

Bloomberg

Oprah-Backed Charter School Denying Disabled

By John Hechinger - Sep 21, 2011

When talk-show host Oprah Winfrey handed a \$1 million check last September to the principal of [New Orleans](#) Charter Science and Math Academy, 200 students watched the broadcast from a church and celebrated with a brass band.

Lawrence Melrose, a ninth-grader with learning and emotional disabilities, sat next door in a school office. The staff was concerned his fighting and cursing could be an embarrassment, said Shelton Joseph, his great uncle. Because he has trouble communicating, Lawrence needed intensive counseling and speech therapy, which the school didn't provide, Joseph said. He was repeatedly suspended and told he couldn't take the school bus with other kids, according to his lawyer.

The education of 16-year-old Lawrence represents a common complaint about privately run, taxpayer-financed charter schools: They often exclude children with serious disabilities or deny them the help they need, violating federal laws.

"They left me," Joseph recalled the boy telling him on the day of the Winfrey celebration. "They left me out."

Along with the academy supported by [Oprah's Angel Network](#) - - which the entertainer used to raise money from the public -- New Orleans charter schools accused of discrimination include those that are favored charities of

[Microsoft Corp. \(MSFT\)](#) Chairman [Bill Gates](#), [Wal-Mart Stores Inc. \(WMT\)](#)'s Walton family and New Orleans Saints quarterback Drew Brees.

Shunning special-education students helps school budgets since the average disabled child costs twice as much to serve as a nondisabled one, said Thomas Hehir, who oversaw federal special-education programs under President [Bill Clinton](#). The practice also improves the reported academic results of schools because children with disabilities often have lower scores on standardized tests, he said.

'No Incentive'

"There's no incentive to take these kids," Hehir, now a Harvard University professor, said in an interview. "If you can avoid educating them, there are other things you can do with the money. You can pay people more or reduce class size."

One New Orleans charter school recommended the expulsion of a girl with depression for cutting herself in class, records show. An administrator and an aide at another carried a distraught third-grade boy into an empty room, restraining him until he urinated on himself, according to their written accounts. A former special-education coordinator at a third school said administrators told her to stop talking to parents after she counseled them that their children were entitled to more services.

Closing Doors

Under [federal law](#), all public schools -- including charters -- must educate students with disabilities. The requirement strains even the best-financed school systems, which are under pressure to accommodate special-needs students due to court decisions even as they face budget cuts.

Charters and other public schools must come up with an individual plan for every child with a disability. They are expected, when appropriate, to place

special-needs students in regular classrooms with extra support, such as an aide.

If a child needs more help, the school can set up a separate class or send the child elsewhere, including a private school. The school pays the bill, and parents have a legal right to challenge each decision. Students with disabilities also have special protection when they are disciplined if the behaviors are related to their condition.

Many charter schools aren't following these rules and procedures and are instead closing their doors to students with disabilities or declining to provide appropriate services to students like Lawrence, according to families and officials monitoring school districts.

'Not Practical'

Charter schools, which tend to be small and receive less tax money than traditional districts, can't afford to take on children who may cost tens of thousands of dollars to educate, said Andrew Coulson, director of the Center for Educational Freedom at the [Cato Institute](#), a Washington-based nonprofit research group. The children need to stay in better-funded districts, he said.

"It's just not practical and feasible" for charter schools to educate severely disabled children, said Coulson, whose organization favors free markets and limited government. Parents "know that every school can't serve every child."

Charters on average receive \$9,460 per student in local, state and federal money, 19 percent less than traditional districts, in part because many don't get money for buildings under state laws, according to a 2010 Ball State University study. Some schools get more for special-education students, though generally not enough to cover the cost of services for those with the most serious disabilities.

Government Money

About 1.8 million children -- or 4 percent of public school students -- attend charters, five times the number in 1999-2000, according to the [National Alliance for Public Charter Schools](#), a nonprofit advocacy group based in [Washington](#).

Charters last year received \$14.8 billion in local, state and federal money, up from \$4.5 billion in 2003, estimated Larry Maloney, president of Washington-based Aspire Consulting LLC, which analyzes public-education finances.

