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## SECTION I

### **FREE APPROPRIATE PUBLIC EDUCATION and EXCEPTION TO FAPE FOR CERTAIN AGES (§300.121 AND §300.122)**

It is HOPE Charter School's policy that all children with disabilities aged 3 years to 21 years of age residing in HOPE Charter School, have the right to a free appropriate public education (FAPE), including children with disabilities who have been suspended or expelled from school. There is an age-related exception under the provision of 34 CFR §300.300(b)(5)(i). Under the School Code (24 P.S. §13-1301)...*Every child, being a resident of any school district, between the ages of six and twenty-one (21) years, may attend the public schools in his district, subject to the provisions of this act. Notwithstanding any other provision of law to the contrary, a child who attains the age of twenty-one (21) years during the school term and who has not graduated from high school may continue to attend the public schools in his district free of charge until the end of the school term.* Therefore, HOPE Charter School will make FAPE available to any child with a disability through the school term in which the student reaches his or her 21<sup>st</sup> birthday, unless he/she has graduated.

With regard to age when FAPE is first available, an eligible child with a disability, residing in HOPE Charter School received a free appropriate public education no later than the child's third birthday under an IEP through Act 212 of 1990. If a child's third birthday occurs during the summer, the child's IEP team determines the date when services under the IEP will begin.

For children with disabilities who have been suspended or expelled from school, HOPE Charter School does not need to provide services during periods of removal under §300.520(a)(1) 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 services are not provided to a child without disabilities who has similarly been removed. In the case of a child with a disability who has been removed from his or her current placement for more than 10 school days in that school year, HOPE Charter School, for the remainder of the removals (1) provides services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP, if the removal is (a) under the school personnel's authority to remove for more than 10 consecutive school days as long as that removal does not constitute a change of placement under §300.519(a) or (b) for behavior that is not a manifestation of the child's disability, consistent with §300.524 and (2) provides services consistent with §300.522, regarding determination of the appropriate interim alternative educational setting, if the removal is for (a) drug or weapons under §300.520(a)(2), or (b) based on a hearing officer determination that maintaining the current placement of the child is substantially likely to result in injury to the child or others if he or she remains in the current placement consistent with §300.521.

LEA personnel, in consultation with the child's special education teacher, determines the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP, if the child is removed under the authority of school personnel to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under §300.519. The child's IEP team determines the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP, if

the child is removed because of behavior that has been determined to be a manifestation of the child's disability, consistent with §300.524.

**Children advancing from grade to grade.** HOPE Charter School makes available a free and appropriate public education to any individual child with a disability who needs special education and related services even though the child is advancing from grade to grade. The determination that a child is eligible for special education and related services is made on an individual basis by the group responsible within the child's LEA for making those determinations.

## SECTION II

### CHILD FIND (§300.125)

HOPE Charter School published the following Annual Notice in the school's Student Handbook and on the school's website: [www.hopecschool.org](http://www.hopecschool.org).

#### *Annual Public Notice of Special Education Services and Programs for Students with Disabilities*

It is the policy of HOPE Charter School that all students with disabilities, regardless of the severity of their disability, who are in need of special education and related services, are identified, located, 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 applying to or already enrolled in HOPE Charter School of (1) available special education services and programs, (2) how to request those services and programs, and of (3) systematic screening activities that lead to the identification, location, and evaluation of children with disabilities enrolled in HOPE Charter School. The purpose of this Annual Notice is to comply with the school's obligation under Chapter 711 of Title 22 of the Pennsylvania Code. This Annual Notice is made available both in the school's Parent-Student Handbook and on the school's website: [www.hopecschool.org](http://www.hopecschool.org).

