



**Frequently Asked Questions:  
Special Education in Oakland Charter Schools**

**A Guide Developed by Programs for Exceptional Children  
and the Office of Charter Schools**

## Frequently Asked Questions: Special Education in Oakland Charter Schools

### FOR FAMILIES:

Are special education students eligible to enroll in charter schools?	Yes.
Can all special education students attend charter schools, even if their disability is severe?	Yes. Charter schools must admit all students, regardless of disability. The program required for an individual student may or may not be available at that school of the Oakland Special Education Local Plan Area (SELPA).
Do I have to tell the charter school about my student's IEP before we can enroll?	No. However, having this information early can support the school in preparing an educational program for your child.
Must I provide a copy of my student's IEP to the school?	No. However, providing this information early can support the school in preparing an educational program for your child.
What if I'm not sure if my student was in special education or was receiving extra help for some other reason?	Discuss this with your new school. Your new school will contact the previous school your child attended.
Will my student get the same services at a charter school as they would in a non-charter Oakland public school?	Your child's Individualized Education Program (IEP) provides for specific services for your child. The IEP team will meet to determine how to provide these services at the charter school and/or other schools within the SELPA.
What happens if my student's IEP calls for services not offered at the charter school?	A 30-day IEP can be called. The IEP team will meet and determine how to provide these services at the charter school and/or other schools within the SELPA.
How are services provided to special education students in charter schools in Oakland?	By the district and/or charter personnel within the SELPA to which the charter school belongs.
Do families with special education students in charter schools have the same rights as students in non-charter schools?	Yes.
What do we do if we think our student has a learning difficulty or needs extra help?	Discuss your concerns with the student's teacher or principal. Pre-referral intervention strategies, including holding a Student Support/Success/Study Team (SST) meeting, should be utilized by the school.
What do we do if our student is not progressing despite the special education services provided?	Contact Programs for Exceptional Children (PEC) Program Specialist and/or Coordinator to determine most appropriate next steps.
What do we do if we're not satisfied with the quality	Contact PEC Program Specialist and/or Coordinator to determine most appropriate next steps.

of special education services our student is receiving?	
Do the charter school teachers have to follow the IEP?	Yes. Teachers who do not follow the IEP can be held personally liable for failure to follow the IEP.
Does my special education student have to take the state standardized tests?	Yes. All students take state standardized tests. A student's IEP may include modifications and accommodations on the tests. A family may exempt their student from state testing if they so choose.
Does my special education student have to take the charter school's tests also?	Yes. Students receive the same modifications and accommodations on school tests as on state tests.
If my special education student gets into trouble at school, is the discipline process different from other students?	Yes. Students are protected from discipline of actions that are a result of their disability.
If my special education student is suspended from school will he/she continue to receive special education services?	It depends on the nature and length of suspension.
Who is responsible for my student's education during a suspension?	It depends on the nature and length of suspension.
What happens if my special education student is expelled from a charter school?	If the student is an Oakland resident, and the student seeks to enroll in an OUSD school, the case is reviewed by the OUSD disciplinary hearing panel and a determination about readmission is made. Middle/High School students will receive special education services through the Community Day School.
If my student can't meet the charter school's graduation requirements because of his/her disability, can he/she still get a diploma?	Completion of graduation requirements is an IEP Team decision. There may be alternatives to the charter school requirements in order to receive a diploma.
Does the charter school have to provide transition services for my high school special education student?	The transition plan portion of the IEP specifies the transition services, some of which may be the responsibility of the charter school.

**FOR CHARTER SCHOOLS IN THE OAKLAND SELPA:**

How do I know if a student enrolled in our charter school has an IEP?	Schools typically ask parents for information about IEP status on registration/enrollment materials (not on application materials). IEP information may also be in student cumulative files.
How can I get special education files on OUSD students now enrolled in our charter school?	Request the special education cumulative files from Programs for Exceptional Children (PEC). If it is unclear whether the student had a prior IEP but a disability is strongly suspected, the school can submit a request to the Office of Charter Schools with the student's name, DOB, and SSID, and a search will be conducted by PEC.
Can OUSD assist in getting special education files on students from other districts now enrolled in our charter school?	Yes. PEC will assist schools if they have attempted to obtain files from other districts but have been unsuccessful.
Are there special requirements for securing and storing special education-related files?	Yes. Files must be in a locked file cabinet and have a list of people who are allowed to access the files, with a tracking log.
What files is a parent of a special education student permitted to see?	All educational records.
What do I do if a teacher or parent asks for a charter school student to be assessed for special education?	The request should be made in writing and delivered to the OUSD Resource Specialist Program (RSP) teacher on site. The RSP teacher has 15 days from the date of the written request to respond (note: oral request must be reduced to writing).
Who is responsible for setting up meetings required to satisfy special education procedures?	The OUSD case manager/carrier (RSP) is responsible.
Who is responsible for tracking procedural timelines for special education?	The OUSD case manager/carrier (RSP) is responsible.
How are required procedural steps (IEP meetings, etc.) communicated to the charter school?	The RSP teacher is the liaison between the school and the district. The procedures are also on the district and charter school office websites.
Does a charter school teacher work collaboratively with the OUSD special education staff about IEP requirements?	Yes.
What do we do if a parent complains about special education procedures or services?	In general, refer the parent to the PEC Program Specialist or Program Coordinator. Formal complaints should be directed to Gabriel Valenzuela, ombudsperson for OUSD.

