



Promoting Access & Choice Through Inclusive Language

INTERIM EDITION

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Promoting Access & Choice Through Inclusive Language: Ensuring families of students with disabilities feel welcome in Colorado charter schools

INTERIM DRAFT

In Colorado, many families of students with disabilities choose their student's public school. Unfortunately, these families often lack information about their options. Parents often reach out to their surrounding schools to learn about the school and the enrollment process. To prepare for these interactions, schools are encouraged to have resources readily available, and staff should be trained to respond appropriately to educate families about their choices and to avoid miscommunication and discrimination.

Communication between parents and staff at a charter school needs to accurately reflect how non-discrimination policies and programs for special populations apply to the school. School staff communicating with parents of prospective students should be trained in how to appropriately address issues related to students with disabilities. School communication should clarify that the school welcomes their interest and must not discourage families of students with disabilities from enrolling. After interacting with a charter school, families should know that the school welcomes students with learning differences and will not discriminate against their student during the enrollment process, and that their student will receive the services they require if they attend the school.

This document provides information and examples to assist charter school staff as they prepare to communicate with parents. It includes goals of communication, considerations that staff should keep in mind, and a series of Frequently Asked Questions that provide concrete examples of best practices. Additional resources are available through the Colorado Association of Charter School Authorizers and the Collaborative for Exceptional Education at the Colorado League of Charter Schools.

Special Education Communication Goals for Charter Schools & Authorizers

Communications from charter schools and districts should accomplish several purposes, including:

- Conduct the entire enrolment process without asking about disability status. Prior to enrollment, nothing in the communication should ask about a student’s disability status or services related to a disability or indirectly encourage a family to disclose a student’s disability status;
- Clarify in communications (and adjust procedures if needed), to ensure applicants are not expected or required to disclose that their student has an IEP or 504 Plan prior to enrollment, unless the information is used to provide an enrollment preference¹;
- Affirm the charter school’s commitment to not discriminate against students in any ways prohibited in state and federal law, including prohibitions against discriminating in admissions on the basis of disability;
- Affirm that their school enrolls, welcomes, and provides appropriate services to students with disabilities, including students with IEPs and Section 504 Plans, and complies with all applicable laws and regulations;
- Direct families that have questions about special education to knowledgeable and trained staff at the school who can address any questions or concerns appropriately;
- Provide high-quality resources from the state and other authorities that describe their rights and outline key information about how families of students with disabilities can navigate school choice;
- Clearly communicate to families about the details of the application and enrollment process without creating any unintended obstacles or messages that might discourage families of students with a disabilities from applying;
- Communicate accurately about the procedures the school and the district or authorizer will use to determine whether services a student with disabilities requires will be provided at this location. These issues should be addressed by the appropriate staff. These procedures, and their explanation, must comply with applicable laws, regulations, and procedural rights afforded to students with disabilities. Communication should avoid intentionally or unintentionally discouraging any family from applying.

Staff Training and Materials Language Considerations

Documents and resources created by the school and any staff training should address a series of talking points that charter school staff should communicate to prospective parents. The list of Frequently Asked Questions (FAQ) at the end of this document provides additional useful language to incorporate into trainings.

¹ Schools may also ask about disability if the school is designed to serve students with a particular type of disability.

The language and details of how they are used would change with each school and should be turned into more natural speech while still educating people about the important distinctions that need to be made.

1. Charter schools are public schools. Like all charter schools, insert school name doesn't discriminate against students in any "protected subgroup/list". We welcome applications from all students, including students with disabilities! That means we don't discriminate on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or need for special education services.
2. If you have more questions about how we serve students with disabilities, I can get you in touch with our (insert appropriate title/director of special education/title).
3. All charter schools are subject to all federal and state laws (and constitutional provisions) prohibiting discrimination.
 - a) This includes discrimination on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or need for special education services.
 - b) The applicable laws include the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act (ADA), and Colorado's Exceptional Children's Educational Act.
 - c) This means we don't discriminate against students with Individualized Education Programs (IEPs) or 504 plans.
4. Applicants to our school are not required to identify whether the applicant has an IEP, and admission to the school is made without considering a student's disability.
5. Like all charter schools, insert school name, is a public school. Insert school name serves students with disabilities and English Learners and provides services to students as required by state and federal law.
6. In most cases, we can provide the services required for a student with a disability.
7. Under IDEA, students with disabilities are entitled to a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). The services a student requires under IDEA are described in an Individualized Education Program (IEP).
 - a) The details of that program are addressed by a student's IEP team, of which you (a parent) are a member.

