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SPECIAL EDUCATION POLICY AND PROCEDURES HANDBOOK  
BOARD OF EDUCATION



**Excellence in Education**

*Special Education Policy and Procedures Handbook - November 15, 2023*

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Dear Colleagues,

As we progress in our commitment to exceptional education, I am pleased to present the updated Special Education Policy and Procedures Handbook, revised on November 15, 2023.

This comprehensive handbook outlines the fundamental policies and procedures guiding our approach to special education within Vision Academy CS, organized in alphabetical order. The policies covered within this document encompass a spectrum of essential components that are fundamental to our collective efforts in providing outstanding educational support to our diverse student body.

To the extent that anything within this policy handbook could conflict with the school's charter or applicable state and/or federal laws, it's imperative to acknowledge that the appropriate state and/or federal laws and/or charter control.

I strongly encourage each member of our esteemed faculty and administrative team to thoroughly acquaint themselves with the contents of this handbook. The policies outlined herein serve as the framework for our operations and interactions within the realm of special education at Vision Academy CS.

Should further clarification or guidance be required regarding these policies, please do not hesitate to contact the administration for assistance.

Your unwavering commitment to upholding these policies is invaluable in our continuous pursuit of excellence and inclusivity within our institution.

Dr. Adam, CEO & Founder  
[adam@vacharter.org](mailto:adam@vacharter.org)

Dr. Coll, Principal  
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## ACCESS TO INSTRUCTIONAL MATERIALS POLICY

The Pennsylvania State Board of Education adopted the National Instructional Materials Accessibility Standard (NIMAS) as defined in the Education of Individuals with Disabilities Education Improvement Act of 2004 (“IDEA”), for the purpose of providing print instructional materials in alternate accessible formats or specialized formats to blind persons or other persons with print disabilities in a timely manner. Pursuant to the state regulations which incorporate the IDEA, **Vision Academy** Charter School (“Charter School”) will adopt NIMAS to ensure the timely provision of high quality, accessible instructional materials to children who are blind or other persons with print disabilities. The NIMAS refers to a standard for source files of print instructional materials created by publishers that may be converted into accessible instructional materials.

The Charter School, shall, in a timely manner, provide print instructional materials in specialized, accessible formats (that is, Braille, audio, digital, large-print, and the like) to children who are blind or other persons with print disabilities, as defined in 2 U.S.C.A. § 135a (regarding books and sound-reproduction records for blind and other physically handicapped residents; annual appropriations; and purchases).

The Charter School, shall, in a timely manner, provide instructional materials under subsection (a) if they take steps to ensure that children who are blind or other persons with print disabilities have access to their accessible format instructional materials while students without disabilities have access to instructional materials. The Charter School will not withhold instructional materials from other students until instructional materials in accessible formats are available.

Receipt of a portion of the instructional materials in alternate accessible or specialized format will be considered receipt in a timely manner if the material received covers the chapters that are currently being taught in the student’s class.

If a child who is blind or other person with a print disability enrolls in the Charter School after the start of the school year, Charter School shall take steps to ensure that the student has access to accessible format instructional materials within 10 school days from the time it is determined that the child requires printed instructional materials in an alternate accessible or specialized format.

The Charter School may coordinate with the National Instructional Materials Access Center (NIMAC) to facilitate the production of and delivery of accessible materials to children who are blind or other persons with print disabilities. The NIMAC refers to the central repository, established under section 674(e) of the Education of Individuals with Disabilities Education Act, which is responsible for processing, storing, and distributing NIMAS files of textbooks and core instructional materials.

Schools coordinating with NIMAC shall require textbook publishers to deliver the contents of print instructional materials to the NIMAC in NIMAS format files on or before delivery of the print instructional materials to the school. Schools that choose not to coordinate with NIMAC may require that publishers deliver the contents of print instructional materials to the NIMAC in

NIMAS format files on or before delivery of the print instructional materials to the school.

## ALTERNATE ASSESSMENT OF STUDENTS POLICY

The CEO/Principal or his/her designee shall ensure that all children with disabilities are included in all general state and district-wide assessment programs, including the PSSA, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective IEPs.

Alternate assessments such as the PASA must be aligned with the state's academic content standards and student academic achievement standards or if the state has adopted alternate academic achievement standards, measure the achievement of children with disabilities against those standards.

Vision Academy Charter School ("Charter School") must maintain information regarding the number of children who: participate in regular assessments; were provided accommodations to participate in those assessments; and participate in alternate assessments.

The CEO/Principal or his/her designee is directed to develop procedures to ensure that students with disabilities participate in the PSSA or PASA to the extent consistent with applicable law.

The CEO/Principal or his/her designee is directed to monitor student participation in statewide assessment to foster participation.

The CEO/Principal or his/her designee is directed to provide training opportunities to personnel regarding statewide assessment participation and PSSA and PASA requirements. The CEO/Principal or his/her or her designee is directed to make Pennsylvania's guidelines regarding statewide assessments available to personnel.

The CEO/Principal or his/her designee is directed to develop procedures to prepare students in test-taking techniques prior to test administration.

The CEO/Principal or his/her designee is directed to review assessment data and use data to drive any needed program changes. The CEO or his/her designee is directed to report to the Board what changes are recommended and needed.

The CEO/Principal or his/her designee must maintain information regarding the performance of children with disabilities on regular assessments and on alternate assessments. IEPs must include a description of benchmarks or short-term objectives for children who take alternate assessments aligned to alternate achievement standards.

## ANNUAL NOTIFICATION OF RIGHTS UNDER FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) FOR THE 2023-2024 SCHOOL YEAR / NOTICE TO PARENTS AND GUARDIANS REGARDING THE DISCLOSURE OF STUDENT "DIRECTORY INFORMATION"

The Family Educational Rights and Privacy Act (FERPA), a federal law, affords parents, legally emancipated students, and students over eighteen (18) years of age ("eligible students") certain rights with respect to the student's educational records.

These rights are briefly summarized below and are explained more fully in the Board's Student Records Policy, which is on file at the school and is available upon request:

1. The right to inspect and review the student's educational records within forty-five (45) days of the day Vision Academy Charter School ("Charter School") receives a request for access. Parents or eligible students should submit to Charter School's CEO/Principal a written request that identifies the record(s) they wish to inspect. The Charter School official will decide for access and notify the parent or eligible student of the time and place where the record(s) may be inspected.
2. The right to request the amendment of the student's educational record(s) the parent or

eligible student believes is inaccurate or misleading. Parents or eligible students may ask the Charter School to amend a record that they believe is inaccurate or misleading. Parents or eligible students should write to Charter School's Principal, clearly identifying the part of the record(s) they want amended and specify why the record(s) is inaccurate or misleading. If the Charter School decides not to amend the record(s) as requested by the parent or eligible student, the Charter School will notify the parent or eligible student of the decision in writing and advise of the 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.

3. The right to consent to disclosures of personally identifiable information contained in the student's educational record(s) except to the extent that FERPA authorizes disclosure without consent, as discussed below.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Charter School to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue SW  
Washington, D.C. 20202-8520

#### [Release of Records Without Consent](#)

Generally, the Charter School must have written permission from parents or eligible students to release any information from a student's education records. However, FERPA allows the Charter School to disclose that information without consent, to the following parties or under the following conditions:

1. School officials with legitimate educational interests. A School Official may include a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law unit personnel); a person serving on the Board; a person or company with whom the Charter School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); contractors, consultants, volunteers, and other outside service providers used by the Charter School; or a parent or student serving on official committee, such



as a disciplinary or grievance committee, or assisting another Charter School official in performing his/her tasks. A School Official has a legitimate educational interest if the official needs to review an educational record(s) to fulfill his or her professional responsibility.

2. Other schools, school systems, or institutions of postsecondary education to which a student is transferring.
3. Authorized representatives of the U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education, or State and local educational authorities. Disclosures may be made in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. The entities and officials identified here may re-disclose student information to outside entities and/or individuals that are designated as “authorized representatives” to conduct an audit or evaluation, or enforcement or compliance activity on their behalf. A designation of an “authorized representative,” other than an employee, shall be memorialized in a written agreement. The same agreement shall contain provisions intended to guard the privacy of student information. Student records for children seven (7) years or older is exempt from the use of authorized representatives for agencies running programs to improve social, emotional, and physical development.
4. Appropriate parties in connection with financial aid for which a student has applied or has received, if the information is necessary to determine eligibility for aid, determine the amount of aid, determine the conditions of aid, or enforce the terms and conditions of aid.
5. Organizations conducting certain studies for or on behalf of the school, to develop, validate or administer predictive tests; administer student aid programs; or improve instruction. The U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education, or State and local educational authorities may re-disclose student information to organizations conducting studies identified here. Any re-disclosure of student information, whether by schools or the entities and officials identified here, requires a written agreement. The written agreement shall contain provisions intended to guard the privacy of student information.

6. Accrediting organizations.
7. To parents of dependent students for IRS tax purposes.
8. To comply with a judicial order or lawfully issued subpoena.
9. Appropriate officials in cases of health and safety emergencies; and
10. State and local authorities within a juvenile justice system, pursuant to specific State law.

The Charter School must maintain records of each request for access and disclosure of information from a student's education record(s), except for disclosures to school officials with legitimate educational interests, disclosures to parties with written consent from parents or eligible students, disclosures of Directory Information (discussed below), disclosures under select judicial orders or lawfully issued subpoenas, and disclosures to parents or eligible students. Parents and eligible students have a right to inspect and review the records of requests for access and disclosures.

#### Release of Directory Information

Directory Information includes information contained in the educational record(s) of a student, which is not considered harmful or an invasion of privacy if disclosed, so that it may be disclosed without prior parental consent, unless parents or eligible students have advised the Charter School to the contrary in accordance with Charter School procedures. The primary purpose of Directory Information is to allow the Charter School to include this type of information from the student's educational records in certain school-related publications or notices.

As part of the Charter School's annual notification under FERPA, Charter School designates for the 2023-2024 School Year the following types or categories of information as "Directory Information":

- Student Name
- Participation in officially recognized activities, clubs, and sports.
- Naming of student to the Honor Roll, National Honor Society or as Valedictorian
- Address
- Telephone listing
- Weight and height of members of athletic teams
- Electronic Mail Address

- Photograph
- Degrees, honors, awards received.
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- The most recent educational agency or institution attended.

**“Directory Information” for the 2023-2024 School Year also includes:**

- Except for social security number, a student ID number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used with one or more factors, such as a personal identification number (PIN), password or other factor known or possessed only by the authorized user; and
- Except for social security number, a student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used with one or more factors, such as a PIN, password, or other factor known or possessed only by the authorized user.

**Examples of how and where the Charter School may disclose Directory Information**

**include:**

- Newsletters
- A playbill showing student’s role in a drama production.
- The annual yearbook
- Honor Roll or other recognition lists
- Graduation programs
- Sports activity sheets, such as for wrestling: showing weight and height of team members.
- Companies or outside organizations that manufacture class rings or yearbooks.
- Newspapers or other news sources
- Class Lists
- Staff and/or Student Directories and/or listings
- Charter School Website
- Charter School Bulletin Boards

- Institutions of Higher Learning requesting Directory information

These examples are for illustration only and are not an exclusive list of the way Directory Information may be disclosed. This Notice provides parents and eligible students with an opportunity to object in writing to any or all those types of information that the Charter School has designated as Directory Information. Parents and eligible students have the right to refuse to permit the release by notifying the Charter School in writing that they do not want any or all those types of information to be designated as Directory Information. Please note that an opt out of Directory Information disclosures does not prevent the Charter School from identifying a student by name or from disclosing a student's name, identifier, or institutional e-mail address in class in which the student is enrolled. The right to opt out of Directory Information disclosures does not include a right to remain anonymous in class and may not be used to impede routine classroom communications and interactions, whether class is held in a specified physical location or on-line through electronic communications. Likewise, an opt out of Directory Information disclosures does not prevent the Charter School from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that the Charter School designated as "Directory Information" for the 2023- 2024 School Year above.

**Your action is required if you wish "directory information" not to be published.** Please submit any refusal with the types of information you wish removed from the list of Directory Information and mail your written objections on or before September 30, 2023, to the CEO/Principal of the Charter School at:

Vision Academy Charter School at 153 Penn Blvd, East Lansdowne, PA 19040

If you have any questions regarding this Notice, please call or write the CEO/Principal at Charter School at 153 Penn Blvd, East Lansdowne, PA 19050. If you do not submit a written refusal on or before September 30, 2023, then the Charter School may disclose directory information without your prior consent.

*The content of this notice has been written in straightforward, simple English. If a person does not understand any of this notice, he or she should ask the principal of charter school for an explanation. The charter school will arrange for an interpreter for parents with limited English proficiency. If a parent is deaf or blind or has no written language, the charter school will arrange for communication of this notice in the mode normally used by the parent (e.g., sign language, braille, or oral communication). If a student has a disability, additional information is*

*available in the charter school's annual public notice of special education services and programs and rights for students with disabilities.*

## ANNUAL PUBLIC NOTICE OF SPECIAL EDUCATION SERVICES AND PROGRAMS AND RIGHTS FOR STUDENTS WITH DISABILITIES AND NOTIFICATION OF RIGHTS UNDER THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

All children with disabilities residing in the Commonwealth, regardless of the severity of their disabilities, and who need special education and related services, are to be located, identified, and evaluated. This responsibility is required by a federal law called the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1200 et. seq. ("IDEA 2004"). Chapter 711 of Title 22 of the Pennsylvania Code requires the publication of a notice to parents regarding public awareness activities sufficient to inform parents of Vision Academy Charter School ("Charter School") children of available special education services and programs and how to request those services and programs, and of systematic screening activities that lead to the identification, location, and evaluation of children with disabilities enrolled in Charter School.

In addition, the federal Family Educational Rights and Privacy Act of 1974 ("FERPA"), which protects confidentiality, requires educational agencies to notify parents annually of their confidentiality rights.

Charter School fulfills its duties with this Annual Notice and has incorporated several sections of the PaTTAN Procedural Safeguards Notice and other applicable guidelines from the Pennsylvania Department of Education into the Board-approved Child Find Notice and Policies and Procedures described below. **Charter School also directs parents to the procedural safeguards notice from PaTTAN available at the school's main office for additional information** regarding rights and services. Parents may contact.

T.J. Coll, Ed.D., Principal  
Vision Academy Charter School  
153 Penn Blvd. (Admin. Building)  
East Lansdowne, PA 19050

Office Phone: 484-466-2124 Ext. 1212

Cell Phone: 610-333-9883

Email: [coll@vacharter.org](mailto:coll@vacharter.org)

at any time to request a copy of the **Procedural Safeguards Notice** or with any other questions about special education services, screenings, policies, or procedures. The Procedural Safeguards Notice is provided to parents of special education students by Charter School once per school year or: (1) upon initial referral or parent request for evaluation; (2) upon filing by parents of their first State complaint under 34 CFR §§300.151 through 300.153 and upon filing by parents of their first due process complaint under §300.507 in a school year; (3) when a decision is made to take a disciplinary action that constitutes a change of placement; and (4) upon parent request. [34 CFR §300.504(a)].

The purpose of this Annual Notice is to comply with Charter School's obligations under Chapter 711 of Title 22 of the Pennsylvania Code and to describe: (1) the types of disabilities that might qualify the child for special education; (2) the special education programs and related services that are available; (3) the process by which Charter School screens and evaluates such students to determine eligibility; (4) the special rights that pertain to such children and their parents or legal guardians; and (5) the confidentiality rights that pertain to student information. A copy of this Annual Notice is also available on the school's website at: [www.vacharter.org](http://www.vacharter.org)

#### Qualifying for special education and related services

Under the federal Individuals with Disabilities Education Improvement Act of 2004, or "IDEA 2004," children qualify for special education and related services if they have one or more of the following disabilities and, as a result, need special education and related services: intellectual disability; hearing impairment, including deafness; speech or language impairment; visual impairment, including blindness; emotional disturbance; orthopedic impairment; autism; traumatic brain injury; other health impairment; specific learning disability; deaf-blindness; or multiple disabilities.

IDEA 2004 provides legal definitions of the disabilities that qualify a student for special education and related services, which may differ from those terms used in medical or clinical practice or common usage.

#### Section 504 Services

Under Section 504 of the federal Rehabilitation Act of 1973, some school-age children

with disabilities who do not meet the eligibility criteria outlined above might be eligible for special protections and for adaptations and accommodations in instruction, facilities, and activities. Children are entitled to such protections, adaptations, and accommodations if they have a mental or physical disability that substantially limits or prohibits participation in or access to an aspect of the school program and otherwise qualify under the applicable state and federal laws, including Chapter 711 of Title 22 of the Pennsylvania Code and Section 504.

Charter School must ensure that qualified handicapped students have equal opportunity to participate in the school program and activities to the maximum extent appropriate for each individual student. In compliance with applicable state and federal laws, Charter School provides to each qualifying protected handicapped student without discrimination or cost to the student or family, those related aids, services, or accommodations which are needed to provide equal opportunity to participate in and obtain the benefits of the school program and activities to the maximum extent appropriate to the student's abilities and to the extent required by the laws. These services and protections for "protected handicapped students" may be distinct from those applicable to eligible or thought-to-be eligible students. Charter School or the parent may initiate an evaluation if they believe a student, is a protected handicapped student. For further information on the evaluation procedures and provision of services to protected handicapped students, parents should contact the school at

T.J. Coll, Ed.D.

Principal

Vision Academy Charter School

153 Penn Blvd. (Admin. Building)

East Lansdowne, PA 19050

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### Least Restrictive Environment ("LRE")

Charter Schools ensure that children with disabilities are educated to the maximum extent possible in the regular education environment or "least restrictive environment". To the maximum extent appropriate, students with disabilities are educated with students who are not disabled. Special classes, separate schooling, or other removal of students with disabilities from

the general educational environment occurs only when the nature or severity of the disability is such that education in general education classes, even with the use of supplementary aids and services, cannot be achieved satisfactorily. Programs and services available to students with disabilities might include: (1) regular class placement with supplementary aides and services provided as needed in that environment; (2) regular class placement for most of the school day with itinerant services by a special education teacher either in or out of the regular classroom; (3) regular class placement for most of the school day with instruction provided by a special education teacher in a resource classroom; (4) part time special education class placement in a regular public school or alternative setting; and (5) special education class placement or special education services provided outside the regular class for most or all of the school day, either in a regular public school or alternative setting. This is a team decision.

