

PA Distance Learning Charter School October 19, 2022

Professional Development Special Education & 504 Overview Updates

Nicole D. Snyder, Esq.
McKenna Snyder, LLC
nsnyder@mckennalawllc.com

McKENNA SNYDER LLC



Attorneys At Law

McKenna Snyder
The statements and representations made in this presentation do not
constitute legal advice. ATTORNEY/CLIENT PRIVILEGE

(1)



WHY ARE WE HERE? . . .



McKENNA SNYDER LLC



Attorneys At Law

McKenna Snyder
The statements and representations made in this presentation do not
constitute legal advice. ATTORNEY/CLIENT PRIVILEGE



Session Objectives

- **U**NDERSTAND HOW LAWS & REGULATIONS RELATE TO ACTIVITIES RELEVANT TO YOUR SCHOOLS & PRACTICE
- **S**HARE KNOWLEDGE OF COMPLIANT POLICIES & PROCEDURES NEEDED TO SUPPORT YOUR SUCCESSFUL EFFORTS
- **E**NABLE YOU TO IDENTIFY AN APPROPRIATE FRAMEWORK FOR SPECIAL EDUCATION /SECTION 504 IMPLEMENTATION
- **I**NTEGRATE SOLUTIONS TO DILEMMAS IN ENSURING THAT INDIVIDUAL STUDENT NEEDS ARE MET IN A TIMELY, LEGAL & PRACTICAL MANNER
- **T**AKE AWAY STRATEGIES THAT CAN ENHANCE ACTIVITIES & EFFORTS REGARDING STUDENTS WITH DISABILITIES

USE IT 😊





- What is my role?
- What do I need to know?
- What if I need help?



Current trends and topics

Interesting Facts

McKENNA SNYDER LLC



Attorneys At Law

McKenna Snyder
The statements and representations made in this presentation do not
constitute legal advice. ATTORNEY/CLIENT PRIVILEGE

(6)

Effective Features of Virtual Programming

Jose L. Martin, Esq. from "Cyber School: Online/Virtual Schools and Special Education" 2011)

"ongoing feedback, self-pacing, and a higher potential for individualized instruction"

"greater opportunity for students to control their learning"

"multimodal presentation of content"

"social interaction via alternative means"

"lack of peer distractions or conflict"

"online archiving of student work for ease of assessment and progress monitoring"

"highly differentiated instruction capability"

"additional choices and flexibility for students and parents"

"availability of specialized instruction in rural or staff-shortage areas"

"lack of stigma associated with separate school settings"

"possible cost-savings"



CONSIDERATIONS FOR HIGH QUALITY ONLINE LEARNING

- What are you trying to teach?
- How will your students learn?
- What background knowledge will they need?
- What opportunities do they need to practice?
- How will they get feedback?
- What opportunities are there to extend their learning?
- How will it relate to their work?



“Navigating the Intersection of Complex Laws and Regulations”

- *“Educating students with disabilities in virtual schools entails not only molding state charter school laws to fit a specialized type of charter school, but also adapting federal and state special education guidelines aimed at providing special education in traditional brick and mortar settings.”*
- *“There are no federal education laws specifically addressing special education in virtual schools. Yet, as public schools, virtual charter schools are required to abide by all federal education statutes, including the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act (ADA) and the Fourteenth Amendment of the U.S. Constitution (Griffin, 2002; Rapp et al, 2006).”*

“Demystifying Special Education in Virtual Charter Schools” by: Lauren Morando Rhim and Julie Kowal, Public Impact, 2008, revised 2009.



Special Education Law

Legal Requirements

McKENNA SNYDER LLC



Attorneys At Law

McKenna Snyder
The statements and representations made in this presentation do not
constitute legal advice. ATTORNEY/CLIENT PRIVILEGE

Legal Requirements



- Individuals with Disabilities Education Improvement Act of 2004 (“IDEA”)
- Section 504 of the Rehabilitation Act (“Section 504”)
- The ADA Amendments Act (“ADAA”)
- State Statutes & Regulations
- Guidance
- Case Law
- Administrative Law Decisions
- FERPA



INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

The purpose of 20 U.S.C.A. § 1400 is to ensure that all children with disabilities have available to them a FAPE that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living; to ensure that the rights of children with disabilities and parents of such children are protected; and to assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities . . .



Section 504 and the IDEA



- Legislation designed to protect the rights of individuals with disabilities
 - Section 504 is a broad civil rights law
 - IDEA is a federal statute with the purpose of providing children with disabilities a free and appropriate education (FAPE)



Section 504



- Section 504 of the Rehabilitation Act - Section 504 prohibits discrimination based on disability in federally funded and federally conducted programs or activities in the United States, including employment programs.
- No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance . . .



Americans with Disabilities Act (ADA)

- The ADA prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress.
- To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered.



Title II and the ADA

- Title II of the ADA prohibits discrimination and ensures equal opportunity for persons with disabilities
- ADA regulations can impose greater obligations on schools than IDEA does. For example, 28 C.F.R. 35.160(a)(1) states: "A public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others." Further, a public entity must "furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities . . . an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity." 28 C.F.R. 35.160(b)(1). "In determining what types of auxiliary aids and services are necessary, a public entity shall give primary consideration to the requests of individuals with disabilities."