What if a parent demands a hearing or threatens to sue?	Refer the parent to the PEC Program Specialist or Program Coordinator.
Do we need our own special education lawyer or is the district responsible for representing us?	OUSD is responsible for representing charter schools that are part of its SELPA, for special education issues.
What is our charter school's responsibility in the event of a hearing or lawsuit?	Work collaboratively with PEC and comply with any requests from PEC.
Are we responsible for lawyers' fees or costs of any settlement?	No.
What do charter schools in the OAKLAND SELPA pay to be provided with special education services?	Approximately \$450 per ADA contribution plus state and federal IDEA funding on behalf of charter schools that goes directly to OUSD.
How is the amount determined?	Contribution for Special Education for a given year is calculated by taking the District's entire annual SELPA actual costs for the previous year and dividing it by the previous year's District and Charter (only those in OAKLAND SELPA) schools' P2 ADA. The resulting rate is then used for the current year, as an estimated rate, and is adjusted at the beginning of the following school year to reflect actual current year SELPA costs.
When are charter schools notified of the estimated charges for the coming year?	Summer before the coming year.
When and on what basis is the estimated charge adjusted?	It is adjusted based upon OUSD's overall encroachment and changes in enrollment.
When is payment for special education charges due to the District?	When the invoice arrives, at designated dates throughout the year.
How do we find out about what special education charges are paying for?	The special education budget is a public document and is located on OUSD's legislative website, Legistar.
Can we have a say in the special education budget or in plans for provision of services?	Yes, charter schools can provide input on the PEC budget process, however final budget decisions rest with the SELPA.
What should we do if we become aware that procedural steps are not being followed?	Contact your Program Coordinator.
What if the terms of an IEP are not being met?	Contact your Program Coordinator.

What if we are dissatisfied with the performance of assigned OUSD special education staff?	Contact your Program Coordinator for corrective action.
What role do charter schools have in evaluating the performance of special education staff serving their students?	Charter schools have an advisory role. A protocol for providing advisory feedback will be developed during the 2011-2012 school year.
Does my charter school have to change its discipline policies and practices for special education students?	All schools must follow 34 Code of Federal Regulations (CFR) Section 300.540 which governs the discipline of special education students.
In what way are special education students treated differently with respect to discipline?	Students may be provided with a behavior support plan. There must also be a manifestation determination hearing if a student is recommended for expulsion to determine whether or not the action was a manifestation of the student's disability. Other requirements are outlined in 34 CFR 300.540.
Who is responsible for making the manifestation determination?	Generally, the IEP team, however there are exceptions such as a 45 day interim alternate placement.
Who is responsible for providing services to a special education student who is suspended from school?	It depends on the length and nature of the suspension.
Does my charter school have to change its homework policies or other academic expectations for special education students?	Charter schools must follow all modifications and accommodations as described in the IEP.
Does my charter school have to modify promotion, retention or graduation requirements for special education students?	Yes, if specified in the IEP.
What is the role of the Office of Charter Schools in the provision of special education services to charter schools?	The Office of Charter Schools acts as a facilitator between the Programs for Exceptional Children Department and charter schools in the Oakland SELPA.

