

Special Education Fact Sheet
Students With Disabilities & Charter School

What is a charter school?

A charter school is a free public school that operates independently from the New York City Department of Education (DOE).

Can students with disabilities attend charter schools?

Yes. Students with disabilities have the right to apply to a charter school and enter its lottery to gain admission.

Will the charter school develop an Individualized Education Program (IEP) for my child?

No. If your child is attending a charter school, then the DOE Committee on Special Education (CSE) is responsible for their IEP. The CSE will evaluate your child, hold an IEP meeting, and develop an appropriate IEP. This process will involve teachers and special education providers affiliated with the charter school.

Do the programs and services offered at the charter school limit what will be recommended on my child's IEP?

No. Programs and services recommended on the IEP must be tailored to your child's needs, not to what the school can offer. The CSE must recommend programs and services regardless of whether those programs and services are available at the charter school.

Can a charter school change my child's IEP if they don't offer the recommended program or services?

No. Once an IEP has been developed for a student enrolled in a charter school, the charter school must implement the educational program and services on that IEP. The charter school must do this as soon as possible.

How is the charter school required to implement the program or services on my child's IEP?

Charter schools may provide programs and services directly, through an outside provider, or by requesting that the CSE provide your child's program and services instead.

Where will my child receive the services or program on their IEP?

There is no guarantee that special education programs or services will be provided on-site. If the charter school has arranged for the CSE to provide services, then the CSE should provide services at the charter school in cases where the services would be provided on-site at a traditional public school.

If the CSE instead chooses to provide services through an outside provider, you will need to coordinate this directly with the CSE. You should always remain in communication with both the CSE and the charter school

What do I do if a charter school isn't meeting my child's special education needs?

You have the *same due process rights* as if your child was enrolled at a DOE public school. That means that you have the right to request mediation or an impartial hearing¹ if you disagree with the IEP or the provision of services.

If you believe the charter school is discriminating against your child or not providing them with services, you can also file a complaint against the charter school.

How do I file a complaint against a charter school?

Complaints should first be filed with the charter school board of trustees or directors, the governing body specific to your charter school. After contacting this governing body with your complaint, be sure to follow up on a weekly basis. If the board of trustees does not address your complaint within a reasonable amount of time, then file with the charter entity.

How do I file a complaint with a charter entity?

It depends on which charter entity your school corresponds to. There are three charter entities within New York: the Board of Regents of the New York State Education Department (NYSED), the State University of New York (SUNY), and the DOE. The DOE keeps a record of all charter schools and corresponding charter entities at <http://schools.nyc.gov/community/charters/information/schoolperformancereports.htm>.

If the charter entity is the Board of Regents, then file your complaint with the Commissioner of Education at NYSED. To do this, contact (518) 474-1762 or visit <http://www.p12.nysed.gov/psc/complaint.html>.

File with SUNY by contacting (518) 445-4275 or visiting <http://www.newyorkcharters.org/contact>.

File with the DOE by filling out the DOE-Authorized Charter School Complaint Form available at <http://schools.nyc.gov/community/charters/> and emailing it to charteroversight@schools.nyc.gov; or call (212) 374-7630.

If SUNY or the DOE do not adequately address your complaint, you can then file your complaint with the Commissioner of Education.

¹ For more information, see NYLPI's fact sheet on Impartial Hearings in New York City.

TIPS

- **Keep a notebook**
 - Record all phone conversations and in-person conferences and meetings
 - Keep all the papers you received from the DOE
 - Keep letters and envelopes
 - If documents are not dated, note the date you received the document on the back of the document or envelope
- **Send all communications by certified mail or hand deliver them, asking the receiver to initial and date your copy**
- **Always**
 - Keep a copy of everything you give to the DOE
 - take the name of the DOE person you're dealing with
 - If you can, get title, office, and detailed contact information
 - write it all down for future use

THIS FACT SHEET GIVES ONLY GENERAL INFORMATION. IT IS NOT LEGAL ADVICE.