Depending on the nature and severity of the disability and least restrictive environment consideration, Charter School could provide special education programs and services as determined appropriate by the IEP team, in locations such as: (1) the classroom/building the child would attend if not disabled; (2) an alternative regular class either in or outside the school; (3) a special education center operated by an Intermediate Unit; (4) an approved private school or other private facility licensed to serve children with disabilities; (5) a residential school; (6) approved out-of-state program; or (7) the home. This is a team decision.

Special education services are provided according to the educational needs of the child, not the category of disability. Types of services that may be available, depending upon the child's disability and needs might include, but are not limited to: (1) learning support; (2) life skills support; (3) emotional support; (4) deaf or hearing-impaired support; (5) blind or visually-impaired support; (6) physical support; (7) autistic support; (8) multiple disabilities support; (9) speech and language support; (10) extended school year support; and (11) vision support. This is a team decision.

Related services are designed to enable the child to participate in or access his or her program of special education. Examples of related services that a child may require include but are not limited to: speech and language therapy; transportation; occupational therapy; physical therapy; school nursing services; audiology counseling services; parent counseling or training; certain medical services for diagnostic or evaluation purposes; social work; recreation; and transition. Some students may also be eligible for extended school year services if determined



needed by their IEP teams in accordance with Chapter 711 regulations.

Charter School, in conjunction with parents, determines the type and intensity of special education and related services that a particular child needs based on the unique program of special education and related services that the school develops for that child. The child's program is described in writing in an individualized education program, or "IEP," which is developed by an IEP team. The participants in the IEP team are dictated by IDEA 2004. The parents of the child have the right to be notified of and to be offered participation in all meetings of their child's IEP team. The IEP is revised as often as circumstances warrant but reviewed at least annually. The law requires that the program and placement of the child, as described in the IEP, be reasonably calculated to ensure meaningful educational benefit to the student. In accordance with IDEA 2004, there may be situations in which a Charter School may hold an IEP team meeting if the parents refuse or fail to attend the IEP team meeting.

IEPs generally contain: (1) a statement of the student's present levels; (2) a statement of measurable annual goals established for the child; (3) a statement of how the child's progress toward meeting the annual goals will be measured and when periodic reports will be provided; (4) a statement of the special education and related services and supplementary aids and services, and a statement of the program modifications or supports for School personnel that will be provided, if any; (5) an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in activities; (6) a statement of any individual appropriate accommodations that are necessary to measure the performance of the child on State and School assessments; and (7) the projected date for the beginning of the services and modifications, and the anticipated frequency, location, and duration of those services or modifications.

Beginning not later than the first IEP to be in effect when the child turns 14, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include appropriate measurable postsecondary goals and transition services needed to assist in reaching those goals. Charter School must invite the child to the IEP team meeting at which the transition plan is developed.

Beginning not later than one year before the child reaches the age of majority under State law, the IEP must include a statement that the child has been informed of the child's rights, if any, that will transfer to the child on reaching the age of majority.

## Screening and Evaluation Procedures for Children to Determine Eligibility Screening

Charter School has established a system of screening which may include pre-referral intervention services to accomplish the following:

1. Identification and provision of initial screening for students prior to referral for a special education evaluation.
2. Provision of peer support for teachers and other staff members to assist them in working effectively with students in the general education curriculum and special education curriculum.
3. Identification of students who may need special education services and programs.

The screening process includes:

Hearing and vision screening in accordance with Section 1402 of the Public-School Code of 1949 (24 P. S. § 14-1402) for the purpose of identifying students with hearing or vision difficulty so that they can be referred for assistance or recommended for evaluation for special education.

Screening at reasonable intervals to determine whether all students are performing based on grade-appropriate standards in core academic subjects.

Charter School has established and implements procedures to locate, identify, and evaluate children suspected of being eligible for special education. These procedures involve screening activities, which may also include, but are not limited to review of data and student records; motor screening; and speech and language screening. The school assesses the current achievement and performance of the child, designs school-based interventions, and assesses the effectiveness of interventions. If the concern can be addressed without special education services or is the result of limited English proficiency or appropriate instruction, a recommendation may be made for interventions other than a multidisciplinary team evaluation. Parents have the right to request a multidisciplinary team evaluation at any time, regardless of the outcome of the screening process.

Except as indicated above or otherwise announced publicly, screening activities take place on-going at periods throughout the school year. Screening is conducted at Charter School unless other arrangements are necessary or arranged.

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not to be considered an evaluation for

eligibility for special education and related services.

If parents need additional information regarding the purpose, time, and location of screening activities, they should call or write.

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Principal

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Screening or pre-referral intervention activities may not serve as a bar to the right of a parent to request an evaluation, at any time, including prior to or during the conduct of screening or pre-referral intervention activities.

#### Disproportionality

In accordance with Chapter 711, if Charter School would ever meet the criteria in 34 CFR § 300.646 (relating to disproportionality), as established by the State Department of Education, the services that would be required would then include:

1. A verification that the student was provided with appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the Elementary and Secondary Education Act (ESEA) (20 U.S.C.A. § 6368(3)), and appropriate instruction in math.
2. For students with academic concerns, an assessment of the student's performance in relation to State-approved grade-level standards.
3. For students with behavioral concerns, a systematic observation of the student's behavior in the school environment where the student is displaying difficulty.
4. A research-based intervention to increase the student's rate of learning or behavior change based on the results of the assessments under paragraph (2) or (3), or both.
5. Repeated assessments of achievement or behavior, or both, conducted at reasonable intervals, reflecting formal monitoring of student progress during the interventions.
6. A determination as to whether the student's assessed difficulties are the result of a lack of

instruction or limited English proficiency.

7. A determination as to whether the student's needs exceed the functional ability of the regular education program to maintain the student at an appropriate instructional level.
8. Documentation that information about the student's progress as identified in paragraph (5) was periodically provided to the student's parents.

## Evaluation

An evaluation under IDEA 2004 involves the use of a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent that may assist in determining whether the child is a child with a disability and the content of the child's IEP. Charter School does not use any single measure or assessment as a sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.

Technically sound instruments are used to assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors.

Parental consent must be obtained by Charter School prior to conducting an initial evaluation to determine if the child qualifies as a child with a disability, and before providing special education and related services to the child. Parental consent for an evaluation shall not be construed as consent for their child to receive special education and related services. The screening of a child by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not considered to be an evaluation for eligibility for special education and related services; therefore, parental consent is not required in this instance.

The law contains additional provisions and due process protections regarding situations in which parental consent for an initial evaluation is absent or refused discussed more fully below and in the PaTTAN Procedural Safeguards Notice. If you have any questions about where to obtain a copy of the PaTTAN Procedural at

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The evaluation process is conducted by a Multi-Disciplinary Team (“MDT”), which includes a teacher, other qualified professionals who work with the child, the parents and other members as required by law. The Multi-Disciplinary Evaluation (“MDE”) process must be conducted in accordance with specific timelines and must include protective procedures. For example, tests and procedures used as part of the Multi-Disciplinary Evaluation may not be racially or culturally biased.

The MDE process culminates with a written report called an Evaluation Report (“ER”). This report makes recommendations about a student’s eligibility for special education based on the presence of a disability and the need for specially designed instruction.

Parents who think their child is eligible for special education may request, at any time, that Charter School conduct a Multi-Disciplinary Evaluation. **Requests for a Multi-Disciplinary Evaluation must be made in writing to**

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If a parent makes an oral request for a Multi-Disciplinary Evaluation, Charter School shall provide the parent with a form(s) for that purpose. If the public school denies the parents’ request for an evaluation, the parents have the right to challenge the denial through an impartial hearing or through voluntary alternative dispute resolution such as mediation.

Reevaluations are conducted if Charter School determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or if the child’s parent or teacher requests a reevaluation. A reevaluation may occur not more than once a year, unless the parent and Charter School agree; and must occur once every 3 years, unless the parent and Charter School agree that a reevaluation is unnecessary. Students with intellectual disability must be reevaluated every two years under State law.

## Educational Placement

The determination of whether a student is eligible for special education is made by an Individualized Education Program (IEP) team. The IEP team includes: the parents of a child with a disability; not less than one regular education teacher, if the child is, or may be, participating in the regular education environment; not less than one special education teacher, or when appropriate, not less than one special education provider; a representative of the School who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities, is knowledgeable about the general education curriculum, and is knowledgeable about the availability of resources of Charter School; an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described above; other individuals, at the discretion of the parent or the agency, who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and whenever appropriate, a child with a disability. IEP team participation is directly addressed by the regulations. If the student is determined to be eligible for special education, the IEP team develops a written education plan called an IEP. The IEP shall be based in part on the results of the Multi-Disciplinary Evaluation. When the IEP team decides that a student is not eligible for special education, recommendations for educational programming in regular education may be developed from the ER.

Placement must be made in the “least restrictive environment”, as described more fully above, in which the student’s needs can be met with special education and related services. All students with disabilities must be educated to the maximum extent appropriate with children who are not disabled.

## Parents and Surrogate Parents

For purposes of this Notice, Charter School considers parents to be biological or adoptive parents of a child; a foster parent; a guardian generally authorized to act as the child’s parent, or authorized to make educational decisions for the child; an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare; or a surrogate parent.

A surrogate parent must be appointed when no parent can be identified; a public agency, after reasonable efforts, cannot locate a parent; the child is a ward of the State under the laws of

Pennsylvania, or the child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance Act, 42 U.S.C. Sec. 11434a (6). A person selected as a surrogate parent must not be an employee of the SEA, Charter School, or any other agency that is involved in the education or care of the child; has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and has knowledge and skills that ensure adequate representation of the child. The surrogate parent may represent the child in all matters relating to the identification, evaluation, and educational placement of the child and the provision of FAPE to the child. Reasonable efforts must be made to ensure the assignment of a surrogate parent not more than 30 days after it is determined that the child needs a surrogate parent.

### Prior Written Notice

Charter School will notify the parent whenever Charter School:

1. Proposes to initiate or to change the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education (“FAPE”) to the child; or
2. Refuses to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of FAPE to the child.
3. Change of placement for disciplinary reasons.
4. Due process hearing, or an expedited due process hearing, initiated by Charter School.
5. Refusal of Charter School to agree to an independent educational evaluation (“IEE”) at public expense.

In Pennsylvania, prior written notice is provided by means of a Prior Written Notice Form/Notice of Recommended Educational Placement (“NOREP”). You should be given reasonable notice of this proposal or refusal so that if you do not agree with Charter School, you may take appropriate action. Reasonable Notice means ten (10) days.

### **The prior written notice must:**

Describe the action that Charter School proposes or refuses to take:

1. Explain why Charter School is proposing or refusing to take the action.
2. Describe each evaluation procedure, assessment, record, or report Charter School used in deciding to propose or refuse the action.
3. Include a statement that you have protections under the procedural safeguards’ provisions in Part B of IDEA.
4. Tell how you can obtain a description of the procedural safeguards if the action that

Charter School is proposing or refusing is not an initial referral for evaluation.

5. Include resources for you to contact for help in understanding Part B of the IDEA.
6. Describe any other choices that your child's IEP Team considered and the reasons why those choices were rejected; and
7. Provide a description of other reasons why Charter School proposed or refused the action.

The notice must be:

1. Written in language understandable to the public; and
2. Provided in your native language or other mode of communication you use unless it is clearly not feasible to do so.
3. If your native language or other mode of communication is not a written language, Charter School will ensure that:
  - a. The notice is translated for you orally or by other means in your native language or other mode of communication.
  - b. You understand the content of the notice; and
  - c. There is written evidence that 1 and 2 have been met.

Native language, when used with an individual who has limited English proficiency, means the following:

- a. The language normally used by that person, or, in the case of a child, the language normally used by the child's parents.
- b. In all direct contact with a child (including evaluation of a child), the language normally used by the child in the home or learning environment.

For a person with deafness or blindness, or for a person with no written language, the mode of communication is what the person normally uses (such as sign language, Braille, or oral communication).

## Parental Consent

When Parental Consent Needed?

Initial Evaluations (34 CFR §300.300)

Charter School cannot conduct an initial evaluation of your child to determine whether your child is eligible under Part B of the IDEA to receive special education and related services without first providing you with prior written notice of the proposed action and without obtaining your consent as described under the heading Parental Consent.



We will make reasonable efforts to obtain your informed consent for an initial evaluation to decide whether your child is a child with a disability. Your consent for initial evaluation does not mean that you have also given your consent to start providing special education and related services to your child. If you have refused to provide consent or failed to respond to a request to provide consent for an initial evaluation, we may, but are not required to, seek to conduct an initial evaluation of your child by utilizing mediation or due process complaint, resolution meeting, and impartial due process hearing procedures. We will not violate our obligations to locate, identify and evaluate your child if we do not pursue an evaluation of your child in these circumstances.

### **Special rules for initial evaluation of wards of the State**

Under Pennsylvania law, if a child is designated a ward of the state, the whereabouts of the parent are not known, or the rights of the parent have been terminated in accordance with State law. Therefore, someone other than the parent has been designated to make educational decisions for the child.

For initial evaluations only, if the child is a ward of the State and is not residing with the child's parent, the public agency is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if:

1. Despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the child.
2. The rights of the parents of the child have been terminated in accordance with State law;  
or
3. The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

Consent for an initial evaluation should, therefore, be obtained from the individual so designated to make educational decisions for the child.

Ward of the State, as used in the IDEA, encompasses two other categories, to include a child who is:

1. A foster child who does not have a foster parent.
2. Considered a ward of the State under State law; or
3. In the custody of a public child welfare agency.

#### Consent for Initial Placement in Special Education (34 CFR §300.300)

We must obtain your informed consent before providing special education and related services to your child for the first time. We must make reasonable efforts to obtain your informed consent before providing special education and related services to your child for the first time.

If you do not respond to a request to provide your consent for your child to receive special education and related services for the first time, or if you refuse to give such consent, we may not use the procedural safeguards (i.e. mediation, due process complaint, resolution meeting, or an impartial due process hearing) in order to obtain agreement or a ruling that the special education and related services as recommended by your child's IEP Team may be provided to your child without your consent.

If you refuse to give your consent for your child to start receiving special education and related services, or if you do not respond to a request to provide such consent and we do not provide your child with the special education and related services for which consent is sought, Charter School:

1. Is not in violation of the requirement to make FAPE available to your child for its failure to provide those services to your child; and
2. Is not required to have an IEP meeting or develop an IEP for your child for the special education and related services for which your consent was requested.

#### Consent for Reevaluations (34 CFR §300.300)

We must obtain your informed consent before your child is reevaluated, unless:

1. Charter School took reasonable steps to obtain your consent for your child's reevaluation; and
2. You did not respond.

#### What is Documentation of Reasonable Efforts to Obtain Parental Consent? (34 CFR §300.300, §300.322)

We will maintain documentation of reasonable efforts to obtain parental consent for initial evaluations, to provide special education and related services for the first time, to reevaluation and to locate parents of wards of the State for initial evaluations. The documentation will include a record of attempts in these areas, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;

2. Copies of correspondence sent to the parents and any responses received; and
3. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

When is Consent Not Required Related to Evaluate?

1. Review existing data as part of your child's evaluation or a reevaluation; or
2. Give your child a test or other evaluation that is given to all children unless, before that test or evaluation, consent is required from all parents of all children.

When there is Refusal to Consent to a Reevaluation?

If you refuse to consent to your child's reevaluation, we may, but are not required to, pursue your child's reevaluation by using the mediation, due process complaint, resolution meeting, and impartial due process hearing procedures to seek to override your refusal to consent to your child's reevaluation. As with initial evaluations, we do not violate obligations under Part B of the IDEA if we decline to pursue the reevaluation in this manner.

We may not use your refusal to consent to one service or activity to deny you or your child any other service, benefit, or activity.

Disagreements with an Evaluation

**a. Independent Educational Evaluations (34 CFR §300.502)**

**1. General**

As described below, you have the right to obtain an independent educational evaluation (IEE) of your child if you disagree with the evaluation of your child that was obtained by Charter School. If you request an IEE, Charter School must provide you with information about where you may obtain an IEE and about Charter School's criteria that apply to IEEs.

**2. Definitions**

- a) Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by Charter School and responsible for the education of your child.
- b) Public expense means that Charter School either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you, consistent with the provisions of Part B of the IDEA, which allow each State to use whatever State, local, Federal, and private sources of support are available in the State to meet the requirements of Part B of the Act.

### **3. Parent right to evaluation at public expense**

You have the right to an IEE of your child at public expense if you disagree with an evaluation of your child obtained by Charter School, subject to the following conditions:

- a. If you request an IEE of your child at public expense, Charter School must, without unnecessary delay, either: (a) File a due process complaint to request a hearing to show that its evaluation of your child is appropriate; or (b) Provide an IEE at public expense, unless Charter School demonstrates in a hearing that the evaluation of your child that you obtained did not meet Charter School's criteria.
- b. If Charter School requests a hearing and the final decision is that Charter School's evaluation of your child is appropriate, you still have the right to an IEE, but not at public expense.
- c. If you request an IEE of your child, Charter School may ask why you object to the evaluation of your child obtained by Charter School. However, Charter School may not require an explanation and may not unreasonably delay either providing the IEE of your child at public expense or filing a due process complaint to request a due process hearing to defend Charter School's evaluation of your child.
- d. You are entitled to only one IEE of your child at public expense each time Charter School conducts an evaluation of your child with which you disagree.
- e. Charter School criteria

If an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that Charter School uses when it initiates an evaluation (to the extent those criteria are consistent with your right to an IEE). Except for the criteria described above, Charter School may not impose conditions or timelines related to obtaining an IEE at public expense.

#### **b. Parent-initiated evaluations**

If you obtain an IEE of your child at public expense or share with Charter School an evaluation of your child that you obtained at private expense:

- 1) Charter School must consider the results of the evaluation of your child, if it meets Charter School's criteria for IEEs, in any decision made with respect to the provision of FAPE to your child; and
- 2) You or Charter School may present the evaluation as evidence at a due process hearing

regarding your child.

**c. Requests for evaluations by hearing officers**

If a hearing officer requests an IEE of your child as part of a due process hearing, the cost of the evaluation must be at public expense.

[Annual notice of rights regarding student records: Consent for disclosure of personally identifiable information \(34 CFR §300.622\)](#)

Unless the information is contained in education records, and the disclosure is authorized without parental consent under FERPA, your consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies. Except under the circumstances specified below, your consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of Part B of the IDEA.

