
Charter School Information for Students with Disabilities

What are the requirements for Charter Schools in terms of special education?

- Charter schools have the **same** legal requirements as any other public school in terms of providing special education and related services to students with disabilities.
- Charter schools must meet all federal and state requirements related to special education that are found in *IDEA*, the *Texas Education Code (TEC)*, and the *Texas Administrative Code (TAC)*.
- Charter schools **cannot** deny admission to students on the basis of a disability, suspected disability, or because of a student's need for special education and related services.
- Charter schools must ensure that each of its students with an individualized education program (IEP) receives all special education and related services and supports identified in the student's IEP in the least restrictive environment that the student needs in order to receive a FAPE.
- A charter school **does not** have the option of refusing to ensure that the student is provided all necessary special education and related services at public expense and at no cost to the parents in accordance with the student's IEP.

Charter Schools must have the capacity to provide:

- Full array of nondiscriminatory **evaluation services**
- Full array of **special education services and related services**
- Full continuum of **placement options**

What are a Charter School's responsibilities for serving a student with a disability once that student is enrolled?

If the student enrolled during summer and starts on day one (meaning the first day of class), the IEP developed by the previous school or during the summer by the charter school must be implemented in full as written until the student's admission, review, and dismissal (ARD) committee meets to revise it

If the student transfers into the LEA from another Texas school district or public charter school during the school year, then comparable services, as determined by the LEA and in consultation with the parent, must be provided until the student's IEP is either amended or adopted in full. (see [34 CFR §300.323\(e\)](#) and [19 TAC §89.1050\(j\)\(1\)](#)) Transfers during the school year from out-of-state schools have different requirements. (see [34 CFR §300.323\(f\)](#) and [19 TAC §89.1050\(j\)\(2\)](#))

Child Find

- IDEA requires that all children with disabilities residing in the state, who are in need of special education and related services, must be identified, located, and evaluated. These activities are called **Child Find**. Charter schools **are** responsible for **Child Find** for students enrolled in the school.
- **CHILD FIND** is the affirmative, ongoing obligation of local education agencies (LEAs) to identify, locate and evaluate all children with disabilities residing within the jurisdiction who need special education and related services.

- LEAs may not take a passive approach and wait for others to refer students for special education services. The LEA must actively identify, locate and evaluate any student who may have a disability and who needs special education and related services because of that disability.
- Requirements related to LEA's obligations to refer students for a special education evaluation are found at [19 TAC §89.1011](#).

Special Education Staff: Certification and Licensure

- [Every Student Succeeds Act \(ESSA\)](#) removed the "highly qualified teacher" requirement. However, state special education certification, endorsement, and licensure requirements still apply.
- [19 TAC §89.1131](#). Qualifications of Special Education, Related Service, and Paraprofessional Personnel. (*in part*)
 - All special education and related service personnel must be certified, endorsed, or licensed in the area or areas of assignment in accordance with 34 Code of Federal Regulations, §300.156; the Texas Education Code, §§21.002, 21.003, and 29.304; or appropriate state agency credentials.
- Therefore, charter schools have the same certification, endorsement, and licensing requirements for special education providers as all other public schools.

Charter School Resources

TEA Special Education

Landing page for Special Education: Together, we are committed to high expectations and strong systems that achieve equitable outcomes for every student with a disability.

Link: <https://tea.texas.gov/texasped>

SPEDTex

SPEDTex provides information and resources that can help families understand their child's disability, rights and responsibilities under Individuals with Disabilities Education Act (IDEA) and facilitate collaboration that supports the development and delivery of services to children with disabilities in our State.

Link: <https://www.spedtex.org>

Parent's Guide to the Admission, Review, and Dismissal Process

Parent's Guide implements Texas Education Code (TEC) Section 26.0081 requiring the TEA to create a comprehensive, easily understood document which explains the IEP process for a student in a special education program. Additionally, the Parent's Guide incorporates a parents' rights and responsibilities concerning the ARD process.

Link: <http://framework.esc18.net/display/Webforms/ESC18-FW-LandingPage.aspx>

Notice of Procedural Safeguards: Rights of Parents of Students with Disabilities

Procedural Safeguards explains parents' specific rights and responsibilities under the Individuals with Disabilities Education Act (IDEA). The Procedural Safeguards fulfills the current legal requirements for the federally prescribed content of this notice. When districts distribute this guide, other than adding local contact information in the designated space, they must not change the wording and format of the document.

