
- Lau v. Nichols*, 414 U.S. 563 (1974).
- Lhamon, C., & Gupta, V. (2015, January 7). *Dear colleague letter*. Washington, D.C.: U.S. Department of Education, Office for Civil Rights, and U.S. Department of Justice, Civil Rights Division.
- Linquanti, R., Cook, H.G., Bailey, A.L., & MacDonald, R. (2016). *Moving toward a more common definition of English learner: Collected guidance for states and multi-state assessment consortia*. Washington D.C.: Council of Chief State School Officers.
- Lipscomb, S., Haimson, J., Liu, A.Y., Burghardt, J., Johnson, D.R., & Thurlow, M.L. (2017). *Preparing for life after high school: The characteristics and experiences of youth in special education. Findings from the National Longitudinal Transition Study 2012. Volume 1: Comparisons with other youth: Executive summary* (NCEE 2017–4017). Washington, D.C.: U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance.
- Los Angeles Unified School District. (2018). *E-Choices: LAUSD Choices Program*. Los Angeles, CA: LAUSD. Retrieved from <http://echoices.lausd.net/>
- Losen, D.J., Keith, M.A., Hodson, C.L., & Martinez, T.E. (2016). *Charter schools, civil rights and school discipline: A comprehensive review*. Los Angeles, CA: Center for Civil Rights Remedies at the Civil Rights Project.

- Malkus, N. (2016). *Differences on balance: National comparisons of charter and traditional public schools*. Washington, D.C.: American Enterprise Institute.
- Malkus, N., & Keller, T. (2017). Federal special education law and state school choice programs. *The Federalist Society Review*, 18, 22–33.
- Mavrogordato, M., & Harris, J. (2017). Eligiendo Escuelas: English learners and access to school choice. *Educational Policy*, 31(6), 801–829.
- Mavrogordato, M., & Stein, M. (2016). Accessing choice: A mixed-methods examination of how Latino parents engage in the educational marketplace. *Urban Education*, 51(9), 1031–1064.
- Mavrogordato, M., & White, R.S. (2017). Reclassification variation: How policy implementation guides the process of exiting students from English learner status. *Educational Evaluation and Policy Analysis*, 39(2), 281–310.
- Menken, K. (2010). NCLB and English language learners: Challenges and consequences. *Theory Into Practice*, 49(2), 121–128.
- Meyer, J.P. (2010, October 26). Finding the right pieces: DPS leads charter school to focus on educating children with severe disabilities. *Denver Post*, B05.
- Murphey, D. (2014). *The academic achievement of English language learners*. Bethesda, MD: Child Trends.
- Nathan, J. (1996). *Charter schools: Creating hope and opportunity for American education*. San Francisco, CA: Jossey-Bass.
- National Center for Education Statistics. (2012). *Schools and Staffing Survey: Table 2*. Washington, D.C.: U.S. Department of Education.
- National Center for Education Statistics. (2016). *EdFacts file 141, Data Group 678*. Washington, D.C.: U.S. Department of Education.
- National Center for Education Statistics. (2018). *The Condition of education: Children and youth with disabilities*. Washington, D.C.: U.S. Department of Education.
- New York City Department of Education (2017). *Equity and excellence of all: Diversity in New York City public schools*. New York, NY: NYC Department of Education.
- No Child Left Behind (NCLB) Act of 2001, Pub. L. No. 107–110, § 115, Stat. 1425 (2002).
- Office of English Language Acquisition. (2017). *English learners (ELs) and charter schools*. Washington, D.C.: Office of English Language Acquisition.
- Office of English Language Acquisition. (2018). *Profiles of English learners (ELs)*. Washington, D.C.: Office of English Language Acquisition.
- Rhim, L.M., Ahearn, E., Lange, C.M., & McLaughlin, M.J. (2007). *Survey of charter school Authorizers* (Report No. 6). College Park, MD: Institute for the Study of Exceptional Children and Youth.
- Rhim, L.M., & Kothari, S. (2018). *Key trends in special education in charter schools: A secondary analysis of the Civil Rights Data Collection*. New York, NY: National Center for Special Education in Charter Schools.
- Rhim, L.M., & McLaughlin, M. (2007). Students with disabilities in charter schools: What we now know. *Focus on Exceptional Children*, 39(5), 1–12.
- Samuels, C.A. (2017). Weighing special ed. as a school choice option. *EdWeek*. February 28.
- Sattin-Bajaj, C. (2014). *Unaccompanied minors: Immigrant youth, school choice, and the pursuit of equity*. Cambridge, MA: Harvard Education Press.
- Sattin-Bajaj, C. (2015). Unaccompanied minors: How children of Latin American immigrants negotiate high school choice. *American Journal of Education*, 121(3), 381–415.
- Schifter, L. (2011). High school graduation of students with disabilities: How long does it take? *Exceptional Children*, 77(4), 409–422.
- Scott, G.A. (2012). *Charter schools: Additional federal attention needed to help protect access for students with disabilities* (GAO-12–543). Washington, D.C.: U.S. Government Accountability Office.
- Setren, E. (2015). *Special education and English language learner students in Boston charter schools: Impact and classification*. Cambridge, MA: Massachusetts Institute of Technology.
