



Advancing the human and civil rights of people with disabilities

SELF-ADVOCACY ASSISTANCE ★ LEGAL SERVICES ★ DISABILITY RIGHTS EDUCATION ★ PUBLIC POLICY ADVOCACY ★ ABUSE INVESTIGATIONS

March 13, 2015

Dr. Barbara Byrd-Bennett
Chief Executive Officer
Chicago Public Schools
42 W. Madison St.
Chicago, IL 60602

Re: FY15 Charter School Reauthorizations

Dear Dr. Byrd-Bennett:

This letter highlights new findings about the experience of students with disabilities in Chicago charter schools. We look forward to meeting with you to discuss this information and our ideas about how Chicago Public Schools (CPS) can run a rigorous reauthorization process and ensure that charter schools effectively serve all students with disabilities. We are sharing this letter with you, key CPS staff, the Illinois State Board of Education, and the broader public with the hope that it will bring students with disabilities to the forefront of the ongoing conversation about charter schools in Chicago. These schools were launched with the promise of innovation and spreading educational opportunity. Students with disabilities should be included and benefit from the innovations and unique opportunities charter schools can provide. We hope this letter will begin a dialogue between Equip for Equality, Chicago Public Schools, and others about how to ensure the needs of all students in Chicago are met.

As you may be aware, Equip for Equality, Inc. ("EFE") is an independent not-for-profit organization designated by the Governor to administer the federal protection and advocacy system for children and adults in Illinois with disabilities. Last year, our Special Education Clinic ("Clinic") assisted over 1,300 families across Illinois, including over 500 families in Chicago. In recent years, the Clinic served over 150 students with disabilities in more than 50 different charter schools, leading us to launch a Charter School Advocacy Project in of 2013 with the help of the Skadden Fellowship Foundation.

EFE has compiled publicly available school policies, enrollment forms, and data from CPS and charter school websites, supplemented by data obtained through Freedom of Information Act requests. Based on the findings that we highlight in this letter, we encourage CPS to take several steps to enhance its reauthorization process to better protect students with disabilities:

THE INDEPENDENT, FEDERALLY MANDATED PROTECTION & ADVOCACY SYSTEM FOR THE STATE OF ILLINOIS

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- Analyze all performance, enrollment, and discipline data disaggregated by whether a student has a disability and disability type from schools seeking reauthorization.
- Review admissions practices at schools seeking reauthorization to ensure there are no unlawful barriers to enrollment such as requests for improper information prior to the lottery or admissions exams.
- Require charter school applications to include nondiscrimination statements.
- Include in new or reauthorized charter contracts the groundwork for specialized programs to promote inclusion.

We also ask that CPS review carefully those schools seeking reauthorization that:

- Enroll students with disabilities at low rates; some schools still have **30-50% fewer** students with disabilities than comparable CPS schools;
- Exclude students with significant disabilities (LRE3) as the enrollment of these students in CPS climbs by 2% during the year, **but drops 21%** in charter schools;
- Disproportionately expel students with disabilities; **26% of students** expelled from charter schools had an IEP;
- Report low academic achievement for students with disabilities;
- Employ strict promotion criteria that may push-out students with mild behavior or attendance problems, even if related to a disability;
- Report disproportionate losses of students with disabilities, such as at Urban Prep, EPIC, and Prologue where the enrollment rate of students with disabilities drops during the year at more than **twice the rate** of students without disabilities; or,
- Report high net losses of students in key grades; charter schools lose Kindergarten and 8th grade students at **5x the rate** of similar CPS schools, more 9th grade students than CPS schools on average, and a few like Urban Prep have a senior class that shrinks at 3x the rate of the average charter high school.

Schools that do not fully include and support students with disabilities should be subject to corrective action. Our comments focus on schools that will soon be due for reauthorization,¹ along with suggestions about the reauthorization process. **Equip for Equality is not taking a position for or against the renewal of any particular school.** We hope this information will help CPS remain a strong charter school authorizer that more rigorously protects the rights of students with disabilities.

