

# ARTS ACADEMY ELEMENTARY CHARTER SCHOOL

## Board Policy

CATEGORY: Programs

POLICY NUMBER: 501

TITLE: Special Education

ADOPTED: January 23, 2018

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These policies are to be interpreted in a manner which is consistent with state and federal laws regarding education of children with disabilities. In the event these policies can be interpreted in a manner which might conflict with those laws, those laws shall control the manner in which the school proceeds. These policies represent the state of the law regarding the education of children with disabilities.

## INTRODUCTION

The purpose of the Arts Academy Elementary Charter School Special Education Policy Manual is to provide a comprehensive reference for teachers, paraprofessionals, administrators, ancillary staff and others who are responsible for providing special education services in accordance with federal and state special education regulations. All staff members are charged with reading the manual in its entirety and are to comply with all required procedures. Additionally, staff members bear the responsibility of reviewing the contents and applying it as deemed appropriate in their day-to-day instructional and/or administrative practice. Some of the information in the manual reflects mandated procedures, while other information serves as resource material and suggested guidelines for practice. The Arts Academy Elementary Charter School utilizes and adheres to the policies mandated by the State of Pennsylvania Bureau of Special Education and is required to establish specific procedures for our operation.

The school is also required to follow federal laws regarding students with disabilities. Staff members must consult their respective administrators for any forms, procedures, or guidelines that are program specific. It is recommended that staff members have this manual readily available when procedural questions arise regarding the services to students. Annotated forms [developed by the Pennsylvania Department of Education (PDE)] and examples of completed forms are available on IEP Writer to serve as a guide. The varied needs of students are such that there is no one “model report” that works best in all situations. However, there are basic components and considerations that must be included in completing mandated forms and executing specific procedures.

## INDIVIDUAL ROLES AND RESPONSIBILITIES

### Director of Special Education

- Provides technical assistance to Administrators, special education staff, general education staff, and related services staff regarding all special education issues and procedures
- Serves as the LEA representative as required for selected IEP team meetings
- Monitors referral, evaluation, eligibility, IEP development, and placement process for students with disabilities
- Facilitates the placement of students into special education programs that adhere to Federal, State, and School guidelines regarding the least restrictive environment

- Monitors District compliance of Federal and State legal mandates and advises staff regarding changes to District procedures
- Completes Medicaid Administrative Outreach Time Study for Medicaid reimbursement

#### **Special Education Teacher (Case Manager)**

- Monitors timelines for students on caseload to assure that legal mandates are met
- Completes appropriate educational assessments for assigned students
- Schedules meetings required by legal guidelines or as requested by parents and/or building administration
- Serves as a team member for assigned students' Individual Education Program (IEP) meetings
- Provides the IEP Team with suggested goals and benchmarks based on evaluation results
- Assures that all required paperwork is completed during IEP team meetings
- Maintains a legally written IEP for each child on caseload
- Assists in maintaining school based confidential records as outlined in the procedural manual
- Participates in the development, management and implementation of Behavior Intervention Plans including Functional Behavioral Assessment and Manifestation Determination

#### **Special Education Paraprofessional**

- Implements lesson plans as specified by the teacher
- Administers non-standardized tests under the instruction of the teacher
- Carries out activities to meet student/class objectives
- Reinforces and supervises practice of skills with individual and small groups
- Observes behavior and carries out behavior management strategies
- Participates in parent conferences when appropriate
- Shares ideas and concerns during conferences and carries out duties as directed by the teacher

#### **Related Services Staff**

- Complete appropriate assessments as requested by the IEP Team
- Serve as team member for assigned students' Individual Education Plan meetings
- Provide the IEP Team with suggested goals and benchmarks specific to area based on evaluation results
- Maintain evaluation and treatment records as appropriate within the school based confidential folder
- Participate in district Child Find activities
- Participate in the development, management and implementation of Behavior Intervention Plans including Functional Behavioral Assessment and Manifestation Determination
- Complete Medicaid Fee for Service Time Study for ACCESS reimbursement

## **INITIAL ENROLLMENT PROCEDURES FOR NEW STUDENTS**

#### **Procedures for New Students: Active Pennsylvania IEP**

- If residing with anyone other than parent: need Educational Rights Transfer Affidavit.
- The Director of Special Education must review the IEP, ER/RR and NOREP.
- If the ER/RR is within timelines, the Director of Special Education may accept the IEP as is and place a copy in the special education file.

- If the ER/RR must be addressed, according to timelines, use the data received from the sending school along with parent input.
  - If additional information is needed, issue a permission to reevaluate at the IEP conference and follow the reevaluation procedure guidelines.
  - The RR needs to be completed within sixty (60) calendar days of the receipt from the parent/guardian of an executed PTE approving the evaluation.
  - Remember to use the invitation to a meeting to invite parent/guardians to review the ER/RR.
  - The school Scheduling Officer must schedule classes according to the IEP information.
  - An invitation to an IEP meeting must be issued when an IEP is reopened or a new IEP is developed.
  - An IEP must be completed to address all necessary changes: such as demographics, school name change information, changes in SDIs, percentage of time in regular and/or special education, special class goal sheets, etc.
- A NOREP must be issued to reflect the special education for the new student.
- The student must be entered on the school record keeping database, such as IEP Writer, for child accounting purposes.
- When a sending school district or parent provides needed documentation (IEP, ER/RR) to verify special education and/or related services, the Arts Academy ECS will place and deliver services ASAP.

#### **Procedures for New Students: Active IEP from Another State**

- The Director of Special Education must review the out-of-state IEP to determine the most appropriate temporary placement.
- Not all states perform the same kind of an evaluation every two (2) years, for the mentally retarded/intellectually disabled students, or every three (3) years, for all other exceptionalities, so there may not be any report forwarded to us. Even the IEP may not be explicit in identifying the disability or need.
- Some states have various types of reports, but eligibility for special education varies from state to state. Unless the student has apparent multiple disabilities or a severe emotional disturbance concern, we may as a team decide to place the student in regular education and conduct an (initial) evaluation to determine if they are eligible and in need of special education services according to our state and federal standards.
- A PTE form, for an initial evaluation, should be issued to address all areas of concern.
- All assessments should be completed within sixty (60) days of the receipt from the parent/guardian of an executed PTE approving the evaluation.
- The IEP must be written as soon as practical if the completed Evaluation Report indicates that the student qualifies for special education in Pennsylvania.

### **DOCUMENT REVIEW FORM (RECORD OF INSPECTION)**

The form titled “Document Review Form” must be located on the inside cover of IEP folders. This form must be signed by anyone examining student records. All districts in PA must have procedures that allow parents of special education students to examine records relating to their children. Non-custodial parents have the same rights as the custodial parent regarding major educational decisions, attendance at IEP meetings, and access to student records unless formally terminated by court order or unless the custodial parent has been granted sole legal custody.

## CONFIDENTIALITY

As professionals with knowledge of various personal and educational facts regarding students and their families, it is of utmost importance to protect the privacy of those individuals and family units by never discussing student information in public with anyone or in private with others who are not primarily involved with the issues. The right to privacy extends to public displays of names or other identifiable information on computer screens, interschool envelopes, note pads, or printed materials left unattended on teachers' desks.

The LEA protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. The LEA must maintain for public inspection, a current listing of the names and positions of those employees within the LEA who may have access to personally identifiable information. Arts Academy Elementary Charter School utilizes the record of inspection of pupil records form to compile this data.

## COMPONENTS OF THE SPECIAL EDUCATION FILE

All special education files must contain complete and accurate forms and documentation in accordance with the requirements from the Pennsylvania Bureau of Special Education. The documents that must be included in the file are listed below.

DOCUMENT NAME	DESCRIPTION of DOCUMENT
Document Access Log	This form must be signed by anyone who reviews the special education file. Only authorized persons are permitted to review the file for a legitimate reason.
Special Education Checklist	This form details all of the required documents. The form also tracks whether all of the required documents are housed in the special education file.
Current IEP	The IEP must be included in the file with signatures on all required pages.
Current Evaluation/Re-evaluation Report	The most recent evaluation/re-evaluation report must be included in the file with signatures if the disability category is specific learning disability. Otherwise, the signatures are not required. However, the report must still be housed in the special education file.
Progress Reports	Progress reports must be distributed on a quarterly basis and housed in the special education file. If the progress reports show minimal-to-no progress, the IEP must be revised in accordance with the Educational Benefit Review requirements.
Transition Plan, if applicable	The transition plan is embedded within the IEP if a student is or will turn fourteen (14) during the course of the IEP. The transition plan must include goals for postsecondary plans, career plans, and independent living plans.
Historical and Transfer IEPs & Evaluation Reports	All previous IEPs, evaluation/ reevaluation reports, progress reports, etc. that the school has received must be included in the special education file.

## EDUCATIONAL INTEREST- SHARING AN IEP

Individualized Education Programs or any other document protected under confidentiality laws should only be shared with persons who have a legitimate educational interest. Examples of people who would have a legitimate educational interest would include the special education teacher, any regular education teacher who works directly with the student, building administrator, paraprofessional (if applicable), and substitute teacher. Please note that this is not an exhaustive

list. The Arts Academy Elementary Charter School mandates that every IEP be shared with all appropriate staff that has a legitimate educational interest.

It is imperative that everyone involved with carrying out the IEP is aware of his or her role. The following is a mandated process for sharing of IEPs and related information.

- The regular education teacher shall be provided with the parts of the IEP that are necessary for the teacher to follow the IEP with fidelity. These copies must be made and distributed within in the first ten (10) days of the start of each school year, and within a reasonable amount of time following IEP meetings or revisions that are done throughout the school year.
- The regular education teacher then signs the receipt of acknowledgement form indicating that they have received this information.
- The Special Education Teacher shall be provided with the complete IEP as well as all other documents necessary for the teacher to follow the IEP with fidelity.
- The full copy of the IEP will be available in the Director of Special Education's Office. If any person with a legitimate educational interest would like to view the entire IEP or other parts of the special education record, they will need to gain permission from the building principal or designee. The viewer will sign the "Document Review Form", which will be located in the student's file. Teachers are not permitted to make copies or take any part of the file outside of the school office.
- The Special Education Director will keep required documentation showing that they distributed the copies of the Specially Designed Instruction to the appropriate team members for every student on their roster.
- Each regular education teacher is required to keep documentation of receipt of the specially designed instruction. It is recommended that this information be kept in a central location, which must be stored in a confidential place.

## **LEAST RESTRICTIVE ENVIRONMENT (LRE)**

The Individuals with Disabilities Education Act (IDEA) of 2004 requires that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities are educated with children who are non-disabled. In addition, IDEA requires that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. This requirement has been part of disability education law for over thirty years and is often referred to as the "Least Restrictive Environment (LRE) mandate." By law, it is the IEP team that decides on the educational placement for an individual student. The law and PDE policy require that each local education agency and IEP team make educational placement decisions based on the general principles outlined below.

### **Considerations of LRE**

- A Free and Appropriate Public Education (FAPE) must be provided to every student with an IEP; moreover, FAPE must be delivered in the LRE as per the IEP.
- Students will not be removed from regular education classrooms merely because of their disability.
- When students with disabilities, including students with significant cognitive disabilities, need specially designed instruction or other supplementary aids and services to benefit from participating in regular education classrooms, as required in their IEP, local education agencies are obliged to ensure that those services are provided.

- IEP teams must determine whether the goals in the student's IEP can be implemented in regular education classrooms with supplementary aids and services before considering removal from the regular education classroom.
- School districts will consider the full range of supplementary aids and services in regular education classrooms, based on peer-reviewed research to the extent practicable, including modification of curriculum content, before considering a more restrictive educational placement.

### **Determining the Least Restrictive Environment**

To determine whether a child with a disability can be educated satisfactorily in a regular education classroom with supplementary aids and services, the following factors must be considered and addressed in the IEP:

- Efforts made to accommodate the child in the regular classroom and with what outcome(s)
- Educational benefits available to the child in the regular classroom, with the use of appropriate supplementary aids and services
- Possible significant and negative effects of the child's inclusion on the other students in the class

### **Special Education Policy Manual**

The presumption is that IEP teams begin placement discussions with a consideration of the regular education classroom and the supplementary aids and services that are needed to enable a student with a disability to benefit from educational services. Benefit from educational services is measured by progress toward the goals and objectives of the student's IEP, not by mastery of the general education curriculum. Benefit from educational services is not limited to academic progress alone. Therefore, placement in a more restrictive environment cannot be justified solely on the basis that the child might make greater academic progress outside the regular education environment. The law and PDE policy favor education with non-disabled peers; however, inclusion or education with non-disabled peers is not a foregone conclusion. Such a decision remains exclusively with the IEP team as they consider FAPE. For some students, the IEP team may conclude that a more specialized setting is necessary for the delivery of FAPE. For example, the IEP team for a student who is deaf may decide that the least restrictive environment and appropriate placement for that student is a "school for the deaf" or an IEP team for a student with autism may decide that an autistic support classroom where specific interventions may be provided is the least restrictive environment and is necessary to implement the IEP.

### **Specialized Classroom Settings**

An IEP team may choose a more specialized setting if:

- a) the student will receive greater benefit from education in a specialized setting than in a regular class, or
- b) the student is so disruptive as to significantly impair the education of other students in the class, or
- c) implementing a given student's IEP in the regular classroom will significantly negatively affect the other children in the classroom.

If, after considering these factors, an IEP team determines that the student should to be educated in a more specialized setting, the school is required to include the child in school programs with non-disabled children to the maximum extent appropriate. These may include, but are not limited to, extra-curricular activities; assembly programs; recess; lunch; homeroom; etc. Note that a student is not required to "try out" each level of LRE and "fail" before the student moves to a more specialized setting. Additionally, PDE policy on educational placement requires that special education students who are also entitled to gifted support under Chapter 16, Special Education for Gifted Students, have a single individualized

education plan, (i.e. single plan), incorporating all specially designed instruction, accommodations or other support identified by the IEP team. Likewise, if a student has a Service Agreement under 22 Pa.

Code (Chapter 15) and also needs gifted support, such accommodations and support will be written in a single plan.

