

## Background

In December 2020, the National Center for Special Education in Charter Schools released [\*Shared Responsibility, Shared Accountability: An Analysis of Enrollment of Students with Disabilities in Colorado's Charter Schools.\*](#)

The report's scope included a review of charter school websites to gather information regarding existing charter school enrollment policies and practices. The report included several Key Findings from a website analysis that was conducted. Among the findings from the report's website analysis are:

1. 61% of Colorado charter schools' websites lack descriptions of how they enroll students with disabilities.
2. 63% of Colorado charter schools' websites lack pages about or descriptions of how they educate students with disabilities.
3. 10% of Colorado charter schools publish enrollment policies on their websites that include problematic elements that could be interpreted as exclusionary and do not contain anti-discrimination clauses.
4. 18% of Colorado charter schools use application forms that ask whether a student has a disability with no anti-discrimination clause or statement of purpose.

## CSI Resources & Guidance

To support our schools in addressing some of the findings from this report, CSI has compiled the following resources:



**A Website Review Checklist** schools can use to audit their own websites for alignment with best practices



**Frequently Asked Questions** regarding the enrollment process for students with disabilities



**Sample Language** to consider as a starting point for incorporation within your school's website or other promotional material



## Website Checklist

Please use this checklist to confirm your school's website is clearly communicating its practices for enrolling students with disabilities. The following pages of this toolkit include sample language and frequently asked questions about the enrollment process and serving students with special needs.

<b>Does your school's website include the following:</b>	
	<b>An anti-discrimination statement clearly on the main page or on the enrollment page of the website?</b>
	<b>Language stating that the school, like all public schools, serves students with disabilities?</b>
	<b>A clear description of the process for enrolling?</b>
	<b>A clear description of the processing for enrolling students with disabilities?</b>
	<b>Pre-admission forms (such as intent to enroll forms) that only ask for the minimum required information?</b>  As a reminder, forms should not ask about disability status or status as another protected class unless it is for purposes of a weighted lottery or the School is chartered to serve students with a particular disability. See Relevant FAQs section below for more information.



## Relevant FAQs

The frequently asked questions below are excerpts from a more comprehensive Enrollment Toolkit developed by CSI for school use. The Enrollment Toolkit will be made available in January 2021.

### 1. What anti-discrimination requirements apply to CSI Schools?

CSI Schools are subject to all federal and state anti-discrimination requirements. C.R.S. 22-30.5-507(3). Meaning, CSI Schools cannot discriminate against students on the basis of disability, race (including hair texture, hair type or hairstyle), creed, color, sex, sexual orientation, national origin (including English Language Learners), religion, ancestry, or need for special education services, or any other protected classes. *Id.* In addition, CSI Schools cannot establish undue barriers to students applying for enrollment, such as mandated testing prior to acceptance, that have the effect of excluding students based on socioeconomic, family, or language background, prior academic performance, special education status, or parental involvement. 1 CCR 301-88, Section 2.02(E). These antidiscrimination rules also extend to recruiting and marketing practices. 1 CCR 301-88, Section 2.02(D).

### 2. What enrollment-related protections exist for students with disabilities?

CSI Schools cannot discriminate against students on the basis of disability or need for special education services. C.R.S. 22-30.5-507(3). Enrollment in a CSI School shall be open to any child who resides within the state except that a CSI School shall not be required to make alterations in the structure of the facility used by the CSI School or to make alterations to the arrangement or function of rooms within the facility, except as may be required by state or federal law. C.R.S. 22-30.5-507(3).

Intent to enroll/application forms cannot ask about disability status or status as another protected class unless it is for purposes of a weighted lottery or the School is chartered to serve students with a particular disability. <sup>1</sup> After a student has been offered a sport at the schools, families must provide a student's most recent IEP (including eligibility IEP) or Section 504 Plan, if available. The current CSI [IEP/504 review process](#) to determine placement shall be followed. There may be limited instances in which a student has a disability is so severe that, in accordance with [CSI's Enrollment Procedures for Students with Disabilities](#), the student's IEP team determine that the student cannot reasonably benefit from the programs available, or where enrollment is denied because the student has a physical or mental disability or disease causing the attendance of the student to be inimical to the welfare of other pupils. C.R.S. 22-33-106(2).

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<sup>1</sup> See [U.S. Dep't of Educ., Office of Civil Rights, Frequently Asked Questions about the Rights of Students with Disabilities in Public Charter Schools under Section 504 of the Rehabilitation Act of 1973](#), Question 16 (Dec. 28, 2016).

**3. Can a CSI School request information about students Special Education status during the admissions process (i.e., prior to enrollment)?**

No. CSI Schools cannot discriminate against students on the basis of disability or need for special education services. C.R.S. 22-30.5-507(3). To that end, and in accordance with federal regulations and guidance, CSI Schools generally cannot inquire as to disability status of a student prior to admitting the student (unless for purposes of required remedial action, weighted lottery, or the School is chartered to serve students with a particular disability). This includes Intent to Enroll forms as well as the registration packet if the information is required to be considered “admitted” to the School. See 34 C.F.R. §§ 104.4(b)(1)(ii), (iv), (4); § 104.6(a)-(b).<sup>2</sup>

During the enrollment process, CSI Schools can request IEPs and 504 plans pursuant to [CSI's Enrollment Procedures for Students with Disabilities](#).