I. CPS should zealously oversee special education in charter schools.

Students with disabilities remain under-enrolled and under-served in many Chicago charter schools. At the start of the 2013-14 school year, the average charter school in

¹ Academy for Global Citizenship, Catalyst, EPIC, Erie, Galapagos, Instituto Health, Legacy, Prologue, Rowe, Urban Prep, and YCCS have charters that expire in 2015, and it appears from an EFE review of CPS board actions that ACE Tech, Bronzeville Lighthouse, Chicago Virtual, Kwame Nkrumah and LEARN have charters expiring in 2016.

Chicago still enrolled fewer students with IEPs than similar CPS schools,² with a particularly pronounced gap at the elementary level, where students with disabilities constitute 9.5% of the school population, compared to 12.5% in similar CPS schools. Researchers at the University of Illinois at Chicago have found that an enrollment gap remains, especially at the elementary level.³ They find that charter schools enroll fewer students with intense special education needs, such as those with an intellectual disability or autism. EFE's investigation reaches similar conclusions regarding the enrollment patterns of students with disabilities.

EFE continues to receive a steady stream of requests for assistance from charter school families. We hear from students who have been told they cannot attend a charter school due to their disability, students fighting to receive special education services for the first time, students languishing for years with minimal special education supports, and students punished or expelled for behaviors related to their disability.

Many families call us because they recognize the educational opportunities available in charter schools and do not want to leave. While EFE often helps families enroll or stay in a charter school with successful special education services, CPS must closely monitor to ensure that all schools serve students with disabilities well.

A. The re-authorization process must consider students with disabilities.

A significant part of the CPS reauthorization review should focus on students with disabilities. Charter schools were created to "increase learning opportunities" for students "with special emphasis on expanded learning experiences for at-risk pupils," provided that charter schools do not "discriminate on the basis of disability... or need for special education services." Illinois Charter School Act, 105 ILCS 5/27A-2. Recent ISBE regulations admonish authorizers to ensure compliance with state and federal disability laws and "hold schools accountable for fulfilling fundamental public education obligations to all students, which includes ... Nonselective, nondiscriminatory access to all eligible students; Fair treatment in admissions and disciplinary actions for all students; and Appropriate services for all students, including those with disabilities," 23 Ill. Admin. Code § 650, Appendix A, Standards 3 & 4.3.

² EFE compares charter schools to "similar" CPS schools. Similar schools include neighborhood, magnet and small schools, but not selective enrollment, career, special education, contract, military, classical, or regional gifted schools. Alternative or "option" high schools are excluded from both the charter and "similar" school categories.

³ Federico R. Waitoller, Josh Radinsky, Agata Trzaska, & Daniel M. Maggin, Collaborative for Equity and Justice in Education, University of Illinois at Chicago, "A Longitudinal Comparison of Enrollment Patterns of Students Receiving Special Education Services in Chicago Charter and Neighborhood Public Schools," May 2014, available at <http://ceje.uic.edu/wp-content/uploads/2013/11/Waitoller-spec-ed-FINAL-compressed.pdf>.

B. CPS should build on a sound foundation to further consider students with disabilities in the reauthorization process.

EFE applauds CPS for taking into account students with disabilities and school discipline practices as part of its reauthorization process. The charter school renewal application asks for data about the enrollment of students with disabilities, student mobility, expulsions, and transfers. CPS requires charter schools to report generally on special education services, as well as explain changes to codes of conduct and compliance with discipline guidance from the United States Department of Education. Finally, EFE appreciates that CPS has increased the Office of Diverse Learn Supports and Services (“ODLSS”) staff available to support charter schools this year.

CPS should add to the reauthorization review an analysis of all significant data broken down by student population. The recently revamped CPS School Quality Rating Policy (“SQRP”) recognizes that schools must be judged on how racial, language, and disability subgroups perform, in addition to overall performance. Similarly, CPS should request and review the following information disaggregated by disability status and primary special education eligibility category (i.e. type of disability):

- Student achievement;
- Count of students required to repeat a grade, along with the reason;
- Suspension, expulsion referral, and expulsion rates, by alleged offense;
- Count of students who un-enroll during the school year, including the reason by leave code (such as transfer within CPS, drop out, or expelled);
- Count of students who transfer to secure access to additional special education supports in a cluster program or separate special education placement;
- Enrollment of transfer students, both during the school year or fall transfer for grades that are not typically entry points (grades 1-8, and grades 10-12); and,
- Count of students who transfer over the summer, where they go, and the reason.