- b) Under Colorado law, the provision of FAPE and specific services required by a student's IEP are a joint responsibility of the charter school and its authorizing school district (or the Charter School Institute).
 - c) After a student with an IEP is initially admitted, an IEP team meeting, which would include the parent, (and the student and their representative as appropriate), may be used to review the IEP with the family and to determine if additional support from the LEA is required.
8. A school should only ask about disability status to provide a preference to such students or because the school is designed to serve a specific disability. In cases where a school is authorized to inquire about disability status for these purposes, the following statement should be used in conjunction with that inquiry:
- a) **(Insert School Name)** is committed to serving students with disabilities, and the state has allowed us to give an enrollment preference to students with IEPs. We only ask about IEP status to give an admissions preference to students with disabilities.

Frequently Asked Questions*

*For a more exhaustive federal FAQ with more detailed technical language see:
https://sites.ed.gov/idea/files/policy_speced_guid_idea_memosdcltrs_faq-idea-charter-school.pdf

1. Q: What is a charter school?

A: Charter schools are public schools that operate independently from the local school district.

They operate with a charter, or contract, between the group running the school and the district or other entity that has approved them to run the school. They have freedom from some rules and regulations, but have to follow other rules. They still have to follow the laws and rules that affect civil rights and services for students with disabilities.

2. Q: Are charter schools public schools?

A: Charter schools are public schools.

Like all public schools, this means they are tuition free and funded by public funding. They also can't discriminate against students based on all the protections that students have in traditional public schools and can't be religious in their operation or affiliation. They must comply with all civil rights laws and regulations covering public schools, including laws for the enrollment and services provided to students with disabilities. **Insert school name** serves students with disabilities and English Learners and provides services to students as required by state and federal law.

3. Q: Does the school serve students with disabilities?

A: We welcome and serve students with disabilities!

We don't ask about disabilities in our enrollment process, and our enrollment decisions are made without considering whether students have a disability. We comply with federal and state laws and regulations that cover students with disabilities. This includes the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act (ADA, and Colorado's Exceptional Children's Educational Act. **To find out more about how this works, you should talk to our (insert title, special education director) and they can answer your questions about how this works.**

Like all charter schools, **insert school name** is a public school. **Insert school name** welcomes and serves students with disabilities and English Learners and provides services to students as required by state and federal laws.

4. Q: Can you serve all students with disabilities, regardless of their specific disability?

A: In most cases, we can provide the services required for a student with disabilities.

In rare cases, a student's individual needs require they receive services at a different location. Decisions like this are made in compliance with IDEA and involve the student's IEP team (of which the parent is a member). If you want to learn more about how this works, you should contact our **(insert title, special education director)**.

5. Q: How do you serve a student with an IEP?

A: We provide the services in a student's IEP as required by federal law.

IDEA includes provisions that can apply when a student with an IEP makes a transition from one school setting to another. **To find out more about how this works, you should talk to our (insert title, special education director) and they can answer your questions about how this works.**

6. Q: Can charter schools discriminate, or pick their students?

A: We don't discriminate. We welcome all students, including students with disabilities.

Charter schools are not allowed to discriminate against students, including potential students from all the same groups that traditional public schools are prohibited from discriminating against. This includes discriminating on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or need for special education services.

a). If a lottery is used.

We use a lottery to admit students. We have an open enrollment period, and everyone who applies during that period is put in a lottery. Students who are not offered a seat are put on a wait list. As space becomes available wait listed students are offered a seat.

b). If the school is part of the district open enrollment system.

We participate in the district's open enrollment system. The district runs the lottery and you can learn more about their process on the district's web site (direct them to appropriate people and pages).

7. Q: Does your school have any enrollment preferences?

A: Answer depends on enrollment preferences in place, likely cover siblings, in-district residence, etc. While referencing any enrollment preferences that may exist, also reference the school's non-discrimination policies.

8. Q: Do you ask if an applicant has an IEP in the enrollment process?

a). If the school does not serve a specific disability target group or provide a preference for students with disabilities:

A: We do not ask if a student has a disability during the enrollment process. Applicants to (insert school name) are not required to identify whether their student has an IEP, and admission to the school is made without considering a student's disability.

b). If the application asks about IEP status for the purpose of giving a preference to students with disabilities or because of the school's focus on a particular type of disability:

A: (Insert School Name) is committed to serving students with disabilities, and the state has allowed us to give an enrollment preference to students with IEPs. We only ask about IEP status to give an admissions preference to students with disabilities.

Or

A: Our school has a unique mission to serve students with (insert targeted disability of the school). We only ask about a student's disability to confirm whether students have the targeted disability. We do not use this information to discriminate against students with other disabilities.

9. Q: What is the school's model and for what kind of students is it a "good fit?"

Schools are encouraged to educate families about their school, its model, and special education programs. They should do so without inadvertently discouraging enrollment of students with disabilities.

A: Our school is designed to serve all students and we work to ensure all types of students get the services they need to thrive and succeed in our school. (Insert school-specific information on model and approach.)