

# Charter School Board and Administrator Alert 2022-01

## New Changes to 1 CCR 301-88 that Impacts Enrollment of Students with Disabilities in Charter Schools



**COLORADO**  
Department of Education

### Background

In mid-August 2021, the United States Department of Education's Office of Civil Rights (OCR) opened investigations into 22 authorizers and 29 charter schools related to discriminatory practices against students with disabilities in the enrollment process. The updates listed below came out of these investigations to better align State and Federal Standards.

### Summary

At the January 12, 2022 meeting, the Colorado State Board of Education [voted to update](#) the Standards for Charter Schools and Charter School Authorizers to bring the standards into alignment with OCR guidance. The rules clarify that charter schools are not to ask about disability status on enrollment applications and that any inquiries about a student's disability status shall not occur until "post-admissions." Other notable edits are as follows:

- Charter Schools are to maintain a page on the school website that communicates how to participate in the school's enrollment process. The web page must include a non-discrimination statement affirming protections for all classes covered by applicable federal and state law.
- Charter School recruitment materials must not indicate or signal that the school refuses admission generally to any applicant that is part of a protected class, including students with disabilities.
- Charter Schools must take appropriate steps to ensure that enrollment applications are accessible to applicants with disabilities. The Charter School must also take steps to provide the language assistance necessary to ensure meaningful communication with limited English proficient parents.
- Charter School application materials and application process activities shall not inquire into characteristics that would reveal protected characteristics, except where allowed by applicable federal or state law.
- The school conducts annual training for its staff on protections against pre-enrollment inquiries about disability status for students and on when it is appropriate to inquire about disability status post-admission.

### Next Steps

These rules are now adopted. Additional rule revisions related to non-discrimination protections for choice enrollment more generally [have also been noticed](#) and will be considered at the April board meeting of the State Board. To provide feedback and comment on these proposed changes, please visit the state board website [here](#).

#### ADDITIONAL RESOURCES:

The Colorado League of Charter Schools and the Colorado Association of Charter School Authorizers created the following resources to guide schools in implementing these changes:

- [FAQ and talking points for charter and district staff on inclusive language](#)
- [Video modeling language for staff with inclusive language to address questions around enrollment](#)
- [Presentation deck on Inclusive Language](#)
- [Website checklist and model language](#)
- [OCR Guidance on 504/Idea, \(see pp. 20-24\)](#)

## WHERE CAN I LEARN MORE?

For more information, please see the [CDE Schools of Choice Unit Presentation: "Protecting the Rights of Students with Disabilities in Charter School – What Leaders and Authorizers need to Know."](#)