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<sup>2</sup> See also [“Frequently Asked Questions about the Rights of Students with Disabilities in Public Charter Schools under Section 504 of the Rehabilitation Act of 1973”](#), Questions 16-17. Enrollment of students with disabilities must be in accordance with [CSI's Enrollment Procedures for Students with Disabilities](#), [Know Your Rights: Students with Disabilities in Charter Schools](#), U.S. Department of Education, Office for Civil Rights (2016).



## Sample Website & Enrollment Policy Language

Schools are welcome to consider the following, sample website and enrollment policy language as they review their existing website and policy language and make improvements to clarify the enrollment process and practices for students with disabilities.

### Sample Anti-Discrimination Language:

[SCHOOL] welcomes all students and strives to create and maintain a diverse student population. Enrollment in [SCHOOL] is open to all students residing in the state. Student recruitment and enrollment decisions shall be made in a nondiscriminatory manner as outlined in C.R.S. § 22-30.5-507(3). In all cases, student recruitment and enrollment decisions shall be made without regard to disability, race (including hair texture, hair type or hairstyle), creed, color, sex, sexual orientation, national origin (including English language learners), religion, ancestry, or need for special education services, or any other protected classes.

### Sample Website Language on Enrolling Students with Disabilities:

[SCHOOL] welcomes all students and strives to create and maintain a diverse student population. Enrollment in [SCHOOL] is open to all students residing in the state. Student recruitment and enrollment decisions shall be made in a nondiscriminatory manner as outlined in C.R.S. § 22-30.5-507(3). In all cases, student recruitment and enrollment decisions shall be made without regard to disability, race (including hair texture, hair type or hairstyle), creed, color, sex, sexual orientation, national origin (including English language learners), religion, ancestry, or need for special education services, or any other protected classes.

To ensure that the needs of students with disabilities are met, the following procedures are followed by [SCHOOL]:

1. Enrollment materials specify that [SCHOOL] serves students with disabilities
2. Following admission, [SCHOOL] shall require that the student provide the most recent IEP (including eligibility IEP) or Section 504 Plan, if available.
3. A review team consisting of the School Principal or designee, the School Special Education teacher or coordinator, and the Institute Special Education Director or designee shall review the IEP or 504 plan and determine whether the School will be the least restrictive environment appropriate for the student.
4. If the team finds that the IEP (or LRE setting) or 504 plan requires a significant change of placement\* or raises other concerns about the student's ability to access a Free and Appropriate Public Education (FAPE), the School shall convene a complete IEP team to determine the appropriate placement. The IEP team meeting shall include the Institute Director of Special Education or designee. In addition, the IEP team must include the following people: not less than one regular education teacher; not less than one special education teacher, or where appropriate, not less than one special education provider; and, an individual who can interpret the instructional implications of evaluation results, and a language interpreter, when necessary. The student's parents and legal guardian must be

- afforded the opportunity to participate, as must the student when appropriate.
5. If the team determines that the School is the appropriate placement for the student, the student shall be placed directly in a program that meets the requirements of the student's existing IEP or Section 504 Plan, unless and until the School convenes an IEP meeting or 504 meeting is held and the IEP or Section 504 Plan is changed.
  6. If the IEP team determines the IEP or 504 Plan requires a significant change of placement, then the IEP team will refer the student to the Institute Director of Special Education or designee. If a significant change of placement is required, the Director of Special Education of the student's administrative unit of residence (school district or BOCES) must be invited to the IEP meeting. It is also recommended that the School invite representatives from the student's prior school to participate in the IEP Team meeting at the charter school. The Institute Director of Special Education or designee will confer with the student and family regarding placement opportunities available in accordance with the placement determination made by the IEP team and assist the family in making proper application(s) for the placement setting.

Here is some sample language from CSI school websites:

#### **CAN MONTESSORI ACCOMMODATE ... CHILDREN WITH OTHER SPECIAL LEARNING NEEDS?**

An advantage of the Montessori approach—including multi-age classrooms with students of varying abilities and interests—is that it allows each child to work at her own pace. Students whose strengths and interests propel them to higher levels of learning can find intellectual challenge without being separated from their peers. The same is true for students who may need extra guidance and support: each can progress through the curriculum at his own comfortable pace, without feeling pressure to “catch up.”

We might note that from a Montessori perspective, every child is considered gifted, each in her own way. For every child has his own unique strengths—it is all a matter of degree.

*Monument View Montessori, Fruita*

Welcome to the Animas High School Inclusion Department website, formally known as Exceptional Student Services (ESS). We hope that this term better reflects our shared philosophy that students have better outcomes when they are included in the community with their peers. Research shows that there is added benefit to the community when we are exposed to the different strengths and challenges of others. Different perspectives push thinking further and enrich the community. As a department, we work with teachers and students to be full members of the general education classroom whenever possible. Through this philosophy, we consider what students need in the immediate-and long-term.

\* Check out "OUR PROGRAMS" for information about enrolling at Animas when your student has a special plan!

*Animas High School, Durango*