

# CEC's Policy on Children With Exceptionalities in Charter Schools

The Council for Exceptional Children (CEC) vigorously supports educational reforms within the public schools which promote rigorous learning standards, strong educational outcomes, shared decision making, diverse educational offerings, and the removal of unnecessary administrative requirements. Charter schools, including virtual charter schools, are a form of public schools, and, as such, they are one approach many believe can be effective in achieving these objectives. However, such schools must reflect a commitment to free and universal public education, with equality of educational opportunity for all.

Regardless of who takes responsibility for the delivery of educational services for children and youth with exceptionalities - children and youth with disabilities and those who are gifted and talented - who attend a charter school, the chartering agency and authorizer, and, ultimately, the highest governmental authority, must ensure that the rights of children and youth with exceptionalities are upheld.

*It is the policy of CEC that the following criteria with respect to children and youth with exceptionalities 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, the operation of charter schools, and the renewal of a charter:*

## **Student Access**

- Charter schools must be required to abide by the same nondiscrimination and equal education opportunity laws that apply to other public schools. Charter schools must not discriminate in their admissions policies, nor should they charge tuition or other mandatory fees. Exceptionality status cannot be used as a criterion for excluding a child or youth with an exceptionality from attending a charter school, and policies governing admissions and participation in the school program should not exclude children and youth with exceptionalities. Charter school authorizers must require applicants to provide detailed plans that include strategies to identify and serve children and youth with exceptionalities and address recruitment and retention of well prepared, successful special and gifted education teachers and related service personnel.

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

- As public schools, charter schools must be required to provide a free, appropriate, public education provided in the least restrictive environment to students with disabilities, and to ensure all of the other basic fundamental procedural rights in accordance with applicable laws, such as the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act in the United States, including children's and youth's physical access to the education program offered. Enrollment in a charter school cannot be used to deny to a student with

a disability the free, appropriate, public education provided in the least restrictive environment to which they have a right. Charter schools operating as their own local educational agency must comply with least restrictive environment requirements in the same manner as traditional local educational agencies.

## **Financing the Education of Children With Exceptionalities**

- Educational and other services required by children with exceptionalities, including special and gifted education and related services, can be provided directly by the charter school, or through alternative arrangements with other public schools, with local school programs or the highest governmental authority. Policies for charter schools and, when appropriate, charter agreements themselves, should explicitly identify responsibility for providing and paying for any special services associated with educating children and youth with exceptionalities in charter schools, including the cost of building renovations and the provision of special and gifted education and related services. This information must be considered by authorizers during the initial chartering process and in the charter renewal process.

## **Accountability**

- Charter schools must be held accountable by the highest governmental authority and, when appropriate, local school programs, for providing special and gifted education and related services to children with

exceptionalities, consistent with the laws applicable to public schools. These accountability measures include participation in assessment and accountability systems and adherence to personnel qualification requirements. The standards that apply to educating children and youth with exceptionalities in charter schools must be

the same as those that apply to other public schools, and enforcement of these standards must be conducted in a manner that is consistent with enforcement activities and penalties that apply in determining compliance of other public schools.

To access CEC's Policy on Children with Exceptionalities in Charter Schools online, go to [www.cec.sped.org](http://www.cec.sped.org)>Policy & Advocacy>CEC Professional Policies. For further information, contact Deborah A. Ziegler, Director, Policy and Advocacy, Council for Exceptional Children at 703-264-9406 or [debz@cec.sped.org](mailto:debz@cec.sped.org). To contact the CEC offices: (P) 703-620-3660; (Toll free) 866-915-5000; (TTY) 866-915-5000; (F) 703-243-0410.