### **Implications for School Personnel**

Experience proves that contact with non-disabled peers can have positive social effects both on children with disabilities and their nondisabled classmates. Additionally, education with non-disabled peers can increase learning for students with IEPs. For many, the result is that children with disabilities learn more in inclusive environments than in segregated or more specialized settings.

Terminology surrounding education in the least restrictive environment has evolved over time. Terms such as mainstreaming, integration and inclusion have been used. The term inclusion implies more than physical proximity to non-disabled peers. It encompasses full participation and equality within a group, leading to a sense of belonging within the community at large.

## **CHILD FIND**

### **Purpose**

This chapter provides guidance on how the Arts Academy Elementary Charter School (AAECS) will locate and identify all children between the ages of 5 and 21 who may need special education and/or related services to address problems that may interfere with their future development and learning, including those students who are advancing from grade to grade. The Child Find procedures are relevant to school aged children for whom services may be necessary for adequate development prior to entrance into the public school system. The referrals or requests for evaluations may be made to the following office that is responsible for services including assessment, intervention, and evaluation of the Child Find program:

Arts Academy Elementary Charter School  
601 West Union Street  
Allentown, PA 18101  
(610) 841-4560

The required listing of potential signs of developmental delay and other risk factors that could indicate a disability are included in this document under the heading of Disability Categories. The school cannot ignore clear indicators that a child might need special education services, merely because the child's parents have not requested such an evaluation. The Arts Academy Elementary Charter School also performs Child Find procedures on a continual basis by distributing information to the public. For more information on the district's Child Find Process, please contact the Director of Special Education.

### **Legal Standard**

To enable the Commonwealth to meet its obligations under 34 CFR 300.111 (relating to child find), each charter school and cyber charter school shall establish written policies and procedures to ensure that all children with disabilities who are enrolled in the charter school or cyber charter school, and who are in need of special education and related services, are identified, located and evaluated.

### **School-Based Child Find Screenings**

- Initial Screening – Identify and provide initial screening of students to identify any with academic, social/emotional or sensory (vision/hearing) or speech/language difficulties. To facilitate this process, AAECs will provide support for teachers and other staff members to assist them in working effectively with students in the general education curriculum:
  - Academic – for students with academic concerns, an assessment of the student’s functioning in the curriculum including curriculum-based or performance-based assessments;
  - Behavior – for students with behavioral concerns, a systematic observation and collection of data of the student’s behavior in the classroom or area in which the student is displaying difficulty;
  - Intervention – intervention based on the results of the above academic and behavioral screenings;
  - Progress Monitoring – progress monitoring of the student’s response to the intervention;
  - Appropriate Instruction – a determination as to whether the student’s assessed difficulties are due primarily to a lack of appropriate instruction in reading or in math;
  - Limited English Proficiency – a determination as to whether the student’s assessed difficulties are due primarily to a student’s limited English proficiency; and
  - Parental Involvement – activities designed to gain the participation of parents and through written notice, inform the parent of the results of the screening and whether follow-up is required.
  - Conduct annual hearing and vision screening for the purpose of identifying students with hearing or vision difficulty.
  - Conduct speech and language screening for incoming Kindergarten students.

### **Child Study Process**

Each child for whom a parent and/or teacher has specific concerns may be referred to the Child Study Team for review of records and performance. The Child Study Team (CST) will meet at a minimum monthly to review, discuss and make recommendations for all referrals. The Child Study Team Members will include:

- Director of Special Education
- Building Level Administrator
- School Psychologist
- School Counselor
- At least one teacher who has direct experience with the child

## **PUBLIC AWARENESS AND OUTREACH ACTIVITIES**

### **Obligation**

AAECs, a K-5 institution, will locate, identify and evaluate all students ages 5 through 11 years who may be eligible for special education and related services. This process will include:

- Collecting, maintaining and reporting current and accurate data on all public awareness and child find activities;
- Reviewing the overall success and effectiveness of AAECs public awareness and child find activities;
- Modifying AAECs public awareness and child find activities, as necessary and appropriate;
- Utilizing data relative to AAECs public awareness and child find activities to plan for the delivery of services to students with disabilities; and



- Consulting with appropriate representatives of area private schools, including religiously affiliated schools, on how to carry out child find activities for students enrolled in these schools.

## **PROCEDURAL SAFEGUARDS NOTICE**

The Office for Dispute Resolution (ODR) [<http://odr.pattan.net>] is the agency in Pennsylvania that coordinates the administration of the statewide special education dispute resolution system. There are several official processes in place to assist when a dispute arises, including IEP Facilitation, Mediation, and Due Process Hearings. These processes are used to resolve disputes between a parent and the Local Education Agency (LEA) responsible for providing the student with an education (e.g., a school district, intermediate unit, charter school, or Department of Corrections). These disputes concern the identification, evaluation, educational placement, or the provision of a free appropriate public education (referred to as FAPE) for students with disabilities, students who are gifted, protected handicapped students, and students with disabilities.

### **Informal Meeting**

Often, if a parent disagrees with an educational issue involving their child, the first and best step to take is to ask to meet with the parent and members of the school team to discuss the concern. This may be all that is needed to resolve the matter to the parent's satisfaction, however, the parent must remember that timelines applying to a request for due process may continue to run while such a meeting is set-up and held, so that a request for an informal meeting should not be delayed.

### **IEP Facilitation**

IEP Facilitation is a voluntary process that can be utilized when all parties to the IEP meeting agree that the presence of a neutral third party would assist in the facilitation of communication and the successful drafting of an IEP for the student. This process is not necessary for most IEP meetings – it is most often utilized when there is a sense from any of the participants that the issues at the IEP meeting are creating an impasse or acrimonious climate, and it may be helpful to have a neutral, trained facilitator guide the process. The facilitator's primary task is to assist the IEP team's effort to communicate, to ensure that the IEP team focuses on developing the IEP while addressing any disagreements that may arise during the meeting. The facilitator does not make recommendations or decisions for the IEP team. The members of the IEP team remain the sole decision-makers. Either the parents or LEA can request IEP Facilitation; however, since the process is voluntary, both parties must agree. If either the parents or the LEA decline to participate, facilitation cannot be used. Therefore, both parties must sign a request form that is available from ODR.

### **Mediation**

Mediation is a voluntary process in which the parent and the LEA involved in a dispute regarding special education both agree to obtain the assistance of an impartial mediator. Mediation is available whenever a due process hearing is requested or the parent or school district to try and resolve a dispute rather than initiating due process may request it. When one calls to request mediation, the ODR case manager forwards the request to the other party. Usually within ten (10) days of the request, the case manager establishes a date, time, and place for the mediation. Mediation sessions are scheduled for an entire day but typically last three to five hours.

If parents want to bring advocates or educational experts, parents are responsible to invite participants and pay any fees they require. At this time, attorneys do not participate in mediation. The goal of mediation is to establish a positive relationship between parents and school personnel through collaborative problem solving. Any agreement that results from this collaboration is one the parties can live with because they created it together. The mediator does not decide what outcome is correct for the parties. If an agreement is reached, the mediator will develop a written agreement with the assistance of the parties. The parties determine the terms of the agreement and compose the wording. All parties (parent, LEA, and mediator) sign the agreement. Copies of the agreement are distributed to the parties as documentation of the meeting. If the agreement requires a change in the student's IEP, the school or school district should hold an IEP meeting to make the changes to the IEP. If the school signs the agreement but does not follow the agreement, a parent can file a complaint with the Bureau of Special Education to enforce the IEP or go to court to enforce the agreement.

### **Due Process Hearing**

If a parent files for due process or discusses with a staff member of the school that they want to engage due process, the Director of Special Education needs to be contacted immediately. Due process is a legal proceeding presided over by a hearing officer who makes determinations about a student's educational program. There are many legal requirements and timelines associated with this action. The oversight of this process will be out of the special education office. There are some specific requirements mandated once a due process request is initiated. Since there will be an attorney representing the school entity and most likely the parent, many of the mandated processes will be lead by counsel. With this, there are requirements the school district or intermediate unit must adhere to during this process: The following is just a snap shot of the requirements:

- Within fifteen (15) calendar days of receiving notice of parent's due process complaint, unless waived by the parties, and prior to initiation of a due process hearing, the LEA must convene a resolution meeting with the parent and the relevant member(s) of the IEP team who have specific knowledge of the facts identified in the due process complaint (within 7 calendar days for expedited hearing).
- The purpose of the resolution meeting is for the parents to discuss the due process complaint and supporting facts so the LEA has the opportunity to resolve the dispute. A resolution meeting gives the parents and the LEA a chance to work together to avoid a due process hearing. The parents and the LEA determine which members of the Individualized Education Program (IEP) team will attend the resolution meeting. Participants include the parents, the LEA representative who can make decisions on behalf of the school, and any IEP team member who has relevant information about the issues that are being discussed. School districts may not bring an attorney to the resolution meeting unless the parents bring an attorney.
  - If the LEA has not resolved the due process complaint to the satisfaction of the parents within 30 calendar days of the receipt of the due process complaint, the due process hearing may occur (15 calendar days for expedited hearing).
  - If the LEA resolves the due process complaint to the satisfaction of the parents within 30 calendar days of the receipt of the complaint, then the timelines end.

### **Student Placement During Mediation or Due Process**

If parents or the school have requested mediation or a hearing, the student must "stay put" in his or her current program until the disagreement is resolved. "Stay put" is defined as the last agreed upon placement. That means that the school cannot change the program until the mediation and hearing have ended.

## **SCREENINGS**

## **Purpose**

The purpose of screening is to fulfill the Charter School's duty under federal law and Chapter 711 to establish and implement policies and procedures to ensure that all children with disabilities attending our school, regardless of the severity of their disability, and who are in need of special education and related services are identified and evaluated. 22 PA Code 711.21 requires "each charter school and cyber charter school shall establish written policies and procedures to ensure that all children with disabilities who are enrolled in the charter school or cyber charter school, and who are in need of special education and related services, are identified, located, and evaluated for child find."

## **Screening Procedures**

Throughout all of the grades, parents, teachers, ancillary personnel, administrators or the child him or herself may first indicate that a student is experiencing difficulty or may be at risk of failing. Their teachers and/or parents initially identify most students who are considered as possible candidates for special education. The implementation of this procedure is the responsibility of the building principal. The designation for consideration by the educational team for grades K through 5 rests with the building principal. Indicators such as poor progress reports, deficiency reports, conferences, report cards, test (informal and formal) results, performance on daily assignments, and inability to perform grade level assignments with ease are often part of the identification process for those students having difficulty in the general education curriculum. These poor performance indicators are considered with further investigation into whether some physical or medical circumstance may be influencing the performance of the student.

- ***Hearing***

At the elementary level Hearing Screening is conducted by the school nurse, as needed. A student is considered by the SST when the student's hearing screening indicates a suspected hearing problem that is not resolved by medical referral. Initial failures are screened again in 4 to 6 weeks. Second failures are referred to the Intermediate Unit 21 hearing therapist for further testing who may then refer them to an appropriate doctor. For students with hearing loss or deafness, the Allentown Arts Academy ECS will coordinate with the local intermediate unit to assess the needs of the individual student. If services are recommended or included within an Individual Educational Plan or Section 504 Agreement Plan, the Allentown Arts Academy ECS will coordinate the delivery of the identified service and training for personnel in the use of effective practices and equipment.

- ***Vision***

The school nurse on an annual basis does vision Screenings. The educational team considers a student when the student's vision problem is not resolved by the medical referral. Referrals are made to the student's family eye doctor and/or a vision clinician for further testing.

- ***Motor***

Motor Screenings are conducted for any student about whom there is a concern regarding motor skill development at any grade level. Screening of motor skills and referral are made by the regular and/or games and movement teacher and are based upon observations of the student in multiple settings.

- *Lack of strength, endurance or flexibility*
- *Difficulty with balance activities*
- *Failure to show opposition of limbs in walking, sitting or throwing*
- *Difficulty in crossing the vertical midline*
- *Poor sense of body awareness*
- *Difficulty in remembering motor sequencing*
- *Speech and Language*

Speech and language screening is done for each child about whom there is a concern about speech and language. The SST will consider any student referral when a speech and language screening indicates suspected speech and language impairment. Speech and language screening is done by a speech clinician. These screenings may help in the possible detection of a disability (sensory or physical) which may impact student performance.

## SPECIAL EDUCATION REFERRAL

In most cases, the Arts Academy Elementary Charter School uses the RTII (Response to Instruction and Intervention)/SST model to provide tiered intervention before a student is referred for special education testing. The educational team should follow the process of RTII/SST with the proper data collection and documentation before referring a student for special education. When a teacher or other school employee indicates that a student is having difficulty even after the consistent interventions have been implemented, they should consult with the Director of Special Education for further guidance. If it is determined that a “Permission to Evaluate” is needed, the Director of Special Education will prepare the document.

If a parent indicates that their child is having difficulty, the team should talk to the parent about the RTII/SST process and the interventions that can be done before formal testing. If the parent persists that they want testing, they can complete a “Permission to Evaluate Request” form. Once this form is signed and returned by the parent, the school must move to the “Permission to Evaluate Consent” form (unless the district is declining the parent’s request through prior written notice). In all cases, the local team, including the psychologist, must determine the extent of the evaluation. A student may be referred for an evaluation by a parent or any person in a care giving or professional position concerned with the student's development. All interventions, instructional practices and accommodations should be documented in the pre-referral process if the charter school has put the referral for special education forward.