CPS should already have much of this information in CIM/IMPACT. If not, CPS could require that schools seeking reauthorization in 2016 provide this disaggregated data with the next charter renewal application.

II. CPS should give additional attention to several specific issues during the school reauthorization process.

EFE's investigation reveals several topics that warrant investigation by CPS,⁴ including trends of students who leave charter schools, especially students with disabilities and those with more intense special education services (LRE 3). CPS should also monitor discipline and enrollment practices to ensure there are no barriers to charter school access.

A. CPS should investigate the enrollment practices at charter schools that still report low rates of enrollment of students with disabilities.

While the charter sector in Chicago as a whole has made progress on including students with disabilities, these gains remain uneven. CPS should examine the schools and networks that still do not enroll many students with disabilities, perhaps due to recruiting, admissions, enrollment, or special education practices, such as processes for granting or removing special education eligibility. Any of these causes would be a reason for concern.

Charter high schools began the 2013-14 school year with 15.8% of students with disabilities on average, compared to 17% for similar CPS schools. Urban Prep (18.5%), ACE Tech (18.5%) and EPIC (19.3%) had above average rates while some had lower rates, such as 14.2% at Instituto Health. Chicago Virtual (a K-12 school) also had a low rate of 10.9%.

Elementary school rates are more concerning. Charter elementary schools began last year with 9.5% of students with disabilities, compared to 12.5% in similar CPS schools. Charter schools with low rates in 2014 include LEARN (7.9%) and Galapagos (6.9%). In CPS schools, the percent of students with an IEP increases during the year by about 2% (from 12.5% to 14.4%).⁵ In contrast, the special education enrollment at Bronzeville Lighthouse rose less than 1% on average, while Kwame Nkrumah actually saw the percent of student with an IEP decline by 0.6% in 2014.

CPS option schools enrolled 17.7% students with disabilities on average to start the 2013-14 school year. Among option charter schools, **Prologue campuses only enrolled 11.5% students with disabilities** and some (though not all) YCCS campuses had very low rates. Moreover, the percent of students with an IEP dropped at Prologue during the year, falling 2.8% to just 8.6% of students. CPS should investigate why some schools still have low enrollment of students with disabilities, especially elementary and option schools.

⁴ While EFE has gathered and analyzed data on all schools in Chicago, this letter notes interesting data for schools that have a charter expiring in June 2015 or June 2016. We hope this focus will better assist CPS in targeting its resources during the authorization review. EFE can provide additional data upon request.

⁵ This appears to be due in part to attrition of general education students more quickly than special education students as the total enrollment drops during the year.

- i. *CPS should review charter school admissions requirements to ensure there are no unlawful criteria.*

CPS should review admissions materials to see if any schools ask about disability status before a lottery or use potentially unlawful admissions criteria. For example, at least some YCCS campuses appear to require an academic admissions test for admissions and publish the minimum cut scores.⁶ Such requirements are not permitted by the charter school law, 105 ILCS 5/27A-5(h). CPS should review application materials and practices for charter schools to ensure that they are not requesting prohibited information or creating illegal barriers to enrollment.

- ii. *CPS should require charter school applications and enrollment materials to include non-discrimination statements.*

As a condition of reauthorization, CPS should require charter schools to include complete non-discrimination statements on all promotional materials, websites, and applications. New York, for example, requires charter schools to use a standard application (with some modifications for school branding), that includes a nondiscrimination statement.⁷ The New York non-discrimination statement reads:

Non-Discrimination Statement: *A charter school shall not discriminate against or limit the admission of any student on any unlawful basis, including on the basis of ethnicity, national origin, gender, disability, intellectual ability, measures of achievement or aptitude, athletic ability, race, creed, gender, national origin, religion or ancestry. A school may not require any action by a student or family (such as an admissions test, interview, essay, attendance at an information session, etc.) in order for an applicant to either receive or submit an application for admission to that school.*