**FOR CHARTER SCHOOLS NOT IN THE OAKLAND SELPA:**

Can a charter school operating in Oakland, but not authorized by OUSD be in the OAKLAND SELPA as a “school within the district for purposes of special education”?	No.
If our charter school is not a school within the district for purpose of special education, does OAKLAND SELPA provide any support or services?	No.
If our charter school is not a school within the district for purposes of special education, how can we obtain information on special education students enrolled in our school?	Contact the previous school of enrollment.
Can our charter school, as an LEA within another SELPA, contract with OAKLAND SELPA for specific services?	Depends on the specific situation. Generally, no.
Can our charter school, as an LEA within another SELPA, enroll students with IEPs in OUSD special day classes?	Permitted only with inter-SELPA agreement.
How would charges for OAKLAND SELPA services provided to charter schools from other SELPAs be determined?	On a fee-for-service basis.
If our charter school decides to no longer be an LEA within another SELPA, could we become a school within the district in the OAKLAND SELPA again?	Depends on the specific situation.

**FOR OAKLAND UNIFIED SCHOOL DISTRICT PERSONNEL:**

Do state and federal laws on special education apply to charter schools?	Yes.
Who is responsible for ensuring that charter schools meet legal requirements for special education?	Primary responsibility is with school site personnel (principal and case manager/carrier/RSP).
Are all charter school special education students the responsibility of OUSD?	No, only those students who attend schools in the Oakland SELPA.
If a charter school is not a “school within the district” for purposes of special education, how does it meet its special education obligations?	It joins another SELPA.
How does a charter school become an LEA within a SELPA?	There is an application process.
Can a charter school become an LEA member of any SELPA?	A school can give notice and apply to a different SELPA. Different SELPAs have different admissions requirements.
Can any charter school authorized by OUSD be a “school within the district” within the OAKLAND SELPA?	Yes, that is the default structure.
What about charter schools operating in Oakland but authorized by the Alameda County Board of Education or the State Board of Education?	No. They must find another SELPA.
How do we know if a charter school has enrolled students with IEPs who need services from OAKLAND SELPA?	A parent may tell the charter school their student has an IEP, or the charter school may request information or the cumulative file from PEC. A manual check in the CASEMIS system can also be performed. It is strongly suggested that this information be requested at the time of enrollment.
What is the procedure for getting necessary information to charter schools about their students who have IEPs with OAKLAND SELPA?	The case manager/carrier (RSP) at the charter school is responsible for this.
What is our responsibility for charter school students who reside outside OUSD and have IEPs from other districts?	A charter school should request IEP information from the previous district and request assistance from PEC if they experience difficulty obtaining the necessary information.
How do we ensure that special education records are properly secured?	Files must be in a locked file cabinet and have a list of people who are allowed to access the files, with a tracking log.

What do I do if a charter school teacher or parent asks for a student to be assessed for special education?	The request should be made in writing and delivered to the RSP on site. The RSP has 15 days from the date of the written request to respond. (Any oral request must be put into writing.)
Who is responsible for setting up meetings required to satisfy special education procedures?	The case manager/carrier (RSP).
Who is responsible for tracking procedural timelines for special education?	The case manager/carrier (RSP).
How are required procedural steps (IEP meetings, etc.) communicated to the charter school?	The case manager/carrier (RSP) or PEC is responsible.
Can an OUSD special education staff member give direction to charter school teachers and staff about IEP requirements?	Yes, this is required.
What do we do if a parent complains about charter school procedures or services?	Special education-related complaints should be directed to PEC.
Who is responsible for the cost of litigation for charter school special education matters?	OUSD is responsible.
Does it matter if the problem that is the basis of litigation was the result of actions by charter school employees?	No. However, if school personnel did not follow the IEP, they can be found personally liable in the case of a lawsuit brought by the parents.
What do charter schools in the OAKLAND SELPA pay to be provided with special education services?	Approximately \$450 per ADA contribution plus state and federal IDEA funding on behalf of charter schools that goes directly to OUSD.
How is the amount determined?	Contribution for Special Education for a given year is calculated by taking the District's entire annual SELPA actual costs for the previous year and dividing it by the previous year's District and Charter (only those in OAKLAND SELPA) schools' P2 ADA. The resulting rate is then used for the current year, as an estimated rate, and is adjusted at the beginning of the following school year to reflect actual current year SELPA costs.
Do charter schools have any say in the special education budget or in plans for provision of services?	Yes, they can provide input via their program coordinator.

What should we do if we become aware that charter schools are not complying with special education procedures?	Provide training, information, additional support. Communicate with the Office of Charter Schools.
What if the terms of an IEP are not being met by charter school staff?	Provide training, information, additional support. Communicate with the Office of Charter Schools.
What role do charter schools have in evaluating the performance of special education staff serving their students?	Charter schools have an advisory role. A protocol for providing advisory feedback will be developed during the 2011-2012 school year.
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Questions? Contact the OUSD Office of Charter Schools at (510)336-7570 or OUSD Programs for Exceptional Children at (510) 874-3700.