



Advocates for Children of New York

Protecting every child's right to learn

Rights of Students with Disabilities in Charter Schools

Can students with disabilities apply to charter schools?

Yes. Students with disabilities have the right to participate in the lottery for any charter school. Charter schools may not discriminate against students on the basis of their disability. In fact, under a new law, charter schools must enroll a percentage of children with special needs.

Do students with IEPs attending charter schools have the right to receive IEP services?

Yes. Students attending charter schools have the right to receive all programs and services on their Individualized Education Programs (IEPs).

Who is responsible for implementing students' IEPs at charter schools?

The *charter school* must ensure that students receive the program and services on their IEPs. The charter school may provide the services directly, may contract with another provider to provide the services, or may request that the Committee on Special Education (CSE) where the child lives provide the services. If the charter school asks the CSE to provide the program or services, the CSE should provide the program or services on site at the charter school whenever possible.

Are small, self-contained special education classes available at charter schools?

While some charter schools have small, specialized classes, many charter schools do not have small classes available. If you are considering placing your child in a charter school, you should talk to the school about the special education supports and resources available there. If you believe that the programs and services at the charter school would be appropriate to meet your child's needs, but do not match your child's current IEP, you can ask the CSE to hold a new IEP meeting. At the meeting, the IEP team can consider changing your child's IEP to recommend any appropriate programs and services that the charter school has available.

What happens if a student's IEP recommends a self-contained special class and the charter school does not have such a class?

The charter school must implement the student's IEP or ask the CSE to implement the IEP. According to the New York State Education Department, the CSE may place the student in a special class in a different school if that is appropriate, but must provide the self-contained class at the charter school if the CSE determines that the charter school is the appropriate placement for the student.

Who is responsible for holding IEP meetings and performing evaluations?

The Committee on Special Education (CSE) where the student lives is responsible for performing special education evaluations and holding IEP meetings for students attending charter schools. Charter schools *cannot* change students' IEPs without the CSE.

What role do charter schools play in developing and reviewing students' IEPs?

If a student is participating in a general education class at a charter school, the general education teacher must participate in the IEP meeting. In addition, at least one of the student's special education teachers or providers must participate in the IEP meeting.

Do charter schools need to make reasonable accommodations to their policies to meet the needs of students with disabilities?

Yes. Charter schools must make reasonable accommodations, including reasonable changes to policies and practices, to enable students with disabilities to participate at the school.

Who is responsible for developing and implementing Section 504 plans for students with disabilities attending charter schools?

Charter schools are responsible for developing and implementing Section 504 plans for students with disabilities attending their schools.

What if I am having difficulty getting my child appropriate supports and services at the charter school?

If you have a complaint about your child's IEP or provision of IEP services, you may contact the Committee on Special Education (CSE), file a state complaint, ask for mediation, or ask for an impartial hearing. For more information, see AFC's Guide to Impartial Hearings at <http://www.advocatesforchildren.org/guides.php>.

If you have a complaint regarding the way that the charter school is providing IEP services or believe that a charter school is discriminating against your child based on your child's disability, you may also file a complaint against the charter school first to the charter school's board of trustees, then to the authorizing body of the charter school, then to the Board of Regents. You should ask the charter school for a copy of its complaint policy. General information is available at <http://schools.nyc.gov/community/planning/charters/For+Parents/default.htm>.

You may also file a complaint with the U.S. Department of Education's Office of Civil Rights. Information is available at <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.

What if I need additional assistance?

You can call Advocates for Children's Helpline from Monday through Thursday, 10:00a.m. to 4:00p.m., toll free at (866) 427-6033.

This fact sheet does not constitute legal advice. It attempts to summarize existing policies or laws without stating the opinion of AFC. If you have a legal problem, please contact an attorney or advocate.

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