- Slade, E., Mills, C., Cunningham, D., Hobbs, N., Andrews, C., & Weist, M. (2009). Non-public special education programs: Evaluating the costs of within school alternatives for students with emotional disturbance. *Advances in School Mental Health Promotion*, 2(3), 30–37.
- Skiba, R.J., Simmons, A.B., Ritter, S., Gibb, A.C., Rausch, M.K., Cuadrado, J., & Chung, C.G. (2008). Achieving equity in special education: History, status, and current challenges. *Exceptional Children*, 74(3), 264–288.
- Snyder, T.D., de Brey, C., & Dillow, S.A. (2018). *Digest of education statistics 2016* (NCES 2017–094). Washington, D.C.: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics.
- Southern Poverty Law Center v. Pastorek*, No. 10-ED-04049 (E.D. La. 2010).

- Sullivan, A.L., Van Norman, E.R., & Klingbeil, D.A. (2014). Exclusionary discipline of students with disabilities: Student and school characteristics predicting suspension. *Remedial and Special Education, 35*(4), 199–210.
- Theobald, R.J., Goldhaber, D.D., Gratz, T.M., & Holden, K.L. (2018). Career and technical education, inclusion, and postsecondary outcomes for students with learning disabilities. *Journal of Learning Disabilities*. Retrieved from <https://www.ncbi.nlm.nih.gov/pubmed/29790412>
- Tuchman, S., Campbell, C., & Heyward, G. (2018). *Are Washington charter public schools serving students with disabilities?* Seattle, WA: Center on Reinventing Public Education.
- Tuchman, S., & Wolf, P.J. (2017). *Special education identification in the Louisiana Scholarship Program*. Fayetteville, AR and New Orleans, LA: University of Arkansas and Tulane University.
- Tucker, J.A. (2014). Socially determined vs. physically determined disabilities in special-education placements. *Ethical Human Psychology and Psychiatry, 16*(2), 87–90.
- Umansky, I.M. (2016). Leveled and exclusionary tracking: English learners' access to academic content in middle school. *American Educational Research Journal, 53*(6), 1792–1833.
- U.S. Department of Education (2015). *Title III, Part A English language acquisition, language enhancement, and academic achievement: Equitable services to private school students, teacher, and other educational personnel, non-regulatory guidance*. Washington, D.C.: United States Department of Education.
- U.S. Department of Education, National Center for Education Statistics. (2016). *The Digest of Education Statistics, 2015* (NCES 2016–014), Table 204.60. Washington, D.C.: United States Department of Education.
- U.S. Department of Education (2018). *Our nation's English learners: What are their characteristics?* Washington, D.C.: United States Department of Education.
- Waddington, R.J., & Berends, M. (2018). Impact of the Indiana Choice Scholarship Program: Achievement effects for students in upper elementary and middle school. *Journal of Policy Analysis and Management, 37*(4), 783–808.
- Wagner, M., Kutash, K., Duchnowski, A.J., & Epstein, M.H. (2005). The Special Education Elementary Longitudinal Study and the National Longitudinal Transition Study: Study designs and implications for children and youth with emotional disturbance. *Journal of Emotional and Behavioral Disorders, 13*(1), 25–41.
- Waitoller, F.R., Maggin, D.M., & Trzaska, A. (2017). A longitudinal comparison of enrollment patterns of students receiving special education in urban neighborhood and charter schools. *Journal of Disability Policy Studies, 28*(1), 3–12.
- Whitmire, R. (2014). Inside successful district–charter compacts. *Education Next, 14*(4), 43–48.
- Winters, M.A. (2014). *Why the gap? Special education and New York City charter schools*. New York, NY: Manhattan Institute for Policy Research, Center for Reinventing Public Education.
- Winters, M.A. (2015). Understanding the gap in special education enrollments between charter and traditional public schools: Evidence from Denver, Colorado. *Educational Researcher, 44*(4), 228–236.
- Winters, M.A., Carpenter, D.M., II, & Clayton, G. (2017). Does attending a charter school reduce the likelihood of being placed into special education? Evidence from Denver, Colorado. *Educational Evaluation Policy Analysis, 39*(3), 448–463.
- Wolf, P.J., Gutmann, B., Puma, M., Kisida, B., Rizzo, L., & Eissa, N. (2009). *Evaluation of the DC Opportunity Scholarship Program: Impacts after three years (NCEE 2009–4050)*. Washington, D.C.: U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance.
- Wolf, P.J., Maloney, L.D., May, J.F., & DeAngelis, C.A. (2017). *Charter school funding: Inequity in the city*. Fayetteville, AR: School Choice Demonstration Project.
- Wolf, P.J., Witte, J.F., & Fleming, D.J. (2012). *Special education and the Milwaukee Parental Choice Program. School Choice Demonstration Project Milwaukee evaluation* (Report No. 35). Fayetteville, AR: University of Arkansas.
- Zong, J., & Batalova, J. (2015). *The limited English proficient population in the United States*. Washington, D.C.: Migration Policy Institute.
- Zúñiga, V., & Hernández-León, R. (Eds.). (2006). *New destinations: Mexican immigration in the United States*. New York, NY: Russell Sage Foundation.