

Charter Schools

February 25, 2021



Advocates for Children of New York

Protecting every child's right to learn



Road Map for Today's Training



Charter School Overview

Promotion policy and academic supports in charter schools

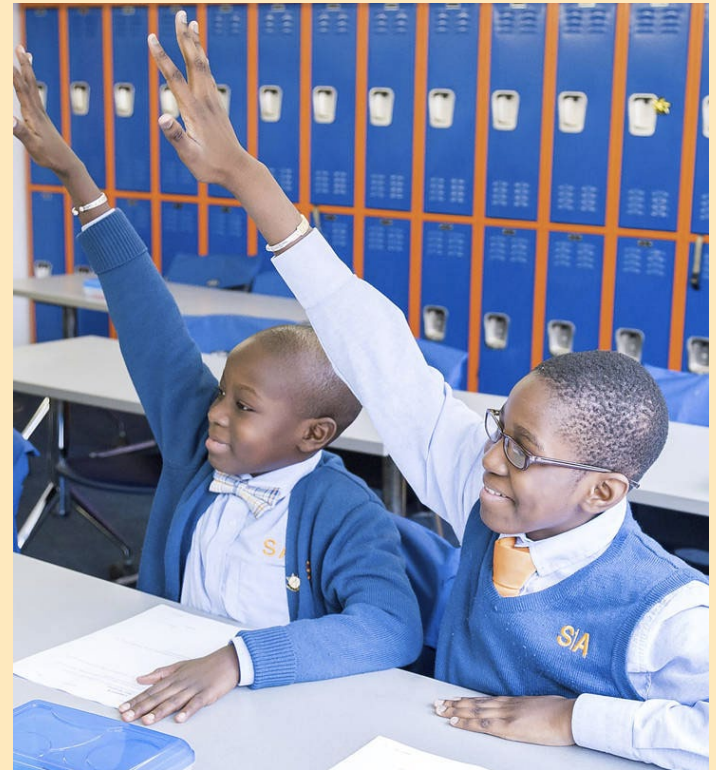
Special education and charter schools

Charter school discipline policies

Remote Learning

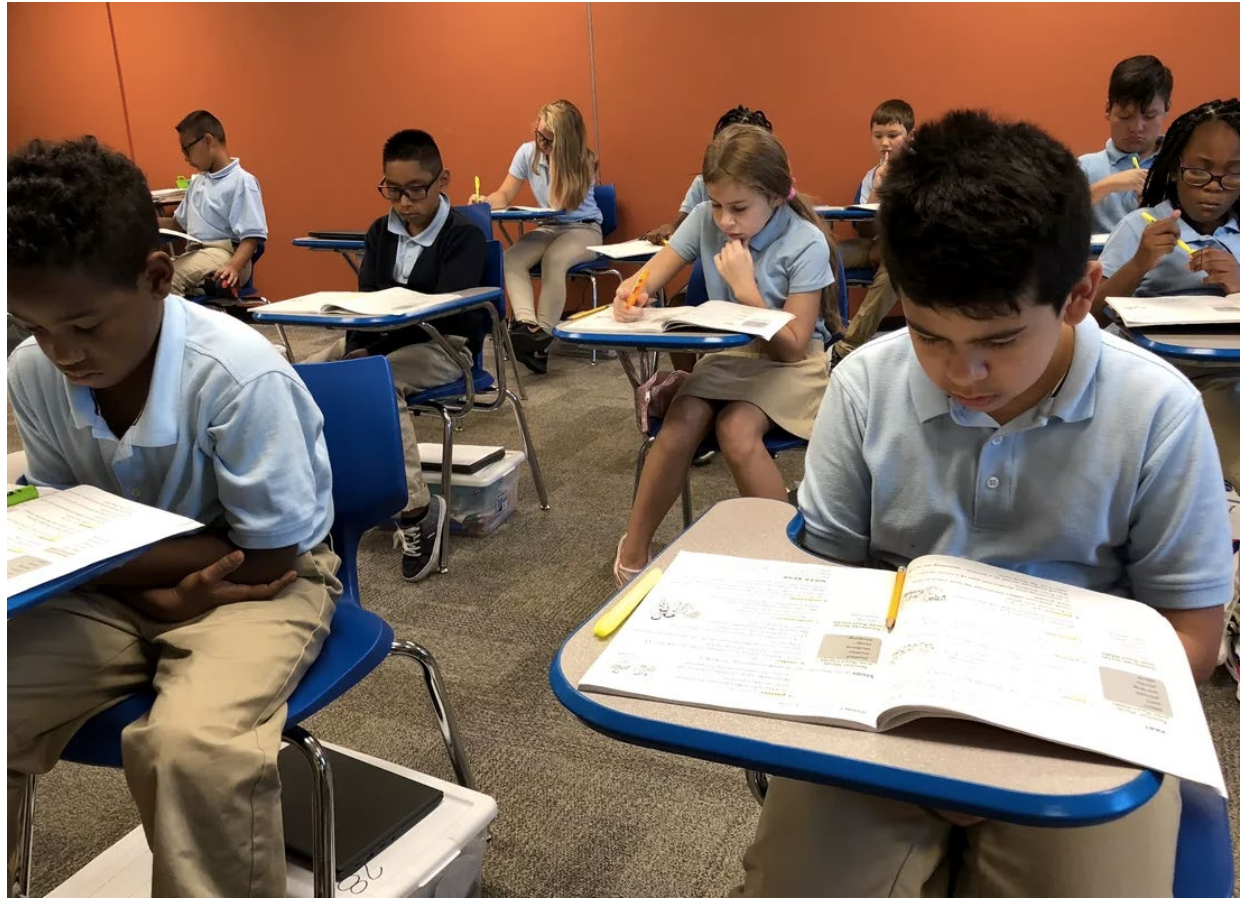


TRIVIA!





