

Maine Charter School Commission

Request for Proposal and Charter School Application
FOR SCHOOL OPENING 2016 Issued 6/10/15

Question and Answer

Posted on Maine Charter School Commission Website <http://www.maine.gov/csc/>

July 8, 2015.

Clarifying Question RFP 2016:

"I have come across a phrase for which I need more clarification. In the Special Education section, it says you may not "counsel out" prospective students/parents."

Answer:

A.3 Special Student Populations

Applicant Instructions

As public schools, charter schools may not discriminate on the basis of disability. Admissions and enrollment practices must be consistent with federal and state law requirements. Charter schools who engage in "counseling out" are acting improperly and violating applicable law.

Maine Unified Special Education Regulations (MUSER) related notations can be found at: <http://www.maine.gov/doe/specialed/laws/chapter101.pdf> Code of Federal Regulation (CFR) notations can be found at: <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=%2Findex.tpl>

Unfortunately, there are no "*related notations*" to "*counseling out*" included in the reference above to Maine Unified Special Education Regulations (MUSER). The MUSER link (above) does provide for applicant access to the state special education laws.

Charter schools authorized by the Commission are LEAs (Local Educational Agency) responsible for serving all students with disabilities. Schools may not discourage parents from applying for a seat at the charter school for their child by suggesting that their child would not receive the services they are entitled to under the law if enrolled or that the school is inappropriate.