

STUDENTS WITH DISABILITIES IN PUBLIC CHARTER SCHOOLS

Dear Parent: This document explains the educational rights of children with disabilities to attend Massachusetts public charter schools. Both federal and state law requires that admission to a charter school be conducted without regard to or consideration of whether the child has a disability, and so charter schools are open to all students, whether or not they are eligible to receive special education services. Charter schools must provide special education services, up to the limits specified under the state charter school law, to all eligible students. (See Item 4, below.) This is a summary of your child's rights to attend and receive needed services from his or her charter school.

1. Charter schools accept and serve students with disabilities.

Charter schools are open to all grade-eligible children within the school's service area on a space available basis. If more students apply than there are available spaces, a lottery is held to randomly determine who will be admitted. All students who wish to attend a charter school have an equal chance of getting in regardless of, and without any consideration of, any need for special education services.

M.G.L. c. 71 §89 (1) states that charter schools shall be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, or proficiency in the English language or a foreign language, and academic achievement.

2. Charter schools must ensure that your child receives special education services if the child has been determined to be an eligible student with a disability by the Individualized Education Program (IEP) Team.

Charter schools must ensure that students with disabilities receive the special education services to which they are entitled. The services may consist of special education instruction and related services in the least restrictive environment, or consist only of related services needed to access the general education curriculum. The amount and location of services (where services will be delivered) is determined by the student's IEP team and is documented in the student's IEP. As determined by your child's IEP team, your school will provide services in a placement that is:

- Full inclusion- the student is in the general education classroom for 80%-100% of the school day; or
- Partial inclusion- the student is in the general education classroom 60-80% of the school day; or
- Substantially separate- the student is out of the general education classroom more than 60% of the school day.

3. Your child must receive related services if the IEP Team determines the child needs them.

Charter schools must provide related services to students with disabilities if the IEP Team determines that the services are necessary for the student to benefit from special education or, if the child does not require special education instruction, that the related services are necessary to ensure the student's access to the general education curriculum. Examples of these services include: speech therapy, occupational therapy, physical therapy, psychological counseling, and/or adjustment counseling.

4. For students who require special education services that are beyond what the charter school is required to provide, an IEP Team meeting will be convened to arrange for provision of needed services.

If the IEP Team determines that your child requires a full-time day or residential special education program, the charter school will convene a meeting to determine the placement where those services will be delivered. You will be invited to the meeting, as will the school district of the town where you reside. When the meeting occurs, the Team will determine first whether the school district of the town where you reside has an in-district program that would meet your child's needs. Whether or not the school district of the town where you reside has an in-district program that would meet your child's needs, a placement decision will be made, and responsibility will return to the school district of the town in which you reside.

G.L. c. 71, §89(t), says that if a charter school expects that a student with a disability currently enrolled in the charter school may be in need of the services of a private day or residential school, it shall convene an individualized education plan team meeting for said student. Notice of the team meeting shall be provided to the special education department of the school district in which the child resides at least five days in advance. Personnel from the school district in which the child resides shall be allowed to participate in the team meeting concerning future placement of the child.

5. Charter schools are required to meet the needs of qualified students with disabilities under Section 504 of the Rehabilitation Act of 1973, as amended, even if the student is not eligible as a student with disabilities under federal and state special education laws.

Charter schools are required to provide a free appropriate public education to qualified students with disabilities under Section 504 of the Rehabilitation Act of 1973, as amended. Such education consists of general or special education and related aids and services designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met. An appropriate education for a student with a disability under Section 504 regulations could consist of education in general education classrooms, education in general education classes with supplementary services, and/or special education and related services. Schools generally include these services in a "504 Plan."

Relevant Laws and Regulations:
Charter School Statute: G.L. c. 71 §89
Charter School Regulations: 603 C.M.R. §1.00
Massachusetts Special Education Law: G.L. c.71B
Massachusetts Special Education Regulations: 603 C.M.R. §28.00
Section 504 of the Rehabilitation Act of 1973
The Individuals with Disabilities Education Act, 20 USC 1400 *et seq*;
and 34 CFR Part 300

Direct questions or concerns about the information contained in this notice to:
Charter School Office 781.338.3227, or by email: charterschools@doe.mass.edu

For complete information regarding the rights of parents and students in the special education process, you can refer to the following sources:

Notice of Procedural Safeguards <http://www.doe.mass.edu/sped/prb/>
Parent's Guide to Special Education <http://www.fcsn.org/parentguide/pgintro.html>