

SETTING THE SCENE: LEGAL BACKDROP

A combination of federal, state, and local statutes and regulations guide how special education is provided in public schools.ⁱ Charter schools are public schools and therefore must abide by the same laws and regulations. **It is essential to understand this legal background to ensure that your authorizing practices and the practices of the schools in your portfolio comply with applicable laws.**

FEDERAL STATUTES AND REGULATIONS

The federal laws guiding the provision of special education grew out of the civil rights movement, as protections increased for students with disabilities and other minorities in the recognition that segregation led to unfairness and inequalities in public education.ⁱⁱ

Four federal laws primarily influence how special education is provided in all public schools, both charter and non-charter:

1. Individuals with Disabilities Education Act (IDEA)
2. Elementary and Secondary Education Act (ESEA) recently reauthorized as Every Student Succeeds Act (ESSA)
3. Section 504 of the Rehabilitation Act of 1973 (Section 504)
4. Americans with Disabilities Act (ADA).

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

IDEAⁱⁱⁱ is the primary federal law impacting special education in public schools and provides students with a wide range of disabilities access to a public education in line with that of their non-disabled peers. ^{iv} IDEA provides financial assistance to states^v to guarantee special education and related services to students with disabilities; any state receiving funds under IDEA must follow the requirements established by the law.

The 1997 amendments to IDEA made it clear that charter schools are covered under the law and made specific reference to a charter school's legal status as an LEA or part of an LEA.^{vi} See Section C for a discussion of the impact of LEA status.

Under IDEA, school districts serve as the primary vehicle for students with disabilities, ages three to 21, to access essential supports and interventions. Services typically referred to as “special education and related services,” are provided to enable children with certain categories of disabilities to access public education to the same extent as their peers without disabilities. IDEA also provides due process protections for the identification, evaluation, and placement of students with disabilities by requiring written notice of these rights and creating procedural requirements for resolution of conflicts.