While charters are free from many of the bureaucratic constraints of traditional districts, such as union contracts and limits on the length of school days, they must follow U.S. antidiscrimination laws, just like other public schools.

The 1975 federal legislation now known as the [Individuals with Disabilities Education Act](#) requires a “free appropriate public education” for disabled children, who make up about 12 percent of enrollment. The law mandates that schools provide services -- Braille materials for the blind, tutoring sessions for dyslexia, occupational and physical therapy for autism.

Court Cases

New Orleans, [Los Angeles](#) and Washington, three districts that rely on charter schools, face claims of systemic discrimination in special-education court cases, including allegations that charters aren't open to children with serious disabilities.

While federal data show that charters and traditional districts have similar percentages of kids in special education, the [Bill & Melinda Gates Foundation](#) found that charters in [Louisiana](#), [California](#), [New York](#) and [Texas](#) had fewer with more severe disabilities.

Only 1 percent of the students in Los Angeles charter schools have serious disabilities, such as autism, compared with 3.5 percent at district-operated

schools, according to the system's court-appointed monitor. Twenty-nine out of 186 charters didn't have a single child with serious disabilities.

Charter enrollment practices may screen out children who are hard to educate, according to reports by monitors in Los Angeles and Washington. The Gates foundation disagrees. Parents are often leery of leaving established district programs, where they are well served, said Don Shalvey, who oversees the group's charter-school philanthropy of \$475 million in the past decade.

After Katrina

After [Hurricane Katrina](#) in 2005, New Orleans turned to charters as a way to rebuild schools and overhaul public education. Its charter schools now enroll more than 70 percent of students, a larger share than in any other U.S. district, making it a flash point for concerns about special education.

Last October, 10 families, including Lawrence's, filed a federal special-education discrimination suit against the state of Louisiana. The Southern Poverty Law Center, a civil-rights group in Montgomery, [Alabama](#), represents the families. Charter schools aren't named as defendants, and the allegations include complaints about services at conventional schools, as well.

Lawrence's great uncle, Joseph, 57, lives in New Orleans' hurricane-ravaged Lower Ninth Ward. Unemployed and recovering from a heart attack and stroke, he became guardian four years ago after the child's grandmother died.

Army Dream

[New Orleans Charter Science and Math](#), with its polo shirt and khaki uniforms and mission to send kids to college, promised special-education services and hope for Lawrence, Joseph said in an interview.

A lanky teenager who dreams of joining the Army, Lawrence reads and does math at roughly the third-grade level. Along with attention deficit disorder, he has language-related disabilities that make his speech difficult to understand.

In a 2009 evaluation at Children’s Hospital in New Orleans, doctors said Lawrence could become “a productive member of society.” They said his fighting resulted from frustration at his difficulty in communicating, and recommended special- education services “at the highest level possible,” including speech therapy, tailored assignments and extended time on tests.

Rather than provide all the services he needed, the charter school excluded him by suspending him repeatedly and keeping him from going to the Oprah celebration, according to the lawsuit.

“He needed a place that would work with him as an individual,” Joseph said. “What they gave him was the opportunity to get out.”

‘Beloved Member’

Lawrence and some other students didn’t attend the ceremony to protect children’s safety, [Benjamin Marcovitz](#), the school’s founder and principal, said in a phone interview. Angela De Paul, an [Oprah Winfrey](#) spokeswoman, declined to comment.

Lawrence struggles because of failings of his previous schools, and the academy did everything it could to help him, including paying for a mentor, Marcovitz said. Educating the 15 percent of the school’s students with disabilities is “something we’re very passionate about,” he said.

“Lawrence is a pretty beloved member of our school community” and returned to school this year, Marcovitz said. After the lawsuit was filed and repeated meetings with the family, the school shifted its approach last December, providing the mentor, speech therapy and instituting a plan that rewarded him for good behavior, according to Eden Heilman, a [Southern Poverty Law Center](#) senior staff attorney.

