

Enrollment Procedures for Students with Disabilities

Colorado Charter School Institute

As addressed in Section 6 of the Charter School Contract, each school may establish its own enrollment timeline and procedures. Enrollment decisions shall be made in a nondiscriminatory manner specified by the applicant in the Institute charter school application. An Institute charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or need for special education services. Enrollment in an Institute charter school shall be open to any child who resides within the state; except that an Institute charter school shall not be required to make alterations in the structure of the facility used by the Institute charter 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).

Students with disabilities have the right to nondiscriminatory recruitment, application, and admissions practices. Under IDEA, a charter school may not unilaterally limit the services that must be provided to a particular student with a disability.

Schools may not ask a prospective student if he or she has a disability and recruitment and enrollment documents must ensure that families know that the charter school serves students with disabilities.

To ensure that the needs of students with disabilities are met, the following procedures must be followed:

1. Enrollment materials must ensure that families know that the charter school serves students with disabilities. Any pre-enrollment materials shall not ask whether a student has a disability unless doing so is (1) to remedy past instances of discrimination or the effects or conditions that resulted in past limited participation in the School's program by individual with disabilities (e.g., a weighted lottery); or (2) if the school is chartered to serve the educational needs of students with a particular disability and it is asking students to identify whether they have that specific disability.
2. Following admission, the 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.
 - a. 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.

- b. 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.
4. 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.

*Significant Change of Placement:

A significant change of placement occurs where:

- The administrative unit places or refers a student to a private school or approved facility school;
- The addition or termination of an instructional or related service or any change which would result in:
 - The child having different opportunities to participate in nonacademic and extracurricular services;
 - The new placement option is a change in the educational environment categories required for reporting data to the Secretary of the U.S. Department of Education pursuant to Section 618 of the IDEA; or
 - The child transfers from a brick and mortar school to an online program or vice versa.

If a significant change of placement is required, the IEP team must first consider the need for a reevaluation by reviewing the listed information and determining whether additional information is necessary to determine the student's eligibility for special education, the student's educational needs, and any necessary additions or modifications to the special education and related services. If the team (including a request by the parent), determines that additional evaluative information is necessary, the Institute shall reevaluate the student in accordance with the IDEA and ECEA rules.