#### Qualifying for Special Education and Related Services

Under the Federal IDEIA 2004, there are two steps for a student to qualify for Special Education and related services. The first step is a finding that the student has one or more of the following disabilities that interfere with his or her educational performance: (1) autism or pervasive impairment, (2) deaf-blindness, (3) deafness, (4) emotional disturbance, (5) hearing impairment, (6) mental retardation, (7) multiple disabilities, (8) orthopedic impairment, (9) other health impairment (includes ADD, ADHD, epilepsy, etc.), (10) specific learning disability, (11) speech or language impairment, (12) traumatic brain injury, and/or (13) visual impairment including blindness. (IDEA 2004 provides legal definitions of the above-listed disabilities, which may differ from those terms used in medical or clinical practice or daily language.) The second step in determining eligibility for Special Education and related services is a finding by the school's multi-disciplinary team (MDT) that the student with one or more of these disabilities is in need of specially designed instruction.

#### **What Parents Can Do If They Think Their Child May Qualify for Special Education**

Some potential signs of a student having a qualifying disability include experiencing years of difficulty in reading, writing, or solving math problems, difficulties focusing and concentrating on schoolwork, difficulties sitting still in the classroom, and difficulties controlling emotions (such as anxiety and depression) and behaviors. If parents believe that their child has had difficulties in school over the years and may have one or more of these conditions, act the school's Director of Special Education.

Parents who think their child is eligible for special education may request, at any time, that their school conduct a Multi-Disciplinary Evaluation. Requests for a Multi-Disciplinary Evaluation must be made to the school's Director of Special Education. If a parent makes an oral request for a Multi-Disciplinary Evaluation, the school shall provide the parent with a form for that purpose. If the 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.

### **HOPE Charter School's Systematic Screening and Referral Process**

Through our systematic and referral processes, HOPE Charter School identifies and refers for evaluation students who are thought to be eligible for special education services. These screening and referral processes include the initial admissions academic placement tests, classroom performance, vision and hearing screenings, and curriculum based assessments.

The school regularly assesses the current achievement and performance of the child, designs school-based interventions, or assesses the effectiveness of interventions. (The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum intervention is not to be considered an evaluation for eligibility for special education and related services.) If a concern can be addressed without special education services, or if the concern is a result of limited English proficiency or the lack of appropriate instruction, a recommendation may be made for interventions other than a multi-disciplinary team evaluation.

Parents have the right to request a multidisciplinary team evaluation at any time, regardless of the outcome of the screening process. Moreover, 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.

Whenever a student is referred for an evaluation, HOPE Charter School must obtain written permission from a parent before the evaluation can be conducted. 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. The surrogate parent may represent the child in all matters relating to the identification, evaluation, and educational placement of the child. Reasonable efforts must be made to ensure the assignment of surrogate parent not more than 30 days after it is determined that the child needs a surrogate parent.

If parents need additional information regarding the purpose, time and location of screening activities, they should call or write the school's Director of Special Education.

### Evaluation

An evaluation 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. HOPE Charter School does not use any single measure or assessment as a sole criterion 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 HOPE Charter School prior to conducting an initial evaluation to determine if a 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 the 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 Multi-Disciplinary Evaluation (MDE) process is conducted by the Multi-Disciplinary Team (MDT) which includes a teacher, other qualified professionals who work with the child, the parents and other members required by law. The MDE process must be conducted in accordance with specific timelines and must include protection-in-evaluation procedures. For example, tests and procedures used as part of the Multi-Disciplinary Evaluation may not be racially or culturally biased.

The MDE process results in a written report called an Evaluation Report (ER). This report makes recommendation about a student's eligibility for special education based on the presence of a disability and the need for specially designed instruction. If the student's Multi-Disciplinary Team determines that the student is eligible for special education and related services, then the student's IEP team meets and writes a detailed plan for supporting the student in his/her area(s) of need over the coming year so that he/she can be successful in school- and then later in life.

### **Programs and Services for Children with Disabilities**

HOPE Charter School, in conjunction with the parents, determines the type and intensity of the special education and related services that a particular child needs based exclusively on the unique program of special education and related services that the school develops for that child. This program is called an Individualized Education Plan - the IEP- and is different for each student. An IEP team consists of educators, parents, and other persons with special expertise or familiarity with the child. 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 the IDEA 2004, there may be situations in which the school may hold an IEP meeting if the parents refuse or fail to attend the IEP team meeting.