Academics in Charter Schools



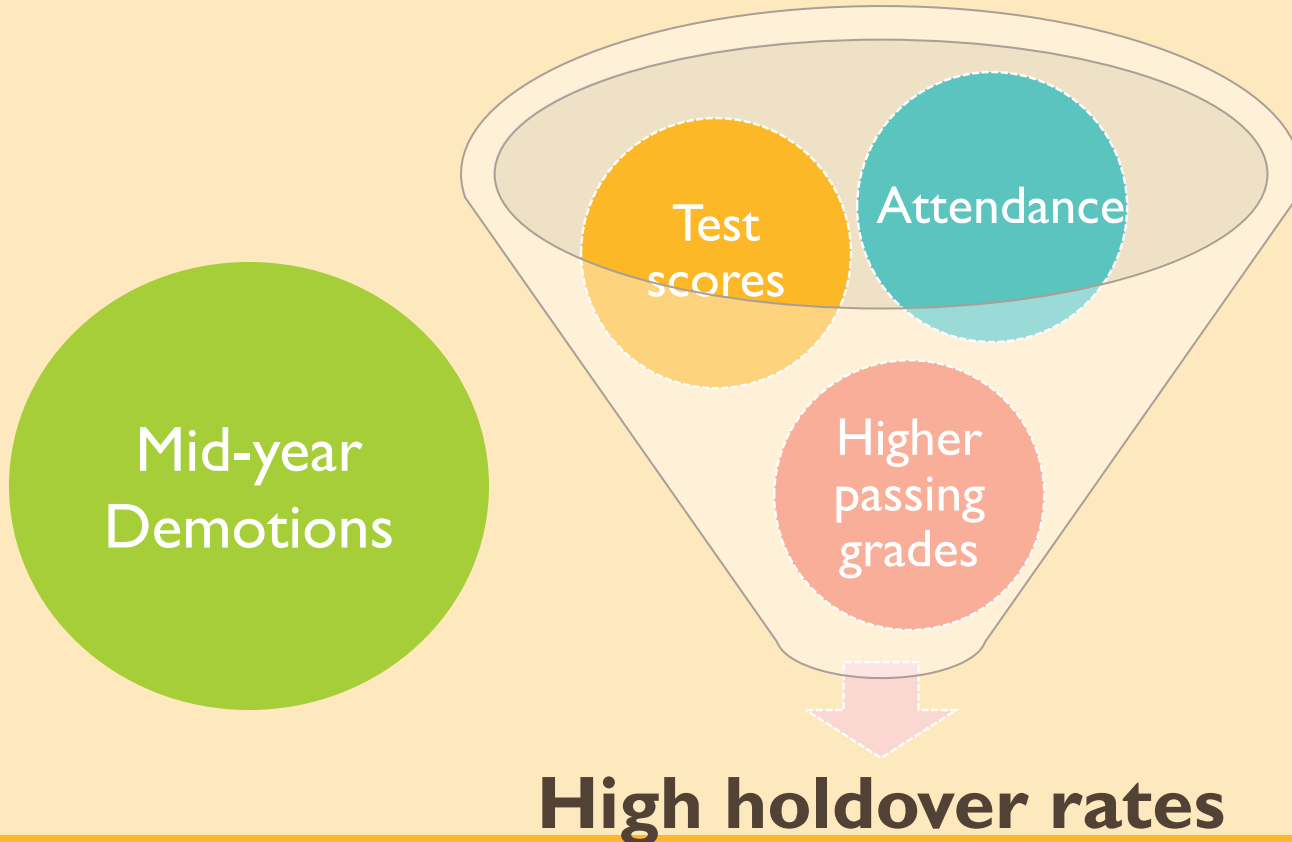
Promotion policy and student supports



Promotion Policy in Charter Schools



Each charter school sets its own promotion or academic policy. Make sure to ask for it!





TRIVIA!





MLL/ELL Programs in Charters



Charter schools must provide English language learning instruction to help students achieve the same educational goals as all students.



Language Access Rights



- Parents have the right to get documents translated, including report cards, parent handbooks, and IEPs.
- Parents have the right to interpretation services at school meetings and IEP meetings.
- NYC charter schools have access to an interpretation service and to the DOE's sign language interpretation service.



Students with Disabilities in Charter Schools





True or False?





IEP Process in Charter Schools



Students with disabilities in charter schools who need an Individualized Education Program (IEP) follow the same process as students in district schools.

Referral

Consent

Evaluation

IEP
Development

Placement/
Services



Evaluations in Charter Schools



- DOE evaluates students
- Charter school *can* evaluate, at DOE discretion

Evaluation



IEPs and Charter Schools

- Charter school:
 - must provide student-specific information
 - proposes programs and services
 - special and general education teachers (where appropriate) must attend IEP meeting
- Related service providers can attend the meeting

IEP
Development



IEPs and Charter Schools

- Student needs drive recommendation **not** services available at the charter school
- Parent can invite anyone with knowledge of the child to IEP meeting

