

How is Special Education Provided in Charter Schools in Colorado?

How are special education services provided in charter schools?

Each charter describes the funding and responsibilities for provision of services for the charter school. A charter school may 1) provide all of the services in compliance with federal special education laws; 2) pay the district a predetermined amount of money for the district to provide the services to the charter school; 3) contract for the services needed. Some charters are written with a combination of these approaches.

Who has the ultimate responsibility for assuring special education services are in place for students in charter schools?

Since charter schools are under a district in Colorado, the ultimate responsibility for the services is with the Administrative Unit for Special Education. Sometimes that is the district and sometimes that is a Board of Cooperative Educational Services (BOCES). The Special Education Director in the Administrative Unit has the responsibility to assure compliance with the state and federal special education laws

How is Special Education funded?

- ❑ Less than 10% of Special Education is funded with federal money flowing to the Administrative Units. In most Administrative Units, this small amount of money funds special education staff that is shared across the Unit.
- ❑ Less than 20% of Special Education is funded with the State funds. This money goes directly to the districts and is often used for staff and specialized materials and resources.
- ❑ About 70% of Special Education is funded through the District's General Fund, which is based on the money coming from the state for all students and any other local revenue sources.

Can charter schools waive the Licensure Requirements for special Education Service Providers (Teachers and Related Service Person)?

No, although charter schools can get waivers from state laws which in some charters has resulted in waiving licensure requirements for teachers in general education, the Individuals with disabilities Education Act (IDEA) is a federal law that requires that personnel providing the Individual Education Plan (IEP) be appropriately trained. Licensure is the primary criteria for determining appropriate training of the professionals. The federal law cannot be waived for charter schools.

Do other public schools (not charter schools) in the District get Special Education Allocations from federal or state special education funds?

Special Education budgets are developed differently in each district. Often at least some staff is allocated full-time to each school; in some situations, some funding is allocated to support their activities. Most typically, the District or Administrative Unit has a budget at the District level to support the unique needs that emerge within the district. Often, staff that serve more than one school are budgeted at the district level. In situations where the budget is more decentralized, districts may require principals to budget for Special Education out of the school's budget.

What if the charter school staff believes the student should be served in another setting?

Any changes in placement are the result of an IEP meeting. The Director of Special Education or designee, along with all required team members must participate in the meeting. Is a charter school responsible to provide services to any student applying to be in the school?

Services for any student should be based on the IEP. If, during the IEP meeting the decision is made that the charter school cannot reasonably meet the needs of a student, the IEP team will determine how and where this student's needs could be met. The Special Education Director or designee must participate in these decisions.

Can a parent waive their rights to the IEP in order to enroll in a charter school?

No, the district has an obligation to identify and serve students with IEPs. If a parent wants to remove their child from Special Education, they must use the IEP process to come to that decision. If the IEP team does not agree that the child is no longer in need of services, the parent would have to exercise one of the Procedural Safeguards available to them under the federal law: mediation, due process, file a federal complaint.

How do charter schools stay current on special education laws, procedures, and guidelines?

Check the CDE web site. The Local Special Education Director should provide leadership, guidance, training to all schools, including the charter school. State training is provided at the state, regional, local levels. Charter school staff can access these opportunities in the same manner staff in all other schools in the district access them.

Will CDE's Special Education Services Unit provide technical assistance (TA) to a charter school?

Technical assistance requests should come through the Local Director who is knowledgeable about a variety of TA resources, including any services or training from CDE.

Internet Resources:

www.cde.state.co.us

www.charterfriends.org

www.uscharterschoos.org