Noah’s Story

Kelly Fischer, another plaintiff, toured New Orleans charter schools in March 2010 to find a spot in fourth grade for her son Noah, who is blind, autistic and eats from a tube.

Administrators from three charter schools told her they couldn't handle Noah, according to her notes. At a fourth school, the staff said she would have to meet with its special- education coordinator to see if her son's needs could be met. The school didn't return messages, she said.

"You do not want your son to come here," Laura Todaro, a counselor at [Samuel J. Green Charter School](#), told Fischer, according to her notes.

[Lafayette Academy Charter School](#) accepted Noah, educating him primarily in a special-education class of a dozen students where he has a full-time aide, along with a teacher. Noah attends music, lunch and recess with the entire school.

"Noah came here, we provided the services he needed, period, end of story," Mickey Landry, Lafayette's head of school, said in a telephone interview.

Brees Donation

To entertain a visitor to his New Orleans home, Noah, a skinny 10-year-old with close-cropped brown hair, played "Mary Had a Little Lamb" on a keyboard, while Fischer sat on the floor, smiling, laughing and offering encouragement.

"I know that my son requires a lot," Fischer said. "I also know he has some potential. But when people within the educational field, professionals, tell me that he's too much for them, it's kind of like telling me there's no hope for him."

The Samuel Green school, run by FirstLine Schools, received a \$279,000 donation from the [foundation](#) of NFL quarterback Brees. Chris Stuart, Brees's

agent, declined to comment on special-education services at the schools that the football player supports.

About 15 percent of students at FirstLine schools have disabilities, according to Chief Executive Officer Jay Altman. Todaro, FirstLine's director of counseling services, said she remembers her conversation with Fischer differently. She told Fischer and another parent with her that the schools educated children with disabilities in regular classrooms -- a philosophy of "complete and total inclusion" -- and didn't have anything already in place to serve Noah, Todaro said.

'We Always Try'

"I'm sorry if she took away that he couldn't come here," Todaro said in a telephone interview. "We always try to accommodate the needs of the kids."

Once in a charter school, students with special needs can find themselves under pressure to leave, said Robyn Flanery, a parent at New Orleans' [Lusher Charter School](#).

In elementary school, Flanery's daughter, Sayge Brantmeier, who plays piano, violin, saxophone and guitar, flourished at the arts-focused Lusher where she showed promise as a songwriter. The NFL's Brees raised more than \$600,000 for Lusher through his foundation.

In middle school, doctors diagnosed Sayge with depression. She began showing mood swings and impulsive behavior. The school chastised her for having cigarettes and violating its dress code by wearing makeup, records show.

Cut With Scissors

In February 2010, the school recommended expulsion after the seventh grader cut herself with scissors in science class, "a disruption of the learning environment," according to a letter sent to her family.

Sayge was never expelled, [Kathy Riedlinger](#), Lusher's chief executive officer, said in a telephone interview, during which she declined to answer further questions about the case.

Under pressure from Lusher, Sayge withdrew from the school and was then repeatedly hospitalized after attempting suicide, Flanery said.

"They didn't want to get her help," Flanery said, her voice breaking, during in an interview in her home, decorated with her two daughters' artwork. "So they got rid of her."

After her family contacted the Southern Poverty Law Center, the 14-year-old returned to Lusher in January, though she was placed in a separate class, rather than in the general population, according to Heilman. The family isn't a plaintiff in the suit.

Consequences

In another complaint about discipline in New Orleans, Leskisher Luckett said [Langston Hughes Academy Charter School](#) punished her son, Darren Butler, because he misbehaved after he didn't get the services he needed.

To handle Darren's attention deficit hyperactivity disorder in third grade, Langston Hughes relied on a system of "consequences," the most severe of which was isolating him in a room, according to school records. Langston Hughes offered only half an hour of counseling, according to the New Orleans lawsuit.

When asked about discipline at his school during an interview in his New Orleans home, Darren, a 10-year-old who likes to crack jokes and fidget when he isn't drawing or dancing, turned quiet.