## SPECIAL EDUCATION ELIGIBILITY CATEGORIES

DISABILITY CATEGORY	DEFINITION & SUPPORTING DETAILS
Autism	<p>A developmental disability significantly affecting verbal and nonverbal communication and social interaction. The term shall have the meaning given it in federal law at §34 CFR 300.7:</p> <ul style="list-style-type: none"> <li>• Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3 that adversely affects a child’s educational performance.</li> <li>• Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.</li> <li>• The term does not apply if a child’s educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (b) (4) of this section.</li> <li>• A child who manifests the characteristics of “autism” after age 3 could be diagnosed as having “autism” if the criteria in paragraph (c) (1) (i) of this section are satisfied.</li> </ul>
Deaf-Blindness	<p>Concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.</p>
Deafness	<p>A hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child’s educational performance.</p>
Emotional Disturbance	<p>A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child’s educational performance:</p> <ul style="list-style-type: none"> <li>• An inability to learn that cannot be explained by intellectual, sensory, or health factors.</li> </ul>

	<ul style="list-style-type: none"> <li>• An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.</li> <li>• Inappropriate types of behavior or feelings under normal circumstances.</li> <li>• A general pervasive mood of unhappiness or depression</li> <li>• A tendency to develop physical symptoms or fears associated with personal or school problems</li> <li>• Emotional Disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.</li> </ul>
Hearing Impairment	An impairment in hearing, whether permanent or fluctuating, that adversely affects a child’s educational performance but that is not included under the definition of deafness in this section.
Intellectual Disability	Significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child’s educational performance.
Multiple Disabilities	Concomitant impairments (such as mental retardation/intellectual disability-blindness or mental retardation/intellectual disability-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. ‘Multiple disabilities’ does not include deaf-blindness.
Orthopedic Impairment	A severe orthopedic impairment that adversely affects a child’s educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).
Other Health Impairment	Having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems such as asthma, attention deficit disorder, or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome, and adversely affects a child’s educational performance.
Specific Learning Disability	A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken, or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injuries, minimal brain dysfunction, dyslexia, and developmental aphasia. <ul style="list-style-type: none"> <li>• Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; intellectual disability or emotional disturbance; environmental, cultural, or economic disadvantage.</li> </ul>
Speech or Language Impairment	A communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child’s educational performance.
Traumatic Brain Injury	An acquired injury to the brain caused by an external or physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child’s educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition: language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory; perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.
Visual Impairment	An impairment in vision that, even with correction, adversely affects a child’s educational performance. The term includes both partial sight and blindness.

**Child with a Disability: Definition**

Under Part B of IDEA, a child is considered to be a “child with a disability” if the child is evaluated in accordance with 34 CFR §§300.304 through 300.311 as having mental retardation/intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance,

autism, traumatic brain injury, another health impairment, a specific learning disability, deaf blindness, or multiple disabilities, and who, by reason of that impairment, needs special education and related services. 34 CFR §300.8(a)(1). Children with disabilities under Part B also may include children aged three through nine experiencing developmental delays. 34. CFR §300.8(b).

## **IEP PROCESS**

The Individualized Education Program (IEP) is a written plan for the appropriate education of students with disabilities. It is a document that ensures a Free and Appropriate Public Education (FAPE) for eligible students and is based on the educational needs of that student in the general education curriculum. As such, it is a management tool, not a detailed instructional plan. The completed IEP will clearly reflect the student's needs in relationship to his/her interests, abilities, and aptitudes. The IEP is a product of team effort and must be based upon the ER and/or the evaluation of on-going instruction. For initial IEPs and IEPs preceded by an ER, the IEP team reviews the recommendations of the Multidisciplinary Team (MDT) or the IEP team as to whether or not the student is or continues to be exceptional. If the student is found to be a child with a disability, and in need of specially designed instruction, the team develops an IEP. If the MDT finds the student is not a child with a disability and/or not in need of specially designed instruction, then the public agency will issue a NOREP for regular education and will not develop an IEP. The IEP is the basis of the student's instructional program and should be used in conjunction with the district/program curriculum.

### **IEP Components**

- IEP Implementation Date and Anticipated Duration of Services Programs.
- Demographics
- IEP Team Signatures.
- Special Considerations.
- Present Levels of Academic and Functional Performance.
- Student's strengths and needs related to their disability
- Goals and Objectives, Evaluation Procedures and Progress Reporting.
- Special Education, Related Services and Supplementary Aides and Services.
- Participation in State and District-wide assessments.
- Least Restrictive Environment
- Transition Planning

### **Required IEP Team Members**

- One or both of the student's parents. Consistent with previous requirements, a single member of the IEP team may meet two or more of the qualifications but the IEP team may not consist of fewer than two people in addition to the parent(s).
  - Parent(s) may choose to participate via phone or they may choose not to participate at all.
  - If the parent is not participating, they must indicate this on the written invitation to the meeting. If there have been at least 3 documented attempts to have parent participation with no response, the team may hold the meeting without the parent(s).
- The current teacher(s) – special education and general education. At least one general education teacher must attend if the student does or may participate in the general education environment and preferably is a teacher of that student.
- LEA Representative who is qualified to provide or supervise the provision of special education, can ensure that services specified in the IEP can be provided, and will serve as chairperson of the IEP team

- The student must be invited to the meeting when transition services are discussed.

### **Parent Participation at IEP Meetings**

PA Special Education law mandates that charter schools establish and implement procedures designed to ensure that the parents of each student with a disability are present at the IEP Team Meeting.

- As such, the Arts Academy Elementary Charter School will ensure that at least 3 attempts to gain parent participation are documented on the meeting invitation.
- Unless otherwise directed by school administration, initial contact with the parent may be made prior to sending home the mandated “Invitation to Participate in the IEP Team Meeting or Other Meeting.”
- The purpose of this procedure is to determine the parents’ intent/preference regarding attendance at the conference.

### **Timelines**

The following timelines govern the development and implementation of an IEP:

- An IEP shall be developed within 30 calendar days after the completion of an MDT’s Evaluation Report (ER).
- The IEP shall be implemented as soon as possible after the NOREP is signed, but no later than 10 school days after it is written.
- The IEP team meeting shall be convened at least annually or more frequently if warranted and following an evaluation or re-evaluation. An IEP team meeting shall also be convened at the request of any member of the team.

## **IEP DEVELOPMENT**

The IDEA increases the role of the general educator on the IEP team to include, when appropriate, (a) helping to determine positive behavioral strategies and interventions and (b) supplementary aides and services, program modifications and support for school personnel. The supplementary aides and support for school personnel are to be provided so that the child can advance appropriately toward attaining the annual goals, be involved in and progress in the general curriculum and other activities and be educated and participate with other children with and/or without disabilities. Related services personnel are also specifically mentioned in the IDEA as being part of the IEP team, as appropriate, and at the discretion of the parent or the school. The Report clarifies that these personnel should be included on the team “when a particular related service will be discussed at the request of a child’s parents or the school”. In cases where the school has assumed responsibility for health-care connected to a child’s participation in school, the Committee encourages, “to the greatest extent practical and when appropriate, the participation of a licensed registered school nurse on the IEP team to help define and make decisions about how to safely address a child’s educationally related health needs.”

### **Meeting Invitation**

The Invitation to Participate in the IEP Team Meeting or Other Meeting is mandated and must be issued when a meeting is to be held for the purposes of developing the student’s IEP, to review existing data for the re-evaluation process or to meet for the purpose of gathering information. The teacher or public agency must inform the parent within a reasonable amount of time to provide the parent ample opportunity to schedule and attend the meeting. It should not be issued at the

IEP team meeting unless an emergency meeting has been called or the parent has waived the ten (10) day waiting period following the review of existing data for the re-evaluation.

Each member of the proposed IEP team should be listed on the invitation and each should be notified of the invitation in sufficient time to schedule the meeting. It is mandatory that the student be invited to the meeting when transition services are to be discussed. The parent has the right to invite the student at any time. Agency representatives, vocational technical school teachers and others needed to complete the transition component of the IEP must be invited also. A copy of the invitation is to be kept in the student's record as the parent may not return a signed copy. When

paperwork is signed by the parent, be sure to put the date of receipt in the box before filing it in the Special Education office. The box is located in the upper right-hand corner of the forms. Neglecting to date the box is a possible justification for the district to be cited in an audit. This box also appears on the NOREP and NORA.

### **Purchases, Equipment, and Installations in IEP**

All equipment and materials needed for a special education student must be contained in the individual student's IEP and justified by detailed data in the current levels section of the IEP. Many times, this equipment will be the recommendation of a technology evaluation. The data must be written in the present levels section of the IEP, as well as the preceding ER or RR. Consideration for staff training will also be indicated in the appropriate section of the IEP (Supports for School Personnel).

### **Paraprofessionals in the IEP**

Student paraprofessionals must be justified in the IEP and based upon medical, personal or safety needs. Data must be provided in the IEP to demonstrate the need. The type of data would be a recommendation by a medical or mental health professional, a documented need for personal care (like changing diapers / feeding), or the need to control persistent aggressive or unsafe behaviors. All other measures should be exhausted prior to a meeting to assign a paraprofessional to these students. In many cases the aide hinders the growth of a student rather helping them. When it is possible, cluster students with one aide who can provide the students with needed services. Paraprofessionals are assignable to other duties when their assigned student does not need them. All student paraprofessionals will be trained each year for 20 hours. Part of the training involves First Aid and CPR.

### **Assistive Technology in the IEP**

If a student is in need of Assistive Technology and/or services, it must be indicated on the IEP. A student with a disability that requires assistive technology will have the impairment indicated on page 3 of the IEP Section I. Special Considerations the IEP Team must consider, item #4 "Does the student need assistive technology devices and/or services?" The need must be documented, and the directives offered on the IEP form should be addressed. IDEA regulations guarantee that eligible children and youth with disabilities have a free and appropriate public education available to them, designed to meet their unique educational needs. The ADA Public Law 101-336[42 USC 12101] prohibits discrimination on the basis of disability. Assistive Technology Act of 1998 Public Law 105-394 [29 USC 2201] may be accessed at <http://www.ataporg.org> for additional information. If an assistive technology evaluation is deemed necessary, this must be reflected in the ER/RR. A permission to evaluate/re-evaluate must be obtained before the AT evaluation can begin. The Arts Academy Elementary Charter School contracts with Intermediate Unit 21 for AT evaluations. The definition of an assistive technology device as provided in the IDEA is very broad and gives IEP teams the flexibility that they need to make decisions about appropriate assistive technology devices for individual students. Although the IDEA uses the term "device", IEP teams should remember that assistive technology also includes assistive technology hardware and software. Assistive technology may also include technology solutions that are generally



considered instructional technology tools, if they have been identified as educationally necessary and documented in the student's IEP. A classroom computer with a word processing program, for example, can be considered assistive technology for a student who demonstrates difficulty in writing and spelling if the IEP team has determined that it is educationally necessary.

As used in this document, Assistive technology device includes devices, hardware, and software that are required by a student with a disability. Assistive technology devices can be purchased from a local store or a vendor that specializes in the production and sale of Assistive technology devices. Assistive technology devices often need to be modified or customized to meet the individual needs of a student with disability. For example, a computer keyboard may need to be adapted through the addition of tactile locator dots for a student with a visual impairment. When determining Assistive technology needs, IEP teams should consider commercially available solutions that may be used "as is" or that can be modified to meet the student's needs. However, in some situations it may be necessary to construct a device to meet the student's unique needs. A range of Assistive technology devices are available. Some are relatively "low technology" and inexpensive. For example, a pencil grip is an Assistive technology device that may be used by a student with a physical disability to improve handwritten communication through increasing their grasp of and control over their pencil. A student who has difficulty holding a standard cup may use an adapted cup with enlarged handles. Other devices are more "high technology" tools and are often more expensive. An example of a "high technology" tool is an augmentative communication device in which students type in messages on a communication display and they are spoken aloud.

Assistive technology devices are available in a variety of categories to address functional capabilities of students with disabilities. These categories include but are not limited to:

- Academic and Learning Aids: Electronic and non-electronic aids such as calculators, spell checkers, portable word processors, and computer-based software solutions that are used by a student who has difficulty achieving in his or her educational curriculum.
- Aids for Daily Living: Self-help aids for use in activities such as eating, bathing, cooking, dressing, toileting, and home maintenance.
- Assistive Listening Devices and Environmental Aids: Electronic and non-electronic aids such as amplification devices, closed captioning systems, and environmental alert systems that assist a student who is hard of hearing or deaf with assessing information that is typically presented through an auditory modality.
- Augmentative Communication: Electronic and non-electronic devices and software solutions that provide a means for expressive and receptive communication for students with limited speech.
- Computer Access and Instruction: Input and output devices, alternative access aids, modified or alternative keyboards, switches, special software, and other devices and software solutions that enable a student with a disability to use the classroom computer.
- Environmental control: Electronic and non-electronic aids such as switches, environmental control units, and adapted appliances that are used by a student with a physical disability to increase his or her independence across all areas of the curriculum.
- Mobility Aids: Electronic and non-electronic aids such as wheelchairs (manual and electronic), walkers, scooters that are used to increase personal mobility.
- Pre-vocational and Vocational Aids: Electronic and non-electronic aids such as picture-based task analysis sheet, adapted knobs, and adapted timers and watches that are used to assist a student in completing pre-vocation and vocational tasks.

- **Recreation and Leisure Aids:** Electronic and non-electronic aids such as adapted books, switch adapted toys, and leisure computer-based software applications that are used by a student with a disability to increase his participation and independence in recreation and leisure activities.
- **Seating and Positioning:** Adaptive seating systems and positioning devices that provide students with optimal positions to enhance participation and access to the curriculum.
- **Visual Aids:** Electronic and non-electronic aids such as magnifiers, talking calculators, Braille writers, adapted tape players, screen reading software applications for the computer, and Braille note-taking devices that assist a student with a visual impairment or blindness to access and produce information that it typically presents in a visual (print) modality.

A particular student with a disability may require Assistive technology solutions from one or more of the above categories. For example, a student with a severe intellectual disability may use an augmentative communication device to supplement his or her communication skills, adaptive switch toy to participate in leisure activities, and an adapted keyboard for accessing the software applications on the classroom computer. The above listed categories of Assistive technology devices are not disability specific. For example, a student with a learning disability who has difficulty focusing on the teacher's lecture in class due to processing difficulties may require an assistive listening device to amplify the teacher's voice in a classroom. Students with various types of disabilities use adapted recorders originally developed for visually impaired and blind children to access audio-reading materials. The student's IEP committee determines the need for Assistive technology devices. Typically, Assistive technology solutions are identified through consideration of Assistive technology or through an Assistive technology assessment. **Once an Assistive technology device has been determined educationally necessary, the student's IEP team should describe the required device(s) in the IEP without naming a specific brand name.** Information on considering and assessing the need for Assistive technology devices and documenting Assistive technology devices is included in the subsequent sections of this manual.