Link: <http://framework.esc18.net/display/Webforms/ESC18-FW-LandingPage.aspx>

Small and Rural Schools Network

The Small and Rural Schools Network (SRSN) was created to help these LEAs meet the challenges unique to their size and region. The purpose of this project is to provide technical assistance to students with disabilities who live in small and rural local education agencies (LEAs) within Texas. Difficulty with staff recruitment/retention, geographic isolation, and availability of resources are just a few of the barriers these schools face.

It is also important to note the definition of small and rural for this grant cycle is:

- Small – K-12 population of 700 or less students based on Fall, 2019 Snapshot data
- Rural – located 60 or more miles away from the nearest ESC

Links:

- <https://www.smallandruralschools.org/>
- [List of Eligible LEAs for 2020-2021](#)

US. Department of Education – Office for Civil Rights

These documents are designed to help parents, students, and the charter school community better understand the rights of students with disabilities under Federal disability-related laws.

Link: [Know Your Rights: Students with Disabilities in Charter Schools](#)

Link: [Frequently Asked Questions about the Rights of Students with Disabilities in Public Charter Schools under the Individual with Disabilities Education Act](#)

ESC Liaisons

ESC Special Education Departments are equipped to help Charters regarding Special Education Services and Supports, and they should contact the ESC Liaison at their regional ESC for specific training and/or technical assistance. ESC Liaisons will help connect them to the appropriate support for their needs. In addition, ESC Liaisons are specifically tasked with providing all LEAs with Differentiated Monitoring and Support training and support, including pre- and post-monitoring support.

ESC Liaisons websites/contact information by Region:

- ESC 1 - <https://www.esc1.net/specialeducation>

- ESC 2 - <https://sped.esc2.net>
- ESC 3 - <https://www.esc3.net/Page/1456>
- ESC 4 - <https://www.esc4.net/services/special-education-solutions/contact>
- ESC 5 - https://www.esc5.net/page/SPED_Home
- ESC 6 - <https://www.esc6.net/liaison>
- ESC 7 - <https://www.esc7.net/page/specialed.home>
- ESC 8 - <https://www.reg8.net/special-services>
- ESC 9 - https://www.esc9.net/323474_3
- ESC 10 - <https://www.region10.org/programs/special-education-esc-liaisons/overview/>
- ESC 11 - <https://www.esc11.net/domain/1340>
- ESC 12 - https://www.esc12.net/page/se_1home
- ESC 13 - <https://esc13.net/special-education>
- ESC 14 - https://www.esc14.net/page/ctl_se_evaluation
- ESC 15 - <https://www.esc15.net/domain/178>
- ESC 16 - <https://www.esc16.net/page/curr.contacts>
- ESC 17 - <https://www.esc17.net/page/sped.home>
- ESC 18 - <https://www.esc18.net/apps/pages/index>
- ESC 19 - <https://www.esc19.net/domain/341>
- ESC 20 - <https://www.esc20.net/apps/pages/special-education-field-service-agents>

Additional Resources for More Information

- TEA special education recent guidance <https://tea.texas.gov/academics/special-student-populations/special-education/recent-tea-guidance>
- IDEA Regulations: <http://idea.ed.gov/explore/view/p/%2Croot%2Cregs%2C>
- Legal Framework: <http://framework.esc18.net/display/Webforms/LandingPage.aspx>
- Texas Administrative Code, Chapter 89: <http://ritter.tea.state.tx.us/rules/tac/chapter089/>
- Texas Education Agency's Website: <https://tea.texas.gov/texasped>
- Texas Education Code: <http://www.statutes.legis.state.tx.us/?link=ED>
- Find OSEP Policy Documents Regarding the Education of Children and Youth with Disabilities at <https://www2.ed.gov/policy/speced/guid/idea/letters/revpolicy/tpchar.html>
- See OSERS Frequently Asked Questions about the Rights of Students with Disabilities in Public Charter Schools under the Individuals with Disabilities Education Act at: https://sites.ed.gov/idea/files/policy_speced_guid_idea_memosdcltrs_faq-idea-charter-school.pdf
- For more information on procedural safeguards and dispute resolution, see the *Questions and Answers on the IDEA Part B Dispute Resolution Procedures* available at: <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/accombinedosersdisputeresolutionqafinalmemo-7-23-13.pdf>
- OSERS's *Questions and Answers on Discipline Procedures, Revised June 2009* is available at: <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C7%2C>