



*from Equip for Equality's Legal Advocacy Program*

## **EFE FACT SHEET – Special Education**

### **My Child with a Disability Attends a Charter School. What are My Child's Rights?**

#### **Introduction**

A charter school is a public school, open to any student who applies and is admitted via a random lottery. Charter schools must meet state academic standards, but are allowed to operate free from many regulations that apply to other public schools. Your child cannot be prohibited from attending a charter school because of his disability.

#### **Does the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) protect children with disabilities who attend charter schools?**

Your child has the same rights under IDEA that he would have if he attended a regular public school. A charter school must follow your child's IEP. A charter school must hold an IEP meeting once per year and re-evaluate your child every three years. Depending on the type of charter school, both staff from your child's school district and charter school staff may be involved in the IEP process.

#### **Do the discipline protections under IDEA protect my child with a disability who is attending a charter school?**

The charter school must hold a Manifestation Determination Review (MDR) in the same way that a regular public school would. See our fact sheet on Discipline under IDEA for more information on MDRs. Similar to a regular public school, if your child's behavior is found

*not* to be a manifestation of your child's disability, the charter school can refer your child for expulsion.

If the charter school is referring your child for expulsion, your child does *not* have the same protections that he has at a regular public school. The charter school does not have to provide you with notice of the expulsion hearing by certified mail. The charter school does not have to provide your child with the chance to discuss your child's actions at an expulsion hearing. Some charter school expulsion hearings consist of meetings by the charter school board, without the presence of the child and parent. Look at your child's school handbook for information on the expulsion process at that particular school. The charter school must follow the processes in the handbook.

You can always request that you have a chance to provide the school board with your child's side of the story. You can also call our Helpline at (866) KIDS-046 for more assistance in preparing for the expulsion hearing and negotiations with the school.



Contact Equip for Equality's Special Education Clinic Helpline  
**1-866-KIDS-046** (voice) or 800-610-02779 (TTY)  
SpecialED@equipforequality.org  
[www.equipforequality.org](http://www.equipforequality.org)

This resource material is intended as a guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, an attorney should be consulted.

Equip for Equality, an independent nonprofit organization, is the Illinois state Protection & Advocacy System whose mission is to advance the human and civil rights of children and adults with disabilities. The Special Education Helpline seeks to empower parents to advocate effectively. The Special Education Clinic, Helpline, and these publications were made possible by grants from the Chicago Bar Foundation, The Field Foundation, Illinois Bar Foundation, Illinois Equal Justice Foundation, Polk Bros Foundation, and the State of Illinois Department of Human Services. The contents of this publication are the sole responsibility of the authors and do not represent the official views of the grantors.

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