EFE has reviewed many charter school applications for fall 2015. Most applications currently do not include any non-discrimination statements, and others which have non-discrimination statements fail to address disability. We support the comprehensive non-discrimination statements on the applications of ACE Tech and Bronzeville Lighthouse. Catalyst, LEARN, and Galapagos schools have non-discrimination statements, but need to add disability, and Academy for Global Citizenship, Legacy, Erie Elementary Charter, Kwame Nkrumah, Urban Prep, and YCCS should add non-discrimination statements to their lottery forms.

⁶ See the admissions instructions for YCCS Academy of Scholastic Achievement publishing specific academic test score requirements (<http://asaschool.org/enrollment/enrollment-procedures/>), YCCS Austin Career Education Center, requiring an academic test before enrollment (<http://www.austincareer.org/enroll.php>), Jane Adams High School requiring an academic test *with a fee* (<http://www.janeaddamshighschool.org/admissions/>).

⁷ For more information, see "Directions to Charter Schools for the Use of the New York State Education Department's New York State Charter School Uniform Application Form" (Nov. 2011), *available at* www.p12.nysed.gov/psc/documents/NYSCSUniformAppFormDirectionstoCSforUseNov2011.pdf.

B. CPS should develop initiatives to promote access to charter schools for students with more intense special education needs.

In writing new charter school contracts, CPS should lay the ground work for new initiatives to increase access for students with more intense special education needs, such as students with autism or intellectual disabilities. Data obtained by EFE shows that in CPS the 2013-14 school year began with 6,568 students in LRE3,⁸ which is 15% of all CPS students who have an IEP. The year ended with 6,708 students in LRE3, a 2% increase. Charter schools started the 2013-14 school year with just 312 students in LRE3, **or just 4% of all charter students with an IEP**. During the year, the number of students in LRE3 actually **dropped by 21%** to 247.

This raises significant questions about access, special education supports, and push out for students with significant special education needs. The drop in LRE3 services could come from students being exited (“voluntarily” or forcibly by expulsion or mandated transfer), or from reducing special education services. Either way there is cause for concern.

EFE works with many families who seek alternatives to their current low-incidence program. Some call for help participating in the CPS high school choice process and are dismayed to learn they do not get any choice. Others have tried to move out of cluster programs and into charter schools for more interaction with general education peers. These students need significant supports, but they should not be categorically left out of charter school opportunities.

All new charter contracts should include a pledge from the charter school to work with CPS to develop services for students with significant special education needs. For example, charter provisions might allow flexibility in admissions and placement procedures to allow CPS and charter schools to develop specialized programs. Such programs are likely required to ensure that all students have access to a charter school education under Section 504 of the Rehabilitation Act. CPS should lay the groundwork for such an initiative in the current charter school renewals.

C. CPS should further scrutinize the performance of students with disabilities in charter schools.

The new SQRP data about the test score performance of students with disabilities raises concerns about the performance of students with disabilities in certain charter schools. At the high school level, charter schools report an average ACT growth score⁹ of 37.7 for

⁸ LRE3 is the service code for students who have more than 60% of their day removed from the general education population in their IEP; these are typically the students with the most intensive special education supports.

⁹ The ACT growth score is the national percentile ranking for the increase in ACT score during the year. For example, if a school's average ACT score went up by 3.5 points, that might be the 37th percentile nationally (better than 37% of all schools), so the “ACT Growth Score” would be 37.

students with disabilities, compared to 15.3 for similar CPS schools. This achievement should be celebrated to the extent it indicates significant learning gains for student with disabilities. But CPS may want to examine why students with disabilities posted lower ACT gains at EPIC (10.0) and ACE Tech (3.0). At the elementary level, virtually all of the data about test scores for students with disabilities is redacted. Even if redacted from public release, CPS should examine and carefully consider the progress of students with disabilities on standardized tests as an important factor in the reauthorization decision.