IEP
Development



Special Education in Charter Schools

The DOE must...

- Evaluate students
- Determine eligibility
- Revise/Amend IEPs
- Declassify students

Charter Schools must...

- Provide program and services to students directly; or
- Provide services through a contract agency; or
- Ask the DOE to provide services



Promotion Criteria & Students with Disabilities in Charter Schools



Charter schools may...

- Use their own promotion criteria for students with IEPs
- Request modified promotion criteria on a student's IEP



Special Education in Charter Schools



If you have questions about the special education process in NYC Charter Schools, you can refer to this guide!



NYC DEPARTMENT OF EDUCATION

GUIDE TO SPECIAL EDUCATION PROCEDURES FOR STUDENTS ATTENDING CHARTER SCHOOLS

A SHARED PATH TO SUCCESS

NYC

Department of
Education

Questions?





Section 504 and Charter Schools



Charter schools receive federal funding and are required to follow Section 504 of the Rehabilitation Act. This means...

Charter schools cannot

- Discriminate against students with disabilities

Charter schools must

- Provide reasonable accommodations to students



Requesting a 504 Plan



- Charter schools should inform parents of students' right to 504 accommodations
- Parents can request a 504 Plan from the charter school





Discipline in Charter Schools



**Student rights and protections for
students with disabilities**



You Decide!





Discipline in Charter Schools



How are they different?

Charter schools create their own discipline policies

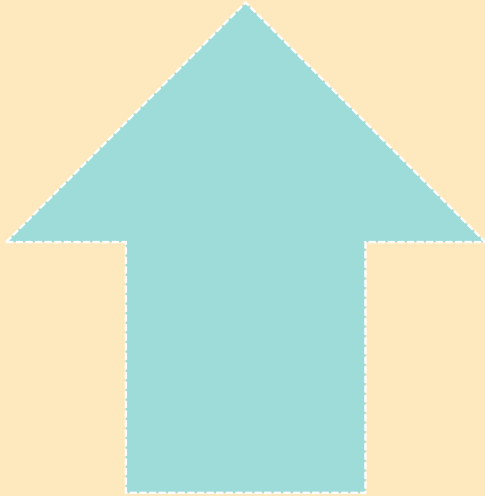
- The DOE's Discipline Code does not apply

How are they similar?