IEPs generally contain: (1) a statement of present levels of academic achievement and functional performance; (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 then child will not participate with non-disabled children in the regular class and in activities; (6) a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional 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.

Special education services are provided according to the educational needs of the child, not the category of the disability. Types of services that may be available, depending upon the child's disability and needs 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; and (8) multi-disabilities support.

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, audiologist services, counseling, or training.

HOPE Charter School ensures 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 the education in general education classes, even with 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 service by 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 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, such as an approved private school or other private facility licensed to serve children with disabilities.

Some students may also be eligible for extended school year services if determined as needed by their IEP teams in accordance with Chapter 711 regulations contained in Title 22 of the PA Code.

Beginning not later than their first IEP to be in effect when the child turns 16, 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. HOPE Charter School invites 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 21, which is the age of majority for education purposes under Pennsylvania law, the IEP must include a statement that the student has been informed of the student’s rights, if any, that will transfer to the student on reaching the age of 21.

## **SECTION 504 PLANS**

### **Services for Protected Handicapped Students, Other Than Special Education 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 nevertheless 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 laws.

HOPE 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, HOPE 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 extracurricular activities to the maximum extent appropriate to the student’s abilities and to the extent required by law.

These services and protections for “protected handicapped students” may be distinct from those applicable to eligible or thought-to-be eligible students. HOPE 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 provisions of services to protected handicapped students, parents should contact the school’s Director of Special Education.

## **CONFIDENTIALITY**

### **Confidentiality of Student Information**

Every effort is made throughout the screening, referral and evaluation process to strictly maintain the confidentiality of student information and protect the student’s privacy rights. The student C-SAP referral process is a strictly confidential process.

After referral and evaluation, a written record of evaluation results is generated and called an Evaluation Report. This report may include information regarding the student’s physical, mental, emotional, and health functioning through testing and assessment, observation of the student, as well as a review of any records made available to HOPE Charter School through the student’s physician and other providers of services, such as counselors. Moreover, the evaluation report contains “personally identifiable information” of the student. *Personally identifiable information* includes the child’s name, the name of the child’s parents or other family members, and a list of characteristics that would make the child’s identity easily traceable. Input from both parents is also an information source for identification.

HOPE Charter School protects the confidentiality of *personally identifiable information* by one school official being responsible for ensuring the confidentiality of the records, training being provided to all persons using this information, and maintaining for public inspection a current list of employees’ names and positions who have access to this information. HOPE will inform parents when this information is no longer needed to provide educational services to a student and will destroy the information at the request of the parent. However, general information, such as the student’s name, address, phone number, grades, attendance record, classes attended, and grade level completed may be maintained without time limitation.

Parents of students with disabilities have a number of rights regarding the confidentiality of their child’s records, including the right to inspect and review any educational records related to their child that are collected, maintained, or used by the school. HOPE Charter School will comply with a request from parents to review the records without unnecessary delay and before any meeting regarding planning for the child’s special education program (called an IEP meeting), and before a hearing should the parents and HOPE Charter School disagree about how to educate the child who needs special education and, in no case, take more than 45 days to furnish parents with the opportunity to inspect and review the child’s records.

Parents have the right to an explanation and interpretations of the records, to be provided copies of the records if failure to provide the copies would effectively prevent parents from exercising their right to inspect and review the records, and the right to have a representative inspect and review the records.

Upon request, HOPE Charter School will provide parents with a list of the types and the location of education records collected, maintained, or used by the school.

Parents have the right to request amendment on their child's education records that parents believe are inaccurate or misleading, or violate the privacy or other rights of the child. HOPE Charter School will decide whether to amend the records within a reasonable time of receipt of the parents' request. If school administrators refuse to amend the records, parents will be notified of the refusal and the parents' right to a hearing. At that time, parents will be given additional information regarding the hearing procedures and, upon request, HOPE Charter School will provide parents with a records hearing to challenge information in the child's educational files.