38 C.F.R. 35.160(b)(2).



FEDERAL OVERSIGHT

- USDOE (United States Department of Education)
- OSEP (Office of Special Education and Rehabilitative Services)
- OCR (Office for Civil Rights)



OCR Guidance

- ❖ “Dear Colleague” letters are subject to change from one administration to another
- ❖ Institutions should stay up-to-speed on current developments and recognize that OCR guidance and perspectives are subject to change.



OSEP

- **OCR and OSEP Issue Six Guidance Documents, Again Cautioning School Districts to Ensure Nondiscriminatory Practices in Discipline and Behavior Management for Students with Disabilities**
- <https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf>
<https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-factsheet.pdf>
- <https://www2.ed.gov/about/offices/list/ocr/docs/osers-dcl.pdf>
- <https://www2.ed.gov/about/offices/list/ocr/docs/osers-qa.pdf>
- <https://www2.ed.gov/about/offices/list/ocr/docs/osers-stakeholders.pdf>



NEW OCR & OSEP DISCIPLINE GUIDANCE

- The new resources include:
 - Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973 and an accompanying Fact Sheet.
 - Questions and Answers Addressing the Needs of Children with Disabilities and the Individuals with Disabilities Education Act's (IDEA's) Discipline Provisions.
 - Positive, Proactive Approaches to Supporting the Needs of Children with Disabilities: A Guide for Stakeholders. And,
 - A letter from Secretary Cardona to our nation's educators, school leaders, parents, and students about the importance of supporting the needs of students with disabilities.



NEW OCR & OSEP DISCIPLINARY GUIDANCE

- Outlines how Section 504's requirements to provide a FAPE apply to long-term disciplinary sanctions, such as out-of-school suspensions and expulsions.
- Explains Section 504's general nondiscrimination requirements, in the context of discipline, which applies to school staff and to the conduct of everyone with whom the school has a contractual or other arrangement, such as security staff and school police.
- Makes clear that Section 504 requires schools to provide reasonable modifications to policies, practices, and procedures when necessary to avoid discrimination.



NEW OCR & OSEP DISCIPLINARY GUIDANCE

- Section 504 does not prohibit a school from responding to emergency circumstances, such as contacting law enforcement or crisis intervention specialists, or from taking appropriate, nondiscriminatory steps to maintain safety and support students in learning how to be accountable for the impact of their actions on others.
- Positive, proactive approaches - offers evidence-based strategies that early childhood programs, schools, and local educational agencies (LEAs) can use in place of exclusionary discipline or other harmful practices such as restraint or seclusion.



Overview of OCR & OSEP Guidance

- Federal expectation that due to the increased mental health related concerns for our nation's students, caused, in part by the COVID-19 pandemic, schools must find ways to support behavior related needs without first resorting to suspension and/or expulsion.
- OCR and OSEP are especially concerned by the statistics surrounding suspension and expulsion of students with disabilities, compared to their nondisabled peers. In OSEP's July 19, 2022 Dear Colleague letter, the agency notes, "[s]chool-age students with disabilities served under IDEA represented 13.2 percent of total student enrollment but received 20.5 percent of one or more in-school suspensions and 24.5 percent of one or more out-of-school suspensions."
- To address these concerns, OSEP and OCR strongly encourage use of proactive, Multi-Tiered Systems of Support practices, focused on the whole child, and inclusive of not just academic support, but also behavioral, social, and emotional support.
- In addition, remind schools of their ongoing obligations to hold timely and thorough manifestation determinations for students with disabilities, under both Section 504 and IDEA, prior to enacting any disciplinary change in placement.



PA Regulations for Students with Disabilities

22 Pa Code Chapter 711



- Charter schools and cyber charter schools must comply with Chapter 711 of Title 22 of the Pennsylvania Code, entitled “Charter School and Cyber Charter School Services and Programs for Children with Disabilities.”
- Charter schools and cyber charter schools may not deny enrollment or otherwise discriminate in admission policies or practices on the basis of a child’s disability or the child’s need for special education or supplementary aids or services.
22 Pa. Code 711.7.
- Incorporates much of IDEA and Section 504.
- Chapters 14, 15 & 16 do NOT apply per statute. 711 applies.



PDE OVERSIGHT

22 Pa. Code § 711.4. Supervision.

(a) The Commonwealth, through the Department will provide general supervision of special education services and programs provided under this chapter to ensure that charter schools and cyber charter schools comply with § 711.3 (relating to incorporation of Federal regulations).

(b) The Department will supervise charter schools' and cyber charter schools' compliance with IDEA in accordance with the policies and procedures in the Department's IDEA grant application under 34 CFR § 300.100 (relating to eligibility for assistance) and as approved by the United States Department of Education.

(c) Charter schools and cyber charter schools shall:

- (1) Comply with the Department's compliance monitoring requirements.
- (2) Provide the information requested by the Department.
- (3) Complete the corrective action required by the Department.



