



Equitable Enrollment Practices: A Guide for Charter Schools



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Background

Across the country, the expansion of public school choice options continues to gain momentum as a result of the rapid evolution of innovative instructional delivery methods. School choice offers families and students the opportunity to take advantage of K-12 education in ways that are meant to provide a more personalized academic experience with increased flexibility in time, pace, path, and place.

The state of Wisconsin recognizes the importance of ensuring that all parents and students are granted more freedom in where and how they receive access to a public education. In 2018, as part of the U.S. Department of Education's Office of Innovation and Improvement's Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities program, the Wisconsin Resource Center for Charter Schools (WRCCS) was created. WRCCS serves to "strengthen the charter school system in the state and improve student learning" and "serves as a point of contact to provide technical assistance to individuals or organizations around charter school development." Part of the process for strengthening the charter school system and subsequently improving student learning is to ensure that all students, including students with disabilities, have equitable access to learning opportunities.

As the education landscape continues to change, the need for modernized State charter laws addressing the rights of students with disabilities increases. As the Office of Special Education Programs (OSEP) shared in their *Response to Charter Schools and Students with Disabilities*:

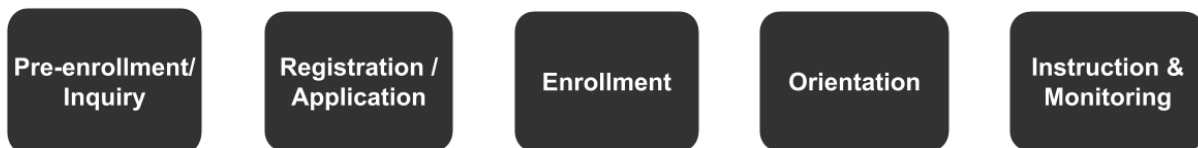
Charter schools are exempt from some regulations of regular public schools, but they are publicly funded. Typically, these schools enter into a contractual agreement with a state-approved agency or authorizer. This agreement, or charter, delineates the school's mission, organizational structure, budget, and operational plan. Since charter schools are publicly funded, they are obligated to provide special education services and enroll students with disabilities.¹

One of the most frequently asked questions from charter school authorizers, programs, and schools across the United States is: "Can we choose not to enroll students with disabilities in our charter school?" The answer is that no student should be denied enrollment to a charter school based on disability, anticipated cost to provide special education services, or lack of services or resources. This answer is supported by a federal regulation, specifically that all students should have access to a free appropriate public education (FAPE), set forth by the Individuals with Disabilities Education Act (IDEA) of 2004.

¹ On December 28, 2016, OSEP issued a FAQ that speaks to the rights of students with disabilities in public charter schools. The FAQ responded to questions posed by the field and touches on almost every major component of IDEA including: FAPE and the provision of services; Child Find and evaluation; placement and LRE requirements; procedural safeguards; and several other topics.

To help provide guidance specifically on equitable enrollment processes for students with disabilities in charter schools, WRCCS contracted the Inclusive Digital Era Collaborative (iDEC) Focusing on Students with Disabilities. iDEC conducted interviews with staff in twelve charter schools, revealing that no procedural guides were being used during the enrollment process to navigate the process of working with families of children with disabilities. Conversations with educators in the state of Wisconsin revealed a number of problematic practices that were being used when charter schools encountered students with disabilities, including but not limited to counseling students out² and adopting exclusionary enrollment policies³. In light of these findings, it appears that charter schools would benefit from having clear pre-enrollment and enrollment processes and procedures that are careful not to inadvertently discourage parents and students with disabilities from applying for enrollment. Instead, these procedures need to provide the necessary information and required support to families in order to facilitate a successful academic experience. The importance of incorporating sound enrollment policies and procedures cannot be overstated.

As such, iDEC researchers adapted the Proficiency Attainment Model developed by Mellard and Scanlon (1997) into an Enrollment Framework that serves as the structure for this guide. The use of this enrollment framework may help charter schools to establish consistent and fair practices. This guide clearly communicates the responsibilities of charter schools when it comes to equitable enrollment practices for students with disabilities based on national and state-level policy and provides practical steps for ensuring compliance at the programmatic level.⁴ The guide is organized by the five components of iDEC's Enrollment Framework:



Each of these components is expanded on in the following sections. Where applicable, policy is infused in the form of footnotes for easy reference.