D. CPS should investigate why some charter schools have high overall rates of students who leave the school.

In a system founded on choice, a student who leaves a school can be a sign that the school was not working well, either from the school's or student's perspective. Student transfers disrupt the education of the student who moves from one school to another, but also disrupt the learning environment for other students.¹⁰ For students with disabilities, stability is especially important to ensure a continuity of special education services and essential relationships with adults. CPS should investigate charter schools that have exit rates higher than similar CPS schools, or even higher than most other charter schools.

Among charter high schools seeking reauthorization, Urban Prep reports high net loss of students (net change in enrollment from the count day to last day of school) at an 8% drop in 2013, and 7.5% drop in 2014. Likewise, EPIC lost 10.8% of students during 2014. Even though charter high schools overall had net losses of about 7% of student compared to 9% losses for similar CPS high schools, charter high schools with high exit rates should be investigated.

Charter elementary schools had average net enrollment losses (of 3 to 4%) nearly twice as large as similar CPS elementary schools (1.7%). Charter schools seeking reauthorization that lost many students include LEARN (4.6% in 2013, 9.1% in 2014), Catalyst (4.4% and 8.2%), Bronzeville Lighthouse (4.9% and 6%), and Galapagos (9.9% and 13.9%).

Net losses may be driven, in part, by charter school policies that limit transfers *in* to charter schools. Urban Prep and EPIC Academy, for example, require transfer students to submit grades, test scores, class rank, GPA, attendance records, discipline records, a statement of interest, and counselor recommendation to be *even considered* for a transfer spot.¹¹ It is unclear how such extensive transfer application requirements are consistent with the charter school law that only allows admission by lottery. In contrast, neighborhood schools often must accept any transfer students whenever they arrive. High transfer-out

¹⁰ See, e.g., Eric Hanushek, John Kavin, and Steven Rivkin, "Disruption versus Tiebout improvement: the costs and benefits of switching schools," *Journal of Public Economics* 88 (2004) 1721– 1746, https://www.utd.edu/research/tsp-erc/pdf/jrnl_hanushek_2003_disruption_versus_tiebout.pdf.pdf.

¹¹ See the Urban Prep policy on transfer students, available at <http://www.urbanprep.org/apply/transfer-students> and EPIC policy at <http://www.epicacademy.org/sites/default/files/Epic-Academy-Transfer-Application.pdf>.

rates should be investigated for the impact on students who leave and the school environment, while low transfer-in rates should be considered when evaluating charter school performance.

E. CPS should especially investigate charter schools where students with a disability are more likely to leave to ensure all students are being served and treated fairly.

CPS should be particularly concerned about students with disabilities who leave charter schools due to concerns about pushout, under-enrollment of students with disabilities, and the interruption in special education service. Among high schools seeking reauthorization, Urban Prep reported a **14.7% net drop** in students with IEPs during the 2013-14 school year, compared to a **total decline of 7.5%** for Urban Prep students overall. The gap was even greater at EPIC: a 26.7% drop in students with IEPs in 2014 compared to 10.6% overall. At the elementary level, total enrollments decline while the number of students with an IEP increases. Yet several charter networks seeking reauthorization had IEP growth rates less than 1%, including Bronzeville Lighthouse and Kwame Nkruma in 2014 and Galapagos in 2013, compared to an IEP growth rate of 2% at similar CPS schools.

Option schools, both in and out of CPS, have a significant problem with the attrition of students with disabilities. In CPS option schools, the enrollment grew by more than 10% overall, but **special education enrollment dropped by 10.6%** on average during 2014. The same happened in charter option schools: **Prologue enrollment dropped 5.5%, but special education enrollment dropped 41.5%**; YCCS posted a 33.5% decline overall and 45.2% net drop of students with disabilities; Instituto Rudy Lozano had a 19% drop overall and 30% enrollment decline for students with disabilities.

CPS should further this initial investigation by examining exit rates broken down by disability, campus, level of service, and especially reason for leaving, all of which was unavailable to EFE due to redactions in the CPS FOIA responses.

F. CPS should continue to examine charter schools with high rates of expulsions, especially those that are disproportionately expelling students with disabilities.

