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Bureau of Special Education FY'07 Memo #1

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To: Superintendents of Schools  
Directors of Special Education

From: Lyonel B. Tracy  
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State Director of Special Education  
Administrator, Bureau of Special Education

Roberta Tenney, Administrator  
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RE: Charter Schools ~ Questions & Answers

The Bureau of Special Education has developed a list of questions and answers to assist the districts with frequently asked questions with reference to Charter Schools.

1. Is the LEA of residence responsible for entering students with disabilities enrolled in a Charter School into the New Hampshire Special Education System (NHSES)?
  - Yes, the LEA of residence is responsible for entering data for students into NHSES if the student is receiving special education services.
2. If personnel at a Charter School suspect a disability, what are the next steps?
  - The Charter School personnel should contact the student's LEA of residence. The Charter School should also notify the parent.
3. Can a LEA of residence invite personnel from the Charter School to the students' IEP meeting?
  - Yes, the make-up of the IEP team is outlined in CFR300.321.
4. Can a LEA place a student with disabilities at a Charter School?
  - Only parents can choose to enroll a child at a Charter School.

5. If a parent chooses to enroll a child with disabilities at a Charter School is the LEA of residence responsible for implementing the IEP?
  - Yes, the LEA in which the child resides is responsible for providing special education services according to RSA 194-B: 11(III). The LEA and the Charter School may work out a mutually agreeable plan for implementation.
6. If a parent chooses to enroll a child with disabilities at a Charter School is the LEA of residence responsible for transportation?
  - The LEA of residence is responsible for transportation to the Charter School if transportation is a necessary related service in the child's IEP.
7. How does a LEA of residence address the issue of "HQT" for students with disabilities enrolled in a Charter School?
  - According to NH Charter law "the teaching staff of a Charter School shall consist of a minimum of 50 percent of teachers either New Hampshire certified or having at least 3 years of teaching experience RSA 194-B: 14 (IV). However, according to Title II A all teachers of a Charter School must meet the HQT requirements.
8. Is the LEA in which the Charter School is located responsible for providing special education services to all children with disabilities in the Charter School?
  - No, the LEA in which the Charter School is located is only responsible for providing special education services to the children with disabilities who reside in the LEA according to RSA 194-B:11 (III). The students' LEA of residence is responsible for providing special education services.
9. If a LEA of residence is not in agreement with a parent's choice to enroll their child with disabilities in a Charter School, what is the responsibility of the LEA of residence?
  - It is the parent's choice to enroll their child at the Charter School. It is the LEA of residence's responsibility to ensure that FAPE is being provided. If the parent and LEA are in disagreement, they may pursue means to resolve the issues.
10. Do children with disabilities who are enrolled at Charter Schools participate in the state-wide assessments?
  - Yes, children with disabilities who are enrolled in a Charter School do participate in statewide assessments.

The NHDOE website provides updated information regarding Charter Schools:

[www.ed.state.nh.us/Education/doe/organization/curriculum/SchoolApproval/CharterSchools/CharterSchoolsHomePage.htm](http://www.ed.state.nh.us/Education/doe/organization/curriculum/SchoolApproval/CharterSchools/CharterSchoolsHomePage.htm)