#### **Positive Behavior Support Plan in the IEP**

If a student exhibits behavior(s) that negatively affect his learning, a Positive Behavior Support Plan must be written based upon a functional behavioral assessment. The behavior need must be indicated on page 3 of the IEP Section I. Special Considerations the IEP Team Must consider, item #6 "Does the student exhibit behaviors that impede his/her learning or that of others?" The Positive Behavior Support Plan must be written and must follow the directives offered on the IEP form.

#### **Supplemental Aids and Services in the IEP**

Supplemental aids and services must be discussed at every IEP meeting by the IEP team to ensure that the district is providing education and services in the least restrictive environment. While the IEP team is not required to document the responses to these questions on the IEP form, the questions must be considered in every team meeting. IDEA {§ 300.42} defines supplementary aids and services to mean aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate. The purpose of providing supplementary aids and services is to support students with disabilities as active participants with nondisabled peers as well as to enable their access to the general curriculum. Supplementary aids and services include modification to the general curriculum. Supplementary aids and services must be available to all students who need them, designed to provide meaningful educational benefit, and provided in a manner that avoids stigmatizing students.

COMPONENT	DESCRIPTION & DETAILS
<b>Collaborative:</b> Adults working together to support students	<ul style="list-style-type: none"> <li>• Scheduled time for co-planning and team meetings</li> <li>• Instructional arrangements that support collaboration (e.g., co-teaching, paraprofessional support)</li> <li>• Professional development related to collaboration</li> <li>• Coaching and guided support for team members in the use of assistive technology for an individual student</li> <li>• Scheduled opportunities for parental collaboration</li> <li>• School personnel collaborate in the development and delivery of SAS</li> </ul>
<b>Instructional:</b> Development and delivery of instruction that addresses diverse learning needs	<ul style="list-style-type: none"> <li>• Providing modified curricular goals</li> <li>• Providing alternate ways for students to demonstrate learning</li> <li>• Providing test modification</li> <li>• Providing alternate materials and/or assistive technology (e.g., materials on tape, transcribe text into Braille, large print, alternate computer access)</li> <li>• Providing instruction on functional skills in the context of the typical routines in the regular classroom</li> <li>• Changing method of presentation</li> <li>• Using reader services</li> <li>• Providing research-based supplementary materials</li> <li>• Providing instructional adaptations (e.g., pre-teaching, repeating directions, extra examples and non-examples, providing visual cues, using scaffolding to plan for written work, providing guided notes)</li> </ul>
<b>Physical:</b> Adaptations and modifications to the physical environment	<ul style="list-style-type: none"> <li>• Furniture arrangement in environments</li> <li>• Specific seating arrangements</li> <li>• Individualized desk, chair, etc.</li> <li>• Adaptive equipment</li> <li>• Adjustments to sensory input (e.g., light, sound)</li> <li>• Environmental Aids (e.g., classroom acoustics, hearing, ventilation)</li> <li>• Structural Aids (e.g., wheelchair accessibility, trays, grab bars)</li> </ul>
<b>Social-Behavioral</b> Supports and services to increase appropriate behavior and reduce disruptive or interfering behavior	<ul style="list-style-type: none"> <li>• Social skills instruction</li> <li>• Counseling supports</li> <li>• Peer supports (e.g., facilitating friendships)</li> <li>• Individualized behavior support plans</li> <li>• Modification of rules and expectations</li> <li>• Cooperative learning strategies</li> </ul>

**Examples of Accommodations and Modifications**

The chart below provides a snapshot of types of accommodations an IEP team might use when developing an individualized plan. It is essential accommodations relate to areas of student needs.

EXAMPLES	SUPPORTING DETAILS
<b>Instructional Development</b>	<ul style="list-style-type: none"> <li>• Providing modified curricular goals</li> <li>• Providing alternate ways for students to demonstrate learning</li> <li>• Providing test modification</li> </ul>

<p>and delivery of instruction that addresses diverse learning needs</p>	<ul style="list-style-type: none"> <li>• Providing alternate materials and/or assistive technology (e.g., materials on tape, transcribe text into Braille, large print, alternate computer access)</li> <li>• Using a keyboard/portable device Instruction in keyboarding skills</li> <li>• Providing instruction on functional skills in the context of the typical routines in the regular classroom</li> <li>• Changing method of presentation</li> <li>• Using reader services</li> <li>• Providing research-based supplementary materials</li> <li>• Providing instructional adaptations (e.g., pre- teaching, repeating directions, extra examples and non-examples, providing visual cues, using scaffolding to plan for written work, providing guided notes)</li> </ul>
<p><b>Physical Accommodations</b> and modifications to the physical environment</p>	<ul style="list-style-type: none"> <li>• Furniture arrangement in environments</li> <li>• Arrange furniture differently or provide specialized furniture</li> <li>• Specific seating arrangements             <ul style="list-style-type: none"> <li>○ Individualized desk, chair, etc.</li> <li>○ Provide access to specific areas of classroom or other settings outside of classroom</li> </ul> </li> <li>• Adaptive equipment</li> <li>• Adjustments to sensory input (e.g., light, sound)             <ul style="list-style-type: none"> <li>○ Allow for water bottle or sensory object during instruction</li> </ul> </li> <li>• Environmental Aids (e.g., classroom acoustics, hearing, ventilation)</li> <li>• Structural Aids (e.g., wheelchair accessibility, trays, grab bars)</li> </ul>

**IEP Revisions**

When completing a revision of an IEP, please follow the following format.

- Consider all data relevant to the student’s progress to verify the revision as opposed to a full IEP meeting.
- Contact the parent and student by phone or in person and describe the need for the revision/process.
- Signatures are not required on the cover page and no Procedural Safeguards are needed. However, the parent and LEA must agree to the revision.
- If the changes effect a change in educational placement of any kind, an IEP meeting is to be held and new NOREP is required also.

**Educational Benefit Review (EBR)**

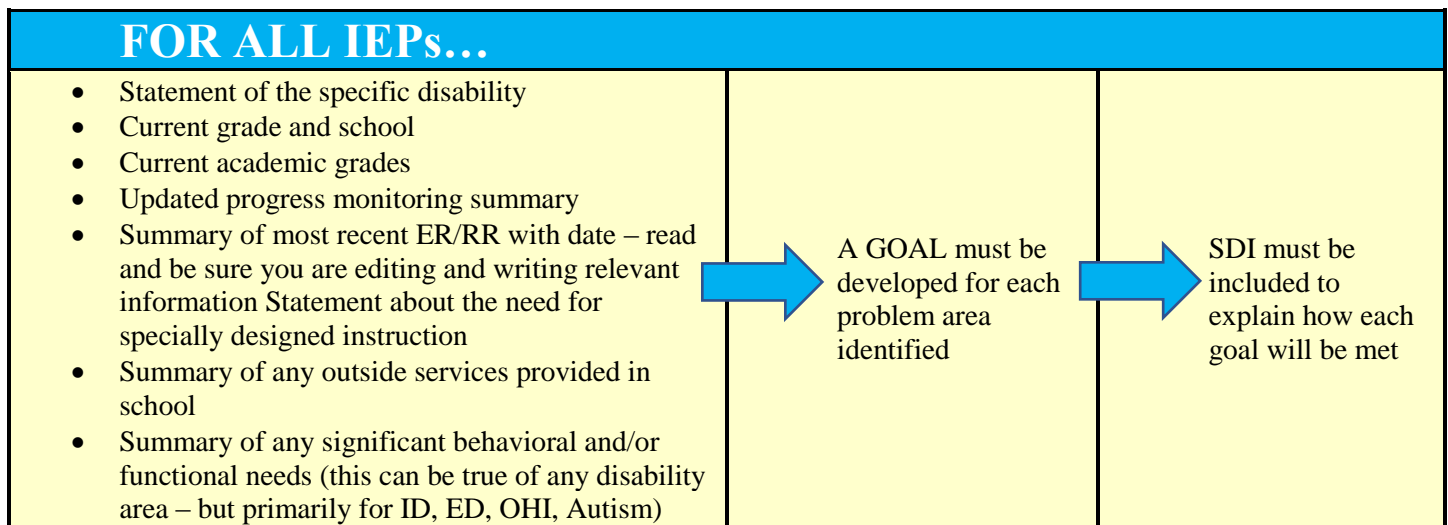
For any identified special education or 504 student that is failing any class or failing to make sufficient progress on one or more IEP goals, at the conclusion of each nine-week grading period or sooner if needed, the Special Education teacher will need to arrange an IEP team meeting to review the current IEP. The team needs to determine the reason for failure and to alter the IEP (as needed) so that the student will get the support to address his/her needs to be successful if the reason is related to the student’s disability. The problems may be addressed in the SDI or as goals and objectives. Perhaps even a behavior goal will need to be incorporated. If there are attendance issues and the student is of compulsory age, then citations should be filed. Failures cannot be ignored.

**COMPONENTS OF THE IEP**

The IEP is the basis of the student’s instructional program and should be used in conjunction with the school curriculum. Components of the IEP are listed below.

- IEP Implementation Date and Anticipated Duration of Services Programs.
- Demographics
- IEP Team Signatures
- Special Considerations
- Present Levels of Academic and Functional Performance
- Student’s strengths and needs related to their disability
- Goals and Objectives, Evaluation Procedures and Progress Reporting
- Special Education, Related Services and Supplementary Aides and Services
- Participation in State and District-wide assessments
- Least Restrictive Environment
- Transition Planning

All components must be implemented and documented, including specially designed instruction, evaluation/progress monitoring procedures and related services, as reflected in the IEP. For students who are 14 years of age and older, the IEP will provide the necessary instruction and support to prepare the student for post-secondary education and training and independent living, as indicated in the transition component.



**IEP Meeting Preparation**

The school shall implement procedures designed to ensure that the parents of each student with a disability are present at and participating in the IEP Team Meeting. All efforts must be documented and include as many of the following as necessary to ensure parent participation. The procedure for IEP meeting preparation will be as follows:

- The Special Education Department Chair will prepare calendar dates for all existing IEPs/meetings
- The Special Education Department Chair will call the parent to schedule the meeting and document all phone call attempts (a minimum of three attempts will be made)

- The Special Education Department Chair will send out the Invitation to Participate in the IEP meeting with date and time established
- The Special Education Department Chair will prepare the NOREP for the meeting
- Two weeks prior to the meeting date, the Case Manager will complete all progress monitoring and summative assessment and send a draft of the new IEP to the Supervisor of Special Education for review
- One week prior to the meeting date, the Case Manager will mail home a copy of the draft IEP for parent review.

**NOTE:** *Any child whose data shows no need for specially designed instruction for any part or all of the previously determined disability must undergo a Re-Evaluation before any decision can be made regarding placement or exit.*

## **EVALUATIONS AND RE-EVALUATIONS**

### **Conducting a Re-evaluation for Special Education and Related Services**

Students receiving special education services must be re-evaluated at least once every three years to determine if they continue to be eligible for special education and related services. IDEA 2004, however, permits the parent and the LEA to override this requirement if they both agree that a re-evaluation is not necessary [§614(a)(2)(B)]. If conditions warrant retesting prior to this, an assessment may be initiated upon request by the child's parent or teacher; however, IDEA 2004 prohibits re-evaluations more frequently than once a year, unless the parent and the LEA agree. Students identified with mental retardation will continue to require re-evaluation every two years in Pennsylvania.

### **Options for Conducting a Reevaluation**

There are now three possible options for conducting a re-evaluation: a) The LEA and parent to agree to waive the re-evaluation for a student as permitted by IDEA 2004; b) the IEP team reviews existing data and determines that no additional information is needed; or c) the IEP team reviews existing data and determines that additional information is needed.

#### **Option 1 — LEA and Parent Agree to Waive the Reevaluation**

- At least 60 or more calendar days prior to the student's re-evaluation date, the teacher reviews data (progress monitoring information, functioning levels, percentage of time in special education, related service(s) information, grades, test scores, input from mainstream teachers, etc.).
- Based upon this review, the teacher contacts the program supervisor to discuss the recommendation to waive the re-evaluation and to determine how the LEA will be contacted.
- The teacher drafts the reason for the recommendation.
- The LEA will designate who is to contact the parent to discuss this recommendation.
- If parent is in agreement that the re-evaluation can be waived, the Agreement to Waive Re-evaluation is completed by the teacher and sent to parent for signature.
- If the parent is not in agreement that the re-evaluation can be waived, then proceed to Option 2. Students identified as MR/ID, cannot have the reevaluation waived.
- The re-evaluation must be completed every two years.

#### **Option 2 — IEP Team Reviews Existing Data and Determines that No Additional Information is Needed**

- Complete demographic information on the Re-evaluation Report (RR).

- Address all seven bullets under “Summarize Information Reviewed” section.
- For a student with a Specific Learning Disability, address all 10 criteria in the section labeled Determination of Specific Learning Disability.
- In the “Determination of Need for Additional Data” section, check the option “The IEP Team determined that additional data are not required” and complete a summary of the review.
- Check the appropriate option under “Conclusion” and complete “Summary of Findings” section. Then issue the report to the parents and required members of the evaluation team.
- In the section titled “Interpretation of Additional Data” write N/A.
- If the student continues to be eligible for special education services, convene an IEP meeting within 30 calendar days of the completion of the Re-evaluation Report.
- If the student does not continue to be eligible for special education services, the LEA should issue a NOREP.

### **Option 3 — IEP Team Reviews Existing Data and Determines that Additional Data is Necessary**

- Complete demographic information on the Re-evaluation Report (RR).
- Address all seven bullets under “Summarize Information Reviewed” section.
- For SLD, address all 10 criteria in “Determination of Specific Learning Disability” section.
- In the “Determination of Need for Additional Data” section, check the option “The IEP Team determined that there is a need for additional data.”
- Issue a Permission to Re-evaluate Consent form
- Administer tests and other evaluation(s) to acquire the additional data.
- Complete “Interpretation of Additional Data” section.
- Check the appropriate box under “Conclusion.”
- Issue the report to the parent and required members of the evaluation team.
- Convene an IEP meeting within 30 calendar days of the re-evaluation report, if the student continues to be eligible for special education services. Issue a NOREP if any change in placement or disability category occurs.
- If the student does not continue to be eligible for special education services, the LEA should issue a NOREP.