PDE OVERSIGHT

- **§ 711.6. Annual report.**

- (a) The annual report required under section 1728-A(b) of the act (24 P. S. § 17-1728-A(b)) must include:
 - (1) The number of children with disabilities in special education.
 - (2) The services, programs and resources being implemented by the charter school or cyber charter school staff.
 - (3) The services and programs utilized by the charter school or the cyber charter school through contracting with another public agency, other organizations or individuals.
 - (4) The services and programs utilized by the charter school or the cyber charter school through the assistance of an intermediate unit as prescribed under sections 1725-A(a)(4) and 1744-A(3) of the act (24 P. S. §§ 17-1725-A(a)(4) and 1744-A(3)).
 - (5) Staff training in special education utilized by the charter school or the cyber charter school through the Department's training and technical assistance network and intermediate unit.
- (b) The annual report must include an assurance that the charter school or the cyber charter school is in compliance with Federal laws and regulations governing children with disabilities and the requirements of this chapter.
- (c) The annual report must include the age and type of exceptionality for each enrolled child with a disability; the level of intervention provided to each child with a disability; certification of staff providing services to each child with a disability; and programs and services available to children with a disability.



24 P.S. § 17-1729-A. CAUSES FOR NONRENEWAL OR TERMINATION

(a) During the term of the charter or at the end of the term of the charter, the local board of school directors may choose to revoke or not to renew the charter based on any of the following:

- (1) One or more material violations of any of the conditions, standards or procedures contained in the written charter signed pursuant to section 1720-A.
- (2) Failure to meet the requirements for student performance set forth in 22 Pa. Code Ch. 5 (relating to curriculum) or subsequent regulations promulgated to replace 22 Pa. Code Ch. 5 or failure to meet any performance standard set forth in the written charter signed pursuant to section 1716-A.²
- (3) Failure to meet generally accepted standards of fiscal management or audit requirements.
- (4) Violation of provisions of this article.
- (5) Violation of any provision of law from which the charter school has not been exempted, including Federal laws and regulations governing children with disabilities.
- (6) The charter school has been convicted of fraud.



Funding Formula

- Under the current special education funding formula in Pennsylvania, charter schools and cyber charter schools receive state funding for enrolled students from the school district of residence of each student pursuant to state statute, Section 24 P.S. § 17-1725-A.



Special Education Funding

- (a) Funding for a charter school shall be provided in the following manner:
 - (1) There shall be no tuition charge for a resident or nonresident student attending a charter school.
 - (2) For non-special education students, the charter school shall receive for each student enrolled no less than the budgeted total expenditure per average daily membership of the prior school year, as defined in section 2501(20), minus the budgeted expenditures of the district of residence for nonpublic school programs; adult education programs; community/junior college programs; student transportation services; for special education programs; facilities acquisition, construction and improvement services; and other financing uses, including debt service and fund transfers as provided in the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems established by the department. This amount shall be paid by the district of residence of each student.



Special Education Funding

- (3) For special education students, the charter school shall receive for each student enrolled the same funding as for each non-special education student as provided in clause (2), plus an additional amount determined by dividing the district of residence's total special education expenditure by the product of multiplying the combined percentage of section 2509.5(k) times the district of residence's total average daily membership for the prior school year. This amount shall be paid by the district of residence of each student.
 - (4) A charter school may request the intermediate unit in which the charter school is located to provide services to assist the charter school to address the specific needs of exceptional students. The intermediate unit shall assist the charter school and bill the charter school for the services. The intermediate unit may not charge the charter school more for any service than it charges the constituent districts of the intermediate unit.
-
- (See 24 P.S. 17-2725-A)



Hypothetical

- You are at dinner party and a neighbor's friend states that she heard that cyber charter schools are over-funded and take money from district students. It cannot cost as much to educate students in an online environment as in brick and mortar schools.
- You want to respond in support of appropriate cyber charter school student funding.
- What are some facts that contradict the assumption of the neighbor's friend?
- What are some compelling reasons to ensure adequate funding for cyber charter school students?



Transportation

22 Pa. Code § 711.42

- (a) School districts shall provide transportation to students with disabilities eligible under IDEA and to protected handicapped students under Section 504, to the charter school in which they are enrolled, if the charter school is located in their school district of residence, a regional charter school of which the school district is a part or a charter school located outside district boundaries at a distance not exceeding 10 miles by the nearest public highway. This includes transportation to an ESY program, if that program is held at the charter school.
- (b) Students with disabilities and Section 504 students may require modifications or accommodations for transportation to the charter school. Provision of modifications or accommodations, including specialized equipment and bus aides, in a student's IEP or Section 504 Service Agreement, are the obligation of the charter school.



Transportation

22 Pa. Code § 711.42

- (c) Cyber charter school students are not required to attend a specific facility to receive their educational services. The act does not require that a student's school district of residence provide transportation for cyber charter school students. If transportation is required as a related service in the IEP of the student with disabilities, who is enrolled in a cyber charter school, the cyber charter school shall provide the required transportation.
- (d) This chapter does not prohibit a charter school or cyber charter school and a school district from entering into agreements regarding the provision of transportation as a related service or accommodation to children with disabilities eligible under IDEA, or students eligible under Section 504.



