

# CHARTER SCHOOLS

## **Definition**

Charter schools are schools established and maintained by teachers, parents, students, and community members that operate independently from the existing district structuring in order to obtain goals as described in EC § 47601.

## **Legal Requirements**

Students with a disability attending charter schools pursuant to Part 26.8 (commencing with EC § 47600) shall be served in the same manner as students with a disability are served in other public schools.

It is the intent of the Legislature that local plans for SELPAs, adopted pursuant to Chapter 2.5 (commencing with § 56195) and Chapter 3 (commencing with § 56205), shall provide for federal funds available under Part B of the federal prior written notice (PWN) (20 U.S.C. § 1400 et seq.) to students with a disability enrolled in charter schools.

### Rights of student with disabilities

Student with disabilities who attend public charter schools and their parents retain all rights under federal and state law.

Charter schools that are public schools of the district (“dependent charter schools”) are subject to the following requirements:

1. In carrying out Part B of the Act and these regulations with respect to charter schools that are public schools of the district, the district must:
  - a. Serve student with disabilities attending those charter schools in the same manner as the district serves student with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the district has a policy or practice of providing such services on the site to its other public schools; and
  - b. Provide funds under Part B of the Act to those charter schools:
2. On the same basis as the district provides funds to the district’s other public schools including proportional distribution based on relative enrollment of student with disabilities; and
3. At the same time as the district distributes other Federal funds to the district’s other public schools, consistent with the State’s charter school law. If the public charter school is a school of a district that receives funding under § 300.705 and includes other public schools:
  - a. The district is responsible for ensuring that the requirements of this part are met, unless State law assigns that responsibility to some other entity.

If the public charter school is a district, consistent with § 300.28, that receives funding under § 300.705, that charter school is responsible for ensuring that the requirements of this part are met, unless State law assigns that responsibility to some other entity.

## **Legal References**

EC 56145; EC 56146, 34 CFR 300.209

## **Local Procedures**

The following information applies to Charter Schools chartered by a participating district of the Humboldt – Del Norte Special Education Local Plan Area (SELPA).

### Enrollment

Students with disabilities have the same rights as students without disabilities to attend Charter Schools. Charter Schools shall process enrollment applications for students with disabilities in the same manner as students without disabilities.

### Legal Compliance

Charter schools must comply with all federal laws and regulations pertaining to the education of students with disabilities. In addition, as a member of the Humboldt - Del Norte SELPA, Charter Schools must abide by all special education related policies, procedures and agreements developed by the Humboldt - Del Norte SELPA.

### District of Residence (DOR)

For special education purposes, the District of Residence (DOR) for all students with a disability enrolled in a charter school is the district or county office that authorized the charter. In other words, if a student enrolls in a charter school chartered by a district other than the district where the student resides, the student becomes the responsibility of the chartering district even though he/she lives in the attendance area of another district. The district must provide services to students with disabilities enrolled in charter schools in the same manner and to the same extent that it provides services to students with disabilities enrolled in other schools within the district including providing services on the school site. If a student enrolled in the charter school requires a program that is not available at the charter school, the charter school is obligated to provide the program to the student through contract with another entity, just as the student's DOR would be required to do. A charter school may not disenroll a student because the student requires more supports, additional services, and/or a different placement.

Unless a charter school is accepted as a district by the SELPA, it shall be considered a school within the chartering district. Staff shall enter the chartering district as DOR when writing IEPs. For students attending district charters, please refer to your administrator for proper DOR designation on the student's IEP.

## **FAQs**

Can a charter school limit the enrollment of students with disabilities based on the services the charter school has available?

*No, a charter school must apply the same enrollment standards to students with disabilities that it applies to students without disabilities. A charter school is a public school and must accept any student for which it has enrollment capacity. A charter school may not look at an IEP prior to enrollment and deny the student on the basis of any item in the IEP.*

Can a charter school limit the services that it provides to students with disabilities?

*No, a charter school must provide whatever services (including placement) the IEP team determines are necessary for a student to receive a FAPE. A charter school cannot tell a student or parent that it does not offer any service necessary for FAPE.*

Can a charter school have a one-size-fits-all special education program?

*No, a charter school must individualize each IEP for each eligible student with a disability. A charter school is not allowed to provide only a certain set of services for a student with a disability.*

#### **REMINDERS**

- When it comes to serving students with disabilities, a charter school is a public school just like any other public school.
- Charter schools must use the same enrollment standards for students with disabilities as it does for students without disabilities.
- Charter schools are subject to all of the policies, procedures and agreements of the local SELPA.