### **Re-evaluation Procedures for Specific Related and Support Services**

Related services are defined as: transportation and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education and includes the early identification and assessment of disabling conditions in children. The term does not include a medical device that is surgically implanted, or the replacement of such a device [§602(26)(A)(B)].

While it is not possible to compile a complete listing, related services can include the following:

- Speech-language pathology and audiology services
- Paraprofessional
- Interpreting services
- Psychological services
- Physical and occupational therapy
- Recreation, including therapeutic recreation
- Social work services
- School nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the IEP of the child
- Counseling services including rehabilitation counseling

- Orientation and mobility services
- Medical services except that such medical services shall be for diagnostic and evaluation purposes only

### **Re-evaluation Procedures for Specific Related and Support Services**

When a parent or other member of the IEP Team requests that a student be considered for a specific related or support service that he or she is not currently receiving, the team must first review the existing data. This review should include, but is not limited to, information regarding a student's disability, present levels of performance, goals and objectives, overall progress, information from the parents, etc. This information provides the framework for justifying the need to conduct additional evaluations.

Specific procedures are listed below:

- Determine, either by meeting or reviewing the data, that an evaluation for a related service is required.
- Issue a Permission to Re-evaluate — Consent form.
- Complete the Referral for Support Services form immediately, obtain the LEA's signature and submit it to the appropriate IU supervisor for processing. The form will not be processed without the LEA's signature.
- Upon receipt of the signed consent form from the parent, the team has 60 calendar days to complete the additional assessments and finalize the report.
- Issue the Invitation to Participate in the IEP Meeting or Other Meeting form indicating that it is to discuss the evaluation results.
- Review the evaluation results as a team.
- Write and distribute the Re-evaluation Report to the parent and other members of the evaluation team.
- If the student is eligible for a specific related service or services, the parent may choose to wait ten (10) school days before meeting with the IEP team to discuss adding the related service and any necessary goals and objectives (when required).
- If the parent wants to proceed with the IEP team meeting, complete the Waiver Statement.
- Issue another Invitation to Participate in the IEP Meeting or Other Meeting form. Check the box for an Individualized Education Program Team Meeting, have the parent sign and date the form and then proceed to the IEP meeting.
  
- If the student is not eligible for the related service(s) considered the LEA should issue a NOREP.
- If the student is eligible for the related service(s) considered, the IEP team revises the IEP to include the related service(s) and the LEA should issue a NOREP.

### **Conducting OT, PT and AT Evaluations**

Procedures for conducting OT, PT and AT evaluations follow the same general procedures as outlined above. However, there are some specific requirements that are not included.

#### Functional Behavioral Assessment

A functional behavioral assessment (FBA) is a process that searches for an explanation of the purpose and function behind a problem behavior. The FBA looks beyond the observable behavior, and focuses, instead, upon identifying biological, social, affective, and environmental factors that initiate, sustain, or end the behavior in question.

In the case of a child whose behavior impedes his or her learning or that of others, it is the responsibility of the IEP team to consider, when appropriate, strategies, including positive interventions, strategies, and supports to address that behavior. It is clear that the assessment of the student's behavioral status is critical for students who have behavior



intervention plans in their IEPs. There are multiple ways by which the FBA may be conducted and there are no set standards in place to govern the administration of the assessment. As a result of conducting a functional behavioral assessment, replacement behaviors, effective strategies and interventions are identified.

See the appendix for the Pennsylvania Department of Education's guide for conducting a FBA and for designing and implementing effective behavior intervention plans.

### Ecological Assessment

Evaluation of students with mental retardation/intellectual disability or students with multiple disabilities shall include an ecological/life skills evaluation, which determines how the student functions in the school, home and the community and what strengths and needs the student has in relation to basic skill areas. The assessment shall include the following basic skills areas: communication, social, motor, behavior, academic, and work or vocational.

An ecological assessment is a comprehensive process in which a team identifies priority environments for instruction and assesses a student's ability to perform the skills and activities necessary to participate in those settings. An ecological assessment provides data for the ER, RR and/or IEP. Data obtained from an ecological assessment may include the following:

- The student's strengths, needs, and present educational levels.
- The specific skills that require instruction.
- The identification, by consensus of family and educators, of various environments and activities for instruction.
- The student's performance in completing age appropriate tasks or activities.
- The level of participation that will be expected of the student.

The IEP should include goals and objectives in all the necessary skill areas across home, school, community, and when in transition from one to the other. An ecological assessment can also be utilized as a tool to monitor a student's progress within a functional curriculum.

### **Independent Evaluations**

Parents may request an independent educational evaluation for their child, at public expense, if and when they disagree with the child's evaluation conducted by the school district, subject to certain limitations. The school district will either:

- grant the request or file a due process complaint to request a hearing to show that the evaluation is appropriate; or
- ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing pursuant to [§§ 300.507](#) through 300.513 that the evaluation obtained by the parent(s) did not meet the agency criteria.

### **Waiving the Re-evaluation**

Please review all of your paperwork to ensure it is completed correctly. Transition information must be added if the student is going to be age 14 during the period of time covered by the RR, and if transition information is to be added, the RR may not be waived. Following an RR, an IEP must follow within 30 calendar days. However, an IEP is not required following a waived RR until the annual due date for the IEP. Please add a statement that the re-evaluation was waived in the current levels section of the IEP.

### Points to Remember

- 1) The re-evaluation cannot be waived for a student with a diagnosis of mental retardation/intellectual disability.
- 2) If a re-evaluation is waived, it is not necessary to hold an IEP meeting within 30 calendar days of the waiver. It is permissible to follow the regular IEP review/revision timeline.
- 3) If a re-evaluation is waived, the parent's signature on the "Agreement to Waive Reevaluation" form is the new re-evaluation date.
- 4) A face-to-face meeting is not required for any evaluation/re-evaluation.
- 5) A re-evaluation must occur before a student is dismissed from special education.
  
- 6) Related services must be added through the initial or re-evaluation process but may be discontinued through the IEP process.
- 7) An LEA can request a due process to obtain permission to evaluate. However, an LEA cannot use due process procedures to place students in special education.

## **HOMELESS CHILDREN AND YOUTH**

The McKinney-Vento Act covers all children and youth who meet its definition, which means those children who lack a fixed, regular, and adequate nighttime residence. Examples in the law include children who:

- Share the housing of other persons due to loss of housing, economic hardship, or a similar reason
- Live in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations
- Live in emergency or transitional shelters
- Are awaiting foster care placement
- Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings
- Live in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
- Are migratory children who otherwise fit the definition of homelessness

### **Immediate Enrollment**

Children experiencing homelessness must be able to enroll in school immediately, even if they are unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation. If the child needs to obtain immunizations, or medical or immunization records, the enrolling school must immediately refer the parent/guardian/surrogate of the child or youth to the designated local educational agency (LEA) liaison, who must assist in obtaining necessary immunizations, or immunization or medical records.

### **Comparable Services**

Homeless children must have services available that are comparable to those offered to non-homeless children. Homeless children with disabilities must have equal access to FAPE under Part B as would be provided to other children with disabilities. Their ability to participate in special education programs cannot be hindered by homelessness or such related factors as frequent school transfers.

### **Supplemental Services**

School districts may receive McKinney-Vento sub-grants that can be used to provide supplemental services such as tutoring, expedited evaluations for special education or other services, school supplies, or referrals for health services. Specifically, children and youth who are homeless have the same IDEA protections and requirements as children with disabilities who are not homeless. These requirements include the parental consent, evaluation, eligibility requirements.

## **DISCIPLINE OF STUDENTS WITH AN IEP**

### **Introduction**

The charter school can remove a misbehaving student with an IEP from school for more than 10 days without changing his placement under certain circumstances. In fact, special education law says a student may be removed for up to 45 school days for infractions involving weapons, drugs, and serious bodily injury. Special education law defines those terms to avoid misapplying this exception. The exception only covers "particularly heinous actions." Even pushing or slapping may not apply. Administrators may place a student with an Individualized Education Program in an Interim Alternative Educational Setting for 45 school days or less for three types of infractions that occur on campus or at a school function without parental approval on the NOREP.

- Possessing a weapon.
- Knowingly possessing, using, selling or soliciting the sale of illegal drugs.
- Inflicting a serious bodily injury on someone.

Serious bodily injury means a serious risk of death or significant injuries, such as broken bones. If the parent does not approve the placement on a NOREP, the placement will occur, and the district will request an expedited due process proceeding. Further, the weapons exception doesn't apply to a knife if the blade is less than two and a half inches long.

### **Manifestation Determination Hearings**

If a student does not violate one or more of the above requirements for a 45-day removal, the school must conduct a manifestation determination hearing prior to removing the student for more than 10 consecutive days or 15 days cumulative during the current school year. The purpose of the manifestation determination hearing is to determine whether the student's disability caused the rule violation. Generally, if the rule violation is a manifestation of the student's disability, the discipline must be according to special education guidelines and work within the student's IEP.

- If the disability did not cause the rule violation, the student may be disciplined in the same manner as a general education student.
- The charter school cannot remove the special education student from school without convening a manifestation review hearing before any of the following occur:
  - The student is removed for more than 10 school days consecutively;
  - The student is removed for more than 15 school days cumulatively in the current school year;
  - Removal of the student when days 11-15 constitute a pattern;
  - A student with an Intellectual Disability is removed for ANY LENGTH OF TIME
- An ID student may not be removed without the change in placement proceedings (IEP and NOREP). Educational services must be provided.
- The charter school remains obligated to provide a Free Appropriate Public Education. A special education student removed from school will generally go to an alternative placement.

### **Manifestation Determination Process**

Within 10 school days of the decision to change the student's placement, the LEA, parent, and relevant members of the IEP team conduct a review to decide if the behavior of concern is a manifestation of the student's disability. The team must determine whether the behavior caused by, or directly and substantially related to, the student's disability OR whether the behavior is a direct result of LEA's failure to implement the Individualized Education Program (IEP). If the answer to either question is "Yes," the behavior IS a manifestation of the student's disability. The IEP Team must either:

- Conduct a functional behavioral assessment (FBA), unless the LEA had conducted a FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the child; or
- If a BIP already has been developed, review the BIP, and modify it, as necessary, to address the behavior; and return the student to the placement from which the student was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the BIP.

If the answer to both questions is "No", the behavior IS NOT a manifestation of the student's disability. The student may be disciplined in the same manner as a student without a disability who has violated the same or similar code of conduct.

### **Special Education Services in Alternative Education Settings**

Any student who is suspended has the right to make up the school-work missed. This state law applies even if the suspension is so short that it does not count as a "change in placement." If a school "changes the placement" of a student with a disability, federal law requires the school to provide the student with a free and appropriate public education (FAPE). *When the school "changes the placement" of a student for discipline reasons, it must hold an IEP meeting to schedule a functional behavior assessment for the student (if one has not already been done).* This assessment should give the IEP Team information on the things that "trigger" the student's misbehavior and give the Team suggestions on how to prevent the misbehavior. The IEP Team should also write or revise the student's behavior plan.

**First Ask: Did the student violate a code of student conduct?**

**Was the misbehavior a “special circumstance?”**

- Involved illegal drugs or a weapon=YES
- Involved selling prescription drugs=YES
- Involved serious bodily injury to another person [defined by section 1365 of title 18, United States Code] =YES

Other misbehavior=NO

YES

NO

**Is the proposed discipline a change in placement?**

- Any suspension for child with mental retardation=YES
- Suspension for 10 consecutive days=YES  
Expulsion (any suspension of more than 10 days in a row is an expulsion) = YES
- Suspension/transfer for more than 15 TOTAL days in a school year=YES
- Anything else=NO

NO

YES

School MAY discipline the student using the same rules that apply to all students.

- If expelled, student must get enough services to participate in curriculum and progress in IEP goals.

END

School may place student in an alternative school setting for not more than 45 school days

- Student must be able to participate in general curriculum and progress toward IEP goals
- At end of 45 school days, Hearing Officer can order new 45-day placement if child is dangerous

School may go through the other steps of this chart in the meantime to determine what other discipline (if any) can be imposed and whether student needs a functional behavior assessment and/or behavior support plan.

School must hold a meeting within 10 school days with the parent and relevant IEP Team members to ask: **Was the misbehavior a “manifestation” of the student’s disability?**

- Misbehavior caused by or directly and substantially related to the disability=YES
- Misbehavior was a direct result of school’s failure to carry out the IEP=YES
- Change of Placement=YES

School must also have an IEP meeting within 10 days to arrange for a behavior assessment (if not already done) and write/revise behavior plan.

**NO**

**YES**

School CAN discipline the student using the same rules that apply to all students.

- If parent disagrees with manifestation decision, can ask for an expedited hearing (discipline occurs in the meantime)
- If expelled, student must get enough services to participate in curriculum and progress toward IEP goals

School CANNOT impose discipline on the student for the misbehavior

**Discipline and Thought-To-Be Exceptional**

The law says that a public-school entity is considered to have “knowledge” that the student has a disability in three situations:

- Prior to the incident, the parents had expressed a concern that the student needed special education in writing to the student’s teacher or school administrator; or
- Prior to the incident, the parent had requested an evaluation in writing; or
- Prior to the incident, the teacher of the child, or other district personnel, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the Director of Special Education of the charter school or to other supervisory personnel of the charter school.

If none of these rules apply to the situation, a student can be disciplined by the school under the rules that apply to students that do not have disabilities. However, if a parent asks for an evaluation while a student is being punished (for example, parent put in the request after the student was sent to an alternative school or expelled), the school must conduct the evaluation quickly. It is important to note that a school does not have to treat the student as eligible and follow the special education discipline rules if:

- 1) the parent has refused to allow the school to evaluate the student in the past,
- 2) the parent has refused special education services for the student in the past, or
- 3) the school evaluated the student in the past and concluded that the student did not have a disability.

