

Rights of Children with Disabilities to Attend a School Authorized by the South Carolina Public Charter School District

Dear Parent: This document explains the educational rights of children with disabilities to attend a charter school that has been authorized by the South Carolina Public Charter School District (SCPCSD). Both federal and state law requires that admission to a charter school be conducted without regard to or consideration of whether the child has a disability; therefore, charter schools are open to all students, whether or not they are eligible to receive special education services. Charter schools must provide special education services, as outlined in the child's Individualized Education Plan (IEP), to all eligible students. This is a summary of your child's rights to attend and receive needed services from his or her public charter school.

1. Charter schools accept and serve students with disabilities.

Charter schools within the SCPCSD are open to all grade-eligible children on a space available basis. If more students apply than there are available spaces, a lottery is held to randomly determine who will be admitted. All students who wish to attend a charter school have an equal chance of admittance regardless of, and without any consideration of, any need for special education services.

2. Charter schools must ensure that your child receives special education services if the child has been determined to be an eligible student with a disability by the Individualized Education Program (IEP) Team.

Charter schools within the SCPCSD must ensure that students with disabilities receive the special education services to which they are entitled. The services consist of special education instruction and related services in the least restrictive environment. The amount and location of services (where services will be delivered) are determined by the student's IEP team and are documented in the student's IEP.

3. Your child must receive related services if the IEP Team determines the child needs them.

Charter schools within the SCPCSD must provide related services to students with disabilities if the IEP Team determines that the services are necessary for the student to benefit from special education (i.e. OT, PT, counseling, etc.).

4. For students who require special education services that are beyond what is reasonable for the charter school to provide, an IEP Team meeting will be convened to arrange for provision of needed services.

Charter schools within the SCPCSD are held to the same standards and regulations of the Individuals with Disabilities Education Act (IDEA) as traditional public schools. In some cases, the parent's request to remain in the school of choice (charter school) cannot be granted because the IEP team determines that in order to provide a free appropriate public education (FAPE) to a student; the services must be provided in a different setting, such as a child's district of residence. Just like a traditional district, individual schools are not required to provide an exhaustive list of placement options within that one school. This decision will be made through an IEP meeting. You will be invited to the meeting. When the meeting occurs, the IEP Team will determine what

the child's needs are and how those needs will be met. If the IEP team determines that a FAPE cannot be provided to the student within the current charter school setting, the SCPCSD will contact the school district of residence to determine if there is a program within that school district that can meet the child's needs. If so, based on the IEP team's decision, placement will be made, and responsibility will return to the school district of residence.

5. Charter schools are required to meet the needs of qualified students with disabilities under Section 504 of the Rehabilitation Act of 1973, as amended, even if the student is not eligible as a student with disabilities under federal and state special education laws.

Charter schools within the SCPCSD are required to provide a FAPE to students with disabilities determined eligible under Section 504 of the Rehabilitation Act of 1973, as amended. An appropriate education for a student with a disability under Section 504 regulations could consist of education in general education classrooms with or without accommodations and/or supplementary services. These services will be decided upon by the child's 504 Planning Committee.

Relevant Laws and Regulations:

South Carolina Charter School Law H3241

South Carolina Special Education Regulations §43-243

The Individuals with Disabilities Education Act 34 CFR Parts 300 and 301

Section 504 of the Rehabilitation Act 34 CFR Part 104

Direct questions or concerns about the information contained in this notice to the Special Education Coordinator listed for the specific charter school in which you are seeking enrollment. For a list of contacts, please see:

<http://sccharter-web.sharepoint.com/Documents/SPED%20Special%20Educator%20Coordinators.pdf>

For additional questions or concerns, please contact the South Carolina Public Charter School District's Director of Federal Programs, Robert Compton at 803-734-8067 or rcompton@sccharter.org.

For complete information regarding the rights of parents and students in the special education process, please see our website at <http://www.sccharter.org> and locate the page entitled "Student Services." Here you will find the *Notice of Procedural Safeguards* and *Parent's Guide to Special Education*.