Charter schools are widely known to have very high rates of expulsion, topping ten times the rate of CPS schools.¹² But it has not yet been reported that charter school expulsions **fall more harshly on students with disabilities, even more so than CPS expulsions.** In 2012-13, 18.6% of students expelled by CPS had an IEP, yet 24.1% of students expelled from charter schools had an IEP, even though only about 11.6% of

¹² See, for example, Richards, Alex "CPS: Expulsion Rate Higher at Charters," *Chicago Tribune*, February 26, 2014, http://articles.chicagotribune.com/2014-02-26/news/ct-chicago-schools-discipline-met-20140226_1_charter-schools-andrew-broy-district-run-schools.

students in charter schools had an IEP. In 2013-14, the disparity continued, with 22.5% of students expelled from CPS having an IEP compared to 26.2% from charter schools.

CPS does not find it necessary to expel the vast majority of students that charter schools expelled. In 2012-13, of the 307 students expelled by charter schools, CPS **only expelled 4% of those students**, 92% received SMART¹³ and 5% returned to CPS with no consequence. Similarly in 2013-14, 85% of the 332 students expelled from charter schools received SMART, 8% were expelled, and 7% received no additional consequence.

Among high schools seeking reauthorization, EPIC (expulsion rates of 1.23 per 1,000 students in 2013 and 0.64 in 2014) and Urban Prep (rates of 3.46 in 2013 and 2.47 in 2014) have expulsion rates far in excess of similar CPS high schools (0.22 in 2013 and 0.11 in 2014). At the elementary level, Catalyst, Bronzeville Lighthouse, Rowe, and Galapagos charter schools have high expulsion rates relative to CPS elementary schools, while other schools, such as Academy for Global Citizenship, Erie House, Legacy, and Kwame Nkrumah Nakura, report no expulsions from 2012 through 2014.

These numbers understate the problem. EFE has worked with many students facing expulsion for relatively minor incidents, including: threatening comments; a single post from home, during the weekend, on a social media website; getting into a 30 second scuffle in which no one was hurt; and having the slightest hint of gang association, including doodling on a notebook. All of these students were referred for expulsion, even though they had significant disabilities requiring special education, many times causing their behavior. Almost all of these students referred for expulsion from a charter school were told by school staff before an expulsion hearing that they could or should voluntarily transfer to avoid expulsion. Many of these students leave, but are never counted as expelled.

CPS should take steps during reauthorization to address these troubling statistics and unreported expulsions, including securing pledges to reform harsh discipline practices that fall disproportionately on students with disabilities. CPS may also consider requiring charter schools to use the CPS code of conduct, or at least the CPS expulsion procedures. Denver Public Schools, for example, allows charter schools the freedom to develop discipline policies *up through suspension*, but requires all expulsions (district and charter) to run through a centralized hearing process. CPS must provide oversight to ensure that students with disabilities are not improperly and disproportionately excluded from charter schools through hard discipline practices.

¹³ Saturday Morning Alternative Reach-Out and Teach ("SMART") is an expulsion diversion program. Students remain in school and avoid expulsion if they successfully complete the multi-week Saturday program.

G. CPS should investigate the high summer transfer rates at many charter schools and particularly examine whether harsh retention policies contribute to these transfers.

Students who change schools over the summer are often seeking better educational opportunities,¹⁴ which signals the student was not satisfied with the school the student left. This is particularly worrisome for students who transfer under threat of being retained, and for students with disabilities who especially need stability, but are more likely to have academic or behavioral struggles in school (and thus be threatened with retention).

At the high school level, the charter school transfer-within-CPS rate (9.9% in 2014) was nearly twice that of CPS (5.3%). Among charter schools seeking reauthorization, Urban Prep, Ace Tech, and EPIC all had summer exit rates above the charter high school average. Likewise charter elementary schools have higher summer transfer-within-CPS rates (10.2%) than comparable CPS schools (9.1%), with particularly high rates at Kwame Nkrumah (18% in 2013), Bronzeville Lighthouse (15.7% in 2014), and LEARN (14.2% in 2013, and 12.9% in 2014).