**Rules for Bus Suspension**

A proposed suspension from the school bus is also subject to the same rules as proposed in out-of-school suspension if transportation is listed on the student’s IEP as a related service. For example, if a student acts out on the bus, the school may want to suspend the student from the bus for an extended period of time (example three weeks). If this is the case and bus transportation is listed as a related service on the student’s IEP, it constitutes a “change in placement” (since it is for more than 10 school days in a row). The school must hold a manifestation determination meeting within 10 school days and also must have an IEP meeting to arrange for a functional behavior assessment and draft or revise a positive behavior support plan for the student on the bus. If the student’s behavior is a manifestation of his/her disability, then the school cannot change his/her placement (so, after nine (9) school days, the student must be allowed back on the bus). Remember that even one day of school or bus exclusion is a “change in placement” for a student with mental retardation.

**Discipline Prohibited**

Pennsylvania state law prohibits public school entity from ever using the following types of discipline for students with disabilities:

- Corporal punishment
- Punishing a student for behavior that is a manifestation of the student's disability
- Using "noxious" substances (for example, pepper spray or mace)
- Withholding meals, fresh air, or water
- Serial suspensions
- Electric shock
- Locking or keeping the student in a room, space, or box from which he/she cannot easily leave, and
- Any treatment that is demeaning

## **INTENSIVE INTERAGENCY APPROACH**

The Arts Academy Elementary Charter School will work with the interagency coordinator at Intermediate Unit 21 to facilitate interagency problem-solving teams to support and assist in the design and delivery of coordinated services to individual school-aged children and their families. The interagency coordinator shall serve as a liaison among educational entities, community agencies and families in providing assistance in planning and managing the interagency process.

### **Coordination of the Meeting**

- Include the parent and child where appropriate. It is essential that the team involves the parent(s) as full participating team members
- Include all individuals that can be helpful in providing a holistic understanding of the child. Include those that may be able to provide opportunities for services and supports. Include a person via telephone conference call rather than delay a meeting.
- With parent permission, share information with others that could be helpful in understanding child and family and in providing supports and services.

### **Purpose**

- To promote a forum for cooperative planning in order to create a comprehensive, community based, need-driven system of services and supports to help the child and family reach their goals.
- For all involved to identify specific strengths and barriers that a child and family are experiencing in behavioral, emotional, cognitive/learning, social, and other domains.

### **Context for Holding a Meeting**

- An Interagency Team Meeting is an opportunity to coordinate how, when and where services will be delivered to a child and family.
- To problem solve difficult life situations or systems barriers,
- To serve as the entry point for expanded behavioral and mental health services, educational placement issues, and other services that require an Interagency Team Meeting.

### **Goals and Objectives**

- To provide an opportunity for all members on the team to come to an understanding of the child and family in a comprehensive way
- The major objective is to identify a comprehensive set of outcomes with the child and family; developing recommendations for services and activities that will assist the child and family to achieve their desired outcomes.

### **Methods for Achieving Outcomes**

- Focus on implementing interventions to meet the child's and family's needs
- Commit to a strength-based approach
- Take ownership of the process and make a commitment to team-based decision making
- Develop a common understanding and vision
- Be impartial, so the needs of the child and family become primary over the specific needs of any agency or system

### **Active Students**

"All Pennsylvania children with disabilities whose school districts have determined that they cannot currently be appropriately educated in a public educational setting and who have waited or have been waiting for more than 30 days for the provision of an appropriate educational placement."

### **At-Risk Students**

"At-risk" includes all children who are in substantial jeopardy of becoming active students, students who are without appropriate educational programs for 30 days or more; therefore, this definition includes, but is not limited to, all children for whom it is anticipated that their IEPs cannot be implemented within 10 days after completing the IEP and all children for whom an IEP can no longer be successfully implemented. In addition, students who are "at-risk" of becoming active students include those without IEPs where it is likely that an IEP meeting will not be convened in a timely manner because of anticipated problems in locating and securing an appropriate placement. The "at-risk" category also includes students with IEPs on home instruction for reasons other than temporary physical illness or mobility or other physical problems that prohibit the student's departure from the home.

### **Past Students**

Students who "met the class definition at some point on or after March 14, 1991 but were subsequently provided with an appropriate program and placement."

### **Compensatory Education**

Services designed to compensate the student for any delay and/or loss of instruction experienced while awaiting appropriate services for more than 30 days. These services must be designed by the IEP team and may take the form of services beyond normal school days or hours, extra in-school services, extended eligibility for services (e.g., beyond age 21), or any other agreement that the IEP team determines to be reasonable compensation for the delay that the student experienced. If the student was on homebound or instruction conducted in the home during the period of delay, the student must be offered services comparable in nature and duration to the services that were recommended for the child but not provided. Families may waive their right to compensatory services if they choose. All students who experienced placement delays (see above) are eligible for compensatory education.

### **Triggers for Intensive Interagency Approaches**



- A student with an IEP, who has been placed on home instruction for reasons other than temporary illness, mobility, or other physical problems that prohibit the student's departure from the home.
- A student with an IEP who is placed in a foster home, group home, institution, or host home outside the student's home school district by a non-educational entity or court, and such placement is likely to interrupt or interfere with the successful implementation of the student's IEP for 30 days or longer.
- A student with an IEP who has repeated serious disciplinary infractions which is likely to interrupt or interfere with the successful implementation of his or her IEP, (e.g., problems which have resulted in out-of-school suspensions approaching 10 cumulative days in the current school year).
- A student whose IEP has stopped being successfully implemented for reasons including, but not limited to, significant behavior problems or a mental health crisis, and the student's IEP team has not been able to develop an appropriate IEP which can be successfully implemented.
- The need for an out of district placement (e.g., day or residential) for a student has been identified and recommended for the successful implementation of the student's IEP, but such placement has not yet been achieved.
- The need for community-based services for a student has been identified and recommended for the successful implementation of the student's IEP, but the services have not yet been provided.
- The family or student has declined to participate fully in the current IEP (e.g., a family who previously agreed to mental health services or family support services and subsequently refuses to participate), and as a result the school cannot provide a Free Appropriate Public Education (FAPE).

### **Out of Charter School Placements**

Please notify the Director of Special Education and the Principal/Chief School Administrator, via email, of any consideration for out of charter school placements for any student. We must ensure that a continuum of services have been considered for all students before more restrictive placements are considered. The lack of a notice has impact on rosters, Penn data, placement records and tracking of students.

## **FUNCTIONAL BEHAVIORAL ASSESSMENTS**

In accordance with IDEA and PDE Chapter 711, positive rather than negative measures must form the basis of behavior support programs for students who have been determined to be eligible for special education supports and services. Our district supports all eligible students being free from demeaning treatment, the use of aversive techniques, and the unreasonable use of restraints. Behavior support programs should include evidence-based or research-based practices and techniques to develop and maintain skills that will enhance an individual student's opportunity for learning and self-fulfillment. Behavior support programs and plans must be based on a functional assessment of behavior and utilize positive behavior techniques. When an intervention is needed to address problem behavior, the types of intervention chosen for a particular student must be the least intrusive necessary. The use of restraints is considered a measure of last resort, only to be used after other less restrictive measures, including de-escalation techniques.

Chapter 14 behavior support requirements in Pennsylvania require a functional behavior assessment (FBA) prior to developing a behavior plan. An FBA usually consists of a team-based assessment and inquiry process through which the team identifies target behaviors and determines the antecedent conditions and consequences in order to arrive at the

hypothesized function(s) of the behavior. Then, the team would use this information to design an individualized positive behavior support plan for the child. Under the IDEA, an FBA is required when the behaviors in question result in disciplinary exclusion from school and are determined to be a manifestation of the child’s disability. Under revised Chapter 14, however, an FBA is also required as a prerequisite to all individualized behavior support plans. Further, a positive behavior support plan must be developed by the IEP team for eligible children “who require specific intervention to address behavior that interferes with learning.”

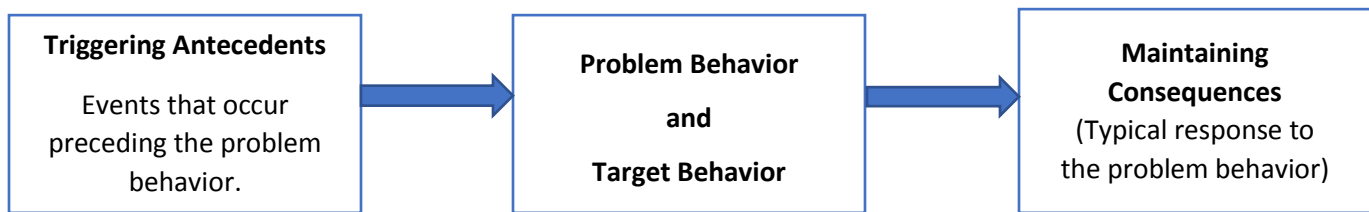
*Functional Behavior Assessment (FBA)* is a process for gathering information to understand the function (purpose) of behavior in order to write an effective Positive Behavior Support Plan (PSBP). Functional Behavior Assessment is a valuable process to identify positive behavior practices and learning. The identification of the function or purpose of a behavior of concern, guides a team through the development of function-based strategies. Function-based behavior plans are an effective method of addressing behaviors, developing positive proactive behaviors, and increasing academic achievement.

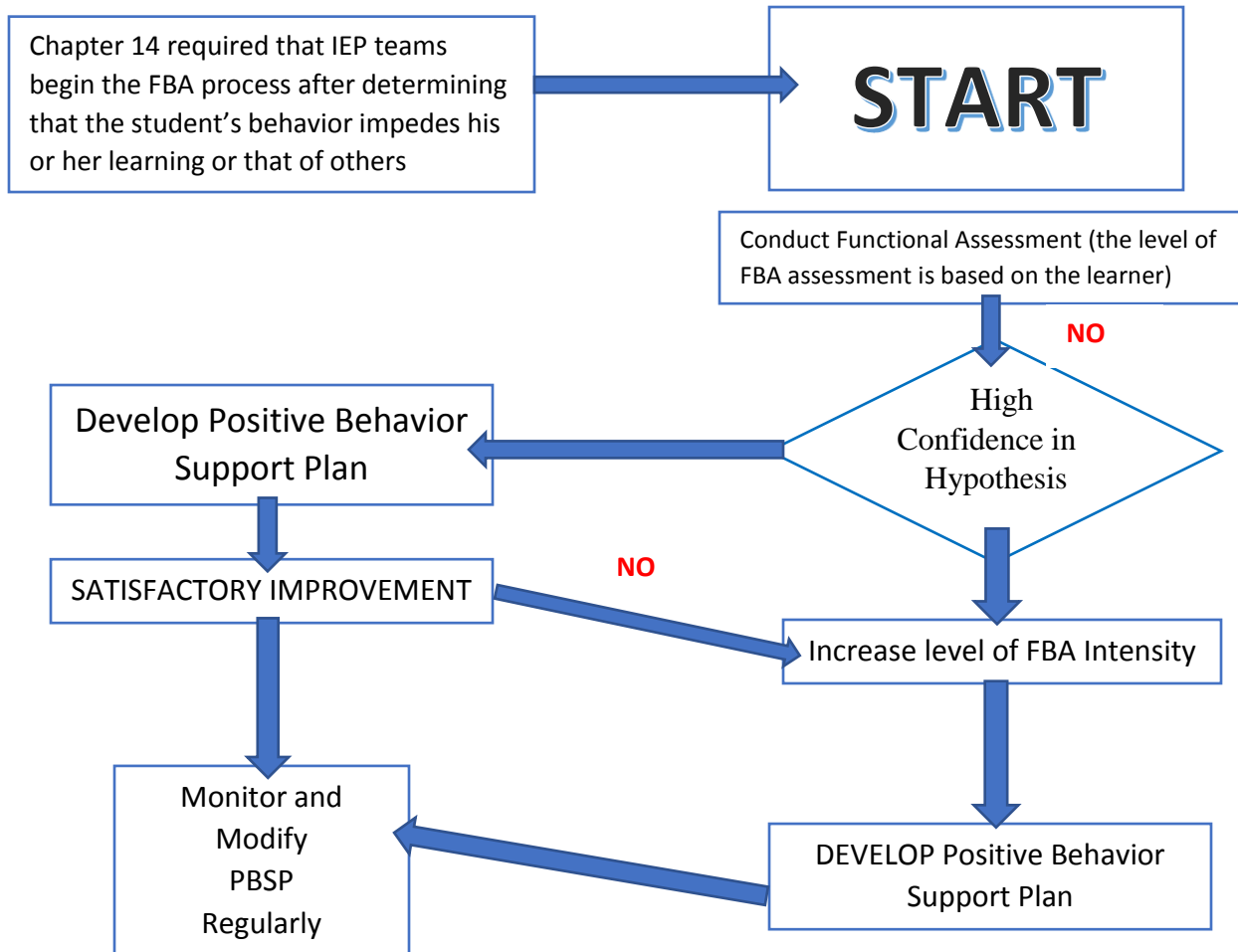
In addition, an FBA must be conducted:

- When the IEP team checks (√) “yes” under “Special Considerations for behavior that impedes the student’s learning or the learning of others.
- When a behavior violates a “code of student conduct” and is determined by the IEP team to be a manifestation of the student’s disability.
- When a student is removed from his/her current placement as a result of weapon possession, and/or illegal drug possession/use, and/or serious bodily injury.
- When the student is removed from his/her placement for more than 10 consecutive or 15 cumulative school days and the behavior is determined not related to his/her disability.
- When the school contacts law enforcement.
- Whenever the IEP team (1) determines that a student’s behavior is interfering with his/her learning or the learning of others, and (2) requires additional information to provide appropriate educational programming.

## Functional Behavior Assessment Flow Chart

The goal of an FBA is to develop a testable hypothesis.