Case Update

- *H.U. v. Northampton Area Sch. Dist.* (3d Cir. 2021).
- Judgment affirmed for District.
- Teen attended IU placement. Teen had neurological disorders and was sexually assaulted by another student with history of violent contact with peers. Van driver and monitor were TACT2 trained (therapeutic aggressive control training).
- Bus monitor could not foresee harm and actions were not conscience-shocking. Bus monitor was not aware of student prior acts.
- IU's alleged failure to share student history was not an affirmative act to create danger.
- Failure to train theory unsupported here.



Admissions

- Ensure that admissions criteria are non-discriminatory.
- “As a general rule, a schools eligibility criteria for admission must be nondiscriminatory on their face and must be applied in a nondiscriminatory manner” .
- May not categorically deny admission to students on the basis of disability .
- ADA communications regulations require that “communications with parents with disabilities must be as effective as communications with other parents” .

From OCR issued Dear Colleague Letter in May 2014



Hypothetical

- Student transfers into cyber charter school mid-year. Parent reports that Student had an IEP at student's previous school district.
- Previous school district does not send cyber the IEP.
- Parent provides a copy of the IEP she has.
- Parent also reports that Student has an outside evaluation that indicates diagnosis of autism.
- Parent checks IEP indication on the Charter School Enrollment Form.
- What should the cyber school do?



ENROLLMENT



Issues

- Delayed Enrollment

Legal Aspects

- Non-discrimination in Admissions Policies and Practices
- Section 504
- IDEA

Practical Aspects



Getting off to the Right Start

- ENROLLMENT
- ADMISSIONS
- POLICIES/PROCEDURES
- NON-DISCRIMINATION
- WHAT TO IMPLEMENT OR DEVELOP?
- DILIGENT REVIEW
- KNOW THE STUDENT!





**KEEP
CALM
AND
FIND
ANSWERS**



Where are the Records?

- Ongoing Access to Information
- FERPA
- Contracts and Contractors
- Agents
- Communication





FERPA AND RECORDS

REQUEST!

FOLLOW-UP ON REQUEST IN WRITING!

OBTAIN! FROM LEA! (FROM PARENT TOO)

MAINTAIN!

RESPECT CONFIDENTIALITY!

*TRANSFER UPON APPROPRIATE
REQUEST!*

*DOCUMENT! REMEMBER THAT
RECORDS CAN ALSO INCLUDE E-MAILS,
NOTES, IMs, TEXTS . . .*

CONSENT TO EXCHANGE AND RELEASE

STUDENT RECORDS

McKENNA SNYDER LLC



Attorneys At Law

The statements and representations made in this presentation do not constitute legal advice. ATTORNEY/CLIENT PRIVILEGE

McKenna Snyder

41

The Family Educational Rights and Privacy Act (FERPA)

(20 U.S.C. §1232g;
34 CFR Part 99)

McKENNA SNYDER LLC



Attorneys At Law

McKenna Snyder

The statements and representations made in this presentation do not constitute legal advice. ATTORNEY/CLIENT PRIVILEGE

(42)

FERPA

The Family Educational Rights and Privacy Act (**FERPA**)

(20 U.S.C. § 1232g; 34 CFR Part 99)

- Federal law that protects the privacy of student education records.



FERPA cont.

- Applies to schools receiving federal funds.
- Imposes limitations on school's ability to disseminate education records.
- "Education Records" include all records "directly related to student" and "maintained by" the school or a party acting on school's behalf.
- Does not include: personal notes maintained by maker, internal law enforcement records, employee records.
- Consequences for violation: withholding/ terminating funding; cease and desist orders.



FERPA cont.

- Written consent required when disclosing personally identifiable information from education records.
- Consent must: specify records to be disclosed, state purpose of disclosure, and identify party to whom disclosure is made.
- **Written consent** not required when disclosing personally identifiable information to those within the institution with a “**legitimate educational interest**,” transferring school districts, certain governmental bodies, or to comply with lawful subpoena, etc.



FERPA – Annual Notice

Parents and students must be **notified annually** of their rights under FERPA.

The notice must inform parents that they have the right to:

- Inspect the educational records;
- Seek amendment of the records;
- Consent to disclosure of the records;
- File a complaint with the Department of Education concerning alleged failures to comply with FERPA.



FERPA cont.

- All information regarding students other than the one about whom the records are provided must be redacted.
- Must maintain records of requests for access and each disclosure of personally identifiable information.
 - Record must include who requested the information and why information was needed.
- Can disclose “**directory information**” (name, address, telephone, date/place of birth, etc.) without written consent so long as public notice has been given.
 - Annual public notice informs parents of their rights to inspect, seek amendment of and consent to disclosure regarding education records.