Your consent, or consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

[Access to confidential information related to student \(34 CFR §300.611\)](#)

**1. Related to the confidentiality of information, the following definitions apply:**

- a. Destruction means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
- b. Education records means the type of records covered under the definition of “education records” in 34 CFR Part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA)).
- c. Participating agency means any Charter School, agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.
- d. Personally identifiable (34 CFR § 300.32) means information that has:
  - a. Your child’s name, your name as the parent, or the name of another family member.
  - b. Your child’s address.
  - c. A personal identifier, such as your child’s social security number or student number; or

- d. A list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

## **2. Access Rights (34 CFR §300.613)**

### **a. Parent Access**

Charter School must permit you to inspect and review any education records relating to your child that are collected, maintained, or used by Charter School under Part B of the IDEA. Charter School must comply with your request to inspect and review any education records on your child without unnecessary delay and before any meeting regarding an IEP, or any impartial due process hearing (including a resolution meeting or a hearing regarding discipline), and in no case more than 45 calendar days after you have made a request.

1. Your right to inspect and review education records includes:
2. Your right to a response from Charter School to your reasonable requests for explanations and interpretations of the records.
3. Your right to request that Charter School provide copies of the records if you cannot effectively inspect and review the records unless you receive those copies; and
4. Your right to have your representative inspect and review the records.
  - a. Charter School may presume that you have authority to inspect and review records relating to your child unless advised that you do not have the authority under applicable State law governing such matters as guardianship, or separation and divorce.
  - b. If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.
  - c. On request, each Charter School must provide you with a list of the types and locations of education records collected, maintained, or used by Charter School.

### **b. Other Authorized Access (34 CFR §300.614)**

Charter School must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date

access was given, and the purpose for which the party is authorized to use the records.

### **3. Fees**

Charter School may charge a fee or copies of records (34 CFR §300.617) that are made for you under Part B of the IDEA if the fee does not effectively prevent you from exercising your right to inspect and review those records. Charter School may not charge a fee to search for or to retrieve information under Part B of the IDEA.

### **4. Amendment of Records at Parent's Request (34 CFR §300.618)**

If you believe that information in the education records regarding your child collected, maintained, or used under Part B of the IDEA is inaccurate, misleading, or violates the privacy or other rights of your child, you may request Charter School to change the information. Charter School must decide whether to change the information in accordance with your request within a reasonable period of receipt of your request.

If Charter School refuses to change the information in accordance with your request, it must inform you of the refusal and advise you of the right to a hearing for this purpose.

### **5. Opportunity for a Records Hearing (34 CFR §300.619)**

Charter School must, on request, provide you an opportunity for a hearing to challenge information in education records regarding your child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child.

#### **a. Hearing Procedures (34 CFR §300.621)**

A hearing to challenge information in education records must be conducted according to the following procedures for such hearings under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1233g ("FERPA"), 34 CFR § 99.22:

1. The educational agency or institution shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.<sup>[SEP]</sup>
2. The educational agency or institution shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.
3. The hearing may be conducted by any individual, including an official of the educational agency or institution, who does not have a direct interest in the outcome of the hearing.<sup>[SEP]</sup>
4. The educational agency or institution shall give the parent or eligible student a full and fair opportunity to present evidence to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading,

or in violation of the privacy rights of the student. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.

5. The educational agency or institution shall make its decision in writing within a reasonable period after the hearing.
6. The decision must be based solely on the evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision.

**b. Result of Hearing (34 CFR §300.620)**

If, because of the hearing, Charter School decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must amend the information accordingly and inform you in writing. If, as a result of the hearing, Charter School decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child, Charter School must inform you of the right to place in the records that Charter School maintains on your child a statement commenting on the information or providing any reasons you disagree with the decision of the participating agency.

Such an explanation placed in the records of your child must:

1. Be maintained by Charter School as part of the records of your child as long as the record or contested portion is maintained by Charter School; and
2. If Charter School discloses the records of your child or the challenged portion <sup>[1]</sup><sub>SEP</sub> to any party, the explanation must also be disclosed to that party.

**c. Safeguards (34 CFR §300.623)**

**Charter School must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.**

One official at Charter School must assume responsibility for ensuring the confidentiality of any personally identifiable information. All persons collecting or using personally identifiable information must receive training or instruction regarding State policies and procedures regarding confidentiality under Part B of the IDEA and FERPA. Charter School must maintain, for public inspection, a current listing of the names and positions of those employees within Charter School who have access to personally identifiable information.

**6. Destruction of Information (34 CFR §300.624)**

**Charter School must inform you when personally identifiable information collected,**



**maintained, or used is no longer needed to provide educational services to your child, and the information must be destroyed at your request.**

However, a permanent record of your child's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

#### **PROCEDURES FOR DISCIPLINARY EXCLUSION OF CHILDREN WITH DISABILITIES.**

There are special rules in Pennsylvania for excluding children with disabilities for disciplinary reasons:

#### **AUTHORITY OF SCHOOL PERSONNEL (34 CFR §300.530)**

##### **1. Case-by-case determination**

School personnel may consider any unique circumstances on a case-by-case basis, when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a child with a disability who violates a school code of student conduct.

##### **2. General**

To the extent that they also take such action for children without disabilities, school personnel may, for not more than 10 consecutive school days, remove a child with a disability (other than a child with intellectual disability) who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension. School personnel may also impose additional removals of the child of not more than 10 consecutive school days in that same school year for separate incidents of misconduct, if those removals do not constitute a change of placement (see Change of Placement Because of Disciplinary Removals for the definition, below) or exceed 10 cumulative school days in a school year. Once a child with a disability has been removed from his or her current placement for a total of 10 school days in the same school year, Charter School must, during any subsequent days of removal in that school year, provide services to the extent required below under the sub-heading Services.

##### **3. Additional authority**

If the behavior that violated the student code of conduct was not a manifestation of the child's disability (see Manifestation determination, below) and the disciplinary change of placement would exceed 10 consecutive school days, Charter School may apply the disciplinary

procedures to that child with a disability in the same manner and for the same duration as it would to children without disabilities, except that the school must provide services to that child as described below under Services. The child's IEP Team determines the interim alternative educational setting for such services. Under PA special education regulations, a disciplinary exclusion of a student with a disability for more than 10 cumulative school days in a school year can be considered a pattern so as to be deemed a change in educational placement (explained under Change of Placement Because of Disciplinary Removals). Charter School is required to issue a NOREP/Prior Written Notice to parents prior to a removal that constitutes a change in placement (removal for more than 10 consecutive days or more than 10 cumulative days).

#### **4. Services**

The services that must be provided to a child with a disability who has been removed from the child's current placement may be provided to an interim alternative educational setting. A Charter School is only required to provide services to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who has been similarly removed. Students may have the responsibility to make up exams and work missed while being disciplined by suspension and may be permitted to complete these assignments within guidelines established by their Charter School.

A child with a disability who is removed from the child's current placement for more than 10 consecutive school days must:

- a. Continue to receive educational services, to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
- b. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not happen again.

After a child with a disability has been removed from his or her current placement for more than 10 school days during one school year, or if current removal is for 10 consecutive school days or less, and if the removal is not a change of placement (see definition below), then school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed to enable the child to continue to participate in the general education

curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

If the removal is a change of placement (see definition below), the child's IEP Team determines the appropriate services to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

## **5. Manifestation Determination**

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, Charter School, the parent, and relevant members of the IEP Team (as determined by the parent and Charter School) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

- a. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- b. If the conduct in question was the direct result of Charter School's failure to implement the child's IEP.

If Charter School, the parent, and relevant members of the child's IEP Team determine that either of those conditions was met, the conduct must be determined to be a manifestation of the child's disability. If Charter School, the parent, and relevant members of the child's IEP Team determine that the conduct in question was the direct result of Charter School's failure to implement the IEP, Charter School must take immediate action to remedy those deficiencies.

## **6. Determination that behavior was a manifestation of the child's disability.**

If Charter School, the parent, and relevant members of the IEP Team determine that the conduct was a manifestation of the child's disability, the IEP Team must either:

- a. Conduct a functional behavioral assessment, unless Charter School had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or
- b. If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.
- c. Except as described below under the sub-heading Special circumstances, Charter School must return the child to the placement from which the child was removed, unless the

parent and Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

## **7. Special circumstances**

Whether or not the behavior was a manifestation of the child's disability, School personnel may remove a student to an interim alternative educational setting (determined by the child's IEP Team) for up to 45 school days, if the child:

- a. Carries a weapon (see the Definitions below) to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of Charter School.
- b. Knowingly has or uses illegal drugs (see the Definitions below), or sells or solicits the sale of a controlled substance, (see the Definitions below), while at school, on school premises, or at a school function under the jurisdiction of Charter School; or
- c. Has inflicted serious bodily injury (see the Definitions below) upon another person while at school, on school premises, or at a school function under the jurisdiction of Charter School.

## **8. Definitions**

- a. Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202 (c) of the Controlled Substances Act (21 U.S.C. 812(c)).
- b. Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.
- c. Serious bodily injury has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.
- d. Weapon has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

## **9. Notification**

On the date it makes the decision to make a removal that is a change of placement of the child with a disability because of a violation of a code of student conduct, Charter School must notify the parents of that decision, and provide the parents with a Procedural Safeguards Notice.

[Change Of Placement Because Of Disciplinary Removals \(34 CFR §300.536\)](#)

A removal of a child with a disability from the child's current educational placement is a change

of placement requiring a NOREP/prior written notice if:

1. The removal is for more than 10 consecutive school days; or
2. The removal is for more than 15 cumulative school days; or
3. The child has been subjected to a series of removals that constitute a pattern because:
  - a. The series of removals total more than 10 school days in a school year;
  - b. The child's behavior is substantially similar to the child's behavior in previous incidents that resulted in a series of removals; and
  - c. Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another. Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by Charter School and, if challenged, is subject to review through due process and judicial proceedings.

#### [Determination of Setting \(34 CFR §300.531\)](#)

The IEP must determine the interim alternative educational setting for removals that are changes of placement, and removals under the headings of Additional authority and Special circumstances, above.

#### **1. General**

The parent of a child with a disability may file a due process complaint (see above) to request a due process hearing if he or she disagrees with:

- a. Any decision regarding placement made under these discipline provisions; or
- b. The manifestation determination described above.

Charter School may file a due process complaint (see above) to request a due process hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

#### **2. Authority of hearing officer**

A hearing officer that meets the requirements described under the sub-heading Impartial Hearing Officer must conduct the due process hearing and make a decision. The hearing officer may:

- a. Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of the requirements described under the heading Authority of School Personnel, or that the child's behavior was a manifestation of the child's disability; or

- b. Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

These hearing procedures may be repeated, if Charter School believes that returning the child to the original placement is substantially likely to result in injury to the child or to others. Whenever a parent or a Charter School files a due process complaint to request such a hearing, a hearing must be held in accordance with the following:

- a. Charter School must arrange for an expedited due process hearing, which must occur within 20 school days of the date the hearing is filed and must result in a determination within 10 school days after the hearing.
- b. Unless the parents and Charter School agree in writing to waive the resolution meeting, or agree to use mediation, a resolution meeting must occur within 7 calendar days of receiving notice of the due process complaint. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 calendar days of receipt of the due process complaint.

A party may appeal the decision in an expedited due process hearing in the same way as they may for decisions in other due process hearings. When, as described above, the parent or Charter School has filed a due process complaint related to disciplinary matters, the child must (unless the parent and Charter School agree otherwise) remain in the interim alternative educational setting pending the decision of the hearing officer, or until the expiration of the time period of removal as provided for and described under the heading Authority of School Personnel, whichever occurs first.

### Special Rules for Students with Intellectual Disability

The disciplinary removal of a child with intellectual disability attending either a Charter School for any amount of time is considered a change in placement and requires NOREP/prior written notice (if the disciplinary event does not involve drugs, weapons and/or serious bodily injury). A removal from school is not a change in placement for a child who is identified with intellectual disability when the disciplinary event involves weapons, drugs, and/or serious bodily injury.

According to certain assurances the Commonwealth entered related to the PARC consent

decree, a Charter School may suspend on a limited basis a student with intellectual disability who presents a danger to himself or others upon application and approval by the Bureau of Special Education and only to the extent that a student with a disability other than intellectual disability could be suspended.

[Protections For Children Not Yet Eligible for Special Education and Related Services \(34 CFR §300.534\)](#)

### **1. General**

If a child has not been determined eligible for special education and related services and violates a code of student conduct, but Charter School had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred, that the child was a child with a disability, then the child may assert any of the protections described in this notice.

### **2. Basis of knowledge for disciplinary matters**

**Charter School must be deemed to have knowledge that a child is a child with a disability if, before the behavior that brought about the disciplinary action occurred:**

- a. The parent of the child expressed concern in writing that the child needs special education and related services to supervisory or administrative personnel of Charter School, or a teacher of the child.
- b. The parent requested an evaluation related to eligibility for special education and related services under Part B of the IDEA; or
- c. The child's teacher, or other Charter School personnel expressed specific concerns about a pattern of behavior demonstrated by the child directly to Charter School's Coordinator of Special Education or to other supervisory personnel of Charter School.

### **3. Exception A Charter School would not be deemed to have such knowledge if:**

- a. The child's parent has not allowed an evaluation of the child or refused special education services; or
- b. The child has been evaluated and determined to not be a child with a disability under Part B of the IDEA.

### **4. Conditions that apply if there is no basis of knowledge.**

If prior to taking disciplinary measures against the child, Charter School does not have knowledge that a child is a child with a disability, as described above under the sub-headings, Basis of knowledge for disciplinary matters and Exception, the child may be subjected to the

disciplinary measures that are applied to children without disabilities who engaged in comparable behaviors. However, if a request is made for an evaluation of a child during the time in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the child remains in the educational placement determined by School authorities, which can include suspension or expulsion without educational services. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by Charter School and information provided by the parents, Charter School must provide special education and related services in accordance with Part B of the IDEA, including the disciplinary requirements described above.

#### Referral to and action by law enforcement and judicial authorities (34 CFR §300.535)

##### **1. The state and federal regulations do not:**

- a. Prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities; or
- b. Prevent State law enforcement and judicial authorities from exercising their responsibilities regarding the application of Federal and State law to crimes committed by a child with a disability.
- c. After a referral to law enforcement, an updated functional behavior assessment and positive behavior support plan are required.

##### **2. Transmittal of records**

If Charter School reports a crime committed by a child with a disability, Charter School must ensure that copies of the child's special education and disciplinary records are transmitted for consideration by the authorities to whom Charter School reports the crime and may transmit copies of the child's special education and disciplinary records only to the extent permitted by FERPA.

*This annual notice and statement of policy and procedures has been written in accordance with chapter 711 of title 22 of the pa code and incorporated information from applicable PDE and state forms and sources including the PATTAN procedural safeguards notice. The content of this notice has been written in straightforward, simple English language. If a person does not understand any of this notice, he or she should ask T.J. Coll, Ed.D., principal for the charter school for an explanation. Charter school will arrange for an interpreter for parents with limited English proficiency. If a parent is deaf or blind or has no written language, the school will*



*arrange for communication of this notice in the mode normally used by the parent (e.g., sign language, braille, or oral communication). This notice is only a summary of the special education services, evaluation and screening activities, and rights and protections pertaining to children with disabilities, children thought to be disabled, and their parents and is only a summary of the confidentiality rights regarding student information. Nothing in this notice is intended to conflict with or supplant the information contained in the Pennsylvania department of education's current "procedural safeguards notice" which is available through the school for your review or with applicable state and/or federal laws.*

*For more information or to request evaluation or screening of the charter school student contact T.J. Coll, Ed.D., principal of the charter school at:*

Vision Academy Charter School  
153 Penn Blvd. (Admin. Building)  
East Lansdowne, PA 19050  
Office Phone: 484-466-2124 Ext. 1212  
Cell Phone: 610-333-9883  
Email: [coll@vacharter.org](mailto:coll@vacharter.org)

## **ASSISTIVE TECHNOLOGY (AT) POLICY AND PROCEDURES**

As defined in federal and state law, assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of children with disabilities. Assistive technology devices range from a simple switch for a child with particular physical limitations to a sophisticated vocal output augmentative communication device for a child with severe speech impairment.

**Assistive technology service** means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device.

By virtue of these expansive definitions, an exhaustive yet specific list of what constitutes assistive technology devices and/or services would be impossible to create.

### **By way of example:**

Hearing aids worn in school by children with hearing impairments, including deafness, must be functioning properly.

External components of surgically implanted medical devices must be functioning properly.

The Board recognizes that assistive technology devices and/or services may be essential factors in meeting the educational needs of children with disabilities. Both federal and state special education laws explicitly include assistive technology devices and/or services among those services which must be provided for a child with a disability, at no cost to parents, if determined by the Individualized Education Program (IEP) team to be necessary for the student to receive a free appropriate public education (FAPE). Such services may be required as part of special education, related services, or supplementary aids and services required to enable a child to be educated in the least restrictive environment.

The Board further recognizes that, as with every other special education service, the IEP team is responsible for determining if an assistive technology device and/or service is necessary for a child with a disability to receive FAPE. It is important to remember that assistive technology devices and/or services are not ends in themselves. The IEP team should focus on whether or not assistive technology devices and/or services are necessary for the eligible child to meet educational demands and therefore receive FAPE.

Therefore, to the extent that assistive technology devices and/or services may be required as part of special education, related services, or supplementary aids or services, a child's IEP must include a statement describing the full extent of devices (e.g., no, low, and high technology and back-up strategies) and service(s) as well as the amount of such service(s). The provision of assistive technology devices and/or services may not be made conditional on subsequent approval by entities outside the IEP process (i.e., IU availability, Medical Access Reimbursement, etc.).

All procedural safeguards and timelines set forth in federal and state laws for completing multidisciplinary evaluations, reevaluations, and developing and implementing IEPs are fully applicable to assistive technology devices and/or services when they are necessary to ensure eligible children receive FAPE. Assistive technology devices should be secured on loan or leased if manufacturer delay is anticipated.

It is the charter school's responsibility to provide assistive technology devices and services when included as part of a student's IEP. The charter school is responsible for the maintenance and repair of assistive technology devices used to implement a child's IEP.