**An FBA is required for suspension of more than 10 consecutive days or more than 15 cumulative school days or when expulsion is being considered. Please be aware these are only suggested items to consider. This checklist is not comprehensive for all uses of when an FBA is needed.**

## **POSITIVE BEHAVIOR SUPPORT PLAN**

A Positive Behavior Support Plan can be used as a proactive action plan to address behavior(s) that are impeding learning of the student or others. PBSPs are appropriate for all students. If developed for a student with an IEP, this becomes a part of IEP. The PBSP includes positive behavioral interventions, strategies, and supports. Behavior Support Plans should focus on understanding ‘why’ the behavior occurred (i.e., ‘the function’ or ‘communicative intent’) then focus on teaching an alternative behavior that meets the student’s need in a more acceptable way. This includes making instructional and environmental changes, providing reinforcement, reactive strategies, and effective communication.”

## **Members of Positive Behavior Support Team**

The members of the Positive Behavior Support Team will depend upon the specific needs of the student in question. In most cases the team may consist of the same members as required and outlined for members of an IEP team.

## **Positive Behavior Support Plan Phases**

- **Address the Problem Behavior**
  - Teacher/staff member makes personal contact with parent/guardian to establish a working relationship, discuss concerns, and brainstorm possible solutions.
  - School and classroom interventions are implemented and data collection on outcomes begins.
  - If classroom interventions are unsuccessful, teacher informs other professionals that this student exhibits behavior that is interfering with the learning of student and/or peers.
- **Understanding the Problem Behavior/ Conducting the FBA**
  - Team professionals (parents, teachers, counselor, administrator, psychologist, program specialist, language/speech specialist, nurse, etc.) consult to understand the cause of the misbehavior and brainstorm solutions.
  - Conduct the appropriate level FBA.
- **Developing a Positive Behavior Support Plan (PBSP)**
  - The Positive Behavior Support Plan Team (If the student has an IEP, this is an IEP team function) meets to formally discuss and strategize on:
    - The results of the FBA.
    - A formal plan of action, the PBSP, is developed with behavior goals developed. Roles/responsibilities are assigned. Many people can be designated on the PBSP.
    - A system of communication between the involved parties is formalized.
- **Implementing the Behavior Support Plan**
  - The environment and/or curriculum is changed to support the identified replacement behavior(s) AND general positive behaviors.
  - New appropriate behaviors are taught and reinforced Goal(s) acquisition is continuously monitored as specified.
  - The communication plan to progress monitor the interventions is followed.
- **Monitoring/Evaluating the Plan**
  - Team members monitor the success of the plan and document progress.
  - The team must reconvene to review progress, as appropriate.
  - If the PBSP is unsuccessful, the team must plan next steps (revise, redo, assess, etc.).

## **Progress Monitoring**

Progress monitoring needs to occur every quarter on all goals found in the student's IEP. The data results should reflect daily, weekly, monthly, or semester measures of performance. This data must be recorded in the corresponding box on the IEP goal page in the box labeled 'Report of Progress' and saved.

### **Special Education and Gifted Services**

New requirements stipulating the development of a single IEP for students who are both gifted and who also have a disability under Chapter 14 relates to special education services and programs. This is not intended to reduce the protections afforded to students who are eligible for special education as provided under Chapter 14 (relating to special education services and programs) and sections 601 - 609 of the Individuals with Disabilities Education Act. If a student is determined to be both gifted and eligible for special education, the procedures in Chapter 14 take precedence. For these students with dual exceptionalities, the needs established under gifted status shall be fully addressed in the procedures required in Chapter 14. For students who are gifted and eligible for special education, it is not necessary for school districts to conduct separate screening and evaluations or use separate procedural safeguards processes to provide for a student's needs as both a gifted and an eligible student. A single IEP shall be developed and implemented, revised and modified in accordance with Chapter 14, for students who are thus eligible.

## **EXTENDED SCHOOL YEAR**

The federal court decision in *Armstrong v. Kline* (1979), established the mandate for ESY programming for children with any type or severity of disability who meet the court's eligibility standard. LEAs, IEP teams, and hearing officers should refer to the Armstrong Remedial Order to determine whether a student qualifies for ESY. Extended school year services must be provided only if a child's IEP team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child. Each year for students in the target group (autism/PDD, serious emotional disturbance, severe mental retardation/intellectual disability, degenerative impairments with mental involvement, severe multiple disabilities), ESY must be decided before February 28 of each year through an IEP meeting. If the student is eligible, a new ESY NOREP must be issued listing specific dates and location of services. This determination must be made even if the child's parents have not specifically requested that their child be evaluated for ESY programming. A new ESY NOREP must be issued each year for eligible students. This is the only time when two current NOREPs are written. One would be for the AAECs student during the regular school year, and one explicitly for the ESY program which is documented on a special form and sent to the teacher specifically for ESY purposes. This meeting may act as the annual review date for the IEP as well so that there is no need to conduct an ESY IEP meeting and another meeting for the annual review. If the student is ineligible, an ESY NOREP is issued stating that the student is ineligible. Once the student is declared ineligible and a NOREP is issued stating ineligibility, no new NOREPs need to be issued. So, if a student has a NOREP that states ineligible for ESY that NOREP stands until one of the four above situations occurs. You do not have to issue another NOREP.

## **PASA STATE TESTING**

The Pennsylvania Alternate System of Assessment (PASA) is a statewide alternate assessment designed for students with severe disabilities. Specifically, it is intended for those who are unable to participate meaningfully in the Pennsylvania System of School Assessment (PSSA) even with accommodations. By administering the PASA to students with severe disabilities, schools achieve compliance with federal laws and the Pennsylvania School Code that require that all students participate in the statewide accountability system. Like the PSSA, the PASA is designed to take a snapshot of students' typical performance on a small sample of academic skills from the PA Alternate Standards, which were derived from the

PA Academic Standards. The PA Alternate Standards were developed by the PASA Project Team in collaboration with content area experts and were validated through field tests. If an IEP team determines that an alternative assessment such as the PASA is required for a student with disabilities, the assessment must yield results for the grade in which the student is enrolled. However, there is a limited exception to this requirement, allowing students with the “most significant cognitive disabilities” to be assessed under “alternate academic achievement standards” defined by the states.

## **PARENT ADVOCATES**

The Department has received concerns expressed by parents that some PA local education agencies are not allowing parent advocates to speak at or participate in IEP team meetings. It is the Department's position that it is not permissible for school districts or charter schools to prohibit parent advocates from participating fully at IEP team meetings if the parents have chosen to include parent advocates as members of their child's IEP team. The IDEA allows the IEP team to include, at the discretion of the parent or the school, other individuals who have knowledge or special expertise regarding the child. The Department interprets these provisions in the IDEA to mean that whomever the parent chooses to include as a member of the IEP team must be allowed to participate actively in the development, review, and revision of the IEP. School districts or charter schools should not prohibit parent advocates from speaking at or participating in IEP team meetings.

## **SURROGATE PARENTS**

A surrogate parent is a volunteer appointed by a school district/charter school, including a private charter school, intermediate unit, or early intervention agency to help children with disabilities that do not have birth parents or family members to represent them in the special education process. A surrogate parent is most often needed for children in foster care, although the child's birth parent does not lose the right to make special education decisions for the child just because the child is in placement. The surrogate parent has all of the rights and can make all of the special education or early intervention decisions, that are usually made by the parents. Surrogate parents can review educational records, request and consent to evaluations and reevaluations; and challenge the recommendations of the education or early intervention agency by requesting informal and formal dispute resolution procedures. A surrogate parent does not have any rights outside of the special education process. The surrogate parent mandate applies only to children eligible for special education or early intervention services, and those who need an evaluation to determine if they have a disability.

For a child in foster care, a surrogate parent must be appointed when no birth parent can be found, or parental rights have been terminated. For a child who is not in placement, if the birth parent cannot be found, an adult or family member who is caring for the child can act as the parent in the special education system, and no surrogate parent need be appointed. If the child has been living with a foster parent for a long time, and the birth parent's right to make educational decisions had been ended by a court decision, the foster parent can also act for the child, and no surrogate parent need be appointed. School districts and charter schools are responsible for securing surrogate parents for school-aged youngsters with disabilities. If you believe a child is in need of a surrogate parent, contact the child's school principal or director of special education and request, in writing, that one be appointed. For children under the age of 3 in an early intervention program, the county must assign the surrogate parent. For pre-school children ages 3-5, the intermediate unit or other agency that is responsible for providing early intervention services to the child must make the appointment. A surrogate parent cannot be appointed simply because a parent does not agree with the education system's proposal, or because the education or early intervention agency believes that the family is not cooperating. In these situations, the district must make and document every effort to involve the child's parents, and, when appropriate, can convene a special education impartial hearing to

challenge a parent's refusal to cooperate or agree. If the birth parent's unavailability or refusal to cooperate is having serious negative effect on the child, the Dependency Court can be notified.

It is up to the Judge of that court to decide further actions. The Department of Education has recommended that the surrogate parent be at least 18 years old, be a person of good Character, be able to attend conferences to discuss the child's educational program, and be committed to acquainting him or herself with the student's educational needs and the special education system. Anyone who believes that a child with a disability is in need of a surrogate parent can request that one be appointed for the child. If the education or early intervention agency refuses, anyone may file a complaint with the State to ensure that a surrogate is appointed. A birth parent may request that a surrogate parent be appointed for their child. Since there is no law that requires this procedure, it is then up to the agency to decide whether it will grant the request. This may be helpful when the parent lives a great distance away, is incarcerated, or otherwise unable to participate in educational decisions of the child. The parent must request in writing and may change his/her mind at any time to revoke the surrogate's involvement. When a surrogate is appointed by the request of the parent, the birth parent should still receive copies of appropriate notices and educational paperwork. (IDEA 2004)

## **TRANSITION AND GRADUATION**

Not applicable for K-5 Elementary

### **Introduction**

The transition from school to adult life has traditionally left some students who have disabilities, especially students with more severe disabilities, ill prepared for post-secondary educational success, independent living, and/or secure and long-term employment. Studies of students with disabilities graduating from high school, including the Pennsylvania Post-School Outcomes Data System Survey, indicate that the majority was under or unemployed, socially inactive, perceived fewer viable employment options, and were living at home with their parents as opposed to managing independent living arrangements. This lack of knowledge, resources, and skills demonstrated by graduates often results in continued dependence upon society as well as the loss of potential human resources and possible contributions. Improvements in transition planning and community-based services communication are opening up new possibilities for vocational and community participation for all persons with disabilities.

Current philosophies and technologies are challenging our past "best practices" as we re-evaluate the potential contributions of all citizens with disabilities. As the possibilities unfold, the educational service structures must change and be modified so that students and their families are better served through greater opportunities and increased knowledge of the transition phase of the educational process. The Arts Academy Elementary Charter School has accepted the challenge to implement the necessary changes for transitioning youth and young adults. The following information presents a policy and conceptual framework for addressing transition planning at the charter school level, thus ensuring that youth with disabilities have access to the services and resources needed to enter adult life and meaningful employment with success. As well, cooperating entities in our community will benefit from maximum coordination of services and more efficient utilization of available resources, service options, and improved communication in the services arranged for our students.

### **Transition Services**

Transition services are defined in the Individuals with Disabilities Education Act as, "A coordinated set of activities for a student, designed within an outcome-oriented process that promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment),

continuing and adult education, adult services, independent living, or community participation.” The coordinated set of activities must a) be based upon the individual student’s needs, taking into account the student’s preferences and interests, b) Include instruction, community experiences, development of employment and other post-school adult living objectives, c) If appropriate, the acquisition of daily living skills and functional vocational evaluation, and d) must begin at age 14, but may begin at an earlier age if deemed appropriate.

### **Transition Plan Components**

- Post School Goal: An objectively written goal, based upon age appropriate assessment, that defines and projects the appropriate measurable postsecondary outcome that addresses education and training, employment, and as needed, independent living.
- Post-Secondary Education: Include community colleges, public and private universities, technical institutes, and adult education.
- Transition Assessment: Identification of interests, aptitudes, personal skills, and personality for the purpose of planning, goal setting, and identification of transition service needs
- Career Exploration: The process of researching careers and sampling the aspects of various jobs to better understand the characteristics of an array of vocations.
- Self-Advocacy/Self Determination: 1990 U S Office of Special Education- “...choosing and enacting choices to control one’s own life to the maximum extent possible, based on knowing oneself, and in pursuit of one’s own needs, interests, and values.”
- Community Participation: Recreation and leisure activities that are personal to each student, recognizing that use of leisure time is a critical factor in the long-term success for persons with disabilities in adulthood. Community involvement is dependent upon interest, mobility, transportation availability, monetary resources, and willingness to access the community events.

### **Transition Statements**

The Arts Academy Elementary Charter School endorses and supports the following statements.

- Arts Academy Elementary Charter School students, including youth with disabilities, will have opportunities to be exposed to the components of successful involvement in adult work and community participation.
- Arts Academy Elementary Charter employees involved in transition and engaged collaborating outside agency participants will assist youth with disabilities to maximize awareness of available opportunities to achieve independence and self-sufficiency and promote self-advocacy/self-determination skills.
- Arts Academy Elementary Charter School will recognize organized constituent groups of persons with disabilities as a primary source of pertinent information for future transitional program development.
- Arts Academy Elementary Charter will participate, as much as reasonable and appropriate, with community transition related agencies at the local, state, and federal level to secure required transition coordination of services for the benefit of all students with disabilities of secondary transition age.

### **Transition Outcomes**

- Students with disabilities will receive transition information and be offered appropriate support services in order to be better prepared to enter and succeed in post-secondary education training with potential access to necessary support services at the selected institute of higher learning.



- Employment linkages, job shadowing, and training opportunities will be geared to employer/industry needs and students who plan to enter the workforce will receive transition information and be offered appropriate support services in order to be better prepared to enter that workforce.
- All work and learning opportunities offered will be commensurate with the student's level of ability, interest, and informed choice and should be expected to change over time. Natural changes in career interests will be accommodated and documented by way of annual transition assessment/interview.
- Students with severe disabilities, which limit their ability to participate in the "regular school curriculum", will have access to a "functional" life skills curriculum that includes supportive or independent living services designed to prepare them to transition into adult life and to function in domestic, recreational, social, and community vocational environments.

