Can you address special education students in the context of a charter application and charter school?

Charter schools cannot exclude or suggest that they are unqualified to accept any student, regardless of need or disability. Charter schools are public schools and their doors must be open to all students in the same manner that non-charter public schools are. Similarly, charter schools must comply with all IDEA and Section 504 requirements.

Additionally, the statewide charter application specifically requires an applicant to detail how instruction will be provided to special education students, and authorizers must evaluate this aspect of an applicant's plan during the review of the charter application. Authorizers should consider it a red flag if an applicant simply reprints the requirements of IDEA or Section 504 in the charter application. The charter application should demonstrate that the applicant has an understanding of requirements and a compliance plan under these federal regulations.

It can be helpful, though not required, if a member of the founding group has a background or prior experience in special education to navigate the federal requirements and fully develop a compliance plan.

Can you generally address behavior plans in the context of a charter application and charter school?

There is a section in the application that requires the applicant to describe the charter school's behavior plan, and the evaluation rubric calls for the authorizer to review that plan as part of the evaluation process. The behavior plan should provide sufficient detail to demonstrate that the applicant has thought through the behavior and discipline process it intends to utilize, and to show how it aligns with the school's mission and school culture. The plan must also demonstrate awareness of applicable law – for example, the due process protections embedded in IDEA that must be followed when students with disabilities are involved in disciplinary actions.

Is it possible to use an outside consultant to assist with the application evaluation process?

Authorizers may use an outside consultant to assist in the evaluation of a charter application. However, it is not recommended that an authorizer completely outsource its evaluation responsibility. It is important for an authorizer to fully understand the contents of an application it charters, especially because the authorizer is charged with monitoring the resulting charter school.

Are students who are expelled from public schools permitted to attend charter schools?

Generally, students who are expelled from a public school cannot attend another public school during the period of the expulsion, unless the district operates an alternative school that expelled students are permitted to attend. Nothing in state law or policy precludes or otherwise discourages an applicant from seeking to establish an alternative school setting that expelled students could attend. The charter applicant should clearly explain in the application its intention for accepting expelled students and the accompanying logistical details should be included in the charter contract.

Does the charter school or the county board pay for special education teachers?

The entity responsible for employing and paying a special education teacher is dependent upon the special education plan detailed in the charter application. Applicants may seek to partner with county boards to provide special education services and enter into a financial arrangement to have a county- employed special education teacher provide appropriate services. Conversely, applicants may utilize outside services, and would then be responsible for employing and/or contracting with such teachers. Notwithstanding who provides or pays for special education teachers, charter schools will be subject to the same federal IDEA regulations, including the requirement for special education monitoring conducted by the state education agency, as any non-charter public schools in the state.