In the wake of Covid-19

Special Education

McKENNA SNYDER LLC



Attorneys At Law

McKenna Snyder
The statements and representations made in this presentation do not
constitute legal advice. ATTORNEY/CLIENT PRIVILEGE

(48)





Special Education Training and Best Practices



Education – is it changed forever with the COVID-19 pandemic?

- Even before COVID-19, there was already high growth and adoption in education technology, with global ed-tech investments reaching US \$18.66 billion in 2019 and the overall market for online education projected to reach \$350 Billion by 2025.
- Whether it is language apps, virtual tutoring, video conferencing tools, or online learning software, there has been a significant surge in usage since COVID-19.
- Some school districts are forming unique partnerships, like the one between The Los Angeles Unified School District and PBS SoCal/KCET to offer local educational broadcasts, with separate channels focused on different ages, and a range of digital options.

Direct quotes in article “the COVID-19 pandemic has changed education forever”

Written by Cathy Li, Head of Media, Entertainment and Information Industries, World Economic Forum. Farah Lalani, Community Curator, Media, Entertainment and Information Industries, World Economic Forum. The views expressed in this article are those of the author alone and not the World Economic Forum.



Least Restrictive Environment in the Wake of COVID-19: A Brief Word from National Association of State Directors of Special Education



- “As we look ahead to the 2020-2021 school year, school systems across the country will once again have to balance health and safety concerns with providing a free appropriate public education (FAPE) and will likely be considering various operational models for delivering services. As various operational models are considered, it is important that state directors of special education in collaboration with local special education directors provide leadership and guidance on how to preserve the principles of LRE and implement a student’s individual LRE in the non-traditional models brought about by the COVID-19 pandemic.”

https://www.nasdse.org/docs/NASDSE_LRE.pdf



Supporting Students During the COVID-19 Pandemic: Maximizing In-Person Learning and Implementing Effective Practices for Students in Quarantine and Isolation

When students are temporarily unable to attend school in-person because of COVID-19 cases and remote learning is therefore temporarily implemented, **it is essential that states, school districts, and schools put in place policies to ensure that students continue to access high-quality and rigorous learning, that students' basic needs are addressed, and that their social, emotional, and mental health needs are met.** These policies should specifically address the specific needs of students most impacted by the pandemic—who are often the same students who have been underserved prior to COVID-19—and ensure that delivery of instruction and other critical services are as high-quality as they would be when delivered in person.

<https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>



Aja N. v. Upper Merion Area Sch. Dist., 122 LRP 27189 (E.D. Pa. 08/16/22).

- Developing appropriate IEPs can help avoid shortfalls caused by virtual learning.
- Virtual learning or blended educational environments can cause particular challenges for students who struggle with memory, receptive language and executive functioning.
- In a recent U.S. District Court, Eastern District of Pennsylvania decision, the court upheld a hearing officer's decision awarding **over two years worth of compensatory education damages** to a high school student with disabilities.
- The Pennsylvania LEA failed to provide FAPE during the COVID-19 lockdown during virtual instruction.
- A key fact was the LEA's failure to develop IEPs addressing memory, receptive language, and executive functioning.
- Had the LEA developed appropriate IEPs, it might have avoided the claim.
- See Original Hearing Decision 121 LRP 36607.



PDE's Post Pandemic Plan

Academic achievement and social/emotional well-being are accelerated by a strong foundation of healthy system conditions and scaffolded supports.



Accelerated Learning: Closing the Achievement Gap post COVID

Four-Pronged Approach

- Focus on High-Quality Academics
- Foster Supportive Learning Environments
- Establish Healthy System Conditions
- Design a System of Scaffolded Supports

PA Essential Practices



Provide Effective Instruction

[PDE_AcceleratedLearning2021 \(pa.gov\)](https://www.pa.gov/education/accelerated-learning)

The learning acceleration strategy must empower educators to ensure every student has access to the resources and supports necessary to successfully engage with and master grade-level content.

- **Assess:** How will we develop a balanced approach to using formal and informal assessments, classroom-based evidence showing growth over time, and involving students in the evaluation of their own work?
- **Analyze and Interpret:** How is the analysis and interpretation of data being used to accelerate student learning?
- **Instruction:** What instructional changes need to occur for the 2021-2022 school year and beyond?
- **Reflect/Monitor/Share:** How do we create a data culture that focuses on effective use of data to inform instruction, support teacher collaboration, and engage parents and caregivers in their students' academic growth?



Social Emotional Wellness for Staff

- Communicate a focus on staff and student wellness, emphasizing and prioritizing a social-emotional learning connection through delivery of targeted strategies.
- A tiered plan for wellness and mental health can support staff adjustment and prepare them to better support students when they return to school.
- Solicit staff feedback when developing wellness practices and support systems in the school. Be aware that the plan is fluid and will change based on health recommendations and school entity requirements for health and safety. [?]
- Examine existing practices, routines, and available spaces in the school with the priority focused on wellness.