Parent consent is required before *personally identifiable information* contained in the child's education records is disclosed to anyone other than the officials of HOPE Charter School collecting or using the information for purposes of identification of the child, locating the child and evaluating the child for any other purpose of making available a free appropriate public education to the child. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility. Additionally, HOPE Charter School, upon request, discloses records without consent to officials of another school district or charter school in which the child seeks or intends to enroll.

When a child reaches age 18, the rights of the parent with regard to confidentiality of *personally identifiable information* are transferred to the student.

A parent may file a written complaint alleging that the rights described in this notice were not provided. The complaint should be addressed to:

Pennsylvania Department of Education  
Bureau of Special Education  
Division of Compliance  
333 Market Street  
Harrisburg, PA 17126-0333

The Department of Education will investigate the matter and issue a report of findings and necessary corrective action within 60 days. The Department will take necessary steps to ensure compliance is achieved.

Complaints alleging failures of HOPE Charter School with regard to confidentiality of *personally identifiable information* may also be filed with:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-4605

### **SECTION III**

#### **PROCEDURES FOR EVALUATION AND DETERMINATION OF ELIGIBILITY (§300.126)**

HOPE Charter School conducts a full and individual evaluation, in accordance with this section before the initial provision of special education and related services to a child with a disability under Part B of IDEA. HOPE Charter School will, at a minimum, adhere to the following:

1. Tests and other evaluation materials used to assess a child under IDEA are selected and administered so as not to be discriminatory on a racial or cultural basis and are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so.
2. Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's limited English language skills.
3. A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child, including information provided by the parent, and information related to enabling the child to be involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities), that may assist in determining whether the child is a child with a disability under IDEA and the content of the child's IEP.
4. Any standardized tests that are given to a child have been validated for the specific purpose for which they are used and administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.
5. If an assessment is not conducted under standard conditions, a description of the extent to which it varied from the standard conditions (e.g., the qualifications of the person administering the tests, or the method of test administration) is included in the evaluation report.
6. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
7. Tests are selected and administered so as to best ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the tests purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure.)
8. No single procedure is used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.
9. The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
10. In evaluating each child with a disability under this section, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.
11. Technically sound instruments are used that may assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.
12. Assessment tools and strategies are used that provide relevant information that directly assists persons in determining the educational needs of the child.

## SECTION V

### INDIVIDUALIZED EDUCATION PROGRAMS (§300.128)

**Responsibility for IEPs.** It is HOPE Charter School's policy (1) that except as provided in §§300.450-300.462, an IEP is developed and implemented for each child with a disability served by HOPE Charter School; and (2) that an IEP is developed and implemented for each eligible child placed in or referred to a private school of facility by HOPE Charter School.

**When IEPs must be in effect.** At the beginning of each school year, an IEP is in effect for each child with a disability residing within HOPE Charter School.

**Implementation of IEPs.** It is HOPE Charter School's policy that (1) an IEP is in effect before special education and related services are provided to an eligible child under this part; and is implemented as soon as possible following the IEP meeting; (2) the child's IEP is accessible to each regular education teacher, special education teacher, related services provider, and other service provider who is responsible for its implementation; and (3) each teacher and provider described above is informed of his or her specific responsibilities related to implementing the child's IEP and the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

**IEP for children aged 3 through 5.** In the case of a child with a disability aged 3 through 5, an IEP will be implemented as soon as possible, but no later than 14 days after the completion of the IEP.

**Effective date for new requirements.** All IEPs developed, reviewed, or revised on or after July 1, 1998 meets the requirements of §§300.340-300.350.

**IEP meetings.** HOPE Charter School initiates and conducts meeting(s) for the purpose of developing, reviewing, and revising the IEP of a child with a disability.

**Initial IEPs; provision of services.** Within a reasonable period of time following HOPE Charter School's receipt of parent consent to and initial evaluation of a child, the child is evaluated, and if determined eligible under this part, special education and related services are made available to the child in accordance with an IEP. In meeting the requirements of this section, a meeting to develop an IEP for the child is conducted within 30 days of a determination that the child needs special education and related services.