One factor driving transfers could be strict promotion policies. While CPS does not have a practice of retaining students for attendance or behavior alone, some charter schools have attendance and behavior criteria that require students to repeat a grade even when they pass all their classes or earn sufficient credits. For example, Kwame Nkurah and Catalyst schools require students who miss too many days of school (no matter the reason or whether the absences were excused) to repeat the grade.

This process encourages students with mild attendance or behavior problems to transfer. And such policies fall particularly harshly on students with disabilities, who may have behaviors related to their disability or miss school for medical appointments and health concerns. While in theory such students should receive a disability-related accommodation, too often such students are not treated fairly without legal assistance. EFE has worked with families who learn in late May that their child must repeat a grade, despite passing grades. EFE has intervened on behalf of students with disabilities, who require exemptions from general promotion policies for disability-related reasons (such as missing too many days of school for hospitalization). However, there are many more students who do not know to contact EFE and face improper retention for disability-related reasons. Before reauthorizing a school, CPS should scrutinize promotion policies to ensure that these policies invite disability-related accommodations and do not have any exclusive effect.

¹⁴ "Changing Schools," Chicago Consortium on School Research, June 2009.

H. CPS should explore why some charter schools lose many students in certain grades, such as 9th grade, which may signal practices of exclusion.

Breaking out enrollment trends by grade reveals that net enrollment in charter schools drops more dramatically than in CPS schools during Kindergarten, 8th grade, and 9th grade. These transfers fall harshly on students with disabilities who especially need school stability and to develop lasting relationships with the adults who work with them at school. Moreover students who transfer *during* the kindergarten or 9th grade year face dramatically limited school options as many CPS schools, in addition to most charters, do not accept students in those grades unless they apply more than six months in advance.

Looking at 2014 data, charter high schools have a higher net attrition (7.6%) than similar CPS schools (7.2%) in 9th grade, but not other grades. (The gap was even more extreme in 2013, with charters losing 8.4% of 9th grade students, compared to just 5.7% in CPS). ACE Tech and EPIC report even larger than average losses in 9th and 11th grade (losing 12 to 18% of students). While most schools have low net attrition rates by the time students reach 12th grade (2.9% in charters and 5.8% in CPS), Urban Prep continues to have a high net attrition rate for 12th grade at 7.1%. EFE has worked with numerous students forced to transfer during their 11th or 12th grade year and have seen how few schools will take these students; some even have trouble enrolling in their neighborhood school.

Elementary charter schools report average net losses of students greater than similar CPS schools in every grade level. The typical charter net loss rate is about twice that of similar CPS schools in 2014, except in Kindergarten and 8th grade where charter schools lose students at **5 times the rate** of comparable CPS schools. Net losses across the grades are particularly pronounced at schools seeking reauthorization, including LEARN, Catalyst, Bronzeville Lighthouse, and Galapagos, while a few schools gain enrollment during the year, such as Erie House and Legacy.

The data about the enrollment of students with IEPs by grade has been so redacted that EFE was not able to complete a comparable quantitative grade-level analysis, even though we hear from many students impacted by the need to transfer schools. CPS should examine whether these trends are the same for student with IEPs before reauthorizing a school.

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III. The 45 schools due for reauthorization in the next two years have a mixed record of serving students with disabilities.

EFE has compiled information about each campus up for reauthorization in 2015 or 2016 into fact sheets that are enclosed with this letter. We hope this information will facilitate the current CPS review and provide helpful information as CPS plans for next year.

