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Education Law Center Files Complaint Against Charter School, Challenging Refusal to Admit Child with Disability

Philadelphia, PA. Charter schools in Pennsylvania cannot deny admission to any student on the ground that the child has a disability and requires special education services. Today, ELC filed a [complaint](#) in Pennsylvania's Common Pleas Court on behalf of first-grade student D.W., who was illegally denied enrollment in a public charter school on the basis of her disability. ELC contends that this action by Mathematics, Civics and Sciences Charter School (MCSCS) of Philadelphia violates the child's rights under state law.

"This is a glaring example of explicit and illegal discrimination," said Margie Wakelin, staff attorney at the Education Law Center. "Unfortunately, it is not an isolated case. Charter schools, just like district schools, need to serve students with disabilities and cannot turn them away."

ELC filed a petition for a preliminary injunction along with the complaint, seeking a court order directing MCSCS to enroll D.W. immediately. MCSCS enrolls a tiny percentage of students with disabilities. Over the past five years, that percentage has ranged from 3% to 6%. That is far below the average percentage of students with IEPs for all charter schools in Philadelphia, which was 18% in 2017-18.

The complaint, filed by D.W.'s mother, Georgette Hand, details how her 6-year-old daughter was properly accepted to the charter school for the 2019-20 school year but then denied enrollment expressly on the basis of her disability. D.W. is diagnosed with Attention Deficit Hyperactivity Disorder and receives minimal special education services. D.W.'s family applied for admission to MCSCS in June 2019, and on July 10, received [a letter](#) from MCSCS informing them that D.W. was accepted as a first grader.

On July 22, Hand brought D.W. to the school and submitted all the required documentation, including the child's IEP (Individualized Education Program), which the School District of Philadelphia created in May, when D.W. was attending kindergarten in the district. MCSCS Chief Administrative Officer Veronica Joyner met with Hand and D.W. and told them that D.W. could not enroll at MCSCS because she had an IEP for an emotional disability. She told them that MCSCS did not have a class or teacher to provide the services. When Hand asked Joyner if D.W. could attend the school if she did not have her IEP, Joyner responded that she could. Joyner even provided instruction about how Hand could revoke her IEP so that D.W. could attend MCSCS. Hand did not do this and as a result, her daughter was prohibited from enrolling at MCSCS for the 2019-2020 school year.

When ELC attorney Wakelin contacted counsel for the school to request D.W.'s immediate enrollment, she was rebuffed. ELC charges that the school's refusal to enroll D.W. based on her disability constitutes unlawful discrimination under the Charter School Law and violates Pennsylvania's constitution and the state's enrollment laws.

In addition to seeking a preliminary injunction directing MCSCS to enroll D.W. immediately, the complaint asks the court to award compensatory educational services to D.W. to make up for the time she was illegally excluded from school and asks for an order directing MCSCS to implement and publicize a new policy for the inclusion of students with disabilities, as well as to provide diversity and inclusion training to all school staff.

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