The Chief Executive Officer (“CEO”)/Principal or his/her designee is directed to seek any necessary assistance from the Commonwealth regarding the purchase and payment for Assistive Technology. According to PDE, the CEO/Principal or his/her designee should inform the family not to assume the device will be billed to Medical Assistance (MA), even if a child's MA number is provided on an equipment acquisition form. If the device is billed to MA, the CEO/Principal or his/her designee will notify the parents by sending a transfer of ownership letter. When the parents are in receipt of the transfer of ownership letter, the billing process has begun. If the billing is ultimately rejected by MA, the parents will be informed by letter. The CEO/Principal or his/her designee may not delay or deny a student's receipt of assistive technology while it attempts to secure MA funding and is directed to comply with any applicable procedures as modified by PDE.

**Additional Administrative Procedures:** The CEO/Principal or his/her designee is charged with implementing procedures to ensure that devices are properly maintained and functioning, including hearing aids and surgically implanted medical devices. Routine checks and tests of those devices will be administered, and results logged or otherwise noted when necessary. The CEO/Principal or his/her designee is directed to implement a process to address: the need for AT, effective maintenance of all AT devices, the selection of age and developmentally appropriately AT devices, review of recommendations from qualified personnel including speech language pathologists regarding AT, and the maintenance of AT by the charter school. All AT devices are to be maintained in a manner deemed appropriate for their intended use and purpose as directed by the manufacturer to the maximum extent possible.

The need for AT services and devices is to be identified with specificity in students’ IEPs and AT services and devices are to be reviewed at least annually in the course of an IEP team meeting, or as requested by the IEP team and/or parent.

The CEO/Principal or his/her designee is directed to have AT devices promptly repaired when needed and in the interim a device or back up plan is to be in place while the device is being repaired/maintained.

The CEO/Principal or his/her designee is further directed to have a plan in place to provide AT services without interruption.

The CEO/Principal or his/her designee is charged with making personnel aware of the availability of AT resources.

## CHILD FIND POLICY AND PUBLIC OUTREACH AWARENESS SYSTEM

In accordance with Chapter 711 of Title 22 of the Pennsylvania Code, the CEO/Principal/Sped Coordinator and Teacher or his/her designee shall ensure that children with disabilities, regardless of the severity of their disabilities, and who are enrolled at the charter school and are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

Child Find includes children who are suspected of having a disability under Section 300.8 of the federal regulations that implement IDEA 2004 and in need of special education, even though they are advancing from grade to grade; and highly mobile children, including migrant children and homeless youth, as appropriate.

### PUBLIC AWARENESS

The CEO/Principal/Sped Coordinator and Teacher or his/her designee shall ensure that the following public awareness activities occur concerning programs and services for children with disabilities who are enrolled at the Vision Academy Charter School (“Charter School”).

Charter School shall publish annually a written notice (attached hereto), in means accessible to the Charter School families. Such notice must be included in the Charter School’s Handbook and on the Charter School’s website. The Notice may also be made available in means accessible to the public, such as: at the Charter School’s main office, in the Charter School’s special education office, through local Intermediate Units and/or through other generally accessible print and electronic media deemed appropriate, and with the Board meeting minutes a description of: child identification activities, of the Charter School’s special education services and programs, of the manner in which to request services and programs, and of the procedures followed by the Charter School to ensure the confidentiality of student information pertaining to students with disabilities pursuant to state and federal law.

### OUTREACH ACTIVITIES

The CEO/Principal/Sped Coordinator and Teacher or his/her designee shall ensure that the following outreach activities occur concerning programs and services for children with disabilities who attend the Charter School:

- Offer parents and family (including foster and surrogate parents) information regarding

training activities and publicize the availability of such activities to all parents (trainings in the areas of behavior support, response to intervention, inclusive practices, transition, assistive technology, autism, and interagency coordination are important and parents may also be directed to PaTTAN training opportunities). Parent input is to be sought to determine what parent trainings are needed/desired.

- Provide to interested health and mental health professionals, daycare providers, county agency personnel and other interested professionals, including: professionals and agencies who work with homeless and migrant or other highly mobile youth, wards of the state, as well as to students attending private schools (where applicable), information concerning the types of special education programs and services available in and through the Charter School and information regarding the manner in which parents can request and access those services.
- Provide or obtain periodic training for the Charter School's regular education staff and special education staff concerning the identification and evaluation of, and provision of special education programs and services to students with disabilities.
- The public outreach awareness system utilized by the Charter School shall include methods for reaching homeless children, wards of the state, and highly mobile children, including migrant children.
- The Charter School shall conduct child find activities to inform the public of its special education services and programs and the manner in which to request them.
- The Charter School's child find effort must include information regarding potential signs of developmental delays and other risk factors that could indicate disabilities.
- Efforts must be made to identify enrolled students who have a native language other than English and to ensure that notices and other outreach efforts are available to them in their native language as required by law and unless it is clearly and absolutely not feasible to do so.

## SCREENING

The CEO/Principal/Sped Coordinator and Teacher or his/her designee shall establish a system of screening in order to:

- Identify and provide screening for students prior to referral for an initial special education multidisciplinary team evaluation;

- Provide peer support for teachers and other staff members to assist them in working effectively with students in the general education curriculum;
- Conduct hearing and vision screening in accordance with the Public School Code of 1949 for the purpose of identifying students with hearing or vision difficulty so that they can be referred for assistance or recommended for evaluation for special education if necessary;
- Identify students who may need special education services and programs.
- Maintain the confidentiality of information in accordance with applicable state <sup>[1]</sup><sub>SEP</sub> and federal regulations. Pre-Evaluation Screening <sup>[1]</sup><sub>SEP</sub> The pre-evaluation screening process shall include:
  - For students with academic concerns, an assessment of the student’s functioning in the curriculum including curriculum-based or performance-based assessments;
  - For students with behavioral concerns, a systematic observation of the student’s behavior in the classroom or area in which the student is displaying difficulty (“FBA” or functional behavior assessment);
  - An intervention based on the results of the assessments conducted;
  - An assessment of the student’s response to the intervention, if applicable;
  - A determination of whether or not the assessed difficulties of the student are the result of a lack of instruction or limited English proficiency;
  - A determination of whether or not the student’s needs exceed the functional capacity of the regular education program, without special education programs and services, to maintain the student at an instructional level appropriate to the level and pace of instruction provided in that program;
  - Activities designed to gain the participation of parents;
  - Controls to ensure that if screening activities have produced little or no improvement within the specified timeframe after initiation, the student shall be referred for a multidisciplinary team evaluation.

The screening activities shall not serve as a bar to the right of a parent to request a multidisciplinary team evaluation at any time. When the completion of screening activities prior to referral for a multidisciplinary team evaluation will result in serious mental or physical harm, or significant educational regression, to the student or others, the Charter

School may initiate a multidisciplinary team reevaluation without completion of the screening process in accordance with Chapter 711. Whenever an evaluation is conducted without a pre-evaluation screening, the activities described shall be completed as part of that evaluation whenever possible.

## DISCIPLINARY EXCLUSIONS OF SPECIAL EDUCATION STUDENTS' POLICY

There are special rules in Pennsylvania for excluding children with disabilities for disciplinary reasons as set forth in Chapter 711 of Title 22 of the Pennsylvania Code as well as the Procedural Safeguards Notice available through PaTTAN. The Board of Trustees directs compliance with these requirements and directs the Chief Executive Officer/Principal or his/her designee to implement procedures necessary to effectuate the following:

### AUTHORITY OF SCHOOL PERSONNEL (34 CFR §300.530)

#### **1. Case-by-case determination**

Vision Academy Charter School (“Charter School”) personnel may consider any unique circumstances on a case-by-case basis, when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a child with a disability who violates a school code of student conduct.

#### **2. General**

To the extent that they also take such action for children without disabilities, school personnel may, for not more than 10 consecutive school days, remove a child with a disability (other than a child with intellectual disability) who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension. School personnel may also impose additional removals of the child of not more than 10 consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement (see **Change of Placement Because of Disciplinary Removals** for the definition, below) or exceed 15 cumulative school days in a school year. Once a child with a disability has been removed from his or her current placement for a total of 10 school days in the same school year, Charter School must, during any subsequent days of removal in that school year, provide services to the extent required below under the sub-heading Services.

#### **3. Additional authority**

If the behavior that violated the student code of conduct was not a manifestation of the child's disability (see Manifestation determination, below) and the disciplinary change of placement would exceed 10 consecutive school days, school personnel may apply the disciplinary procedures to that child with a disability in the same manner and for the same duration as it would to children without disabilities, except that the school must provide services to that child as described below under Services. The child's IEP Team determines the interim alternative educational setting for such services. Under PA special education regulations, a disciplinary exclusion of a student with a disability for more than 15 cumulative school days in a school year will be considered a pattern so as to be deemed a change in educational placement (explained under Change of Placement Because of Disciplinary Removals). Charter School is required to issue a NOREP/Prior Written Notice to parents prior to a removal that constitutes a change in placement (removal for more than 10 consecutive days or 15 cumulative days).

#### **4. Services**

The services that must be provided to a child with a disability who has been removed from the child's current placement may be provided in an interim alternative educational setting. A charter school is only required to provide services to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who has been similarly removed. Students may have the responsibility to make up exams and work missed while being disciplined by suspension and may be permitted to complete these assignments within guidelines established by their charter school.

A child with a disability who is removed from the child's current placement for more than 10 consecutive school days must:

- a. Continue to receive educational services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
- b. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not happen again.

After a child with a disability has been removed from his or her current placement for 10 school days during one school year, or if current removal is for 10 consecutive school days or



less, and if the removal is not a change of placement (see definition below), then school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

If the removal is a change of placement (see definition below), the child's IEP Team determines the appropriate services to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

## **5. Manifestation determination**

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct (except for a removal that does not constitute a change in educational placement i.e., is for 10 consecutive school days or less and not a change of placement), Charter School, the parent, and relevant members of the IEP Team (as determined by the parent and Charter School) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

- a. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- b. If the conduct in question was the direct result of Charter School's failure to implement the child's IEP.

If Charter School, the parent, and relevant members of the child's IEP Team determine that either of those conditions were met, the conduct must be determined to be a manifestation of the child's disability. If Charter School, the parent, and relevant members of the child's IEP Team determine that the conduct in question was the direct result of Charter School's failure to implement the IEP, Charter School must take immediate action to remedy those deficiencies.

## **6. Determination that behavior was a manifestation of the child's disability.**

If Charter School, the parent, and relevant members of the IEP Team determine that the conduct was a manifestation of the child's disability, the IEP Team must either:

- a. Conduct a functional behavioral assessment, unless Charter School had conducted a functional behavioral assessment before the behavior that resulted in the change of placement

occurred, and implement a behavioral intervention plan for the child; or

- b. If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

Except as described below under the sub-heading Special circumstances, the Charter School must return the child to the placement from which the child was removed, unless the parent and Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

## **7. Special circumstances**

Whether or not the behavior was a manifestation of the child's disability, school personnel may remove a student to an interim alternative educational setting (determined by the child's IEP Team) for up to 45 school days, if the child:

- a) Carries a weapon (see the Definitions below) to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of Charter School;
- b) Knowingly has or uses illegal drugs (see the Definitions below), or sells or solicits the sale of a controlled substance, (see the Definitions below), while at school, on school premises, or at a school function under the jurisdiction of Charter School; or
- c) Has inflicted serious bodily injury (see the Definitions below) upon another person while at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a charter school.

## **8. Definitions**

- a) Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202 (c) of the Controlled Substances Act (21 U.S.C. 812(c)).
- b) Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.
- c) Serious bodily injury has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.
- d) Weapon has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

## **9. Notification**

On the date it makes the decision to make a removal that is a change of placement of the child because of a violation of a code of student conduct, Charter School must notify the parents of that decision, and provide the parents with a procedural safeguards notice.

### Change Of Placement Because Of Disciplinary Removals

A removal of a child with a disability from the child's current educational placement is a change of placement requiring a NOREP/prior written notice if:

1. The removal is for more than 10 consecutive school days; or
2. The removal is for 15 cumulative school days total in any one school year;
3. The child has been subjected to a series of removals that constitute a pattern because:
  - a. The series of removals total more than 10 school days in a school year;
  - b. The child's behavior is substantially similar to the child's behavior in previous incidents that resulted in a series of removals;
  - c. Of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another; and

Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by Charter School and, if challenged, is subject to review through due process and judicial proceedings.

### Determination of Setting

The IEP team must determine the interim alternative educational setting for removals that are changes of placement, and removals under the headings of Additional authority and Special circumstances, above.

#### **1) General**

The parent of a child with a disability may file a due process complaint (see above) to request a due process hearing if he or she disagrees with:

- a. Any decision regarding placement made under these discipline provisions; or
- b. The manifestation determination described above.

Charter School may file a due process complaint (see above) to request a due process hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

#### **2) Authority of hearing officer**

A hearing officer that meets the requirements described under the sub-heading Impartial

Hearing Officer must conduct the due process hearing and decide. The hearing officer may:

- a. Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation School Personnel, or that the child's behavior was a manifestation of the child's disability; or
- b. Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

These hearing procedures may be repeated, if Charter School believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

Whenever a parent or charter school files a due process complaint to request such a hearing, a hearing must be held that meets the requirements described under the headings **Due Process Complaint Procedures, Hearings on Due Process Complaints**, except as follows:

- 1) The SEA must arrange for an expedited due process hearing, which must occur within 20 school days of the date the hearing is filed and must result in a determination within 10 school days after the hearing.
- 2) Unless the parents and the Charter School agree in writing to waive the meeting, or agree to use mediation, a resolution meeting must occur within 7 calendar days of receiving notice of the due process complaint. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 calendar days of receipt of the due process complaint.

A party may appeal the decision in an expedited due process hearing in the same way as they may for decisions in other due process hearings. When, as described above, the parent or Charter School has filed a due process complaint related to disciplinary matters, the child must (unless the parent and the State Educational Agency or Charter School agree otherwise) remain in the interim alternative educational setting pending the decision of the hearing officer, or until the expiration of the time period of removal as provided for and described under the heading Authority of School Personnel, whichever occurs first.

#### [Special Rules for Students with Intellectual Disability](#)

The disciplinary removal of a child with intellectual disability attending a charter school for any amount of time is considered a change in placement and requires a NOREP/prior written

notice (if the disciplinary event does not involve drugs, weapons and/or serious bodily injury). A removal from school is not a change in placement for a child who is identified with intellectual disability when the disciplinary event involves weapons, drugs, and/or serious bodily injury. According to certain assurances the Commonwealth entered into related to the PARC consent decree, a charter school may suspend on a limited basis a student with intellectual disability who presents a danger to himself or others upon application and approval by the Bureau of Special Education and only to the extent that a student with a disability other than intellectual disability could be suspended.

## Protections For Children Not Yet Eligible for Special Education and Related Services

### 1. General

If a child has not been determined eligible for special education and related services and violates a code of student conduct, but Charter School had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred, that the child was a child with a disability, then the child may assert any of the protections described in this notice.

### 2. Basis of knowledge for disciplinary matters

**A charter school must be deemed to have knowledge that a child is a child with a disability if, before the behavior that brought about the disciplinary action occurred:**

- a. The parent of the child expressed concern in writing that the child is in need of special education and related services to supervisory or administrative personnel, or a teacher of the child;
- b. The parent requested an evaluation related to eligibility for special education and related services under Part B of the IDEA; or
- c. The child's teacher, or other Charter School personnel expressed specific concerns about a pattern of behavior demonstrated by the child directly to Charter School's director of special education or to other supervisory personnel of the Charter School.

### 3. Exception

**A charter school would not be deemed to have such knowledge if:**

- a. The child's parent has not allowed an evaluation of the child or refused special education services; or
- b. The child has been evaluated and determined to not be a child with a disability under Part B of the IDEA.

#### **4. Conditions that apply if there is no basis of knowledge.**

If prior to taking disciplinary measures against the child, a charter school does not have knowledge that a child is a child with a disability, as described above under the sub-headings Basis of knowledge for disciplinary matters and Exception, the child may be subjected to the disciplinary measures that are applied to children without disabilities who engaged in comparable behaviors. However, if a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by Charter School, and information provided by the parents, Charter School must provide special education and related services in accordance with Part B of the IDEA, including the disciplinary requirements described above.

### REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

#### **1. The state and federal regulations do not:**

- a. Prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities; or
- b. Prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

Subsequent to a referral to law enforcement, an updated functional behavior assessment and positive behavior support plan are required.

#### **2. Transmittal of records**

If a charter school reports a crime committed by a child with a disability, the charter school: must ensure that copies of the child's special education and disciplinary records are transmitted for consideration by the authorities to whom the agency reports the crime; and may transmit copies of the child's special education and disciplinary records only to the extent permitted by FERPA.

### NON-DISCRIMINATION

Charter School shall not discriminate in its discipline policies or practices on the basis of

intellectual ability, status as a person with a disability, proficiency in the English language or any other basis that would be illegal under applicable state and/or federal laws.

The CEO/Principal or his/her designee is directed to develop procedures and practices related to the use of positive behavioral interventions and supports, and procedural safeguards and to ensure that those policies and procedures are implemented.

## DISPUTE RESOLUTION AND ALTERNATIVE DISPUTE RESOLUTION POLICY

It is the policy of Vision Academy Charter School (“Charter School”) to ensure that disputes between parents and Charter School regarding the identification, evaluation, programming and services available to eligible students are addressed effectively and in accordance with applicable state and federal laws.

Every effort should be made to address and resolve disputes at the building/IEP team level if possible. The Chief Executive Officer (“CEO”)/Principal or his/her designee is directed to be aware of alternative dispute resolution procedures and programs, including facilitated IEP team meetings and mediation, and utilize those programs when deemed appropriate.

The CEO/Principal or his/her designee is responsible for ensuring that any agreements entered into as a result of a mediation session are implemented in accordance with the state regulations and is directed to maintain evidence of implementation.

When alternative dispute resolution is not practical or otherwise appropriate, or when a due process complaint is filed, the CEO/Principal or his/her designee is directed to follow applicable state procedures regarding the filing and answering of a due process complaint, including requirements relating to dissemination of procedural safeguards.

The CEO/Principal or his/her designee is responsible for ensuring that due process decisions are implemented in accordance with the state regulations and is directed to maintain evidence of implementation.

