

In reviewing both the public charter school law in Title 20-A and the proposed rules, which we believe should add clarification and specifics to the law; we find none with respect to special education. In fact, special education is never even mentioned in the proposed rules. MADSEC requests that there is clarification of special education responsibilities written into the proposed regulations.

In the law there is a section that says a charter school “(1) Includes one or more of the following: preschool, prekindergarten and any grade or grades from kindergarten to grade 12.” MADSEC’s question is how this would work for funding for preschool and prekindergarten if the LEA does not have a preschool or prekindergarten. The LEA would not be receiving any subsidy for these students if they do not have a program. The special education funding would also be different as these age students services are funded by Child Development Services. MADSEC would ask that this be clarified in the rule.

The following are specific concerns with the language that is in the proposed regulations.

Section 2. Authorizers and Authorizing of Charter Schools

3. Solicitation of Charter School Applications. There is no mention of the need to require that how special education will be delivered in the charter school as part of the application process. MADSEC believes that in order for the Charter school to meet all students needs that this needs to be part of the application that authorizers require. In checking the statute, there was also no requirement for the authorizer, as part of the application process to require clarification as to how the proposed charter school would meet the needs of students with disabilities

4. Oversight of chartered schools. Will the authorizer or the DOE be responsible for monitoring special education in charter schools? Or will both? If the authorizer is going to monitor special education within a charter school then MADSEC would suggest there will need to be technical assistance from the department unless there are authorizers who have an excellent and up to date background on special education laws and regulations.

6. Department oversight and sanction of authorizers. MADSEC would like to express our concern with the DOE’s capacity to take on this task. We believe that currently the DOE is limited in its ability to provide oversight in special education due to limited positions and expertise at the DOE, therefore we are not sure who would do this oversight of the authorizers in this area without additional expense of at the detriment of current oversight that is required for each school district.

7. Collaborating authorizers. There needs to be clarity as to who will be responsible for special education when the charter school is a collaborative.

Section 3. Charter School Operations

2. Enrollment. D. contains language that would require an IEP team to meet to discuss enrollment in the charter school. This language should be removed. Our understanding of the public school charter law is that every child has the choice to have a student attend the charter school; therefore this is not an IEP placement and does not require an IEP meeting. This situation should be treated as a student transfer to another school.