"They put me in a closet," he said.

'Screaming and Yelling'

On May 12, 2010, after Darren harassed other students and his teacher, an administrator and aide carried him into a band practice room, according to their written accounts. Lockett described the room as soundproof and the size of a large closet.

While the administrator stood outside, the aide restrained Darren, who was “screaming and yelling the entire time” until he urinated on himself, according to their reports. Darren couldn’t breathe because the aide sat on his chest, his mother said.

Lockett, a 35-year-old cable-television dispatcher and single mother, said she pleaded for more help.

“He was too much for them to deal with,” said Lockett, wiping away tears. “They didn’t want to provide the services. They didn’t want to do the work.”

In a telephone interview, Mark Martin, Langston Hughes school director, called the incident “unsubstantiated” and declined to comment further.

‘Superman’ Schools

The family of another child with attention deficit hyperactivity disorder said he was shortchanged at KIPP schools -- a charter network that operates across the U.S. San Francisco-based KIPP is featured in “Waiting for Superman,” the documentary directed by Academy Award winner Davis Guggenheim that lauds charter schools. The Gates and Walton foundations support KIPP, which stands for Knowledge is Power Program.

In the New Orleans lawsuit, the mother of a 16-year-old said he didn’t get the help he needed from KIPP Believe College Prep. Because of his ADHD, the boy, identified in the suit only as L.W., reads at the second-grade level and had failing grades and scores on state standardized tests.

The school’s special-education plan included no social work, counseling or psychological services, according to the complaint. At KIPP Renaissance High

School last year, the boy received only 30 minutes of counseling a week, the suit said.

‘Serving All Students’

“We are deeply committed to serving all students,” including the 9 percent last year who had disabilities, Rhonda Kalifey-Aluise, executive director of KIPP New Orleans Schools, said in a statement.

Substandard special education goes unnoticed because schools discourage teachers from informing parents of their rights, Sarah Clifford, a former special-education coordinator at New Orleans charter school [Success Preparatory Academy](#), said in an interview.

Four students, including one with Down syndrome and two with autism, were placed in a separate classroom last year with an aide who lacked training, she said.

One of the kids was Monica Butler’s son, 7-year-old C.J., who has a mild form of autism. Then a first-grader who did math at a third-grade level, C.J. received little more than “baby-sitting,” Butler, a 35-year-old hair stylist, said in a telephone interview.

Clifford said she told parents to complain because their children weren’t getting services. School co-founders St. Claire Adriaan and Niloy Gangopadhyay warned her to stop talking with families outside of their presence, she said.

Money Tree

“I was told they don’t have the money to provide the services,” Clifford said. “They basically told me, ‘Where was the money tree?’” She quit in December 2010 because she objected to the charter’s approach, she said.

In a joint telephone interview, the co-founders said they never let financial concerns interfere with providing services.

“I am shocked that our model is being questioned,” Gangopadhyay said.

Adriaan said Clifford resigned after the school criticized her job performance. The state determined the aide in the class Clifford cited was qualified to provide services, he said. C.J. returned in second grade, where he has a full-time aide and is educated in regular and separate classes, according to the founders and Monica Butler.

To avoid conflicts over special education, charter schools need to form cooperatives so they can afford to handle the most serious cases, said Todd Ziebarth, a vice president of the [National Alliance](#) for Public Charter Schools, which receives funding from the [Gates](#) and [Walton](#) foundations. That would give charters the scale to offer special programs comparable to larger school districts.

Central Lottery

New Orleans is pushing to establish cooperatives, said [John White](#), superintendent of the Louisiana Recovery School District, which oversees most of the city’s schools. He said he favors a centralized lottery to encourage kids with disabilities to apply more broadly and make it easier to monitor whether they’re given a fair shot.

Students unwelcome at charters end up at traditional schools, leaving districts with disproportionate workloads and higher costs, said Frederick Weintraub, the court-appointed monitor of the [Los Angeles school system](#).

“If you’re going to be a school in the community,” Weintraub said in a phone interview, “you ought to serve all the kids in the community.”