[Staff and Student Wellness Guide \(pa.gov\)](#)



Social Emotional Wellness for Students

- Recognize that the students and families may continue to have traumatic experiences prior to/during the pandemic. This can include prior family displacement, loss, and/or violence exposure.
- Provide positive supervision and safety monitoring.
- Provide brief whole-school or whole-class lessons on how traumatic stress impacts our brains to help normalize and reduce shame, as well provide a rationale for integrating wellness activities into class and school routines.
- Provide time, spaces, and places for embedding self-care activities for both students and staff.

[Staff and Student Wellness Guide \(pa.gov\)](https://www.pa.gov/education/staff-and-student-wellness-guide)



PDE's Essential Practices

- Focus on continuous improvement and instruction
- Empower leadership
- Provide student-centered supports
- Allocate resources strategically and equitably
- Implement data-driven human capital strategies

[PA Essential Practices Districts](#)



Hypothetical

- A student with an IEP based on her autism spectrum disorder disability is included in your general education asynchronous science class.
- She is friendly and interested in the topics in class.
- You have followed the accommodations in her IEP by modifying the test, providing her with guided notes, and offering to review lessons.
- Student completes her assignments in a timely manner but has failed every assessment.
- What do you do? Who needs to know? When?



Curriculum Development and Assessment – Chapter 4



Charter school curriculum shall be developed and evaluated on a continuing basis in accordance with the best in educational theory and practice and, in accordance with Chapter 4 of Title 22 of the Pennsylvania Code, as to Academic Standards and Assessments and/or any regulations promulgated thereafter.



Curriculum Development and Assessment – Chapter 4

- A course of study is to be prepared for each curriculum area.
- This course of study shall contain objectives, subject content, basic instructional activities, references to approved instructional materials, and procedures for evaluation of student achievement.
- Staff shall use the course of study in planning instruction and judging student progress.



22 Pa Code § 4.28. Special Education.

- (a) Under the Individuals with Disabilities Education Act and this part, children with disabilities shall be provided an education which enables them to be involved in and progress in the general curriculum under this chapter.
- (b) Students who are gifted as defined in this part shall be provided an education that enables them to participate in acceleration or enrichment, or both, as appropriate.
- (c) The educational program provided to children with disabilities shall be in accordance with their Individualized Education Programs under the Individuals with Disabilities Education Act and this part, even if the Individualized Education Program does not otherwise meet all requirements of this chapter.
- (d) Planned instruction for children with disabilities shall conform to the requirements established for planned courses in § 4.3 (relating to definitions) as it relates to planned instruction.



34 CFR 300.11(a) Child Find



Child Find

Pre-referral/MTSS

Evaluation Procedures &
Timeline





Child Find



- § 711.21. Child find states:
 - (a) To enable the Commonwealth to meet its obligations under 34 CFR 300.111 (relating to child find), each charter school and cyber charter school shall establish written policies and procedures to ensure that all children with disabilities *who are enrolled in the charter school or cyber charter school*, and who are in need of special education and related services, are identified, located and evaluated.
 - (b) Each charter school's or cyber charter school's **WRITTEN POLICY** must include:
 - (1) Public awareness activities sufficient to inform parents of children applying to or enrolled in the charter school or cyber charter school of available special education services and programs and how to request those services and programs. **WRITTEN INFORMATION SHALL BE PUBLISHED IN THE CHARTER SCHOOL OR CYBER CHARTER SCHOOL HANDBOOK AND WEB SITE.**
 - (2) Systematic screening activities that lead to the identification, location and evaluation of children with disabilities enrolled in the charter school or cyber charter school.





Child Find



Child Find

The procedures are addressed in the State Board of Education's regulations where school districts and charter schools perform child find, screening and evaluation for all children, as prescribed at 22 Pa. Code §§ 14.121—14.123 and 22 Pa Code, § 711.21, §711.23, and § 711.24.

The Child Find provision of the IDEA requires that the state has in effect policies and procedure to ensure that:

- (i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated;
- (ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.



Child Find

- While all students with mental health needs may not qualify for services under the IDEA or Section 504, the indication of mental health issues raises the issue that the school may need to provide specially designed instruction (“SDI”), modifications and/or accommodations.
- In such instances, the evaluation process is needed.
- Whether the child qualifies under IDEA or Section 504, schools must ensure that **students suspected of having a disability and needing services are evaluated without unreasonable delay.**



Child Find ...

School
performance

Attendance

Drug abuse

Inability to
cope

Sleeping

Defying
authority

Frequent
outbursts

Hyperactivity

Hallucinating

Withdrawal

Isolation



Referral for Evaluation

- A parent may request an initial evaluation at any time to determine if their child is a child with a disability. 34 C.F.R. § 300.301(b).
- If the LEA does not suspect the child has a disability, it may deny the parent's request for an initial evaluation and provide written notice to the parent, consistent with 34 C.F.R. § 300.503(b), that explains, among other things, why the LEA refuses to conduct an initial evaluation and the information that was used as the basis to make that decision.
- The parent may challenge the LEA's refusal by requesting a due process hearing under 34 C.F.R. § 300.507 or filing a State complaint under 34 C.F.R. § 300.153.
- However, if the LEA believes the child may have a disability under IDEA, it must obtain the parent's informed consent, consistent with 34 C.F.R. § 300.9, to conduct an initial evaluation. 34 C.F.R. § 300.300(a).