² The iDEC team understands that enrollment of students with disabilities in charter schools can be complex. However, the Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794, and its implementing regulation at 34 CFR part 104) and Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131–12134, and its implementing regulation at 28 CFR part 35) prohibit discrimination on the basis of disability and may impose additional requirements on SEAs and LEAs. The same nondiscrimination principles that apply to all schools under these laws also apply to charter schools. Within the Department of Education, these laws are enforced by the Office for Civil Rights (OCR). The iDEC team recommends that SEAs/LEAs adopt an enrollment framework in order to ensure equitable enrollment processes and procedures are in place for staff to abide by.

³ SEAs and LEAs must ensure that charter schools are prepared and equipped to serve the varying student needs instead of singling out specific services or supports that are or are not allowable. For example, a charter school IEP team may determine that a student would benefit from taking music, art, PE in a brick and mortar setting. This would require the charter school to collaborate with neighborhood schools in order to provide those services. Additionally, a student may require a teacher aid to support the development of executive functioning skills. The charter school would need to provide this support.

⁴ These materials are not intended as legal advice, and should not be so construed. State law, local policy, and unique facts make a dramatic difference in analyzing any situation or question. Please consult a licensed attorney for legal advice regarding a particular situation.

Enrollment Framework

(1) Pre-enrollment/Inquiry

The first component of the framework is the information gathering or inquiry stage for parents and their child. Charter schools need to make a concerted effort to support parents in making an informed school choice. This is largely due to the fact that a growing body of evidence suggests that parents are removing their children with disabilities from brick-and-mortar schools under duress conditions, which often include indications of rights violations under IDEA. Parents in these situations have communicated feeling as though they had no other option but to remove their child from what they perceived as threatening circumstances (Rice, Ortiz, Curry, & Petropoulos, in press; Rice, Ortiz, Smith, & Mellard, 2018). As such, authorizers, in partnership with charter schools, should perform their due diligence in providing parents with advocacy contact information, in addition to detailed information about school processes, procedures, and performance.

The overarching goal of charter schools during the pre-enrollment/inquiry stage should be to answer any and all questions that families of students with disabilities have regarding the most appropriate educational setting for their child. It should be noted here that all information provided to families should be consistent with the Federal Equal Educational Opportunities Act of 1974, meaning charter schools must provide enrollment and admission information in the language spoken by the parents and students. Below is a bulleted list of informational items that would support parents of children with disabilities in making an informed school choice. Parents should be provided with:

- A description of the learning environment and/or setting, academic content, and instructional delivery
- A list of extracurricular activities offered through the charter school
- A description of how special education services are provided, the names of digital learning programs the charter school uses, and the types of peer interactions that students are afforded throughout the instructional day
- The charter school's student-to-teacher ratio, the average number of students on a special education caseload, school performance percentages or state ratings and other, school achievement numbers, sample of digital curriculum, number of students enrolled, etc. (see Wisconsin Report Cards⁵).
- The school's informational packet, which should include details about the importance of an Individualized Education Plan (IEP) development, enrollment steps, school and home communication methods, and responsibilities of parents as learning coaches

⁵ <https://apps2.dpi.wi.gov/reportcards/>

- Information about how to access the registration form, consent forms, where and how to upload pertinent documents including an IEP and comprehensive psychoeducational evaluations, contact information for additional questions, and steps to move forward with the enrollment process
- A list of parent sponsors who are available to visit with parents and/or perhaps a parent's guide⁶

In addition to the information above, programs should also use a consistent script or procedural guidebook to support staff in responding to questions to ensure an equitable enrollment process that is unbiased and nondiscriminatory⁷. This goal of this script or guidebook should be to empower charter school staff to be able to provide as much information as possible in a very straightforward and transparent manner in order to assist parents in making an informed school choice.

(2) Registration/Application

Following the information gathering stage, the family typically moves on to fill out the registration/application forms, which includes documenting information such as the age of the student and the location of family. A release form may also be filled out to facilitate the process for obtaining records from the student's previous placement once the enrollment process begins. During the registration process, there are places where the program will want to be mindful about what they ask for. To illustrate this, we've included some Frequently Asked Questions below.

Registration/Application FAQs:

Can we require students with disabilities to have administrator approval prior to enrolling?

Only if all students are required to have administrator approval prior to enrolling. (Administrator may not review IEP to determine if setting is appropriate for students without a formal IEP meeting.)

