

# Special Education in WI Charter Schools

100%

Charter schools must provide a Free Appropriate Public Education (FAPE) for all students with disabilities and cannot deny admission based on a student's IEP or disability status 100%

**“Education is not preparation for life; education is life itself.”  
– John Dewey**

## Essential Guidance for Charter School Teachers:

*Understanding Legal Responsibilities and School Obligations Regarding Students with Disabilities under the Individuals with Disabilities Education Act (IDEA) and Wisconsin State Law.*

### Legal Status

#### Know Your LEA Status

In Wisconsin, the responsibilities associated with charter schools vary depending on the entity that authorizes the charter. If you are a District-Authorized Charter School, the district serves as the Local Education Agency (LEA) and is ultimately responsible for special education services and compliance. Conversely, if you are an Independent Charter School, you function as your own LEA and assume full legal responsibility for special education.

### Enrollment

#### Non-Discrimination

If your educational institution employs a lottery system for student admissions, it is imperative that students with Individualized Education Programs (IEPs) are included in the same selection pool as all other applicants. In accordance with regulations, inquiries regarding whether a student has an IEP are prohibited until after their admission has been confirmed.

#### Special Considerations

A charter school may deny an open enrollment application if it does not have the necessary special education programs or services to fulfill a student's Individualized Education Program (IEP). The specific limitations and requirements governing this denial are dependent on the charter school's authorizing entity and its operational structure.

## Child Find Obligations

Educational institutions must identify, locate, and evaluate all children with disabilities enrolled in the charter school, regardless of the severity of their disability, who are in need of special education and related services including children who are made a ward of the state, county, or child welfare agency under chapter 54 or 880, highly mobile children such as migrant and homeless children, and children who are suspected of being a child with a disability even though they are advancing from grade to grade. There must be an established written procedure for accepting and processing referrals and all licensed staff must be familiar with this process.

## IEP Process

### The IEP Team

Teachers are a required member of the IEP Team. Other members include the parent/s, a special education teacher, and an LEA Representative (someone with the authority to commit school resources).

### IEP Implementation

The IEP is a legal contract. Teachers are obligated to implement all specified accommodations, ensure that the student receives Specially Designed Instruction and Related Services as outlined in their IEP, and provide Supplementary Aids and Services within their classroom.

### Placement

Students must be educated in the Least Restrictive Environment, typically the classroom setting, unless it is determined that education cannot be effectively achieved there, even with the provision of aids and services.

## Behavior-Disability Link Review

### The 10-Day Rule

If a student with an IEP is suspended for more than 10 cumulative days in a school year, it is considered a “change of placement.”

### Manifestation Determination

Within 10 school days of a decision to change a student’s placement (due to discipline), the IEP team must meet to determine if the behavior was caused by, or had a direct relationship to, the student’s disability.

# Documentation & Compliance

## Progress Reports

You must provide regular reports on how the student is progressing toward their IEP goals (usually on the same schedule as report cards).

## Confidentiality

Student IEPs are highly confidential. Only staff with a “legitimate educational interest” should have access to them.

## Forms

Wisconsin DPI provides Model Special Education Forms. Ensure your school is using the most current version (PI 11 forms) to ensure compliance with state criteria for disability categories.



***Understanding these principles is vital for ensuring equal educational opportunities and setting students on a path to success in charter schools.***

## Key Resources on the DPI Website:

- [DPI Special Education Topics A-Z](#)
- [Model Special Education Policies for Independent Charter Schools](#)
- [DPI Introduction to Special Education \(Parent & Teacher Guide\)](#)