Review and revision of IEPs. The IEP team reviews the child's IEP periodically, but not less than annually to determine whether the annual goals for the child are being achieved and revises the IEP as appropriate to (1) address any lack of expected progress towards the annual goals described in §300.347(a), and in the general curriculum, if appropriate; (2) the results of any reevaluation conducted under §300.536; (3) information about the child provided to, or by, the parents, as described in §300.533(a)(1); (4) the child's anticipated needs; or (5) other matters.

The IEP team for each child with a disability includes (1) the parents of the child; (2) at least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment); (3) at least one special education teacher of the child, or if appropriate, at least one special education provider of the child; (4) a representative of HOPE Charter School who (a) is qualified

to provide or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; (b) is knowledgeable about the general curriculum; and (c) is knowledgeable about the availability of resources of HOPE Charter School; (5) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (6) of this section; (6) at the discretion of the parent or HOPE Charter School, or other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and (7) if appropriate, the child.

**Transition services participants.** HOPE Charter School invites a student with disabilities of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of the student's transition services needs. If the student does not attend the IEP meeting, HOPE Charter School takes other steps to ensure that the student's preferences and interests are considered. In implementing these requirements, HOPE Charter School also invites a representative of any other agency that is likely to be responsible for providing or paying for transition services. If an agency invited to send a representative to a meeting does not do so, HOPE Charter School takes other steps to obtain participation of the other agency in the planning of any transition services.

**Determination of knowledge and special expertise.** The determination of the knowledge of special expertise of any individual described above is made by the party (parents or public agency) who invited the individual to be a member of the IEP team.

**Designating and LEA representative.** HOPE Charter School may designate another LEA member of the IEP team to also serve as HOPE Charter School representative, if the person (a) is qualified to provide, or supervise the provision of, specially designed instruction to meet the needs of children with disabilities; (b) is knowledgeable about the general curriculum; and (c) is knowledgeable about the availability of resources of HOPE Charter School.

**Parent participation, LEA responsibility.** HOPE Charter School takes steps to gain one or both of the parents of a child with a disability presence at each IEP meeting or that the parents are afforded the opportunity to participate, including notifying parents of the meeting early enough to ensure that they will have an opportunity to attend and scheduling the meeting at a mutually agreed on time and place.

**Information provided to parents.** The notice used to invite parents to an IEP meeting indicates the purpose, time, and location of the meeting and who will be in attendance and informs the parents if the provisions relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child. For a student with a disability beginning at age 14, or younger, if appropriate, the notice indicates that a purpose of the meeting is the development of a statement of the transition services needs of the student and indicates that HOPE Charter School will invite the student.

For a student with a disability beginning at age 16, or younger, if appropriate, the notice indicates that a purpose of the meeting is a consideration of needed transition services for the student, indicates that HOPE Charter School will invite the student, and identifies any other agency that will be invited to send a representative.

**Other methods to ensure parent participation.** If neither parent can attend the IEP meeting, HOPE Charter School uses other methods to ensure parent participation, including individual or conference telephone calls.

**Conducting an IEP meeting without a parent in attendance.** A meeting may be conducted without a parent in attendance if HOPE Charter School is unable to convince the parents that they should attend. In this case, HOPE Charter School makes a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls made or attempted and the results of those calls, copies of correspondence sent to the parents and any responses received, and detailed records of visits made to the parents' home or place of employment and the results of those visits.

**Use of interpreters or other action, as appropriate.** HOPE Charter School takes whatever action is necessary to ensure that the parent understands the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

**Parent copy of child's IEP.** HOPE Charter School gives the parent a copy of the child's IEP at no cost to the parent.

**Development, review, and revision of the IEP. Development of the IEP.** In developing each child's IEP, the IEP team considers the strengths of the child and the concerns of the parents for enhancing the education of their child, the results of the initial or most recent evaluation of the child, as appropriate, the results of the child's performance on any general State or district-wide assessment programs.

Other required elements of IEP. In addition to the elements required by the Federal IDEA regulations, the IEP of each student must include the following:

- (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.
  - i. *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.
  - ii. *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.