Can an Independently Authorized Charter School (ICS) deny a pupil application because they receive special education services (have an IEP)?

No. An ICS needs to be open to all learners. The governance board of an ICS can set a cap for total capacity or grade level capacity, but they cannot cap based on disability services. Wisconsin Open Enrollment Law ([statutes/118.51](#)) does not pertain to Independently Authorized Charter Schools

⁶ Wisconsin Digital Learning Collaborative. (2018). Parent Guide to Online Learning. Retrieved from https://static1.squarespace.com/static/5b2a5d54e74940efa50bef9f/t/5c088eafb8a0458b949d187e/1544064730777/W DLC-Parent-Guide_Final.pdf

⁷ Section 504, Rehabilitation Act of 1973 (29 U.S.C. § 701) Section 794(a). Nondiscrimination under Federal grants and programs - No otherwise qualified individual with a disability in the United States, as defined in section 705 (20) of this title, shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance[.]

Can a nonresident school district deny a pupil with a disability based solely on the category of the disability?

No. Both state and federal laws prohibit discrimination against a pupil based on the pupil's physical, mental, emotional, or learning disability. The board also may not deny open enrollment based on the pupil's eligibility for or need of a reasonable accommodation in a Section 504 plan. An application may only be denied if there is no space in the special education or related services required in the pupil's IEP or if the special education or related services are not available. [Wis. Stat. § 118.13(1) and 118.51(5)(a)4 and 6 and 118.51(12)]⁸

What if an application is submitted by a pupil with a disability but there is no current IEP?

If an application is submitted by a pupil who has been found sometime in the past to have a disability, but does not have a current IEP, the nonresident school board's decision must be based on the availability of special education and related services required by the most recent IEP. If the IEP cannot be obtained for the pupil, the nonresident school board must review the most recent evaluation for the pupil, and based upon that review, develop an IEP and determine whether it has available the special education and related services to provide a placement.

If neither an IEP nor an evaluation is available, the pupil should be considered a nondisabled pupil and the pupil's application must be considered using the criteria for nondisabled pupils. [Wis. Admin. Code § PI 36.10 (2)]

In addition to these FAQs, during the registration and admissions process, a charter school generally may not ask a prospective student if he or she has a disability.⁹ However, if a child is applying for enrollment outside of their residential district, current Wisconsin open enrollment laws require that parents are asked during this point if their child has a disability. Keep in mind, not all parents disclose that their child has a disability during the registration phase, thus underscoring the importance for the school to obtain educational records from the previous placement in a timely fashion.

(3) Enrollment

The enrollment component entails charter school personnel reviewing registration documentation and following-up with parents and students. Charter school enrollment should be viewed as a process particularly important for students with disabilities. The goal of the enrollment component is to ensure students are afforded equal access to public school opportunities through admission to the charter school, as well as development, review, and/or revision of the IEP.

During the enrollment process it's important to keep in mind the first principle of IDEA, which is referred to as the Zero Reject Principle. This principle exists to ensure that all students, from age 3 through 21, have the right to a FAPE no matter how severe their disability. A student may not

⁸ Wisconsin Department of Public Instruction's Frequently Asked Questions about Wisconsin's Full-Time Inter-District Public School Open Enrollment <https://dpi.wi.gov/sites/default/files/imce/open-enrollment/pdf/oe-faq-5-2017.pdf>

⁹ <https://innovation.ed.gov/files/2017/01/Rights-of-children-with-disabilities-in-charter-schools.pdf>

be excluded because school staff feel the student is too disabled to learn even in the midst of school choice options that include charter schools.

Enrollment FAQs

Can an Independently Authorized Charter School (ICS) deny a pupil's enrollment because they receive special education services (have an IEP) or have a 504 plan?

No. An ICS needs to be open to all learners. Wisconsin Open Enrollment Law ([statutes/118.51](#)) does not pertain to Independently Authorized Charter Schools. The ICS should have an enrollment process designed to support all students prior to the official start date.

Can a nonresident school district deny a pupil who needs services under Section 504

No. A school district may deny a pupil who has been found to be eligible for services under Section 504 (and who is not eligible for an IEP under Wis. Stat. § 115), only for the same reasons it may deny a non-disabled pupil. [Wis. Stat. § 118.51(5)]

Can a nonresident district deny a pupil's open enrollment if it does not have the transportation required in the pupil's IEP?