## EVALUATION AND REEVALUATION POLICY

In accordance with applicable state and federal regulations, the Board of Trustees of the Vision Academy Charter School (“Charter School”) recognizes that in order to properly identify a student as eligible, the Charter School must have a process and procedures in place and therefore, directs as follows:

That the Charter School adopts this policy which sets forth procedural requirements for Evaluations and Reevaluations which are necessary to identify specific learning disabilities in accordance with its application for charter. To determine that a child has a specific learning disability, the Charter School shall address whether the child does not achieve adequately for the child's age or meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and scientifically based instruction appropriate for the child's age or State-approved grade-level standards:

- Oral expression.
- Listening comprehension.
- Written expression.
- Basic reading skill.
- Reading fluency skills.
- Reading comprehension.
- Mathematics calculation.
- Mathematics problem solving.

**Use one of the following procedures:**

- 1) A process based on the child's response to scientific, research-based intervention, which includes documentation that:
  - a) The student received high quality instruction in the general education setting.
  - b) Research-based interventions were provided to the student.
  - c) Student progress was regularly monitored.
- 2) A process that examines whether a child exhibits a pattern of strengths and weaknesses, relative to intellectual ability as defined by a severe discrepancy between intellectual ability and achievement, or relative to age or grade.
- 3) Have determined that its findings under this section are not primarily the result of:



- a. A visual, hearing, or orthopedic disability
  - b. Intellectual Disability.
  - c. Emotional disturbance
  - d. Cultural factors.
  - e. Environmental or economic disadvantage.
  - f. Limited English Proficiency
- 4) Ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or mathematics by considering documentation that:
- a) Prior to, or as a part of, the referral process, the child was provided scientifically- based instruction in regular education settings, delivered by qualified personnel, as indicated by observations of routine classroom instruction.
  - b) Repeated assessments of achievement were conducted at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.

The IEP Team, which consists of a group of qualified professionals and the student's parents, reviews the evaluation materials to determine whether the child is a child with a disability. The Team shall include a certified school psychologist when evaluating a child for autism, emotional disturbance, intellectual disability, multiple disabilities, other health impairments, specific learning disability or traumatic brain injury. Other professionals include hearing or visual specialists, a medical doctor, and occupational, physical or speech therapists. The evaluation must include information from the child's teacher(s), such as the results of informal tests and narrative statements describing the student's strengths and needs and verbal and written input from the parent(s) as to the student's medical, social and academic history and observations from the home.

The initial evaluation shall be completed, and a copy of the evaluation report presented to the parents no later than 60-calendar days after the agency receives written parental consent for evaluation, except that the calendar days from the day after the last day of the spring school term up to and including the day before the first day of the subsequent fall school term will not be counted. The evaluator shall prepare and sign the full report of the evaluation containing information such as: a clear explanation of the testing and assessment results; a complete

summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores, domain or composite scores, and subtest scores reported in standard, scaled, or T-score format; a complete summary of all information obtain or reviewed from sources other than testing conducted by the evaluator; and specified recommendations for educational programming and/or placement, if necessary.

Parents may request an evaluation at any time, and the request must be in writing. The Charter School shall make the Permission to Evaluate form readily available for that purpose. If a request is made orally to any professional employee or administrator of the Charter School, that individual shall provide a copy of the Permission to Evaluate form to the parents within 10-calendar days of the oral request.

Copies of the Evaluation Report shall be disseminated to the parents at least 10 school days prior to the meeting of the IEP Team, unless this requirement is waived by a parent in writing.

### Reevaluations

Once the child has been identified as being eligible for special education, the child must be reevaluated to determine whether the child's needs have changed. A Reevaluation must be conducted every three years. An exception to this is if a child has intellectual disability. For students who have been determined to have intellectual disability, reevaluations must occur every two years.

The Reevaluation process begins with a review of existing evaluation data by the IEP Team, which once more includes the parents. The IEP Team shall also include a certified school psychologist when evaluating a child for autism, emotional disturbance, intellectual disability, multiple disabilities, other health impairment, specific learning disability and traumatic brain injury.

The information the IEP Team must review includes, but is not limited to, existing evaluation data, evaluations and information provided by the parents, current classroom-based assessments and observations, observations by teachers and services providers, and whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals in the IEP and to participate as appropriate in the general curriculum.

At the end of the review, the IEP Team concludes either that no additional data are needed to determine continued eligibility for special education and related services, or that there

is a need for additional data.

When additional data is needed to complete a Reevaluation to determine whether the child continues to be a child with a disability and still in need of special education, Charter School officials must also obtain written permission through a formal Permission to Re-Evaluate form. However, if the Charter School has made “reasonable attempts” to get permission and has failed to get a response, it may proceed with the Reevaluation.

Reasonable attempts must consist of:

- Documented Telephone calls
- Registered (return receipt required) and First-Class Mail letters to the parents.
- Visits to the home or parents’ place of business

The reevaluation timeline will be 60-calendar days, except that the calendar days from the day after the last day of the spring school term up to and including the day before the first day of the subsequent fall school term will not be counted.

Copies of the reevaluation report shall be disseminated to the parents at least 10 school days prior to the meeting of the IEP team, unless this requirement is waived by a parent in writing. All evaluations (whether an initial evaluation or a reevaluation) needed to determine a child’s eligibility for special education services must be provided by the Charter School at no charge to the parents. If a child needs special education, the special programs, and related services as determined by the IEP Team will be provided free by the Charter School.

The CEO/Principal or his/her designee is directed to implement all procedures in accordance with this policy.

## EXCEPTIONAL STUDENT RECORDS CONFIDENTIALITY POLICY

Vision Academy Charter School (“Charter School”) recognizes the need to protect the privacy rights of Charter School’s exceptional students and their parents. The classification, collection, use, maintenance, and dissemination of any information about a student or his or her family raises issues regarding the privacy of that information. Thus, Charter School shall adhere to the provisions of federal and state laws pertaining to those privacy rights, including but not limited to the Family Educational Rights and Privacy Act of 1974 ("FERPA"), as amended, and its accompanying regulations; the applicable provisions of the Individuals with Disabilities Education Improvement Act (2004) ("IDEA"), as amended, and its implementing regulations;

the applicable provisions of the Pennsylvania Public School Code of 1949, and the applicable provisions of Chapters 12 and 711 of the Pennsylvania Administrative Code containing the regulations of the Pennsylvania State Board of Education and other provisions applicable to charter schools. The Chief Executive Officer (“CEO”)/Principal or his/her designee is designated as the administrator responsible for the maintenance, access, use and release of exceptional student records. This policy is to be used in combination with Charter School’s Student Records Policy.

The CEO/Principal or his/her designee shall be responsible for the implementation of this policy.

#### CONSENT FOR DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION (34 CFR §300.622)

Unless the information is contained in education records, and the disclosure is authorized without parental/legal guardian consent under FERPA, the student’s parent’s/legal guardian’s consent (or student’s consent if the student has reached the age of majority and is otherwise eligible to have record rights transferred to him or her) must be obtained before personally identifiable information about that student is disclosed to parties other than officials of Charter School. Except under the circumstances specified below, parental consent is not required before personally identifiable information is released to officials of Charter School for purposes of meeting a requirement of Part B of IDEA 2004.

A parent’s (legal guardian’s) consent, or consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

#### ACCESS TO CONFIDENTIAL INFORMATION RELATED TO STUDENT (34 CFR §300.611)

##### **1. Related to the confidentiality of information, the following definitions apply:**

- a. Destruction** means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
- b. Education records** means the type of records covered under the definition of “education records” in 34 CFR Part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §1232g (FERPA)).
- c. Participating agency** means any charter school, agency or institution that collects,

maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.

- d. Personally identifiable (34 CFR §300.32) means information that has:
1. A child's name, a parent's name, or the name of another family member;
  2. A child's address.
  3. A personal identifier, such as a child's social security number or student number; or
  4. A list of personal characteristics or other information that would make it possible to identify a child with reasonable certainty.

## **2. Access Rights (34 CFR §300.613)**

### **a. Parent Access**

Charter School must permit a parent to inspect and review any education records relating to the parent's child that are collected, maintained, or used by the charter school under Part B of the IDEA. The charter school must comply with a parent's request to inspect and review any education records on the parent's child without unnecessary delay or before any meeting regarding an IEP, or any impartial due process hearing (including a resolution meeting or a hearing regarding discipline), and in no case more than 45 calendar days after the parent has made a request.

A Parent's right to inspect and review education records includes:

1. A parent's right to a response from Charter School to reasonable requests for explanations and interpretations of the records;
2. A parent's right to request that Charter School provide copies of the records if the parent cannot effectively inspect and review the records unless the parent receives those copies; and
3. A parent's right to have a representative inspect and review the records.
  - a. Charter School may presume that a parent has authority to inspect and review records relating to the parent's child unless advised that the parent does not have the authority under applicable State law governing such matters as guardianship, or separation and divorce.
  - b. If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information

relating to their child or to be informed of that specific information.

- c. On request, each charter school must provide the parent with a list of the types and locations of education records collected, maintained, or used by Charter School.

**b. Other Authorized Access (34 CFR §300.614)**

Charter School must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA 2004 (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

**3. Fees**

Charter School may charge a fee for copies of records (34 CFR §300.617) that are made for a parent under Part B of the IDEA if the fee does not effectively prevent the parent from exercising the right to inspect and review those records.<sup>[11]</sup> Charter School may not charge a fee to search for or to retrieve information under Part B of IDEA 2004.

**4. Amendment of Records at Parent’s Request (34 CFR §300.618)**

If a parent believes that information in the education records regarding the parent’s child collected, maintained, or used under Part B of IDEA 2004 is inaccurate, misleading, or violates the privacy or other rights of the child, the parent may request the charter school that maintains the information to change the information.

Charter School must decide whether to change the information in accordance with the parent’s request within a reasonable period of time of receipt of the parent’s request.

If Charter School refuses to change the information in accordance with the parent’s request, it must inform the parent of the refusal and advise the parent of the right to a hearing for this purpose.

**5. Opportunity for a Records Hearing (34 CFR §300.619)**

Charter School must, on request, provide the parent an opportunity for a hearing to challenge information in education records regarding the parent’s child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

**a. Hearing Procedures (34 CFR §300.621)**

A hearing to challenge information in education records must be conducted according to the following procedures for such hearings under the Family Educational Rights and Privacy Act of

1974, 20 U.S.C. Section 1233g (FERPA):

- i. The educational agency or institution shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.
- ii. The educational agency or institution shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.
- iii. The hearing may be conducted by any individual, including an official of the educational agency or institution who does not have a direct interest in the outcome of the hearing.
- iv. The educational agency or institution shall give the parent or eligible student a full and fair opportunity to present evidence to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
- v. The educational agency or institution shall make its decision in writing within a reasonable period of time after the hearing.
- vi. The decision must be based solely on the evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision.

**b. Result of Hearing (34 CFR §300.620)**

If, as a result of the hearing, Charter School decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must change the information accordingly and inform the parent in writing. If, as a result of the hearing, the Charter School decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the parent's child, the parent may place in the records that it maintains on the parent's child a statement commenting on the information or providing any reasons the parent disagrees with the decision of the participating agency.

Such an explanation placed in the records of the parent's child must:

1. Be maintained by Charter School as part of the records of the child if the record or contested portion is maintained by Charter School; and
2. If Charter School discloses the records of the child or the challenged portion to any party, the explanation must also be disclosed to that party.

**c. Safeguards (34 CFR §300.623)**

**Each charter school must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.**

The CEO/Principal or his/her designee must assume responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information must receive training or instruction regarding Pennsylvania's policies and procedures regarding confidentiality under Part B of IDEA 2004 and FERPA.

Each charter school must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who have access to personally identifiable information.

Persons who have access to personally identifiable information at the charter school will include members of the child's IEP team, Charter School's records custodian and the CEO/Principal or his/her designee. Any individual accessing a student's personally identifiable information must sign a sheet evidencing review of the records. The sheet will be maintained with the student records.

**6. Destruction of Information (34 CFR §300.624)**

Charter School must inform the parent when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the parent's child, and the information must be destroyed at the parent's request.

However, a permanent record of the child's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

Charter School must comply with record maintenance requirements in accordance with FERPA and Chapters 711 and 12 of Title 22 of the Pennsylvania Code, together with directives of PDE with regard to record maintenance. Special Education records must also be maintained in accordance with PDE 6-year cyclical monitoring period guidelines established by PDE.

**TRANSFER OF RECORDS BETWEEN SCHOOLS**

When the education records for a child with a disability are transferred from a public agency, private school, approved private school or private agency, to a charter school, the public agency, private school, approved private school or private agency from which the child transferred shall forward all of the child's educational records, including the most recent IEP,



within 10 days after the public agency, private school, approved private school or private agency is notified in writing that the child is enrolled in a charter school.

When the educational records for a child with a disability are transferred to a public agency, private school approved private school or private agency from a charter school, the charter school shall forward the child's educational records, including the most recent IEP, within 10 school days after the charter school is notified in writing that the child is enrolled at another public agency, private school, approved private school or private agency.

#### REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES AND RECORD TRANSMITTAL

Charter School reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the crime is reported. A charter school reporting a crime may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by FERPA.

#### ELECTRONIC TRANSMISSIONS

Charter School will ensure that any records kept or transmitted electronically are subject to high standards of electronic security. Charter School uses electronic firewalls and encryption systems, and monitors and tests the system regularly to ensure its stability and integrity. All the Charter School electronic mail correspondence shall include the following:

#### CONFIDENTIALITY NOTICE

The information in this transmission is intended only for the individual or entity named above. It may be legally privileged and confidential. If you have received this information in error, notify us immediately by calling Charter School at (484) 466 2124. Send the original transmission to us by mail. Return postage is guaranteed. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution or copying of this communication or its contents is strictly prohibited.

#### ADMINISTRATIVE PROCEDURES:

The CEO/Principal or his/her designee shall be responsible for ensuring that the education records, confidentiality policies and procedures established under IDEA 2004 (relating to confidentiality of education records of exceptional students) are enforced and administered. This

official shall:

- Notify parents on an annual basis of the policies and procedures regarding exceptional student education records and the rights of parents under both Federal and State Law concerning the confidentiality of education records of exceptional students;
- Develop a system of safeguards which will protect the confidentiality of personally identifiable information at the point of collection, storage, use, maintenance, release and destruction;
- Provide training and instruction in the implementation of records policy requirements for all educational agency personnel who collect or use exceptional student personally identifiable information; and
- Maintain a current listing of the names and positions of those agents and employees of Charter School who are authorized by the school to have access to personally identifiable information of exceptional students.
- An education record shall not be destroyed by Charter School if there is an outstanding request to inspect and review it by the parent or eligible student.
- Charter School will inform the parents of an exceptional student when personally identifiable information collected, maintained, or used in the records of the exceptional student is no longer needed to provide educational services to the exceptional student.
- Upon request of the parents, information no longer relevant to and necessary for the provision of educational services to the exceptional student must be destroyed by Charter School. However, a written record of an exceptional student's name, address, phone numbers, grades, attendance records, classes attended, grade level completed, and year completed will be maintained for 100 years.
- Prior to the destruction of the information referred to in the above paragraph, Charter School shall send written notification to the parents which shall inform the parents of their right to receive a copy of the material to be destroyed.
- Charter School shall not destroy education records containing information necessary for the education of an exceptional student who is enrolled or has been enrolled in an education program operated by the school.
- Except as is stated in the above paragraph of this subsection, nothing in this section shall be construed to mean that Charter School is required to destroy education records and the

Charter School Administration is directed to implement any procedures necessary to maintain student records consistent with this policy and applicable state and federal laws and regulations.

IEPs must include a statement of any accommodations that are necessary to measure the academic achievement and functional performance of the child on statewide and district-wide assessments consistent with law.

IEPs must, if the IEP team determines that the child shall take an alternate assessment on a particular statewide or school-wide assessment of student achievement, provide a statement of why the child cannot participate in the regular assessment, and why the particular alternate assessment selected is appropriate for the child.

## EXTENDED SCHOOL YEAR SERVICES (“ESY”) POLICY

The Board of Trustees directs that the Vision Academy Charter School (“Charter School”) comply with the requirements incorporated by reference in 34 CFR §300.106 (relating to extended school year services). The CEO/Principal or his/her designee is directed to ensure that the Charter School uses the following standards for determining whether a student with disabilities requires ESY as part of the student's program:

1. At each IEP meeting for a student with disabilities, the charter school shall determine whether the student is eligible for ESY services and if so, make subsequent determinations about the services to be provided.
2. In considering whether a student is eligible for ESY services, the IEP team shall consider the following factors, however, no single factor will be considered determinative:
  - a. Whether the student reverts to a lower level of functioning as evidenced by a measurable decrease in skills or behaviors which occurs because of an interruption in educational programming (Regression).
  - b. Whether the student has the capacity to recover the skills or behavior patterns in which regression occurred to a level demonstrated prior to the interruption of educational programming (Recoupment).
  - c. Whether the student's difficulties with regression and recoupment make it unlikely that the student will maintain the skills and behaviors relevant to IEP goals and objectives.

- d. The extent to which the student has mastered and consolidated an important skill or behavior at the point when educational programming would be interrupted.
- e. The extent to which a skill or behavior is particularly crucial for the student to meet the IEP goals of self-sufficiency and independence from caretakers.
- f. The extent to which successive interruptions in educational programming result in a student's withdrawal from the learning process.
- g. Whether the student's disability is severe, such as autism/pervasive developmental disorder, serious emotional disturbance, severe intellectual disability, degenerative impairments with mental involvement and severe multiple disabilities.

Reliable sources of information regarding a student's educational needs, propensity to progress, recoupment potential and year to year progress may include the following:

1. Progress on goals in consecutive IEPs.
2. Progress reports maintained by educators, therapists and others having direct contact with the student before and after interruptions in the education program.
3. Reports by parents of negative changes in adaptive behaviors or in other skill areas.
4. Medical or other agency reports indicating degenerative-type difficulties, which become exacerbated during breaks in educational services.
5. Observations and opinions by educators, parents and others.
6. Results of tests, including criterion-referenced tests, curriculum- based assessments, ecological life skills assessments and other equivalent measures.

The need for ESY services will not be based on any of the following:

1. The desire or need for day care or respite care services.
2. The desire or need for a summer recreation program.
3. The desire or need for other programs or services that while they may provide educational benefit, are not required to ensure the provision of a FAPE.

*Students with severe disabilities such as autism/pervasive developmental disorder, serious emotional disturbance; severe intellectual disability; degenerative impairments with mental involvement; and severe multiple disabilities require expeditious determinations of eligibility for ESY services to be provided as follows:*

1. Parents of students with severe disabilities shall be notified by Charter School of the annual review meeting to ensure their participation.