- iii. *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 the deafness or hearing impairment. For these students, the IEP must include a communication plan to address the language and communications needs, opportunities for direct communication 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.
  - iv. *Emotional support.* Services for students with a disability who require services primarily in the area of social or emotional skills development or functional behavior.
  - v. *Learning support.* Services for students with a disability who require services primarily in the area of reading, writing, mathematics, or speaking or listening skills related to academic performance.
  - vi. *Life skills support.* Services for students with a disability who require services primarily in the area of academic, functional, or vocational skills necessary for independent living.
  - vii. *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.
  - viii. *Physical support.* Services for students with a physical disability who require services primarily in the area 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.
  - ix. *Speech and language support.* Services for students with speech and language impairments who require services primarily in the areas of communication or use assistive technologies designed to provide or facilitate the development of communication capacity or skills.
- (2) **Supplementary aids and services** in accordance with 34 CFR 300.43 (relating to supplementary aids and services).
- (3) **Level of support and caseloads.** A description of the type or types of support as defined in §14.105 (relating to personnel):
- i. The following words and terms, when used in this subsection, have the following meanings, unless the context clearly indicates otherwise:
    - a. *Full-time.* Special education supports and services provided by special education personnel for 80% or more of the school day.
    - b. *Itinerant.* Special education supports and services provided by special education personnel for 20% or less of the school day.
    - c. *Supplemental.* Special education supports and services provided by special education for more than 20% but less than 80% of the school day.

- ii. The following chart represents the maximum number of students allowed on a teacher's caseload:

|                                     | Itinerant<br>(20% or less) | Supplemental<br>(Less than 80%<br>but more than 20%) | Full-time<br>(80% or more) |
|-------------------------------------|----------------------------|--|----------------------------|
| Learning Support                    | 50                         | 20   | 12<br>12 (Grades K-6)      |
| Life Skills Support                 | 20                         | 20   | 15 (Grades 7-12)           |
| Emotional Support                   | 50                         | 20   | 12                         |
| Deaf and Hearing Impaired Support   | 50                         | 15   | 8                          |
| Blind and Visually Impaired Support | 50                         | 15   | 12                         |
| Speech and Language Support         | 65                         |  | 8                          |
| Physical Support                    | 50                         | 15   | 12                         |
| Autistic Support                    | 12                         | 8  | 8                          |
| Multiple Disabilities Support       | 12                         | 8  | 8                          |

- iii. Each student with a disability shall be assigned to a special education teacher's caseload.

- (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.

**Implementation.** The IEP of each student shall be implemented as soon as possible, but no later than 10 school days after its completion.

**Transition Activities Coordinator.** Each school entity shall designate persons responsible to coordinate transition activities.

**Consideration of special factors.** The IEP team also shall: (1) in the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior; (2) in the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP; (3) in the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, an appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child; (4) consider the communication needs of the child, and in the case of a child

who is deaf or hard of hearing, consider the child's language and communications 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 (5) consider whether the child requires assistive technology devices and services.

**Assistive Technology.** The IDEA defines and prescribes assistive technology. Assistive technology is technology used by individuals with disabilities in order to perform functions that might otherwise be difficult or impossible. Assistive technology includes both devices and services.

An "assistive technology device" is 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 functional capabilities of students with disabilities. In short, the assistive technology device enhances the student's capabilities and helps remove barriers to performance. Assistive technology devices are on a continuum ranging from low tech devices to high tech devices. The best solution is usually the lowest tech solution that meets the learner's need. Assistive technology can include hardware, software, and peripherals that assist people with disabilities in accessing computers or other information technologies. For example, people with limited hand function may use a keyboard with large keys or a special mouse to operate a computer, people who are blind may use software that reads text on the screen in a computer-generated voice, people with low vision may use software that enlarges screen content, or people with speech impairments may use a device that speaks out loud as they enter text via a keyboard.

"Assistive technology services" are any service that assists a child with a disability with the selection, acquisition, or use of any assistive technology device.

