



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 state law, charter schools must enroll a certain 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 and the Committee on Special Education (CSE) 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 deliver the services, or may ask the Committee on Special Education (CSE) where the charter school is located to provide the services. If the charter school asks the CSE to provide the program or services, then the CSE should provide the program or services on site at the charter school to the same extent that students in traditional public schools receive programs or services on site.

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

Many charter schools do not currently have small special education classes. If you are considering placing your child in a charter school, you may want to talk to the school about the special education supports and services that could be provided to meet your child's needs at the charter school. Under the law, charter schools must implement each student's IEP. In some cases, a charter school or you, the parent, may request an IEP meeting with the CSE to determine if there is a different set of appropriate programs and services that would meet your child's needs. IEP recommendations must be appropriate to meet the unique needs of your child and may *not* be based solely on the school's current resources or services.

Who is responsible for holding IEP meetings and performing special education evaluations?

In NYC, the CSE where the charter school is located is responsible for performing special education evaluations to see if your child needs an IEP and holding IEP meetings for students attending charter schools. Charter schools *cannot* change students' IEPs.

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 related services 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/sites/default/files/library/impartial_hearings.pdf. If your child is not receiving related services, you may also e-mail the NYC Department of Education at relatedservices@schools.nyc.gov.

If you have a complaint about the way the charter school is providing IEP services or believe that the charter school is discriminating against your child based on your child's disability, you may also file a complaint against the charter school by sending a letter first to the charter school's board of trustees, then to the charter school's authorizer (NYC Department of Education, SUNY, or New York State Education Department), and then to the Board of Regents of the New York State Education Department. You should ask the charter school for a copy of its complaint policy. General information is available at <http://schools.nyc.gov/community/charters/contacts/complaint.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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