- Federal Due Process rules apply
- State and federal special education laws are the same



Discipline in Charter Schools

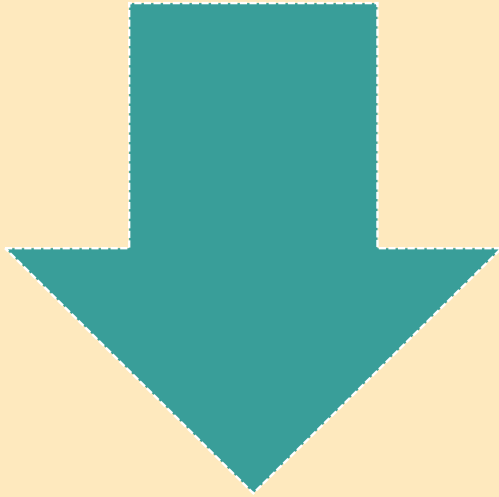


Lawful Suspensions

- Must follow school's discipline policy
- In-school suspensions
- Out-of-school suspensions
- Expulsion



Discipline in Charter Schools



Illegal Removals

- Suspensions for undefined periods
- Automatic “trigger” suspensions
- Conditional returns after suspension
- Shortened schedules
- Double jeopardy*



Due Process: Notice



Parents have the right to

Notice of the charges and the basis of the accusation

Notice **before** the suspension, unless the student poses a continuing danger or ongoing threat of disruption

Notice as soon as possible after the suspension, if immediate removal is allowed



Due Process: The Right To Be Heard



Students have the right to:

An explanation of the evidence and a chance to tell their side of the story *before* they're suspended, unless there's:

- A continuing danger to people or property, or
- An ongoing threat of disruption to the academic process.

Students cannot be forced to give a statement against their own interests.



Due Process: The Right to be Heard



For **longer-term suspensions** (11 days or more), charter schools must follow more formal procedures

The school must prove the charges at the hearing

The hearing officer must be impartial and base their decision on evidence presented at the hearing

Parents have the right to call witnesses, submit evidence, and be represented by counsel

Hearings must be on the record



Appeals of Charter School Suspensions



Grievance procedures
come from NYS Charter
Schools Act, NOT individual
school policies!

Appeals go to:

1. The charter school's Board of Trustees
2. The Charter School Authorizer
3. The Board of Regents





Suspensions & Students with Disabilities



Committees on Special Education must

- Conduct expedited evaluations
- Hold MDR meetings

Charter schools must

- Hold MDRs for students with 504 Plans



What is an MDR again?



A meeting to decide if the student's behavior was:

caused by the
student's disability;

OR

a result of the school's
failure to follow the
student's IEP or BIP

Required when the student is suspended for 11 or more days
in a row, w/in 40 school days, or with a pattern of behavior.



Is it a Manifestation?



YES

- Student returns to school
- CSE conducts:
 - Functional Behavioral Assessment (FBA)
 - Behavior Intervention Plan (BIP)

NO

- Suspension continues
- CSE must:
 - Consider doing an FBA and BIP
 - Determine placement and services during the suspension

Questions?



Remote Learning in Charter Schools





Charter School Obligations



IEP placement and special education services, including: :

- Classroom placement (ICT, 12:1+1, etc)
- Related Services
- Paraprofessional



Charter School Obligations



Charter school student is eligible for DOE iPad if:

- Have IEP
- Live in shelter, foster care, or doubled up
- Parents can request a device at <https://coronavirus.schools.nyc/remoteteachingdevices>

Same discipline rules apply while remote



Charter School Takeaways



Charter schools **cannot** refuse to educate ***MLLs/ELLs*** or ***students with disabilities***

Charter schools should offer ***specially designed instruction*** to students with IEPs who need unique supports and services

Students suspended from charter schools get ***due process*** and ***alternative instruction***

Make sure ***students with IEPs*** get ***MDRs*** when suspended

IEP services **remain** during remote learning



Thank you!



Questions?

Email us at

afcinfo@afcnyc.org



Next steps

Please complete
our online
evaluation form!