2. An IEP review meeting must occur no later than February 28 of each school year for students with severe disabilities.
3. The notice of recommended educational placement (NOREP) shall be issued to the parent no later than **March 31** of the school year for students with severe disabilities.
4. If a student with a severe disability transfer into Charter School after the dates in paragraphs (2) and (3), and the ESY eligibility decision has not been made, the eligibility and program content must be determined at the IEP meeting.

The eligibility for ESY services of all students with disabilities shall be considered at the IEP meeting. ESY determinations for students other than those described above as having severe disabilities are not subject to the timelines for students with the severe disabilities described above. However, determinations for those other students shall still be made in a timely manner. If the parents disagree with Charter School's recommendation on ESY, the parents will be afforded an expedited due process hearing in accordance with applicable laws. Parents are to be provided with the required procedural safeguards notice.

ESY programs are to be individualized with regard to the amount of services and individually appropriate goals and related services.

In cases where ESY is denied, evidence to support the denial is to be made part of the student's file.

The CEO/Principal or his/her designee is directed to develop procedures consistent with this policy and applicable laws.

*Timelines contained in this policy may be changed by the Pennsylvania department of education and the school must follow.*

## FREE APPROPRIATE PUBLIC EDUCATION (FAPE) POLICY

Vision Academy Charter School ("Charter School") must ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade and is advancing from grade to grade.

The determination that a child described above is eligible, must be made on an individual basis by the group responsible within the Charter School for making eligibility determinations.

## INCLUSION POLICY

In accordance with applicable state and federal regulations regarding students with disabilities, the Board of Trustees of the Vision Academy Charter School (“Charter School”) recognizes and directs as follows:

- To the maximum extent appropriate, children with disabilities, are educated with children who are nondisabled; and 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.
- A continuum of alternative placements must be available to meet the needs of children with disabilities for special education and related services. The continuum must include alternative placements (including, but not limited to instruction in, regular classes, supplementary aids and services, instruction in special classes, instruction in alternative schools, home instruction, and instruction in hospitals and institutions to the extent required by applicable laws and regulations).
- Administration is further directed to make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement to the extent required by law and to inform the Board when supplementary aids and services must be procured and/or approved by the Board.
- In determining the educational placement of a child with a disability, Administration is directed to ensure that the placement decision is made by a group of persons, including the parents, and other persons knowledgeable about: the child, the meaning of the evaluation data, and the placement options. Such decision must be made in conformity with the LRE provisions of the federal regulations.
- The child’s placement must be determined at least annually; be based on the child’s IEP; and must be as close as possible to the child’s home to the extent required by applicable law. Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, Administration is directed to consider any potential harmful effect on the child or on the quality of services that he or she needs.

- A child with a disability is not to be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.
- In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in the applicable state and federal regulations, Administration is directed to ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child.
- Administration is directed to ensure that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.
- Administration shall ensure that the IEP team making educational placement decisions understands and adheres to the following guiding principles from the Pennsylvania.

Department of Education to the extent that they are consistent with applicable federal and state regulations:

- 1) 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 team.
- 2) Students will not be removed from regular education classrooms merely because of the severity of their disabilities.
- 3) 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,<sup>[1]</sup> as required in their IEP, the team is obliged to ensure that those services are Provided to the extent required by applicable state and federal regulations and laws;
- 4) 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.
- 5) The team 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 contemplating

placement in a more restrictive setting.

To determine whether a child with disabilities can be educated satisfactorily in a regular education classroom with supplementary aids and services, the following factors provided by the Pennsylvania Department of Education shall be considered and addressed:

- 1) What efforts have been made to accommodate the child in the regular classroom and with what outcome(s);
- 2) What additional efforts (i.e., supplementary aids and services) in the regular classroom are possible.
- 3) What are the educational benefits available to the child in the regular classroom, with the use of appropriate supplementary aids and services; and
- 4) Are there possible significant and negative effects of the child's inclusion on the other students in the class?

Per the Pennsylvania Department of Education, 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, and is not limited to academic progress alone; therefore, Administration is directed to ensure that special education placement in a more restrictive environment is not justified solely on the basis that the child might make greater academic progress outside the regular education environment.

The law and the Pennsylvania Department of Education 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. 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.
- b. He or she is so disruptive as to significantly impair the education of other students in the class; or
- c. The cost of implementing a given student's IEP in the regular classroom will significantly affect other children in the LEA.

If, after considering these factors, an IEP team determines that the student needs 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.

Administration is further directed to provide opportunities for teachers to participate in professional development and to become aware of peer-reviewed and research-based practices that can be used to support students in regular classroom settings. In consideration of Pennsylvania Department of Education guidance, Administration is directed to ensure that:

- Program and placement decisions are based on student strengths, potential and needs;
- IEP teams consider the regular classroom with supplementary aids and services before considering a more restrictive environment;
- Staff is aware of this policy on inclusion.
- Supportive team structures are in place to enable general education teachers to effectively educate students with IEPs in their regular classroom as appropriate;
- IEP teams use the most current IEP format;
- Educational placement decisions are made in the proper IEP sequence, which is:
  - a. Initial eligibility decision;
  - b. Determine FAPE and design the program (i.e., IEP);
  - c. Determine whether FAPE can be delivered in the regular classroom with the use of supplementary aids and services;
  - d. If the answer to step #3 is “no,” then, move to the next step along the continuum of placement options to determine where FAPE can be delivered; and
  - e. Correct LRE data is entered.

Administration, teachers, and Staff shall be required to adhere to the following:

- Be familiar with a wide array of supplementary aids and services.
- Know the proper IEP decision-making sequence.
- Consider the whole range of supplementary aids and services when making placement decisions.
- Understand that modifications to the regular curriculum may be an appropriate means of delivering educational benefit within the regular classroom.

- Address services needed for a student in a single plan.
- Be clear about the supports you need in order to implement any given student’s IEP within your regular classroom.
- Be familiar with the continuum of placement options.

## INDEPENDENT EVALUATIONS POLICY

The Board of Trustees recognizes that in accordance with applicable state and federal laws, including Chapter 711 of Title 22 of the Pennsylvania Code, a parent has the right to obtain an independent educational evaluation (“IEE”) of his or her child if the parent disagrees with an evaluation by Vision Academy Charter School (“Charter School”) to the extent permitted by law, including the right of Charter School, to file a due process complaint to show that its evaluation is appropriate and to contest the need for an independent evaluation.

If a parent requests an IEE, the CEO/CAO/Principal or his/her designee is directed to provide the parent with information about where the parent may obtain an IEE and about Charter School’s criteria that apply to IEEs. As this policy contains information about Charter School’s criteria, this policy should be provided to parents upon request.

An Independent Educational Evaluation or IEE is defined under applicable requirements as an evaluation conducted by a qualified examiner who is not employed by Charter School. Public expense is defined as follows: Charter School either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with the provisions of Part B of IDEA 2004.

A parent has the right to an IEE of his or her child at public expense if the parent disagrees with an evaluation of the child obtained by Charter School, **subject to the following conditions:**

If a parent requests an IEE at public expense, Charter School must, without unnecessary delay, either: (1) File a due process complaint to request a hearing to show that its evaluation of the child is appropriate; or (2) Provide an IEE at public expense, unless Charter School demonstrates in a hearing that the evaluation obtained did not meet Charter School’s criteria.

The CEO/Principal or his/her designee is directed to notify parents when declining the parent’s request for an IEE at public expense and the reason for denial of the IEE.

The CEO/Principal or his/her designee must not unreasonably delay either providing the

IEE at public expense or initiating due process.

The CEO/Principal or his/her designee is directed to ensure that the IEP team considers a valid IEE.

The CEO/Principal or his/her designee is directed to maintain a list of qualified independent evaluators in each of the various disciplines commonly relied upon to provide education-related evaluations and assessments and shall make that list reasonably available to any parent who requests it.

If Charter School initiates a hearing and the final decision is that Charter School's evaluation is appropriate, the parent still has the right to an independent evaluation, but not at public expense.

If a parent requests an evaluation at public expense, Charter School shall ask in writing for the parent's reason why he or she objects to the public evaluation. However, it must be made clear that the explanation by the parent may not be required and the school may not unreasonably delay either providing the independent evaluation at public expense or initiating a hearing to defend its evaluation.

If a parent obtains an independent evaluation at private expense the results of the evaluation must be considered by Charter School, if it meets Charter School's criteria, in any decision made with respect to the provision of FAPE to the child and may be presented as evidence at a hearing relating to the child.

If an independent evaluation is at public expense, the criteria under which the evaluation is obtained including the location of the evaluation and qualifications of the examiner must be the same as the criteria that Charter School uses when it initiates an evaluation to the extent that those criteria are consistent with the parents' right to an independent evaluation. These criteria must be made known to the parent.

Charter School may not impose conditions or timelines related to obtaining an evaluation at public expense.

All evaluations performed must consider the child's English language skills and ethnicity to ensure that the testing and evaluation will not be unfair or discriminatory. Tests must be given in the child's native language or mode of communication (such as Braille or sign language) of the child unless it is clearly not feasible to do so.

Evaluations must also consider the child's disability to be sure the test measures what it is

supposed to measure.

The specific tests used in the evaluation process depend upon the problems the child is experiencing.

In most cases, the child will be given several tests to help find strengths and needs. Teacher and IEP team member input must be considered.

Information that parents provide must also be included in the evaluation.

Evaluators must be properly certified and qualified to administer the tests, assessments and evaluation techniques used. Such certification and qualification requirements must meet those mandated in Pennsylvania.

Evaluation techniques must be consistent with the most up to date techniques commonly practiced in the evaluator's field.

Evaluations must not be racially, culturally, or otherwise biased or discriminatory.

Recommendations must be based upon the child and must not be generalized.

A complete copy of the independent evaluation report must be made available to the IEP team.

Parents are to be given a release of records so that information from Charter School (including records, observations and other information gathered regarding the child) about the child may be disclosed to the independent evaluator.

Charter School will comply with and monitor changes in all state and federal timelines, procedures, and due process requirements throughout the entire independent evaluation process. If there are changes in state or federal law regarding any part of this policy, Charter School will comply with state and federal law.

## Independent Education Evaluations (IEP) Administrative Procedures

A parent who disagrees with an evaluation performed or obtained by Vision Academy Charter School ("Charter School") may request an independent educational evaluation (IEE) at public expense to the extent allowed by applicable state and federal regulations. If the request is received verbally, the staff member who receives the IEE request shall inform the parent that the staff member is forwarding the request to the CEO/Principal. The staff member is to forward the request to the CEO/Principal without delay.

The CEO/ Principal or his/her designee shall take the following steps to the extent that

they remain consistent with applicable state and federal regulations regarding IEEs:

The CEO/Principal may, upon receipt of the request for an IEE, request that the parent state her reasons for disagreement with the evaluation conducted or proposed by the Charter School. The CEO/Principal shall not require the parents to do so, however, and shall not delay the process for providing or disputing an IEE.

Within ten school days of receipt of a request for an IEE in writing from a parent, the CEO/Principal of Charter School shall issue a NOREP and Procedural Safeguards Notice to the Parent in which the CEO either approves or denies the request for the IEE.

If the parent refuses to consent to the decision not to provide an IEE, the CEO or his/her designee must file a Due Process Hearing Request with the Office for Dispute Resolution and notify the parent in writing that Charter School has done so. The parent must be copied on the Due Process Hearing Request in the same manner as it is sent to the Office for Dispute Resolution. The parent must be provided with a copy of the Procedural Safeguards Notice upon filing of a Due Process Hearing Request.

If the CEO/Principal consents to provide an IEE, the parent must receive written documentation from the CEO/Principal with the NOREP and the Procedural Safeguards Notice. The written documentation must include the following:

1. Charter School will pay for an IEE provided the IEE meets all the requirements of an appropriate evaluation as defined in the enclosed Charter School IEE policy. (The IEE policy will also be included with the written documentation).
2. The CEO/Principal shall provide a list of qualified independent evaluators to the parent in the discipline requested.
3. Charter School will not pay for the IEE until the CEO/Principal receives from the evaluator a complete copy of a report of that evaluation and determines that the evaluation meets all the requirements of Charter School's policy.
4. A request that the parents consider accessing reimbursement for all or part of the evaluation from public or private sources of insurance or reimbursement, together with a clear assurance that the parent is not required to do so, and that Charter School would pay any cost not covered by such sources;
5. Directions that the parent is responsible for arranging for the IEE and for ensuring that the evaluator contacts the CEO/Principal to arrange for payment of the evaluation.

6. If the evaluation has already been conducted and paid for, the correspondence shall advise the parent that Charter School will not reimburse the parent for the IEE until it receives a complete and unredacted copy of the report of the evaluation and determines that the evaluation meets all of the requirements of the Charter School IEE policy and documentation substantiating that the parent paid for or is responsible to pay for the costs of the evaluation requested to be reimbursed.
7. The IEE shall be reviewed by the student's IEP and/or MD team and considered with respect to the provision of FAPE to the student. Where necessary and/or warranted as required by law, a team meeting shall be convened to discuss the results of the IEE and any changes in the provision of FAPE proposed because of the IEE.

## INDIVIDUALIZED EDUCATION PROGRAM POLICY (IEP)

The Board of Trustees of Vision Academy Charter School ("Charter School") recognizes and directs that in addition to the federal requirements incorporated by reference, the state regulations require that the IEP of each student with a disability must include when appropriate:

1. A description of the type or types of support as defined in this paragraph that the student will receive, the determination of which may not be based on the categories of the child's disability alone. Students may receive more than one type of support as appropriate and as outlined in the IEP and in accordance with this chapter. Special education supports and services may be delivered in the regular classroom setting and other settings as determined by the IEP team. In determining the educational placement, the IEP team must first consider the regular classroom with the provision of supplementary aids and services before considering the provision of services in other settings.
  - a. Autistic support. Services for students with the disability of autism who require services to address needs primarily in the areas of communication, social skills or behaviors consistent with those of autism spectrum disorders. The IEP for these students must address needs as identified by the team which may include, as appropriate, the verbal and nonverbal communication needs of the child; social interaction skills and proficiencies; the child's response to sensory experiences and changes in the environment, daily routine, and schedules; and the need for positive behavior supports or behavioral interventions.

- b. Blind-visually impaired support. Services for students with the disability of visual impairment including blindness, who require services to address needs primarily in the areas of accessing print and other visually presented materials, orientation, and mobility, accessing public and private accommodations, or use of assistive technologies designed for individuals with visual impairments or blindness. For students who are blind or visually impaired, the IEP must include a description of the instruction in Braille and the use of Braille unless the IEP team determines, after the evaluation of the child's reading and writing needs, and appropriate reading and writing media, the extent to which Braille will be taught and used for the student's learning materials.
- c. Deaf and hard of hearing support. Services for students with the disability of deafness or hearing impairment, who require services to address needs primarily in the area of reading, communication, accessing public and private accommodations or use of assistive technologies designed for individuals with deafness or hearing impairment. For these students, the IEP must include a communication plan to address the language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode, and assistive technology devices and services.
- d. Emotional support. Services for students with a disability who require services primarily in the areas of social or emotional skills development or functional behavior.
- e. Learning support. Services for students with a disability who require services primarily in the areas of reading, writing, mathematics, or speaking or listening skills related to academic performance.
- f. Life skills support. Services for students with a disability who require services primarily in the areas of academic, functional, or vocational skills necessary for independent living.
- g. Multiple disabilities support. Services for students with more than one disability the result of which is severe impairment requiring services primarily in the areas of

- academic, functional, or vocational skills necessary for independent living.
- h. Physical support. Services for students with a physical disability who require services primarily in the areas of functional motor skill development, including adaptive physical education or use of assistive technologies designed to provide or facilitate the development of functional motor capacity or skills.
  - i. Speech and language support. Services for students with speech and language impairments who require services primarily in the areas of communication or use of assistive technologies designed to provide or facilitate the development of communication capacity or skills.
2. Supplementary aids and services
  3. A description of the type or types of personnel support.
  4. The location where the student attends school and whether this is the school the student would attend if the student did not have an IEP.
  5. For students who are 14 years of age or older, a transition plan that includes appropriate measurable postsecondary goals related to training, education, employment and, when appropriate, independent living skills.
  6. The IEP of each student shall be implemented as soon as possible, but no later than 10 school days after its completion.
  7. Every student receiving special education and related services provided for in an IEP shall receive the special education and related services under that IEP, subject to the terms, limitations and conditions set forth in law.
  8. In addition to the requirements incorporated by reference regarding development, review, and revision of IEP, the Charter School shall designate persons responsible to coordinate transition activities.

The CEO/Principal or his/her designee is directed to implement all procedures in accordance with this policy.

## INSTRUCTION CONDUCTED IN THE HOME AND HOMEBOUND INSTRUCTION POLICY.

The Board of Trustees directs the Chief Executive Officer (“CEO”)/Principal or his/her designee to implement procedures needed to comply with applicable state and federal requirements,



including the following as directed by the Pennsylvania Department of Education:

#### INSTRUCTION CONDUCTED IN THE HOME

Instruction conducted in the home is included in the definition of special education in the federal regulations and is recognized as a placement option on the continuum of alternative placements for students with disabilities. It is highly restrictive and should only be considered when less restrictive placements are not appropriate in accordance with applicable state and federal laws.

The use of instruction conducted in the home is typically restricted to students whose needs require full-time special education services and programs outside the school setting for the entire day.

Although a student placed by his or her Individualized Education Program ("IEP") team on instruction conducted in the home does not receive his or her program in the school setting, he or she remains entitled to a free appropriate public education equal to his or her non-disabled peers, unless this amount of instruction would jeopardize the child's health or welfare. In such cases, the IEP team can agree on fewer hours of instruction so long as the student still receives a free appropriate public education.

In all circumstances involving the placement of a student on instruction conducted in the home, Vision Academy Charter School ("Charter School") must file any report or other documentation promulgated by the PDE within 5 days of the placement or as required by PDE. Charter School must supply the PDE with information about the student that is required (his or her disability, and the anticipated length and reason for the placement). In addition, Charter School must provide information regarding the person in Charter School whom PDE can contact to discuss the placement if necessary.

Instruction conducted in the home is not an appropriate option if the IEP team is experiencing difficulty in arranging the program or placement that a student requires.

In such cases, Charter School should continue to serve the student in accordance with his or her IEP while taking steps to promptly arrange for the services that the student requires. These steps may include seeking assistance from the PDE or from other child- serving agencies involved with the student.

