

PARENT FAQs: SPECIAL EDUCATION IN CHARTER SCHOOLS



The Louisiana Department of Education is committed to ensuring all students in our state are ready for college or a professional career. Our students with disabilities are protected under federal and state law, and the Department is committed to ensuring that these students continue to receive a free and appropriate public education that supports the fulfillment of their post-school goals. This Frequently Asked Questions document is intended to help families understand their students' rights.

CAN MY CHILD WITH A DISABILITY ATTEND A CHARTER SCHOOL?

Yes; all public charter schools must provide all special education and related services that have been determined by a special education evaluation and IEP to be needed.

For students ages 3-21, the charter school must:

1. Identify, locate and evaluate all students who need special education and related services.
2. Provide all special and related services to students who are identified with a disability and are eligible for the services. These services may include adapted physical education, assistive technology, occupational therapy, orientation and mobility services, physical therapy, school health services, school psychological services, school social work services, speech/language pathology services, and special transportation.
3. Provide special education and related services in the least restrictive environment that meets each student's individual needs.

CAN A CHARTER SCHOOL REQUEST THAT I TAKE MY CHILD WHO NEEDS SPECIAL EDUCATION SERVICES TO ANOTHER PUBLIC SCHOOL?

No, students with disabilities may enroll in any public charter school at no cost.

Charter schools in Louisiana are prohibited from implementing enrollment policies or procedures that discriminate against students with disabilities. All schools must make a free appropriate public education, including special education and related aids and services designed to meet the individual needs of children with disabilities, available to all children with disabilities enrolled in the school. Therefore, charter schools are prohibited from informing or suggesting to parents that they should not enroll their child because (1) the school does not currently provide the services or placement necessary for the child or (2) because the child's disability might be better served by another school or district.

CAN A CHARTER SCHOOL REQUEST THAT I REMOVE MY CHILD FROM THE SCHOOL AND SEND HIM/HER TO ANOTHER PUBLIC SCHOOL BECAUSE OF BEHAVIOR PROBLEMS?

No, the public charter school must work with you as the parent. The IEP Team should meet to determine the supports that are needed for your child to be successful in the charter school.

MY CHILD NEEDS SPECIAL TRANSPORTATION TO GET TO AND FROM SCHOOL. CAN MY CHILD ATTEND A CHARTER SCHOOL?

Yes, any child with special needs can attend any public charter school, regardless of need.

MY CHILD IS IN A WHEELCHAIR. CAN HE/SHE GO TO A CHARTER SCHOOL?

Yes, all public charter schools must accept any child, regardless of the disabling condition, just as a traditional public school would.

WHAT SHOULD I DO IF I BELIEVE MY CHILD HAS BEEN DENIED ENROLLMENT BECAUSE OF A DISABILITY?

If you believe that your child has been denied enrollment because of a disability, you should contact the school's enrollment office. Each type 2 and type 5 charter provides a process for investigating complaints of alleged discrimination, including a method for parents to make complaints, timelines for the school to conduct an investigation, and the steps the school will take to address concerns. The written procedures must also include the name and contact information for the person at the school responsible for the enrollment discrimination review process.

WHAT PROTECTIONS EXIST FOR STUDENTS WITH DISABILITIES RELATED TO DISCIPLINARY REMOVAL?

A disciplinary removal is any instance in which a child with a disability is removed from his/her educational placement for disciplinary purposes, including students sent home for a portion of a school day, in-school suspensions, out-of-school suspensions, expulsions, removals by school personnel to an interim alternative educational setting for drug or weapon offenses or serious bodily injury, and removals by a hearing officer for likely injury to the child or others.

Students with disabilities are afforded certain disciplinary protections when they have been removed from their educational placement for more than ten days in a school year. In order to ensure that these protections are provided, it is important that schools keep accurate records of all disciplinary removals.

CAN I ACCESS MY CHILD'S DISCIPLINARY RECORDS?

Parents of students with disabilities have the right to access all educational records of their child. This right to access extends to a student's disciplinary records. Therefore, each charter school is responsible for accurately documenting every disciplinary removal experienced by a student with a disability, and parents have a right to access those documents which are related to their child.

WHAT SHOULD I DO IF I AM EXPERIENCING A CHALLENGE REGARDING SPECIAL EDUCATION AND RELATED SERVICES AT MY CHILD'S SCHOOL?

If you experience a problem regarding special education and related services, you should follow these steps:

1. Contact the principal of the school.
2. Contact the charter school board of directors.
3. Contact the Louisiana Department of Education at 1-877-453-2721. You may also e-mail the Department at louisianabelieves@la.gov.

Below are other resources that can offer assistance to you regarding your child in special education:

- Families Helping Families; please check the local phone book or contact directory assistance for the phone number of the Families Helping Families agency in your area.
- Advocacy Center; Telephone: 1-800-960-7705

WHAT LAWS IN LOUISIANA ADDRESS THE ISSUES CONTAINED IN THIS DOCUMENT?

Charter School Demonstration Programs Law LA Revised Statute 17:3971– 4001

- A charter school established and operated in accordance with the provisions of Louisiana Charter School Law shall comply with state and federal laws and regulations otherwise applicable to public schools with respect to civil rights and individuals with disabilities.

Regulations for Students with Disabilities Louisiana Bulletin 1706

- Rights of students with disabilities. Students with disabilities who attend public charter schools and their parents retain all rights under these regulations.
- Charter Schools that are public schools of the local education agency or State must serve students with disabilities attending those charter schools in the same manner as it serves students with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the LEA has a policy or practice of providing such services on the site of its other public schools.

