AUGUST 7, 2009

NON-REGULATORY GUIDANCE TO THE PROHIBITIONS ON DISCRIMINATION AGAINST CHILDREN WITH DISABILITIES MEMORANDUM NO. 09-005

The purpose of this document is to provide additional information to clarify steps Local Education Agencies (LEAs) in the District of Columbia must take to comply with the "Prohibitions on Discrimination Against Children with Disabilities in the Charter School Application During the Enrollment Process" (Memorandum No. 09-005) guidance document issued by the Office of the State Superintendent of Education (OSSE) on March 09, 2009. The following information is presented with the goal of addressing specific concerns regarding the student application process raised by schools and other community stakeholders.

Frequently Asked Questions (FAQ)

1. **What do the terms "application," "registration," and "enrollment" mean, and how do these terms relate to each other?**

   - The term "application" refers to the information that public charter schools, including a public charter school that has elected to be its own LEA ("LEA Charter") and a public charter school that has elected for the District of Columbia Public Schools to serve as its LEA ('District Charter"), solicit from parents and students during the first quarter of each calendar year in anticipation of filling available student slots for the following school year. Acceptable application questions include essential student-specific information and essential school-specific information.

   - The term "registration" refers to the process that occurs *after* students are accepted by a school through the rolling admissions or lottery process, at which time, the school requests appropriate documentation to confirm academic, personal, and residency information. The registration process is complete when a family accepts the offered slot and provides all the required appropriate documentation; at this point the student is deemed formally enrolled in the school.

   - The term "enrollment" refers to the entire student admission process from start to finish comprised of both the application phase and the registration phase.

2. **What is the rationale for the issuance of the Prohibitions on Discrimination Against Children with Disabilities guidance document?**

The rationale for the Prohibitions on Discrimination Against Children with Disabilities guidance document is to ensure that all children residing within the District of Columbia receive the same level of access to a high quality education as their non-disabled peers and to prevent application processes that potentially support discriminatory practices. The Prohibitions on Discrimination Against Children with Disabilities guidance document impacts all public charter schools equally, regardless of whether they are classified as District Charters or LEA Charters for special education purposes.

3. What can District and LEA Charters do to promote themselves to populations that they believe will maximize the utility of the specific programming offered?

A school may still actively promote the defining features of its programs to all residents within the District in a good faith effort to solicit applications from families that may ultimately decide that the school is a good fit for their students. However, such solicitation may not be discriminatory in practice or infer discrimination in any manner. An example of an acceptable practice is a posted flyer or brochure accessible to the general community.

4. Do all District and LEA Charters have to accept all applications from all parents, even if a school determines that it cannot serve specific groups of children?

Yes. All District and LEA Charters are required to accept all applications from all students residing in the District of Columbia. No school may legally predetermine that it is unable to serve any individual student based on the student's disability status or needs. Schools may not write requirements referring to special education levels or classifications into their charters, nor may they implement such discriminatory measures. Every LEA, including LEA Charters must provide a continuum of educational and related services adequate to meet any and all student needs. The OSSE expects schools that identify themselves as special education schools to welcome and serve general education students. Similarly, all schools serving general education students must welcome and be prepared to serve students with special education needs.

5. Are all charter schools/local education agencies (LEAs) required to use a standard application issued by the OSSE?

No. The OSSE respects each LEA's autonomy to design its own application form with the issued guidance in mind. LEA Charters are encouraged to contact the OSSE to seek additional help and resources to meet their needs. District Charters are encouraged to contact DCPS to seek additional help and resources to meet their special education needs. It is the responsibility of all District and LEA Charters to produce application materials that comply with the law. Please be advised that the OSSE may conduct unannounced monitoring activities during the enrollment season to ensure compliance with federal and local law.

Additional Guidance

For additional information, please reference the "Prohibitions on Discrimination Against Children with Disabilities in the Charter School Application During the Enrollment Process" located on the OSSE website at http://www.osse.dc.gov. Please direct any questions regarding the content of this document to **Grace Chien, LEA/Charter Policy and Implementation Specialist, at (202) 741-5098 or by email at Grace.Chien@dc.gov**. The OSSE has the authority as the state education agency (SEA) to issue additional guidance regarding charter policy and related practice.