No, the nonresident school board cannot deny an application solely on the basis that transportation is required in the pupil's IEP. Wis. Stat. § 118.51(14)(a)2 states that if a pupil with a disability has transportation required in their IEP, the nonresident district must provide such transportation.

The IEP Meeting

When parents and/or guardians let the charter school know that their child has a disability, the program should set up a date for an IEP meeting. One of the key processes during the enrollment phase is the development of the IEP¹⁰. In developing each child's IEP, the IEP team must consider the following:

1. The strengths of the child;
2. The concerns of the parents for enhancing the education of their child;
3. The results of the initial or most recent evaluation of the child; and
4. The academic, developmental, and functional needs of the child.

Guidelines for who to include on the IEP team, as defined by IDEA, including those individuals who are required and those who are strongly recommended, are listed in Table 1.

¹⁰ IDEA Section 300.324(a)(1)

Table 1. *IEP Team Members*¹¹

Required	Recommended
<ul style="list-style-type: none"> • Parent(s)/Legal Guardian • Student (in IEP meetings that discuss transition topics) • Teacher of Student • Special Education Teacher (qualified in area of student's disability) • District Representative (must be qualified to supervise special education, able to allocate district resources, ensure no administrative veto of services) • Evaluation Expert (for meetings at which student eligibility data is to be presented; typically the initial meeting and subsequent re-evaluation meetings) 	<ul style="list-style-type: none"> • Student (whenever appropriate; and especially if the student is in middle or high school) • Additional Teachers of the Student (especially if the student is in middle or high school) • Related Service Providers • Vocational/Technical Teachers or Counselors • Student Advocates • Any individual with knowledge of the student (at the discretion of the parent or agency)

All attendees should be included on the Notice of Meeting document that is delivered to parents at least 10 days prior to the IEP meeting. Parents can suggest moving the meeting to an earlier date as well as suggest other attendees who can help provide more information about the student's needs.

Charter schools are encouraged to communicate to parents that they should not relinquish their rights to special education as those support services need to be provided by the charter school upon enrollment to ensure a FAPE under IDEA.

Below are some additional critical reminders for charter schools to keep in mind when engaging with students and parents during the enrollment process.

- Charter schools could ask parents if the child has any unique needs that might influence participation, instructional, or curricular decisions.
- Charter schools must be clear with parents/guardians that enrollment is not dependent on an IEP meeting.
- To ensure relevance and appropriateness, the IEP meeting should include a review of the students' profile, annual goals, progress monitoring, related services, placement, and needed accommodations.

¹¹ Adapted from: *IDEA 2004, Section 1414(d)(1)(B)*

- Charter school staff should garner a plan that will help support students. This plan can be devised by asking questions to parents and students to understand their needs and to figure out what support structures, including strategies to build into an IEP plan, that will help the student to be successful.
- (For Virtual Schools): Questions posed to students could include the following :
 - Best times to communicate with mentors and learning coaches
 - Daily schedule, including meal times, extracurricular activities, and sleeping patterns.
 - Experiences and preferences with technology
 - Responses to stress

Additionally, the resulting IEP should outline explicit points for periodic review of the IEP ensure that it includes everything that the student needs to be supported in the charter school.¹²

In addition to registration forms and IEP meetings, charter schools can use surveys and intake forms to follow up on any information provided by the parents and/or student. Some schools use a Getting to Know You Questionnaire that allows educators to take some time to get to know the child through the parents' eyes. This knowledge can be developed through conversation that focuses on understanding the child and giving parents an opportunity to share information in a non-threatening way (see Appendix A for sample questions).

(4) Orientation

The orientation component provides a formal welcome and introduction to the charter school. The goal of the Orientation component, in accordance with IDEA¹³, is to equip parents and students with the appropriate information and training necessary to begin instruction, including facilitating connections with families and providing parents and students with the tools, strategies, training, and equipment that they need to be successful.

Information and activities that should take place during the orientation phase include:

- Providing information to students and parents about daily schedules, teachers, school communication processes, and necessary supplies

¹² IDEA Section 300.320(a)(3)(ii): The IEP must include a description of when periodic reports on the child's progress toward meeting the annual goals (e.g., the use of quarterly or other periodic reports concurrent with the issuance of report cards) will be provided.