The CPS review should consider performance at the network level, but also the significant variation among campuses. EFE notes the following information:

- ***Youth Connection Charter School (YCCS):*** Enrollment patterns vary widely across the twenty YCCS campuses. The percent of students with an IEP varies tremendously from 9% to 23%. Likewise, exit rates vary from 33% to 116%. As noted above, at least some campuses appear to have questionable enrollment requirements and practices. CPS should examine the differences between campuses, with particular attention to schools with relatively low rates of students identified with disabilities, relatively high exit rates, and exclusive enrollment rules.
- ***Urban Prep:*** Urban Prep schools enroll a relatively high number of students with IEPs: about 20% at the Englewood and West campuses, but just 15% at the Bronzeville campus. Yet during the year, at all Urban Prep campuses, students with an IEP leave at higher rates than students without an IEP. Urban Prep West, for example, lost 20% of its students with disabilities during the 2013-14 school year. Urban Prep also has high student attrition through expulsions, and high net attrition in every grade, including 12th grade. The impact of attrition shows as the class sizes shrink through the years. The fall 2013 9th grade class at the Englewood campus, for example is 156 students, about 2.5 times as large as the 67 in the 12th grade class in the fall (or 64 who managed to stay to the end of the year). Urban Prep transfer practices should also be reviewed to ensure they are compliant with the charter school law.
- ***Prologue:*** Prologue schools enroll very few students with disabilities and report very high attrition of those students (losing 20-40% of these students during the year, much higher rates than overall net attrition). Prologue schools also post low test score gains compared to other option schools and fared poorly on the CPS quality rating metrics. These trends should be addressed.
- ***Catalyst:*** Catalyst schools report notable net increases in students with IEPs from fall to spring. Yet the Howland campus in particular reports a high attrition rate, nearly three times the other campuses.

- **EPIC:** EPIC enrolls a fair number of students with disabilities, but has very high attrition and discipline rates, especially for students with disabilities. During 2014, the enrollment of students with disabilities dropped 25%, compared to 10% for students overall. EPIC may also improperly screen transfer students. EPIC students with disabilities scored very poorly on ACT score growth, earning just 10 growth points, compared to 15.3 at comparison high schools and 37.7 for charters.
- **ACE Tech:** Students with disabilities scored very poorly on ACT score growth, earning just 3 growth points, compared to 15.3 at comparison CPS high schools and 37.7 for charter high schools.
- **Chicago Virtual:** As a primarily on-line school, Chicago Virtual reports unique enrollment patterns with high attrition during 7th, 8th, and 9th grades, but a boom in 12th grade students during the year. Chicago Virtual has about 10% students with disabilities, which is notably less than comparison elementary or high schools. Chicago Virtual serves a relatively affluent student body (just about 62% free and reduced lunch), but reports high dropout and mobility rates.
- **LEARN:** Among the seven LEARN campuses, the Romano Butler campus has a low enrollment rate of students with disabilities; the Romano Butler and Hunter Perkins campuses have low net growth of students with IEPs during the year. The Excel and South Chicago campuses report relatively high student exit rates.
- **Galapagos Elementary:** Galapagos enrolls few students with disabilities, about 6.9% of students in the fall of 2014, compared to 9.5% on average for charter elementary schools and 12.5% for similar CPS schools.

More information on each school is available with each school fact sheet. **Equip for Equality is not endorsing or opposing the reauthorization of any individual charter school.** CPS should use this information to focus and guide further investigation into the experience of students with disabilities at individual schools and campuses.

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IV. CPS should thoroughly scrutinize all charter schools up for reauthorization to ensure that every school provides access and supports to students with disabilities.

Equip for Equality applauds efforts by Chicago Public Schools to provide effective oversight to all schools in Chicago. Many charter schools welcome and serve students with disabilities, but not all do. We encourage CPS to make critical enhancements to its reauthorization review, as discussed here, and to fully examine the experience of all students, and especially students with disabilities. Schools that are not open to or do not serve students with disabilities should have no place in our public education system.

EFE looks forward to continuing to work with CPS, Chicago charter schools, and charter school families to address these areas of concern. We would like to meet you and your key staff to further discuss these issues and identify opportunities to collaborate on special education issues. If you have any questions about the information in this letter, the data underlying our comments, or our work with charter schools in general, please do not hesitate to contact Charlie Wysong at (312) 895-7340 or Charlie@EquipforEquality.org.

We look forward to hearing from you.


Sincerely,



Zena Naditch
President and CEO



Olga Pribyl
Vice President
Special Education Clinic and Pro Bono



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Encl. Fact Sheets about Each Charter School; Fact Sheet Methodology Notes