Assessments for the Evaluation Process

- Functional Behavioral Assessment (“FBA”)
 - Gather information from a number of sources such as:
 - Interviews with those who know the student and their behavior best (e.g., teachers, parents or student)
 - Review of student records (e.g., attendance data, nurse records, academic scores, behavior history)
 - Direct observations of the behavior in context (i.e., in school, on the bus, at home)
- Assessments of Student Motivation for School Refusal Behavior
 - School Refusal Assessment Scale – Revised;
 - Motivational Assessment Scale (MAS)
- Scales for Assessing Emotional Disturbance – Third Edition
- Behavior Assessment Scale for Children (BASC)
- Achenbach System of Empirically Based Assessment
- Psychiatric evaluation



Hypothetical

- Student enrolls in School as a regular education student but parent reports upon enrollment that student has outside diagnoses and had an IEP when student was in elementary school related to speech/language issue.
- School educates Student as a regular education student without any supports or services for two marking periods.
- Teacher progress reports indicate that Student struggles with peer interactions, is often off-task, fails to follow directions and is highly distractible and oppositional.
- Parent has also been receiving numerous truancy letters from personnel for latenesses and unexcused absences.
- What do you do? Who needs to know? When?





- Supplementary Aids and Services
- Communication
- Parent Involvement
- Parent Training
- Communication

PARTICIPATION/ATTENDANCE



711.24 Evaluation Timeline

- (a) The group of qualified professionals, which reviews the evaluation materials to determine whether the child is a child with a disability under 34 CFR 300.306 (relating to determination of eligibility), must include a certified school psychologist when evaluating a child for autism, emotional disturbance, mental retardation, multiple disabilities, other health impairments, specific learning disability or traumatic brain injury.
- (b) In addition to the requirements incorporated by reference in 34 CFR 300.301 (relating to initial evaluations), 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 of 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.
- (c) Parents may request an evaluation at any time, and the request must be in writing. The charter school or cyber 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 or cyber 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.
- (d) 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.



IEP Requirements

- Under the IDEA, an IEP is defined as “a written statement for each child with a disability that is developed, reviewed, and revised in a meeting.” 34 CFR §300.320(a).
- Amongst other information, the IEP must include the child’s present levels of academic achievement and functional performance and measurable annual goals.
- Transition services (14) should be included in the IEP, including measurable postsecondary goals.
See 34 CFR §300.320.
- At the beginning of each school year, the school must have an IEP in effect for each child with a disability. See 34 CFR §300.323.



IEP Team

- The IDEA further specifies who should be part of the student's IEP team.
- Amongst other participants such as the student's regular education and special education teachers, the school must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or, at the very least, are afforded the opportunity to participate.
- To ensure this happens, the school should notify the parents of the meeting early enough to ensure they will have an opportunity to attend and the school should schedule the meeting at a mutually agreed upon time and place.



Contents of the IEP

- SECTION I Special Considerations the IEP Team Must Consider Before Developing the IEP
- SECTION II Present Levels of Academic Achievement and Functional Performance
- Section III Transition Services
- Section IV Participation in State and Local Assessments



Present Levels of Academic Achievement & Functional Performance

- Academic Assessment Data
 - Summative
 - Formative
 - Diagnostic
- Social, Emotional, Behavioral Performance
- Related Service Provider Updates



Hypothetical

- A student is in your general education class and has an IEP with primary disability of OHI.
- The student sees the school counselor weekly to address his mental health issues.
- The student turns in assignments and passes the tests.
- He does not typically participate in class, but he is not presenting with externalizing behaviors/disruption of class.
- On benchmark assessments taken in September, January and May he consistently performs in the Below Level or Urgent Intervention range. This pattern has existed for 3 years.
- What do you do? Who needs to know? When?



Goals & Objectives

Measurable Annual Goals include:

- Condition
- Student name
- Clearly defined behavior
- Performance criteria

Writing Effective IEPs

Progress Monitoring



Related Services

- Related services are those services that accompany special education that allow a child with a disability to benefit from special education.
- Such related services do not include services that apply to children with surgically implanted devices. See 34 CFR §300.34(b).





Related Services cont.



- Includes school health and nurse services, school social work services, parent counseling and training, transportation, speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation (including therapeutic recreation), early identification and assessment of disabilities in children, counseling services (including rehabilitation counseling), orientation and mobility services, as well as medical services for diagnostic or evaluation purposes. See 34 CFR §300.34 (a).



