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# POSITION STATEMENT

## **Educating Children with Disabilities in Charter Schools**

**CEC vigorously supports educational reforms within the public schools while promoting rigorous learning standards, strong educational outcomes, shared decision-making, diverse educational offerings, and the removal of unnecessary administrative requirements. At the same time, it is imperative that educators ensure that students with disabilities are provided a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and Title 11 of the Americans with Disabilities Act.**

The Council for Exceptional Children (CEC) vigorously supports educational reforms within the public schools while promoting rigorous learning standards, strong educational outcomes, shared-decision making, diverse educational offerings, and the removal of unnecessary administrative requirements. At the same time, it is imperative that educators ensure that students with disabilities are provided a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and Title 11 of the Americans with Disabilities Act. Charter schools, including virtual charter schools, are public schools, and, as such, are one approach many believe can be effective in achieving these objectives. Charter schools must be committed to providing free and universal public education and equal educational opportunities for all children and youth and employing qualified teachers of students with disabilities.

Those persons responsible for the delivery of educational services to children and youth with disabilities, the chartering agency and authorizer, and ultimately the highest governmental authority must ensure the rights of all students with disabilities are upheld. It is the policy of CEC that the following criteria be adhered to when parents, professionals, school authorities, policymakers, and authorizers consider the development of charter school policy, the content of contracts or agreements establishing individual charter schools and the renewal of a charter.

Charter schools are public schools and must abide by the same federal and state education laws that apply to all public schools. With respect to students with disabilities, charter schools must meet the requirements of Section 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act, the IDEA, and the regulations that implement these laws.

### **Student Access**

- Charter school officials must not discriminate against students with disabilities in their admissions policies. Special learning needs cannot be used as a criterion for excluding children or youth from attendance in a charter school.
- Charter school authorizers must require applicants to provide detailed plans that include strategies to identify and serve children and youth with disabilities and address recruitment and retention of well-prepared, effective teachers of students eligible for special education and related services, gifted and talented students, and related services providers.

### **Provision of a Free Appropriate Public Education in the Least Restrictive Environment**

- As public schools, charter schools must be required to provide a FAPE in the least restrictive environment (LRE) to all students with disabilities, and to ensure all of the other basic fundamental procedural rights in accordance with applicable laws such as the IDEA, Section 504 of the Rehabilitation Act, and Title II of the Americans with Disabilities Act. Students with disabilities will also be ensured physical access to all charter school programs. Charter schools operating as their own local educational agency or as part of another local educational agency are public schools, and must comply with federal and state laws regarding access and content.

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**The Council for Exceptional Children is the largest international professional organization dedicated to improving the educational success of children and youth with disabilities and/or gifts and talents.**

## **Financing the Education of Students with Special Learning Needs**

- Special education and related services can be provided directly by charter schools or through alternative arrangements with other public schools, local school programs, or governmental agencies. Charter school agreements should explicitly identify responsibilities for providing and paying for any service associated with educating children and youth with disabilities in charter schools, including the cost of building renovations and the provision of special education, including secondary transition services, and related services. This information must be considered by authorizers during the initial chartering process and the charter renewal process.

## **Accountability**

- Charter schools must be held accountable by local educational agencies, state educational agencies, and other governmental agencies, for providing special education services that provide a FAPE to students with disabilities. In addition to providing FAPE in the LRE, these accountability measures include participation in assessment and accountability systems and adherence to personnel qualification requirements. As part of the application process, all charter applications should include information regarding how a continuum of services and programs will be made available to students with disabilities. Standards that apply to educating students with disabilities in charter schools must be the same as those that apply to other public schools. Enforcement of such standards must be equivalent with activities and penalties that apply in enforcing compliance in public schools. Charter authorizers should take an active role in the monitoring and improvement process of charters, as it relates to implementation of applicable special education laws.