Assistive technology services *must be considered* by IEP teams for all students who exhibit a disability. The IEP team must consider: does this student with a disability require use of a device to *function*? To address the student's need for assistive technology, IEP teams will use the *Assistive Technology Checklist: Considerations for the IEP team*. HOPE Charter IEP teams will keep in mind that assistive technology, in some situations, can itself be a barrier to learning.)

If the student requires the use of assistive technology, HOPE Charter School will make sure the device is age/developmentally appropriate.

HOPE Charter School maintains an inventory of all assistive technology devices used at the school. In addition, the school maintains a list of available assistive technology. These inventories and lists are reviewed at least annually to ensure that the assistive technology available to and considered by IEP teams is the most current technology available. These inventories and lists are also reviewed at any time at the request of an IEP team member or parent. At the time of the annual inventory review, the condition of all assistive technology devices-that is being used by students, as well as those not being used but available for student use- are also reviewed to ensure they are working properly. If a device malfunctions at any point in time while in use by a student, that device is either repaired or replaced as soon as is practical.

**Review and Revision of IEP.** In conducting a meeting to review, and, if appropriate, revise a child's IEP, the IEP team considers the special factors described above.

**Statement in IEP.** If, in considering the special factors described above, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team includes a statement to that effect in the child's IEP.

**Requirement with respect to regular education teacher.** The regular education teacher of a child with a disability, as a member of the IEP team, to the extent appropriate, participates in the development, review, and revision of the child's IEP, including assistance in the determination of appropriate positive behavioral interventions and strategies for the child and supplementary aids and services, program modifications or supports for school personnel that will be provided for the child.

**Content of IEP.** The IEP for each child with a disability must include the following:

1. A statement of the child's present levels of educational performance, including how the child's disability affects the child's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled children) or, for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities.
2. A statement of measurable annual goals, including benchmarks or short-term objectives, related to meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum (i.e., the same curriculum as for nondisabled children), or, for preschool children, as appropriate to participate in appropriate activities; and meeting each of the child's other educational needs that result from the child's disability.
3. A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child to advance appropriately toward attaining annual goals; to be involved and progress in the general curriculum and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities in the activities describing in this section.
4. An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described for preschool children.
5. Except for students with a disability who are convicted as adults under State law and incarcerated in adult prisons, a statement of any individual modifications in the administration of State or LEA-wide assessments of student achievement that are needed in order for the child to participate in the assessment (or part of an assessment), a statement of why that assessment is not appropriate for the child; and how the child will be assessed.
6. The projected date for the beginning of services and modifications described above, and the anticipated frequency, location, and duration of those services and modifications.
7. A statement of how the child's progress toward the annual goals described above will be measured, how the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of their child's progress toward the annual goals the extent to which that progress is sufficient to enable the child to achieve goals by the end of the year.

**Transition services.** Except in the case of students with a disability who are convicted and in adult prisons when the student's release from prison, considering their sentence and eligibility for early release, will be subsequent to when the student reaches 21 years of age, the IEP includes, for each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable

components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program.)

Except in the case of students with a disability who are convicted and in adult prisons when that student's release from prison, considering their sentence and eligibility for early release, will be subsequent to when the student reaches 21 years of age, the IEP must include, for each student, beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

**Agency responsible for transition services.** If a participating agency, other than HOPE Charter School, fails to provide the transition services described in the IEP, HOPE Charter School reconvenes the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

**Private school placements by HOPE Charter School. Developing IEPs.** Before HOPE Charter School places a child with a disability in, or refers a child to, a private school or facility, HOPE Charter School initiates and conducts a meeting to develop an IEP for the child in accordance with the requirements of §300.345 and §300.347. HOPE Charter School ensures that a representative of the private school or facility attends the meeting. If the representative cannot attend, HOPE Charter School uses other methods to ensure participation by the private school or facility, including the use of individual or conference telephone calls.

Reviewing and revising IEPs. After a child with a disability enters a private school or facility, any meetings to review and revise the child's IEP may be initiated and conducted by the private school or facility at the discretion of HOPE Charter School. If the private school or facility initiates and conducts these meetings, HOPE Charter School ensures that the parents and an LEA representative are involved in any decision about the child's IEP and agree to any proposed changes to the IEP before those changes are implemented.

