

Special Education in Charter Schools: Finding the Right School for your Child

For students with disabilities, finding a school that meets the needs of the student is critical. With the growth of public charter schools across the country, families in many states now have more options than ever.

KNOW YOUR RIGHTS

Federal special education rights apply to charter schools. All families and caregivers, regardless of the type of school, have all of the parental rights set out in the federal law (IDEA), including the rights to:

- ▶ Review educational records
- ▶ Grant or deny consent for evaluations
- ▶ Meaningfully participate in Individual Education Program (IEP) meetings
- ▶ Request Independent Educational Evaluations (IEEs)
- ▶ File a complaint when they disagree with aspects of their child's special education program

Ask if the school enrolls students with disabilities.

As public schools, charter schools cannot legally deny enrollment based on disability, so any answer other than an enthusiastic “yes” is a huge red flag. Any charter school that discourages the enrollment of students with disabilities should be reported immediately to their district and/or authorizer.

Visit the schools you are considering.

The vast majority of charter schools do not have enrollment zones, so they host tours for interested families. When visiting a school, ask questions such as these:

- How many students with disabilities are enrolled?
- What does the special education staffing model look like (e.g., number of special education educators and/or paraprofessionals)? How do general educators support students with disabilities?
- If the school serves as its own district, what settings or placements are available for students with disabilities?
- What systems are in place for students who require significant supports, including those who may not be on a general education diploma track? How many current students fit that profile?
- For a charter school that is part of the larger traditional district, what role does the district play in special education decisions and services at the school level?
 - Who schedules and leads IEP team meeting?
 - Who attends the IEP team meetings?
 - Who participates in the IEP team decision about what services my child will receive and where?
 - Who provides the services to my child?
 - What is the agreement between the school and district about providing special education to my child? Is that agreement in writing?
 - Who should I contact with concerns about my child's school experience?

Expect the same keys to a successful experience at a charter school as any traditional public school.

- Build strong collaborative relationships
- Establish clear two-way communication
- Commit to meaningful collaboration

Collaboration should be tailored to meet the unique needs of the student. The key is making sure that the school sees you as a valued partner and that you have an opportunity to support the work being done at school.



Special Education in Charter Schools: Successfully Meeting the Challenges

KEY QUESTIONS

What is a charter school?

Charter schools are public schools that exist by charter, or contract, with authorizers such as school districts, state school boards, or universities. Most charter schools are operated by non-profit entities, although some states allow operators to either be private or contract with private management companies to handle the school's operations. Regardless of the nature of the operator, all charter schools are public, and the students who attend them are public school students. Likewise, charter schools, like all other public schools, are required to follow all federal disability and special education laws, including the requirement to provide each student with a disability a free, appropriate public education (FAPE) in the least restrictive environment (LRE).

What is a charter school's legal status and why does it matter?

While all charter schools are public schools, some legally act as their own districts while others are legally part of larger school districts. Some charter schools legally act as their own school districts, while others are legally part of larger school districts. This legal status matters tremendously for special education because school districts are legally responsible for special education.

What does special education look like in charter schools that are part of school districts?

In charter schools that are part of districts, special education may look similar to how it looks in traditional public schools. However, responsibility for special education may be shared between the charter school and the district. The district may centralize some services, such as evaluations and certain related services, while the charter school may have responsibility for other things, such as hiring special education personnel. Ideally, the different responsibilities should be spelled out in writing so that everyone knows what they need to do; however, the district is ultimately legally responsible for making sure that the school follows special education law.

What does special education look like in an independent charter school?

In a charter school that serves as its own district, the school alone bears responsibility for all aspects of special education, from identifying and evaluating students with disabilities to providing them with the appropriate services and supports across the continuum of placements. Students attending these schools have the same rights as students in all other public schools, so the same types of services and supports should be present as you would find in other public schools.

Why is it important for parents to understand the legal status of a charter school?

A charter school's legal status directly impacts all aspects of special education, including what the challenges are, why they exist, and how to best approach them. Once the legal status is determined, parents know who is legally responsible for providing special education services. Because charter schools in the same city can have different legal statuses, it is critical to know the legal status of each school that you are considering.

If I have a concern or would like to file a complaint about the charter school, where should I go?

If the charter school is acting as its own district, parents should file complaints with the charter school. If the charter school is part of a larger district, that complaint is made with the district, not the charter school. Some charter school authorizers also have complaint processes.

How can I learn more about the rights of parents/students and the responsibilities of charter schools?

Many organizations offer training programs where parents and/or advocates can learn more about the rights afforded to students with disabilities under IDEA and other federal and state laws. For more information, visit www.centerforlearnerequity.org/family-resources.