### **Agency Coordination**

In order to operationalize the Arts Academy Elementary Charter School's transition process, services must be coordinated to best serve the needs of the student and his/her family. Coordination of existing resources avoids duplication and promotes continuity of services provision. The IEP team, including the student, parent/guardian/surrogate, regular educator, special educator, school transition personnel, community human services agency representative, and other relevant individuals will develop the IEP transition section based upon the student's career interests, ability, and goals promoting the sharing of pertinent information to the benefit of all participants. Meaningful data on student needs and service outcomes will be available to members of the team to facilitate effective planning and implementation of transition services.

Community human services agency representative(s) will be invited to attend the IEP meeting in accordance with the requirements stipulated in the Individuals with Disabilities Education Improvement Act of 2004. Transition information will include student input and voluntary input by the parent/guardian/surrogate which will be gained by the special educator including any and all parties who hold legal guardianship of a student under the age of 21, if possible and appropriate.

### **Graduation Requirements**

Students with disabilities in Pennsylvania are entitled to graduate with a regular high school diploma if they complete the same graduation requirements as regular education students. In addition, if a student is unable to meet the district's graduation requirements due to his or her disability and requires special education services and/or modifications to the general curriculum, the student can graduate and receive a regular diploma if the student's IEP team determines that the student has satisfied the IEP goals to the extent necessary for graduation.

- Children with disabilities have the right to stay in a public-school setting until they turn 21 years old, or until they graduate, whichever comes first. If a student accepts a high school diploma prior to age 21, the student cannot continue to receive free special education services.
- If a student does not graduate but turns 21 during the school term, the student can continue to receive educational services until the end of that school term.
- A student that continues to receive services after 4 years of high school must be permitted to participate in graduation, although he or she will return the following school year.
- The student is entitled to a certificate of completion as part of the graduation ceremony but must receive a regular high school diploma when formal schooling ends.
- Graduation from high school is a change in placement for a special education student. School districts must provide written notice to the parents of their intent to graduate the student.

- If a parent does not agree with a district's decision to graduate his or her child, the parent can object and invoke protections under the PA Special Education Procedural Safeguard System.
- The parent may request a pre-hearing conference with school officials and/or a formal hearing before an impartial hearing officer. An appeal and court action may also be an option.
- School districts/charter schools do not have to re-evaluate a student before recommending graduation. However, nothing prevents a parent from requesting a re-evaluation to determine whether or not a student has met his or her IEP goals and is ready to graduate.

### **Transition Planning & Procedures**

Transition refers to the passage from secondary education, including special education and services, to adult life. State initiatives mandate the transition planning must occur as part of the IEP process no later than the age of 14. IAACS will begin the formal transition planning process when a student is in the seventh grade or turns age 14 (whichever comes first). The following is a timeline of procedures that will be implemented at each age through graduation and for the first year post-graduation. All students who are or will be in seventh grade or who are already 14 will receive a letter from the Director of Special Education explaining the transition process. Special Education teachers will prepare a folder with the appropriate grade level materials and will pass the folder onto the next special education teacher of record for the student as each year passes. Identical transition assessment formats may not be administered in two consecutive years.

#### **Seventh Grade**

- Administration of at least two different transition assessments covering all three areas of transition (Employment, Independent Living, Education) – written reports/summaries/checklists required
- Completion of a Parent Transition Survey (in person, if possible). If parent is not present, document the attempts at retrieval.
- Document all activities on the Teacher Transition Record
- All transition assessment information will be used to develop the IEP

#### **Eighth Grade**

- Administration of at least two different transition assessments covering all three areas of transition (Employment, Independent Living, Education) – written reports/summaries/checklists required
- All transition assessment information will be used to develop the IEP
- Begin completing Transition Grid – Graduation
- Document all activities on the Teacher Transition Record

#### **Ninth Grade**

- Administration of at least two different transition assessments covering all three areas of transition (Employment, Independent Living, Education) – written reports/summaries/checklists required
- Administration of self-determination assessment
- Completion of a Parent Transition Survey (in person, if possible). If parent is not present, document the attempts at retrieval

- All transition assessment information will be used to develop the IEP
- Continue completing Transition Grid – Graduation
- Document all activities on the Teacher Transition Record

### **Tenth Grade**

- Confirm with Special Education Instructional Supervisor by September 30th all students who will need a Re-Evaluation prior to graduation (Students with SLD, OHI, and Intellectual Disability) for OVR purposes
- Administration of at least two different transition assessments covering all three areas of transition (Employment, Independent Living, Education) – written reports/summaries/checklists required
- All transition assessment information will be used to develop the IEP
- Continue completing Transition Grid – Graduation
- Document all activities on the Teacher Transition Record
- Students will have the opportunity to participate in the PSAT test

### **Eleventh Grade**

- Identify and document at least one outside agency who will be able to provide needed support to the student (based on assessment) and invite a representative to the IEP meeting.
- Confirm with the Director of Special Education by September 30 that all students who will need a Re-Evaluation prior to graduation (Students with SLD, OHI, and Intellectual Disability) for OVR purposes.
- Administration of at least two different transition assessments covering all three areas of transition (Employment, Independent Living, Education) – written reports/summaries/checklists required
- Completion of a Parent Transition Survey (in person, if possible). If parent is not present, document the attempts at retrieval
- All transition assessment information will be used to develop the IEP
- Continue completing Transition Grid – Graduation
- Document all activities on the Teacher Transition Record
- Students will participate in the ASVAB Assessment

### **Twelfth Grade**

- Identify and document at least one outside agency who will be able to provide needed support to the student (based on assessment) and invite a representative to the IEP meeting.
- Confirm with Special Education Supervisor by September 30 that all students who will need a Re-Evaluation prior to graduation (Students with SLD, OHI, and Intellectual Disability) for OVR purposes.
- Administration of at least two different transition assessments covering all three areas of transition (Employment, Independent Living, Education) – written reports/summaries/checklists required
- All transition assessment information will be used to develop the IEP
- Finish completing Transition Grid – Graduation
- Document all activities on the Teacher Transition Record
- All students will be provided the opportunity to attend college meetings in the counseling office
- All 18-year-old male students will be provided the opportunity to access information concerning the registration process for Selective Service
- All students will be provided the opportunity to access information on voter registration and the voting process
- A Summary of Performance will be written for each graduating Senior

## **AVERSIVE INTERVENTIONS AND RESTRAINTS**

Positive, rather than negative measures, must form the basis of behavior support programs to ensure that all students and eligible young children shall be free from demeaning treatment, the use of aversive techniques and the unreasonable use of restraints. When an intervention is needed to address problem behavior, the types of intervention chosen for a particular student or eligible young child shall be the least intrusive necessary. The use of restraints is considered a measure of last resort, only to be used after other less restrictive measures, including de-escalation techniques, have been utilized. Prone restraint shall not be used under any conditions.

The use of restraints to control the aggressive behavior of an individual student or eligible young child shall cause the school entity to notify the parent of the use of the restraint and shall cause a meeting of the IEP team within ten (10) school days of the inappropriate behavior causing the use of the restraint, unless the parent, after written notification, agrees to waive the meeting. At this meeting, the IEP team shall consider whether the student or eligible young child needs a functional behavior assessment reevaluation, a new or revised positive behavior support plan or a change of placement to address the inappropriate behavior. Section §14.133 (c) (5) requires school entities to maintain and report data on the use of restraints as prescribed by the Secretary of Education. The report shall be reviewed during cyclical compliance monitoring conducted by the Department of Education. Data must be collected on an on-going basis and made available during any compliance monitoring visits being conducted. Provisions to supply school districts with an electronic web-based system for data reporting regarding the use of restraints have been implemented.

### **Special Education Restraint Reporting Procedure**

If a restraint of any type is used, the Chief School Administrator and Director of Special Education must be notified immediately. The staff involved in the restraint will be asked to complete an incident report that details information about the restraint. The child's parents must be notified on the day the restraint occurs. The administration will determine who will notify the parent. The Director of Special Education must report the incident and the follow-up in the RISC system through the PDE. If the student has an IEP, a meeting must be scheduled within Five (5) calendar days of the restraint. The parent can waive the meeting. The date of the follow-up IEP meeting and action taken must also be reported to the state. If a student in an out-of-district placement is restrained, the same reporting procedures apply.

## **FEDERAL EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (eligible students) certain rights with respect to the student's education records. These rights include:

- The right to inspect and review the student's education records (34 CFR §§99.10) within 45 days of the day the school receives a request for that access. Parents or eligible students should submit to the school Principal a written request that identifies the records they wish to inspect. The school official (Principal) will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- The right to request the amendment of the student's education records (34 CFR §§99.20, 99.21, 99.22) that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
  - Parents or eligible students who wish to ask the school to amend a record should write to the school Principal clearly identifying the part of the record they want changed specifying why it should be altered.
  - If the school decides not to change the record as requested by the parent or eligible student, the school will notify (34 CFR § 99.7) the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment.
  - Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
  - The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent (34 CFR §§ 99.30 and 99.31).

## **GASKIN SETTLEMENT AGREEMENT**

### **Supplemental Aids and Services Rationale**

Supplementary aids and services are designed to support students with disabilities as active participants with non-disabled peers as well as to enable their access to the general curriculum. To that end, supplementary aids and services include modification to the general curriculum and [a child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modification in the general curriculum. 34 CFR 300.114 (ii) states that, "Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs ONLY if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." The full range of supplementary aids and services is to be provided. Supplemental aids and services must be available to all students who need them, be designed to provide meaningful educational benefit, and be provided in a manner that avoids stigmatizing students (Gaskin Settlement Agreement, 2005).

There are a great number of possible supplementary aids and services to be considered and implemented by IEP teams. Court decisions have required school districts to make a concerted and good faith effort to use supplementary aids and services to address behavioral issues in the regular classroom. The provision of positive behavioral interventions, strategies, and supports is designed to foster increased participation of children with disabilities in regular education environments or other less restrictive environments, not to serve as a basis for placing children with disabilities in more restrictive settings.

It is important that IEP teams contemplate educational placement in the regular education classroom not only as it currently exists, but also as it might be modified through the provision of supplemental aids and services. The Oberti court decision includes reference to four specific supplementary aids and services that LEAs must consider: modified curriculum, teacher training, effective behavior support, and provision of an aide – if necessary (Oberti v. Board of Education of the Borough of Clementon School District.)

## **TERMINATION OF SPECIAL EDUCATION**

A parent of a child with a disability, who is being served under IDEA, has the right to unilaterally terminate all special education services. The mechanism for this is a parent's revocation of their consent for the provision of special education services. The form to use is entitled NOREP Revocation of Consent for Special Education. Below are the stipulations

regarding the termination of services. The NOREP Revocation of Consent document is on IEP Writer (Please do not confuse this with the regular NOREP)

- The parent’s revocation must be in writing.
- The revocation cannot be a “pick and choose” matter; it can only be a complete rejection of special education and related services.
- Upon receiving the revocation, the school district must issue a notice (NOREP) to the parent indicating the discontinuation of services.
- Neither mediation nor a due process hearing is available to the school district, regardless of how the district views the termination of services.
- After the parent’s revocation and the district’s notice of termination, the district will have no duty to provide FAPE and FAPE rules do no longer apply to the student.
- The parents may change their mind and request an evaluation process begin.
- Even after the revocation, the parent does not have a right to have the district purge the records of references to the student’s special education history.

### **SPECIAL EDUCATION TEACHER CASELOADS**

The following terms have the corresponding meanings, unless the context clearly indicates otherwise:

- **Itinerant** - Special Education supports and services provided by special education personnel for 20% or less of the school day
- **Supplemental** - Special Education supports and services provided by special education personnel for more than 20% but less than 80% of the school day
- **Full Time** - Special Education supports and services provided by special education personnel for 80% or more of the day

PROGRAM	ITINERANT	SUPPLEMENTAL	FULL-TIME
<b>Learning Support</b>	50	20	12
<b>Emotional Support</b>	50	20	12
<b>Life Skills</b>	20	20	Grades K-6 (12)
			Grades 7-12 (15)
<b>Deaf/Hearing Impaired</b>	50	15	8

### **GUIDELINES FOR OUTSIDE AGENCIES**

All agencies that are requesting to provide therapeutic intervention service (T.S.S mobile therapist, case management, and etc.) to a client/student during school hours in the Arts Academy Elementary Charter School are required to abide by the following guidelines and submit the following information to the Arts Academy Elementary Charter School Special

Education office. If the therapist will be working with a student at the school site, the building level representative must be notified of the planning meeting and follow up treatment meetings. In addition, if the intervention is to take place

during school hours and at the school site, a copy of the treatment plan must be given to the Director of Special Education before any intervention begins. All agencies providing therapeutic interventions during the school day must:

- 1) Maintain communication with the school Director of Special Education or designee as to the progress of the child.
- 2) Provide the name of the contact person for the agency, agency license number, and a list of names and vita of personnel working with students in the school setting.
- 3) Provide a copy of their current clearances to the building principal and Director of Special Education.
- 4) All agencies must obtain a copy of the Charter School's Release of Information, signed by the parent or legal guardian of the child. This release may be obtained from the Director of Special Education.

### **PARENT/GUARDIAN ACCESS TO CLASSROOMS**

In accordance with state requirements, parents will be permitted to observe their child's classroom upon submitting a written request to the Principal/Chief School Administrator. The written request must include the date, time frames, and purpose of the classroom visit. The Principal/Chief School Administrator will request clearances for all extended classroom visitors to include:

- Pennsylvania Criminal History Clearance
- Pennsylvania Child Abuse Clearance
- Federal Bureau of Investigation Criminal History Clearance for all 50 US States

The Principal/Chief School Administrator will deny all requests for access to classroom that are initiated by registered sex offenders and other persons that have been convicted of crimes that pose a threat to the safety of children.

### **PSYCHOLOGICAL COUNSELING**

In accordance with state requirements, students will have consistent access to a school counselor and/or school psychologist upon their request. The school counselor and/or school psychologist will provide general counseling, intensive IEP counseling services, and conduct intelligence testing to establish or reestablish eligibility for special education.