¹³ Section 300.34(c)(8)(iii)

- Asking parents and students to test computer hardware and other technological applications (including the learning management system (LMS)), as well as assistive technology that was written into the IEP during the enrollment period.
- Providing families a point of contact in order to express needs, concerns, or just ask questions.

*(Also see Michigan Virtual Learning Research Institute's *Parent Guide to Online Learning*¹⁴ and *Online Learning Orientation Tool*¹⁵.)

During the orientation component parents and students should also be informed of opportunities to provide continual feedback to help the school improve upon their process. Students and parents may be able to identify barriers directly tied to instruction. If any barriers are identified during the orientation process, then the necessary supports should be added to the IEP as a necessary supplementary aide in an addendum with the consent of parents..

(5) Instruction & Ongoing Progress Monitoring

Once all of the other four components are completed, the focus shifts to instruction and monitoring to ensure a suitable IEP is in place that will allow the student to access a FAPE through specially designed instruction. A plan should also be in place to monitor student progress. It is safe for enrollment staff to assume that students with disabilities may require an adjustment period to acclimate to their new school environment, so increased progress monitoring may be appropriate. As mentioned in the Enrollment section, the IEP should include explicit times when regular reviews of the IEP are scheduled to ensure that the student is receiving access to a FAPE. As the student begins to settle into their school routine and their coursework, IEP team members may be better able to assess how the IEP that was drafted during the enrollment period is actually working for the student. Additional addendums to the IEP should be made if and when necessary.

¹⁴ <https://mvlri.org/resources/guides/parent-guide/>

References

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Appendix A

Getting to Know You Questionnaire¹⁶

Take some time to get to know the child through the parents' eyes. This knowledge can be developed through conversation that focuses on understanding the child. This conversation gives the parents an opportunity to share things about their child in a non-threatening way.

- What does your child like to do at home?
 - What does your child NOT like to do at home?
 - How does your child seem to feel about school?
 - How does your child seem to feel about themselves?
 - How does your child seem to feel about other children (friends, brothers and sisters)?
 - How does your child seem to feel about adults (parents, teachers, relatives)?
 - How well does your child take care of themselves (dressing, eating, staying clean, etc.)?
 - What does your child do to help you at home?
 - How many friends does your child have?
 - What does your child do when playing with friends?
 - How much, and how well, does your child talk to you?
 - How much, and how well, does your child talk to other adults?
 - What does your child do well at home?
 - What problems does your child have at home?
 - What concerns do you have about your child's education?
 - How does your child learn best?
 - What have you found to help your child learn at home?
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Appendix B

Equitable Enrollment Inventory Sheet

Directions: This worksheet contains six sections that align with the *Equitable enrollment practices: A Guide for Charter Schools*. School leaders should use this worksheet to inventory current guidance, policy, and resources related to the 5 components of equitable enrollment practices. This worksheet is meant to be used as a tool for schools to identify areas of need, increase meaningful dialogue among staff members, and support strategic planning efforts.

Accessible Pre-enrollment and Enrollment Website/Materials

Accessible School Websites

Charter School Website is ...

_____ Perceivable (contains text alternatives for non-text images, logical sequencing of content, clearly marked headings, minimal use of flashing images or blinking text)

_____ Operable (website supports clear navigation through features that help locate content and with clearly marked hyper-links)

_____ Understandable (provides multiple language options, readable at 6th grade level or below)

Charter School Website allows...

_____ Users to control contrast, resize the text, and ignore unnecessary images if needed

_____ Screen readers are available and able to read website content in correct order

_____ Use of accessible keyboard

Accessible School Materials

Charter School forms are accessible through...

_____ Downloadable (PDF and Word documents) and online options

_____ Input assistance and help-text

Component 1 (C1) - Pre-enrollment/Inquiry

Procedural Guidance/Policy Documents for Staff and/or Parents	Information and Resources for Parents
<p>_____Counseling protocol for parent inquires (including advocacy for special circumstances)</p>	<p>_____Calendar of relevant dates</p> <p>_____Information on how to register to the school with pertinent information regarding open enrollment.</p> <p>_____Description of learning environment and setting, curriculum, instructional delivery methods.</p> <p>_____Description of extracurricular activities (this is really important for virtual schools).</p> <p>_____Description of Special Education Services (including digital learning programs and applications, use of tele-practice, related services, accommodations, and inclusion with same age peers).</p> <p>_____School performance statistics and teacher student ratios.</p> <p>_____Disability advocacy information</p>