Although instruction conducted in the home is not ordinarily permitted when the student has no condition preventing him or her from leaving the home, there are occasional, exceptional

cases in which the parents and school agree to instruction conducted in the home as a short-term option. In these cases, the school must immediately file a report with the PDE utilizing the form required by PDE. As indicated on the form, the school is also responsible for informing the PDE when the short-term placement has concluded.

### Homebound Instruction

"Instruction conducted in the home," which is listed in the continuum of special education alternative placements in federal regulations is not "homebound instruction," which describes the instruction a school may provide when a student has been excused from compulsory attendance under 22 Pa. Code §11.25 due to temporary mental or physical illness or other urgent reasons.

Although homebound instruction is not a special education placement option for students with disabilities, there are occasions when a student with a disability may receive homebound instruction due to a temporary excusal from compulsory attendance in the same manner as the student's non-disabled peers. Schools must also file any PDE required report or documentation with the PDE for students with disabilities for whom homebound instruction is approved and must also file a follow up report when the temporary placement has concluded, and the student has returned to school as required by PDE. In addition, as indicated on the form, schools must attach to the form the physician's recommendation for homebound instruction.

If the temporary condition that precipitated the excusal from attendance for a student with disabilities results in a change in the student's need for specially designed instruction, the school may need to reevaluate the student. The school may also need to reconvene the student's IEP team to determine whether it is necessary to revise the IEP and change the student's placement to instruction conducted in the home.

The CEO/Principal or his/her designee is directed to implement procedures necessary to effectuate this policy, including obtaining any forms required by the Pennsylvania Department of Education and updating any forms and information as necessary.

## INTENSIVE INTERAGENCY POLICY

The Chief Executive Officer ("CEO")/Principal or his/her designee shall ensure that the Vision Academy Charter School ("Charter School") identifies, reports, and provides FAPE for all students with disabilities including those students needing intensive interagency approaches.

Charter School must identify any students currently on instruction conducted in the home or students with disabilities on homebound instruction.

The CEO/Principal or his/her designee shall have procedures to ensure that services are located for difficult to place students.

The CEO/Principal or his/her designee shall utilize the Regional Interagency Coordinators to assist in interagency planning and to mitigate and/or eliminate barriers to placement.

The CEO/Principal or his/her designee shall ensure that training is provided regarding interagency approaches.

Where appropriate, other child serving systems, such as mental health, intellectual disability, child protective services, juvenile probation, and drug-alcohol treatment services are used for difficult to place students.

## LEAST RESTRICTIVE ENVIRONMENT

The Board of Trustees of the Vision Academy Charter School (“Charter School”) directs the Chief Executive Officer (“CEO”)/Principal or his/her designee to ensure that, in accordance with applicable state and federal laws and regulations, to the maximum extent appropriate, children with disabilities are educated with children who are nondisabled and that special classes, separate schooling, or other removal of children with disabilities from the regular education 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 CEO/Principal or his/her designee is directed to ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. The continuum of alternative placements may include but is not limited to instruction in regular classes with or without supplementary aids and services, special classes, special schools, approved private schools, home instruction and instruction in hospitals and institutions to the extent the IEP team determines such placements are appropriate.

The CEO/Principal or his/her designee is directed to provide training opportunities for school personnel regarding inclusion.

The CEO/Principal or his/her designee is directed to make opportunities available for students to interact with nondisabled peers when they need to be removed for any amount of time

from the regular education environment.

The CEO/Principal or his/her designee is directed to support participation of students with disabilities in nonacademic and extracurricular activities where appropriate (including transportation).

## NONACADEMIC SERVICES AND SETTINGS POLICY

In accordance with applicable state and federal regulations regarding students with disabilities, the Board of Trustees of Vision Academy Charter School (“Charter School”) recognizes and directs as follows:

- a) The Charter School must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP and/or Section 504 Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities as their nondisabled peers. Children with disabilities shall participate with nondisabled children in those services and activities to the extent appropriate under applicable state and federal laws and regulations.
- b) Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the Charter School.
- c) The Charter School must ensure that each child with a disability has the supplementary aids and services determined by the child’s IEP Team to be appropriate and necessary for the child to participate in nonacademic settings when same are required to afford a student with equal opportunity or are otherwise required under IDEA 2004 and/or Section 504.

## POSITIVE BEHAVIORAL SUPPORT POLICY AND PROCEDURES

In accordance with applicable state regulations, including Title 22 Pa. Code Chapter 711.46, Vision Academy Charter School’s (“Charter School”) Board of Trustees has established this policy to effectuate a program of positive behavior support at Charter School. Some procedures have been included.

### **DEFINITIONS:**

Aversive techniques- Deliberate activities designed to establish a negative association with a specific behavior.

Positive behavior support plan- A plan for students with disabilities who require specific intervention to address behavior that interferes with learning. A positive behavior support plan shall be developed by the IEP team, be based on a functional behavior assessment, and become part of the student's IEP. These plans include methods that utilize positive reinforcement and other positive techniques to shape a student's behavior, ranging from the use of positive verbal statements as a reward for good behavior to specific tangible rewards.

**Restraints-**

- i. The application of physical force, with or without the use of a device, for the purpose of restraining the free movement of a student's body. The term does not include briefly holding, without force, a student to calm or comfort him, guiding a student to an appropriate activity, or holding a student's hand to safely escort him from one area to another.
- ii. Excluded from this definition are hand-over-hand assistance with feeding or task completion and techniques prescribed by a qualified medical professional for reasons of safety or for therapeutic or medical treatment, as agreed to by the student's parents and specified in the IEP. Devices used for physical or occupational therapy, seatbelts in wheelchairs or on toilets used for balance and safety, safety harnesses in buses, and functional positioning devices are examples of mechanical restraints which are excluded from this definition.

**POSITIVE BEHAVIOR SUPPORT:**

Positive rather than negative measures shall form the basis of positive behavior support programs to ensure that all of Charter School's students shall be free from demeaning treatment, the use of aversive techniques and the unreasonable use of restraints.

Positive techniques required for the development, change and maintenance of behavior shall be the least intrusive necessary.

**RESEARCH-BASED PRACTICES:**

Behavior support programs must include research-based practices and techniques to develop and maintain skills that will enhance an individual student's opportunity for learning and self-fulfillment.

**FUNCTIONAL BEHAVIOR ASSESSMENT:**

Behavior support programs and plans shall be based on a functional assessment of behavior

(“FBA”) 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.

**RESTRAINTS:**

The use of restraints is considered a measure of last resort, only to be used after other less restrictive measures, including de-escalation techniques.

Restraints to control acute or episodic aggressive or self-injurious behavior may be used only when the student is acting in a manner as to be a clear and present danger to himself, to other students or to employees, and only when less restrictive measures and techniques have proven to be or are less effective.

**NOTIFICATION OF USE OF RESTRAINT AND PROCEDURES:**

The use of restraints to control the aggressive behavior of an individual student shall cause Charter School to notify the parent of the use of restraint and shall cause a meeting of the IEP team within 10 school days of the inappropriate behavior causing the use of restraints to review the effectiveness and appropriateness of the current IEP, unless the parent, after written notice, agrees in writing to waive the meeting. At this meeting, the IEP team shall consider whether the student needs a functional behavioral assessment, reevaluation, a new or revised positive behavior support plan or a change of placement to address the inappropriate behavior.

**INCLUSION OF USE OF RESTRAINTS IN A STUDENT’S IEP:**

The use of restraints may only be included in a student's IEP when:

- Utilized with specific component elements of positive behavior support.
- Used in conjunction with the teaching of socially acceptable alternative skills to replace problem behavior.
- Staff are authorized to use the procedure and have received the staff training required.
- There is a plan in place for eliminating the use of restraint through application of positive behavior support.

The use of restraints may not be included in the IEP for the convenience of staff, as a substitute for an educational program or employed as punishment.

**PROHIBITION AGAINST PRONE RESTRAINTS:**<sup>[SEP]</sup>

The use of prone restraints is prohibited in educational programs. Prone restraints are those in which a student is held face down on the floor.

### **RESTRAINT REPORTING AND PROCEDURES:**

Charter School shall maintain and report data on the use of restraints as prescribed by the Secretary of the Department of Education. The report is subject to review during cyclical compliance monitoring conducted by the Department.

### **MECHANICAL RESTRAINTS:**

Mechanical restraints, which are used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions, may be employed only when specified by an IEP and as determined by a medical professional qualified to make the determination, and as agreed to by the student's parents. Mechanical restraints must prevent a student from injuring himself or others or promote normative body positioning and physical functioning.

### **PROHIBITION AGAINST AVERSIVE TECHNIQUES:**

The following aversive techniques of handling behavior are considered inappropriate and shall not be used in educational programs:

- 1) Corporal punishment.
- 2) Punishment for a manifestation of a student's disability.
- 3) Locked rooms, locked boxes or other locked structures or spaces from which the student cannot readily exit.
- 4) Noxious substances.
- 5) Deprivation of basic human rights, such as withholding meals, water or fresh air.
- 6) Suspensions constituting a pattern.
- 7) Treatment of a demeaning nature.
- 8) Electric shock.

### **TRAINING OF PERSONNEL**

The Board of Trustees hereby directs that school personnel be trained each school year on the general use of positive behavior support, de-escalation techniques, and emergency responses. In addition to general positive behavior support training, when students are identified as in need of these supports, individual teachers and teacher groups are notified and trained accordingly so that they can act in accordance with the student's specific Positive Behavior Support Plan and de-escalation techniques and respond appropriately in emergencies.

Per guidance from the Pennsylvania Department of Education, the core training components the

positive support plan and de-escalation (restraint reduction) staff trainings should include:

- The growing concern and potential legal issues surrounding physical restraints;
- How to create a commitment to the reduction of the use of physical restraints;
- Creating a safe environment where positive rather than negative measures form the basis of behavior management programs;
- How staff can avoid taking conflict personally; avoiding power struggles;
- Prevention of problem behaviors through a system of recognition of signs of anxiety and distress in students and staff;
- Identification of the phases of crisis events and matching behaviors to interventions;
- Demonstration and modeling of the de-escalation techniques and other alternatives to physical restraint;
- Effective positive behavior support plans that include methods of utilizing positive reinforcement and other positive techniques to shape replacement behavior(s);
- Research-based practices that develop and maintain replacement behaviors that enhance student learning and skills for life;
- Risks associated with the use of physical interventions including the signs of physical distress, positional asphyxiation, and the psychological effects of restraint;
- Safe techniques for the use of physical restraints (prone restraints prohibited);
- Documentation of the incident and compliance with notification procedures; and
- Post intervention debriefing with student and staff.

## **REPORTING**

Administration is directed to write internal procedures that detail who is responsible for reporting restraints, who is responsible for notifying key administrators regarding the use of a restraint, and who is responsible for entering restraints in any PDE system to reporting on the use of restraints. Administration is further directed to comply with PDE guidelines regarding the reporting of the use of restraints.

Staff trained and/or certified in a program of positive behavioral supports and de-escalation techniques, and safe physical management techniques will be designated as the individuals to intervene in crisis management situations that might require restraint of a student. Physical interventions should only be undertaken by staff persons who have successfully completed a comprehensive crisis management course that covers crisis definition and theory; the use of de-



escalation techniques; crisis communication; anger management; passive physical intervention techniques; the legal, ethical, and policy aspects of physical intervention use; decision making related to physical interventions and debriefing strategies.

Parental notification should occur within one school day of a restraint incident unless other procedures are written in the student's IEP.

Any restraint that results in an injury to a student and/or staff person must be reported to the CEO who will comply with any requirement to report the injury to the Bureau of Special Education.

### **ADDITIONAL REQUIREMENTS AND ADMINISTRATIVE PROCEDURES**

The CEO or his/her designee is directed to ensure that behavior support programs administered at Charter School are in accordance with Title 22 Pa. Code Chapter 711, including the training of personnel for the use of specific procedures, methods and techniques, and for having written procedures on the use of behavior support techniques and obtaining parental consent prior to the use of restrictive or intrusive procedures or restraints.

The CEO or his/her designee may convene a review, upon Board approval, including the use of human rights committees, to oversee the use of restrictive or intrusive procedures or restraints; only to the extent the use of such procedures is allowed by law and this policy.

The CEO or his/her designee is further directed to make professional development opportunities provided by the Bureau of Special Education available to train staff regarding Positive Behavior Support.

The CEO or his/her designee is charged with using the most updated forms available through the Bureau of Special Education related to positive behavior support, including the use of any forms promulgated for functional behavior assessments and behavior support plans.

### **REFERRALS TO LAW ENFORCEMENT**

Subsequent to a referral to law enforcement, for a student with a disability who has a positive behavior support plan, an updated functional behavior assessment and positive behavior support plan shall be required.

## **PHYSICAL EDUCATION POLICY**

Physical education services, specially designed, if necessary, must be made available to every child with a disability receiving FAPE, unless the charter school enrolls children without

disabilities and does not provide physical education to children without disabilities in the same grades to the extent allowed by applicable laws and regulations.

Each child with a disability must be afforded the opportunity to participate in the regular physical education program available to nondisabled children unless the child is enrolled full time in a separate facility; or the child needs specially designed physical education, as prescribed in the child's IEP.

If specially designed physical education is prescribed in a child's IEP, the Vision Academy Charter School must provide the services directly or make arrangements for those services to be provided through other public or private programs.

The child with a disability who is enrolled in a separate facility must receive appropriate physical education services.

## PROGRAM OPTIONS POLICY

In accordance with applicable state and federal regulations regarding students with disabilities, the Board of Trustees of the Vision Academy Charter School (“Charter School”) recognizes and directs as follows:

- It is the Charter School’s policy that children with disabilities have available to them the variety of educational programs and services available to nondisabled children.
- The Chief Executive Officer/Principal or his/her designee is directed to implement all procedures in accordance with this policy.

## PSYCHOLOGICAL SERVICES POLICY

The Board of Trustees (“Board”) of the Vision Academy Charter School (“Charter School”) directs that the Chief Executive Officer (“CEO”)/Principal or his/her designee ensure that psychological services be made available to eligible students in accordance with Chapter 711 of Title 22 of the Pennsylvania Code as follows:

### **Psychological services may include:**

- 1) Administering psychological and educational testing, and other assessment procedures;
- 2) Interpreting assessment results;
- 3) Consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct

observation, and behavioral evaluations;

- 4) Planning and managing a program of psychological services.
- 5) Obtaining, integrating, and interpreting information about child behavior and conditions related to learning; and
- 6) Assisting in developing positive behavioral intervention strategies.

The CEO/Principal or his/her designee is directed to maintain a listing of what services are available both within the school setting and of school-funded services obtained from outside agencies.

Parents are not to be charged for psychological services that students require as a related service in accordance with applicable laws.

The CEO/Principal or his/her designee is directed to advise the Board regarding psychological service needs of the school's students as well as related services needs, such as transportation.

Administration is directed to ensure appropriate psychological services are obtained for students in accordance with applicable state and federal laws and regulations.

## RELATED SERVICES POLICY

The Board of Trustees of Vision Academy Charter School ("Charter School") recognizes that charter schools must comply with Chapter 711 of Title 22 of the Pennsylvania Code regarding the provision of related services.

It is the intent of the Board of Trustees to ensure that all students with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and to prepare them for further education, employment, and independent living.

Pursuant to 34 CFR § 300.34, related services are transportation and those developmental, corrective, and other supportive services that are required to assist a child with a disability to benefit from special education. Such services may include (depending upon the child's need and applicable state regulations):

1. speech-language pathology and audiology services,
2. interpreting services,
3. psychological services,

4. physical and occupational therapy,
5. recreation, including therapeutic recreation,
6. early identification and assessment of disabilities in children,
7. counseling services, including rehabilitation counseling,
8. orientation and mobility services, and
9. medical services for diagnostic or evaluation purposes.

Related services may also include school health services and school nurse services, social work services in schools, and parent counseling and training.

Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device. However, nothing:

- i. Limits the right of a child with a surgically implanted device (e.g., cochlear implant) to receive related services that are determined by the IEP Team to be necessary for the child to receive FAPE.
- ii. Limits the responsibility to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school; or
- iii. Prevents the routine checking of an external component of a surgically implanted device to make sure it is functioning properly, as required in Sec. 300.113(b) of Title 34 CFR.

Charter School will provide related services to include those services which the IEP team determines are necessary for a student after a comprehensive evaluation and the development of an IEP.

The types of services provided by Charter School include, but are not limited to the following types of services:

1. Audiology includes:
  - a. Identification of children with hearing loss;
  - b. Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;
  - c. Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;

- d. Creation and administration of programs for prevention of hearing loss;
  - e. Counseling and guidance of children, parents, and teachers regarding hearing loss; and
  - f. Determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.
2. Counseling services mean services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.
  3. Early identification and assessment of disabilities in children<sup>[L]</sup><sub>[SEP]</sub> means the implementation of a formal plan for identifying a disability as early as possible in a child's life.
  4. Interpreting services include—
    - a. The following, when used with respect to children who are deaf or hard of hearing: Oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print, and Type Well; and
    - b. Special interpreting services for children who are deaf-blind.
  5. Medical services mean services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.
  6. Occupational therapy—
    - a. Means services provided by a qualified occupational therapist; and
    - b. Includes:
      - i. Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation;
      - ii. Improving ability to perform tasks for independent functioning if functions are impaired or lost; and
      - iii. Preventing, through early intervention, initial or further impairment or loss of function.
  7. Orientation and mobility services—
    - a. Means services provided to blind or visually impaired children by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and
    - b. Includes teaching children the following, as appropriate:

- i. Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street);
    - ii. To use the long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for children with no available travel vision;
    - iii. To understand and use remaining vision and distance low vision aids; and
    - iv. Other concepts, techniques, and tools.
8.
  - a. Parent counseling and training means assisting parents in understanding the special needs of their child;
  - b. Providing parents with information about child development; and
  - c. Helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.
9. Physical therapy means services provided by a qualified physical therapist.
10. Psychological services include:
  - a. Administering psychological and educational tests, and other assessment procedures;
  - b. Interpreting assessment results;
  - c. Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;
  - d. Consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct observation, and behavioral evaluations;
  - e. Planning and managing a program of psychological services, including psychological counseling for children and parents; and
  - f. Assisting in developing positive behavioral intervention strategies.
11. Recreation includes—
  - a. Assessment of leisure function;
  - b. Therapeutic recreation services;
  - c. Recreation programs in schools and community agencies; and

- d. Leisure education.
12. Rehabilitation counseling services mean services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with a disability by vocational rehabilitation programs funded under the Rehabilitation Act.
  13. School health services and school nurse services mean health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person.
  14. Social work services in schools include—
    - a. Preparing a social or developmental history on a child with a disability;
    - b. Group and individual counseling with the child and family;
    - c. Working in partnership with parents and others on those<sup>[IEP]</sup>problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;
    - d. Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and
    - e. Assisting in developing positive behavioral intervention strategies.
  15. Speech-language pathology services include—
    - a. Identification of children with speech or language impairments;
    - b. Diagnosis and appraisal of specific speech or language impairments;
    - c. Referral for medical or other professional attention<sup>[IEP]</sup>necessary for the habilitation of speech or language impairments;
    - d. Provision of speech and language services for the habilitation or prevention of communicative impairments; and
    - e. Counseling and guidance of parents, children, and teachers regarding speech and language impairments.
  16. Transportation includes—
    - a. Travel to and from school and between schools;
    - b. Travel in and around school buildings; and

- c. Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

Charter School may provide related services to students in the home to students who require related services in the home as part of the IEP. When related services are not provided in the school, Charter School arranges transportation to and from the location of related services in accordance with applicable state and federal regulations.

