



Ten Things Parents Should Know about Charter Schools & Students with Disabilities

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- 1. Any student in Pennsylvania is eligible to enroll in a charter school.** Charter schools in Pennsylvania are public schools. All students who live in Pennsylvania – including those with disabilities – are eligible to enroll in a charter school.
- 2. Charter schools cannot discriminate or make an admission decision based on your child’s intellectual or athletic ability, achievement, or aptitude.** If more students apply to a charter school than there are spaces at the school, students must be selected randomly from a pool of qualified applicants.
- 3. Students with disabilities enrolled in charter schools are entitled to all of the rights and procedural protections of federal disability laws.** They are entitled to a free appropriate public education (FAPE), including appropriate related services and all of the procedural protections guaranteed to them and their parents by the Individuals with Disabilities Education Act (IDEA). Charter schools must also comply with the IDEA’s least restrictive environment (LRE) mandate, which requires that students be educated in regular classroom settings with their non-disabled peers to the maximum extent appropriate.
- 4. You can request a special education evaluation of your child at any time.** When a parent requests an evaluation of a student enrolled in a charter school, the charter school must conduct the evaluation and give the parents a written evaluation report within 60 calendar days (minus the summer months) from the date the parent agrees to an evaluation in writing. If a parent verbally asks that the child be evaluated, the school must, within 10 calendar days, give the parent the form on which to make the written request. Additionally, charter schools, like all public schools, have a legal obligation to locate, identify, and evaluate all students who may qualify for special education services. Every charter school must have a system for screening children to determine whether they should be referred for a special education evaluation.
- 5. If your child has an Individualized Education Program (IEP) when she enrolls in a charter school, the school must either adopt and implement that current IEP or develop a new IEP.** Charter schools must provide all of the special education and related services listed on a student’s current IEP until a new IEP is developed. If the school and the family cannot reach an agreement about which services to implement, the family can request mediation or an impartial special education hearing. While the hearing is pending, the child’s current IEP must be implemented.
- 6. Once your child is enrolled in a charter school, the charter school becomes fully responsible for providing her with special education services.** Under Pennsylvania’s charter school law, only 75% of school staff must hold a teaching certificate. However, all special education teachers in charter schools must hold a special education certification.

- 7. Like other public schools, a charter school may suspend or expel a student with a disability, but it must give the student the additional special disciplinary protections that are mandated by federal and state law.** Under federal law, the charter school must determine whether the behavior for which the student is being punished is related to the student's disability or to a failure to follow the child's IEP. If this is true, the charter school cannot exclude the student or change the student's placement without the agreement of a parent, guardian, or surrogate parent, unless the student is an immediate threat to others. Even if a child has been expelled, she continues to be entitled to a FAPE.
- 8. Cyber charter schools are a special kind of charter school, in which a significant portion of instruction and curriculum is provided to students over the Internet.** Typically, students enrolled in a cyber charter school are educated in their homes with a computer provided by the school. Any student in Pennsylvania is eligible to attend a cyber charter school. Most cyber charter schools expect that every student will have an adult who is available to help the student manage her day-to-day responsibilities. However, cyber schools cannot require an adult to be involved in the child's education as a condition of enrollment. It is the cyber charter school's responsibility to provide the appropriate educational instruction for every student, not the parent's. A child with disabilities in a cyber school is protected by federal disability laws. Cyber charter schools cannot discriminate on the basis of disability and must provide a student with a disability with FAPE, modified instruction, related services, and the full range of federal special education rights and protections.
- 9. Charter schools, like other public schools, do not have to serve preschool children, but if a charter school elects to serve preschool children, it cannot discriminate against preschool children with disabilities.** Preschool children enrolled in charter schools have all the rights and protections of the IDEA, including the right to a free appropriate public education, and charter schools serving preschool students must comply with federal early intervention laws.
- 10. If you think your child's rights are being violated, you should take action!**

- Talk to the charter school administrator or the person responsible for special education at the school and try to resolve the problem.
- Make sure to put all of your concerns in writing and to follow up any conversations with a letter documenting what was discussed.
- If informal complaints are not successful, you have the right to use all of the dispute resolution procedures available to parents of students in other public schools. Those include:
 - Mediation
 - Due Process Hearing
 - A lawsuit against the school

For more information on these processes, please consult Chapter 12 of the Education Law Center's handbook, "The Right to Special Education in Pennsylvania." available at <http://www.elc-pa.org/pubs/downloads2010/2009A-TheRighttoSpecialEducationinPennsylvaniaGuideforParents.pdf>.

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