Component 2 (C2) - Registration/Application

Procedural Guidance/Policy Documents for Staff and/or Parents	Information and Resources for Parents
<p>Registration/Application materials should <u>NOT</u> include the following language or requirements:</p> <ul style="list-style-type: none"> • Enrollment contingent upon receipt of education records including IEP. • Enrollment contingent upon technology readiness survey. • Enrollment contingent upon grade on required essay. • Make applications available just a few hours. • Require lengthy application forms requiring student and parent essays, report cards, test scores, disciplinary records, teacher recommendations, and/or medical records. • Require students present Social Security cards and birth certificates. • Mandated family interviews • Assessments prior to enrollment • Additional academic prerequisites • All formats of pre-enrollment and enrollment forms should not have a request for race/ethnicity, behavior, academic, special education (i.e., IEP), marital status, migrant status, living arrangements or financial information. <p>However,</p> <ul style="list-style-type: none"> • ...if any of such information is needed for reporting purposes, there should be a note or disclaimer to notify parents that the information will not be used against them and their applications. 	<p>_____ Intent to enroll</p> <p>_____ Consent to release educational records</p> <p>_____ Child Find questionnaire</p> <p>_____ Getting to Know You questionnaire</p> <p>_____ Technology Skills/Needs questionnaire</p>

Component 3 (C3) - Enrollment

Procedural Guidance/Policy Documents for Staff and/or Parents	Information and Resources for Parents
<p>_____ Counseling protocol for families that disclose a disability (including explanation of procedural safeguards and how they apply to charter school)</p> <p>_____ Policy regarding roles and responsibilities of teacher and on-site mentor or learning coach</p> <p>_____ Procedures to review all paperwork (data gathering)</p> <p>_____ Procedures for IEP review</p> <p>_____ Special Education Handbook as it applies charter/virtual school learning environment</p> <p>_____ Procedural Safeguards</p>	<p>_____ Enrollment forms and Consent to release for school records</p> <p>_____ Student Strengths Inventory/ Barriers to Success Inventory</p> <p>_____ Procedural Safeguards</p> <p>_____ Copy of IEP from previous school</p> <p>_____ Special Education Handbook (as it applies charter/virtual school learning environment)</p> <p>_____ On-site mentor/learning coach handbook (if applicable) should include a plan for school-home communication</p> <p>_____ Procedural Safeguards</p> <p>_____ Organizational chart including authorizer, leadership, and staff (this should include special education staff and support staff such as related service personnel)</p>

Component 4 (C4) - Orientation

Procedural Guidance/Policy Documents for Staff and/or Parents	Information and Resources for Parents
<p>_____ Guidance on how to identify needs for assistive technology</p> <p>_____ Guidance on how to identify the need for related services for parents and children</p> <p>_____ Parent Hotline /Consult line for parents of children in charter and virtual schools</p>	<p>_____ Class schedules with assigned teachers and supplies</p> <p>_____ Introduction to technology; practice technology (face to face, synchronous, asynchronous training on technology for home use)</p> <p>_____ Introduction to classmates and other parents (meet and greet)</p> <p>_____ Explicit and ongoing instruction with the use of supplementary aids and services including assistive technology</p> <p>_____ Informal Assistive Technology inventory</p> <p>_____ Support System Graphic Organizer (should include one or two points of contact for special education or support services and school or community-based supports and means for reaching out to other parents)</p>

Component 5 (C5) - Instruction & Monitoring

Procedural Guidance/Policy Documents for Staff and/or Parents	Information and Resources for Parents
<p>_____ Copy of review or revised IEP to all teachers working with the student (IEP should include a clear description of supplementary aids and services including assistive technology; related services, and program modifications)</p> <p>_____ School policy for Progress Monitoring student performance</p> <p>_____ Guidance on how to perform Progress Monitoring activities (including how to determine what to focus on, methods, and frequency)</p>	<p>_____ Copy of review or revised IEP</p> <p>_____ One page informational sheet that explains the charter school policies regarding Progress Monitoring (this includes the purpose, data, and parent/child responsibilities)</p> <p>_____ Individualized Progress Monitoring timeline (including the frequency and manner in which reports will be shared with parents and students)</p>