Related services are provided to students during normal school hours during Charter School's regular school year as dictated by the student's IEP or during times and hours as otherwise agreed upon by the student's IEP team. Related services are provided during the extended school year to the extent extended school year services are applicable for a particular student pursuant to state regulations and the student's IEP.

## SECTION 504 POLICY

The Board of Trustees recognizes that all qualified persons with disabilities in the Vision Academy Charter School ("Charter School") are entitled to a free and appropriate public education under Section 504 of the Rehabilitation Act.

The Section 504 regulations define a person with a disability as any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

### **A "physical or mental impairment" may include:**

(A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory; including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Per the Office for Civil Rights (OCR) guidance regarding "Protecting Students with Disabilities", the regulations "do not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments."

"Major life activity" may include: functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. According to



the OCR, this list is also not exhaustive.

A qualified person with a disability is a person with a disability who is of an age during which it is mandatory under state law to provide such services to persons with disabilities; of an age during which persons without disabilities are provided such services; or a person for whom a state is required to provide a free appropriate public education under IDEA 2004.

All school-age children who are individuals with disabilities as defined by Section 504 are entitled to a free and appropriate public education (“FAPE”).

According to the OCR, an appropriate education includes: education services designed to meet the individual education needs of students with disabilities as adequately as the needs of nondisabled students are met; the education of each student with a disability with nondisabled students, to the maximum extent appropriate to the needs of the student with a disability; evaluation and placement procedures established to guard against misclassification or inappropriate placement of students, and a periodic reevaluation of students who have been provided special education or related services; and establishment of due process procedures that enable parents and guardians to receive required notices, review their child’s records, and challenge identification, evaluation and placement decisions, and that provide for an impartial hearing with the opportunity for participation by parents and representation by counsel, and a review procedure.

To be appropriate, education programs for students with disabilities must be designed to meet their individual needs to the same extent that the needs of nondisabled students are met. An appropriate education may include regular or special education and related aids and services to accommodate the needs of individuals with disabilities.

The quality of education services provided to students with disabilities must equal the quality of services provided to nondisabled students. Teachers of students with disabilities must be trained in the instruction of individuals with disabilities. Facilities and classrooms must be comparable, and appropriate materials and equipment must be available.

Students with disabilities may not be excluded from participating in nonacademic services and extracurricular activities on the basis of disability. Persons with disabilities must be provided an opportunity to participate in nonacademic services that is equal to that provided to persons without disabilities. These services may include physical education and recreational athletics, transportation, health services, recreational activities, special interest groups or clubs

sponsored by the school, and referrals to agencies that provide assistance to persons with disabilities and employment of students.

Students with disabilities and students without disabilities must be placed in the same setting, to the maximum extent appropriate to the education needs of students with disabilities.

A person with a disability must be placed in the regular education environment, unless it is demonstrated that the student's needs cannot be met satisfactorily with the use of supplementary aids and services. Students with disabilities must participate with nondisabled students in both academic and nonacademic services to the maximum extent appropriate to their individual needs.

As necessary, specific related aids and services must be provided for students with disabilities to ensure an appropriate education setting. Supplementary aids may include interpreters for students who are deaf, readers for students who are blind, and equipment to make physical accommodations for students with mobility impairments to the extent required in a cyber setting.

[Section 504 requires the use of evaluation and placement procedures.](#)

An individual evaluation must be conducted before any action is taken with respect to the initial placement of a child who has a disability, or before any significant change in that placement.

The CEO/Principal or his/her designee must establish standards and procedures for initial and continuing evaluations and placement decisions regarding persons who, because of a disability, need or are believed to need special education or related services. Procedures must ensure that tests and other evaluation materials: have been validated for the specific purpose for which they are used, and are administered by trained personnel in conformance with the instructions provided by their producer; are tailored to assess specific areas of education need and are not designed merely to provide a single general intelligence quotient; and are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

The CEO/Principal or his/her designee is directed to draw upon a variety of sources in the

evaluation and placement process so that the possibility of error is minimized. All significant factors related to the learning process must be considered. These sources and factors include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior.

Information from all sources must be documented and considered by a group of knowledgeable persons, and procedures must ensure that the student is placed with nondisabled students to the greatest extent appropriate.

Periodic reevaluation is required.

The CEO/Principal or his/her designee must have in effect procedural safeguards regarding the identification, evaluation, or educational placement of persons who, because of disability, need or are believed to need special instruction or related services. Parents must be told about these procedures. In addition, parents or guardians must be notified of any evaluation or placement actions and must be allowed to examine the student's records. The due process procedures must allow the parents or guardians of students to challenge evaluation and placement procedures and decisions.

If parents or guardians disagree with the school's decisions, they must be afforded an impartial hearing. A review procedure also must be available to parents or guardians who disagree with the hearing decision.

It is the policy of the Board to provide a free and appropriate public education to each qualified disabled student within Charter School, regardless of the nature or severity of the disability. Consequently, it is the intent of the Board to ensure that students who are disabled within the definition of Section 504 are identified, evaluated and provided with appropriate educational services.

## **PROCEDURES**

Students who are in need or are believed to be in need of services under Section 504 may be referred for evaluation by a parent/guardian, teacher, or other certified school employee. Requests should be directed to Charter School's CEO at: 153 Penn Blvd, East Lansdowne, PA 19050.

Charter School will consider the referral, and based upon a review of the student's records, including academic, social, testing, and behavioral records, determine whether an evaluation is appropriate. Any student, who, because of a disability, needs or is believed to need

special services, will be referred for evaluation. If a request for evaluation is denied, Charter School will inform the parents or guardian of this decision and of their procedural rights.

## **EVALUATION**

The purpose of a student evaluation shall be to determine eligibility for accommodations as a disabled person under Section 504.

Charter School's Section 504 evaluation procedures must ensure that: Evaluation materials have been validated for the specific purpose for which they are used and are interpreted and/or administered by trained personnel in conformance with the instructions provided by their producer.

Tests and the evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.

The eligibility determining team will consider all records, test results, evaluations, teacher input, counselor input and consider the following when discussing eligibility and possible accommodations:

Determine if there are reasonable accommodations that can enable the student to participate in learning in the school environment. Do not provide different or separate aid unless it is necessary to make benefits or services as effective as those being provided to all other students in the class.

Do not require the identical result or level of achievement as other students; rather, provide equal opportunity. If the education of a person, in a regular environment with the use of reasonable supplementary aids, cannot be achieved satisfactorily, then the implementation of an IEP may be considered.

Other students' educational rights may not be significantly impaired by the accommodations. The accommodations must be reasonable, must not fundamentally alter the school program, or present undue burden to the school. The accommodations being considered are for the child's current placement only. No final determination of whether the student is a disabled individual within the meaning of Section 504 will be made without informing the parent or guardian of the student concerning the determination. Regarding a student who is determined to be disabled under Section 504 of the Rehabilitation Act of 1973, but who is not determined to be disabled under IDEA, Charter School shall periodically conduct a reevaluation of the student

as required by law. The CEO/Principal or his/her designee is directed to develop procedures necessary to implement this policy in a school setting.

Portions of this policy have been excerpted from OCR's web guidance on section 504 students.

## SPECIAL EDUCATION POLICY

The Board of Trustees of the Vision Academy Charter School ("Charter School") recognizes that charter schools must comply with Chapter 711 of Title 22 of the Pennsylvania Code, Charter School Services and Programs for Children with Disabilities.

The Board of Trustees of Charter School also recognizes that charter schools are not exempt from federal special education laws or regulations included in Chapter 711. These include but are not limited to enumerated provisions the Individuals with Disabilities Education Improvement Act (2004) ("IDEA") and Section 504 of the Rehabilitation Act of 1973. Charter School shall ensure that all children with disabilities enrolled in the charter school, regardless of the severity of their disabilities, and who need special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

Charter School must be able to document that, children with disabilities, who need special education programs and services, are identified and evaluated through child find activities. Child find includes public awareness activities that are sufficient to inform parents of the special education programs and services that are available and how to request those services. Charter School must conduct systematic screening activities that lead to the identification and evaluation of children with disabilities. Basic screening procedures might include but are not limited to hearing and vision tests as well as grade level tests of academic performance. Charter School must also have a system to evaluate the overall success and effectiveness of public awareness and child find activities.

Charter School recognizes that:

1. Children with disabilities must be admitted on the same basis as children without disabilities.
2. Upon admitting a child with a disability, the school must provide services to address the child's specific needs.

3. When a student with a disability transfer to the school, the school is responsible for ensuring that the student receives services that are described in an Individualized Education Program (IEP), either by adopting the old IEP or by developing a new IEP.
4. Charter School will use the most current and appropriate versions of Special Education Formats.
5. To meet the requirements of federal law, Charter School may provide the services itself, or contract with another entity, such as an intermediate unit or school district, to provide the services, respecting the least restrictive environment requirements.

## SPECIAL EDUCATION STUDENT ENROLLMENT POLICY

Administration must not deny enrollment or otherwise discriminate in admission practices based on a child's need for special education or supplementary aids or services.

Administration shall comply with the Board's Student Admissions Policy which has been adopted by the Board of Trustees. Administration is further directed to make Admissions Policy available for inspection by auditors from the Pennsylvania Department of Education during any special education cyclical monitoring audit.

Administration shall comply with Section 24 P.S. 17-1723-A of the Charter School Law regarding enrollment and shall not discriminate in its admission policies or practices on the basis of intellectual ability (except to the extent specifically allowed by law), or athletic ability, measures of achievement or aptitude, status as a person with a disability, proficiency in the English language or any other basis that would be illegal under applicable state and/or federal laws or regulations.

## SPECIAL EDUCATION PERSONNEL TRAINING POLICY

The Chief Executive Officer ("CEO/Principal") or his/her designee shall ensure that in-service training appropriately and adequately prepares and trains personnel to address the special knowledge, skills, and abilities to serve the unique needs of children with disabilities in the school, including those with low incidence disabilities.

Personnel must be fully informed about their responsibilities for implementing applicable state and federal special education laws in the school environment and are provided with technical assistance and training necessary to assist them in this effort.

Training must be a part of Vision Academy Charter School (“Charter School”) Professional Development Plan and Act 48 credits are to be made available.

Trainings are to be administered in areas including but not limited to behavior support, reading, FAPE in the LRE, Transition, and At/Low Incidence, confidentiality, FBAs/Manifestation Determinations, use of positive behavior support, de-escalation techniques and emergency responses.

Appropriate instructional changes must take place as a result of the trainings.

Personnel should be asked about their training needs on a regular basis.

Instructional paraprofessionals are to receive 20 hours of staff development activities related to their assignment each year.

Personal care assistants are to receive 20 hours of staff development activities related to their assignment each school year (the 20 hours of training may include training required by any school-based ACCESS program, if applicable).

Educational interpreters are to receive 20 hours of staff development activities relating to interpreting or transliterating services annually.

The CEO/Principal or his/her designee is directed to implement procedures necessary to ensure:

1. Personnel training needs are addressed;
2. General education and special education personnel receive training and professional development;
3. Personnel are to have the skills and knowledge necessary to meet the needs of students with disabilities.
4. Educational research, materials and technology are to be acquired and disseminated to teachers, administrators, and related services personnel as needed.

**Parent Training:**

Administration is further directed to make training opportunities available to parents or students who require same as part of any IEP and to the extent appropriate under applicable state and federal laws and regulations.

Administration is directed to maintain appropriate documentation of trainings offered and attendance.

## STUDENTS WITH SPECIFIC LEARNING DISABILITIES POLICY

The Board of Trustees directs the Chief Executive Officer (“CEO/Principal”) or his/her designee to develop procedures for the determination of specific learning disabilities that conform to the criteria in Section 711.25 of Title 22 of the Pennsylvania Code. These procedures are to be included in the school's annual report and any charter renewal application to the extent that a charter renewal application is required to be submitted:

To determine that a child has a specific learning disability, the Vision Academy Charter School (“Charter School”) shall:

1. Address whether the child does not achieve adequately for the child's age or meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and scientifically based instruction appropriate for the child's age or State-approved grade-level standards:
  - a. Oral expression.
  - b. Listening comprehension.
  - c. Written expression.
  - d. Basic reading skill.
  - e. Reading fluency skills.
  - f. Reading comprehension.
  - g. Mathematics calculation.
  - h. Mathematics problem solving.
2. Use one of the following procedures:
  - a. A process based on the child's response to scientific, research-based intervention, which includes documentation that:
    - The student received high quality instruction in the general education setting.
    - Research-based interventions were provided to the student.
    - Student progress was regularly monitored.
  - b. A process that examines whether a child exhibits a pattern of strengths and weaknesses, relative to intellectual ability as defined by a severe discrepancy between intellectual ability and achievement, or relative to age or grade.
3. Have determined that its findings are not primarily the result of any of the following:
  - a. A visual, hearing or orthopedic disability.



- b. Intellectual disability.
  - c. Emotional disturbance.
  - d. Cultural factors.
  - e. Environmental or economic disadvantage.
  - f. Limited English proficiency.
4. Ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or mathematics by considering documentation that:
- a. Prior to, or as a part of, the referral process, the child was provided scientifically based instruction in regular education settings, delivered by qualified personnel, as indicated by observations of routine classroom instruction.
  - b. Repeated assessments of achievement were conducted at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.

## SURROGATE PARENT POLICY

Vision Academy Charter School (“Charter School”) must ensure that an individual is assigned to act as a surrogate of a child when no parent or person acting as the parent can be identified, or Charter School, after reasonable efforts, cannot locate the parent, or the child is an unaccompanied homeless youth as defined in the McKinney-Vento Homeless Assistance Act, 42 U.S.C. Sec. 11434 a (6).

Charter School must have a method of determining whether a child needs a surrogate parent, and for assigning a surrogate parent to the child as well as ensuring that surrogates are trained and have adequate knowledge to serve in this capacity.

Charter School may select a surrogate parent in any way permitted under State law but must ensure that a person selected as a surrogate is not an employee of the State Educational Agency (“SEA”), Charter School or any other agency that is involved in the education or care of the child. For a child who is a ward of the State, a surrogate may be appointed by a judge overseeing the child’s care or by Charter School. The surrogate must have no personal or professional interests that conflicts with the interest of the child the surrogate parent represents. The surrogate parent must have knowledge and skills that ensure adequate representation of the

child. The surrogate parent may represent the child in all matters relating to the identification, evaluation, educational placement, and provisions of FAPE to the child.

For a homeless youth, not in the physical custody of the parent or guardian, Charter School must appoint a surrogate. Reasonable efforts are to be made by the SEA to ensure the assignment of a surrogate not more than thirty (30) days after there is a determination by Charter School that the child needs a surrogate.

The IDEA of 2004 contains language about seeking parental permission for initial evaluations when a child is a ward of the State. If a child is designated a ward of the State, the whereabouts of the parent is not known, or the rights of the parent have been terminated in accordance with State law; someone other than the parent has been designated to make educational decisions for the child. Therefore, Charter School must obtain consent for an initial evaluation from the individual designated to represent the interests of the child. The CEO/Principal or his/her designee is directed to develop procedures that may be necessary to implement this policy.

## TRANSITION SERVICES POLICY

For students who are 14 years of age or older, Vision Academy Charter School (“Charter School”) shall include a transition plan in the student’s IEP, which includes appropriate measurable postsecondary goals related to training, education, employment and, when appropriate, independent living skills.

If determined appropriate by the IEP team, transition planning may begin prior to 14 years of age.

The student must be invited to the IEP team meeting where transition planning is being considered.

If the student does not attend the IEP meeting, the school must take other steps to ensure that the student’s preferences and interests are considered.

Transition services are a coordinated set of activities for a student with a disability designed to be within a results oriented process, that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student’s movement from school to post school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult

services, independent living, or community participation that is based on the individual student's needs taking into account the student's strengths, preferences, and interests as well as the fact that the student has been educated in a school setting.

Based on age-appropriate assessment, the student's IEP team is to define and project the appropriate measurable postsecondary goals that address education and training, employment, and as needed, independent living. Such postsecondary goals or goals covering education, training, employment, or independent living, will be updated annually.

The services/activities and courses of study that support that goal are to be included in student IEPs. For each service/activity, the location, frequency, projected beginning date, anticipated duration, and person/agency responsible are also to be included.

The specific courses of study which facilitate the student's successful move from school to the student's expressed post-school goal must be included in the IEP. If specific transition services are required, based upon the student's skill deficit area(s), to assist the student in realizing his/her goal(s), these must be set forth in the IEP. Each post-school goal should contain information as to the instruction, related service(s), community experience and if appropriate, acquisition of daily living skills that are necessary for meeting the post-school goal(s).

Overall, for each post-school goal, there must be at least one annual goal included in the IEP which contains the student's name, clearly defined behavior and performance criteria. Lastly, there should be means by which to measure progress towards the post-school goal(s) and indication of adjustment to the transition plan if the progress monitoring data does not support achievement of the goal and/or positive movement towards achievement of same.

The Chief Executive Officer ("CEO")/Principal or his/her designee is directed to inform the Board of any new requirements regarding Transition Planning and any need to obtain additional services, training and/or assessment tools related to Transition Planning.