**Responsibility.** Even if a private school or facility implements a child's IEP, responsibility for compliance with this part remains with HOPE Charter School.

**IEP accountability.** With regard to the Provision of Services, HOPE Charter School provides special education and related services to a child with a disability in accordance with the child's IEP and makes a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP.

**Accountability.** HOPE Charter School does not hold that any representative, teacher, or other person of HOPE Charter School be held accountable if a child does not achieve the growth projected in the annual goals and benchmarks or objectives of the requirements of the provisions under IEP accountability.

**Parent rights.** Nothing in this section limits a parent's right to ask for revisions of the child's IEP or to invoke due process procedures if the parent feels that the efforts required above are not being made. Children with disabilities and their parents must be afforded procedural safeguards.

**Extended school year (ESY).** ESY services are special education and related services provided to students with disabilities beyond the regular (typically, 180-day) school year. The IDEIA requires public schools to provide ESY services if a student needs these services to receive a *free appropriate public*

*education (FAPE)*. In some cases, interruptions in the school schedule, such as a summer break, will result in children with disabilities losing many of their basic skills and taking a long time to get those skills back once school begins again. ESY services are provided during breaks in the education schedule to prevent this loss.

## I. Background: Armstrong v. Kline and Other Federal Requirements

The Federal Court decision in Armstrong v. Kline, 475 F. Supp 583 (E.D. Pa 1979), established the mandate in Pennsylvania for ESY programming for children with any type or severity of disability who meet the court's eligibility standard. In addition, Federal special-education regulations include a requirement that children with disabilities receive extended school year programs in certain circumstances from their school districts or public charter schools. Specifically, those regulations provide: "Extended school year services must be provided only if a child's IEP team determines, on an individual basis, ...that the services are necessary for the provision of FAPE to the child." 34 C.F.R. §300.309(a)(2). The regulations further state that:

"In implementing the requirements of this section, the public agency may not (i) limit extended school year services to particular categories of disability; or (ii) unilaterally limit the types, amount, or duration of those services." §300.309(a)(3).

For all students with disabilities, ESY eligibility must be considered at each IEP team meeting. This determination must be made even if the child's parents have not specifically requested that their child be evaluated for ESY programming. This consideration also applies to students who are attending Approved Private Schools (APS) or other such facilities, and charter schools. APSs must share necessary information with the responsible LEA so that a timely decision can be made by the IEP team. However, the ultimate responsibility for timely IEP review and revision rests with the LEA.

## II. Policy on Timing and Method of ESY Determinations.

### A. Timing

#### 1. *Target Group Students*

The timing of an ESY determination is dependent on whether the student is a member of the "target group" (as defined by the Armstrong guidelines). Students in the "target group" are those students with a severe disability such as:

- Autism/pervasive developmental disorder
- Serious emotional disturbances
- Severe mental retardation
- Degenerative impairments with mental involvement
- Severe multiple disabilities

The parents must be notified by their LEA of the annual review meeting in order to ensure their participation. For purposes of an extended school year eligibility determination, the LEA must make the determination of the need in a timely manner so that children with disabilities who require ESY services in order to receive FAPE can receive the necessary services. The IEP review meeting must occur **no later than February 28<sup>th</sup>** of each school year for the "target group" (as described above). This date may require the LEAW to reschedule the annual IEP review, or conduct a separate ESY IEP meeting for this review.

Notice of Recommended Educational Placement (NOREP), containing the IEP team's determination regarding ESY eligibility is to be issued to the parent in a timely manner. If the child has been determined to be eligible, the program specifics must be included in the IEP. This is to be done **no later than March 31<sup>st</sup>** of the school year for students in the target group.

It may not be possible to meet the recommended February 28<sup>th</sup> consideration for a student in the target group, if the student transfers to the LEA after that date. However, districts and charter schools should remember that if a student enrolls who has an ESY component in their IEP after the target date to make the determination at the IEP meeting.