DK v. Abington Sch. Dist., No. 10-2189
(3d. Cir. Oct. 2012)

- District consistently:
- **monitored, documented** and **responded** to student's individual educational needs in this case plus
- **developed** behavioral implementation systems with **parent cooperation** and **offered** special attention and testing accommodations.
- That was enough to justify no child find or FAPE violations under 504 or IDEA.
- (Case also considered scope of exceptions to statute of limitations)

Implementing the Instructional Plan and Progress Monitoring

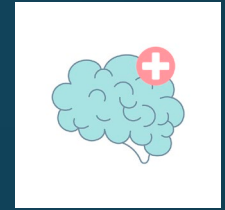


Hypothetical

- Student is a 15-year-old 10th grade student enrolled in Charter School and has never been identified as having a disability requiring an IEP or Section 504 plan.
- Student has always performed well in all academic classes and on standardized testing. Student is a gifted musician and vocalist.
- Student has been absent a significant number of school days over the past two years.
- Student has had some disciplinary infractions throughout her education, including making inappropriate comments about her teachers, viewing inappropriate content on school computers and she had one Student Assistance Program referral for suspicion of alcohol use when in 8th grade.
- Student has seen the school counselor on two occasions in past school years for making statements to a teacher that she feels like she wants to “end it all.” Parent tells the counselor that Student has been seeing a therapist and has a diagnosis of depression that she would prefer not sharing with anyone else in the school.
- What should be considered, done, or communicated? When? To Whom?



Shift from Wellness to Mental Health Disorders



- Untreated mental health disorders tend to become more severe, and their behavioral effects spiral, when compounded by years of the frustration of failing grades and negative feedback from family members, peers, and authority figures.
- As youth, and later as adults, those with mental, emotional, and behavioral disorders are more likely to use alcohol and drugs—both because they may be more biologically vulnerable to chemical dependence and more likely to want to alter their moods to blunt their distress.



Early Identification

- Early identification and detection are key to meeting the needs of students with disabilities!
- Early identification of social, emotional, mental health, executive functioning and behavioral issues is not an exception to this general premise.
- Positive Behavior Support
- Trauma Informed Care



Mental Illnesses



Children can struggle with many different mental illnesses including: anxiety, disruptive behavior, pervasive development, eating, elimination, affective, schizophrenic, and tic disorders.

Mental health problems and symptoms can range from “very mild to extremely severe” including instances when hospitalization is necessary to treat the most severe cases.



Mental Illnesses cont.

General symptoms indicating that a child may be suffering from mental illness may include: changes in school performance, drug abuse, inability to cope, changes in sleeping, defying authority, frequent outbursts of anger and hyperactivity.

Serious symptoms can include: hearing voices, hallucinating, and aggressive behavior.

Some adverse childhood experiences can be indicators of mental health issues, such as child abuse, neglect, and growing up in extremely dysfunctional homes.



Diagnosis



Statistics have also highlighted that mental illness in children often remains undiscovered for far too long with an estimated one-third of mental illnesses in children undetected.

However, mental illnesses can be diagnosed or recognized during childhood with “half of all lifetime cases of mental illness recognizable by age 14 and three-quarters by age 24.”

- American Academy of Pediatrics Task Force on Mental Health, *The Case for Routine Mental Health Screening*, AM. ACAD. OF PEDIATRICS, 125, S133, S 133 (2010), available at http://pediatrics.aappublications.org/content/125/Supplement_3/S133.citation
- American Academy of Child & Adolescent Psychiatry, *2013 Appropriations* (April, 2012), available at http://www.aacap.org/App_Themes/AACAP/docs/Advocacy/federal_and_state_initiatives/psychiatric_medications_and_research/aacap_policy_summary_on_tv_2013_appropriations.pdf
- See also Ronald C. Kessler et. al., *Lifetime Prevalence and Age-of-Onset Distributions of DSM-IV Disorders in the National Comorbidity Survey Replication*, 62 ARCHIVES GEN. PSYCHIATRY 593, 593 (2005) (“Median age of onset is much earlier for anxiety (11 years) and impulse control (11 years) disorders than for substance use (20 years) and mood (30 years) disorders.”).



Collaboration

Children's mental health needs are addressed by a variety of providers and caregivers who work in a range of diverse and loosely organized public and private settings.

This patchwork of providers and services is typically categorized into components including:

- ✓ specialty mental health (e.g., psychiatrists, psychiatric nurses, psychologists, and social/behavioral health workers)
- ✓ primary care (e.g., pediatricians, family physicians, nurse practitioners)
- ✓ human services (e.g., social services; school based counseling services)

(4) voluntary support networks (e.g., self-help groups). In turn, these providers work within public and private service delivery systems.



COLLABORATION is Key!



In order for schools to effectively support students with complex mental health, behavioral and social/emotional needs, **meaningful collaboration** among schools and other stakeholders, including mental health professionals, behavioral health services, the medical community, families, related service providers, child welfare agencies, early intervention, and pre-school programs, where applicable, is key to providing a free and appropriate public education ("FAPE") to students with disabilities recognized under IDEA and/or Section 504.



Trauma Sensitive Schools

What is the importance for Schools?

All schools and educators who work with children who have experienced trauma, but you may not know who these students are. Schools have an important role to play in providing stability and a safe space for children and connecting them to caring adults. In addition to serving as a link to supportive services, schools can adapt curricula and behavioral interventions to better meet the educational needs of students who have experienced trauma



Impact of Trauma on Students

- Physical symptoms such as headaches, stomachaches, poor appetite, and decline in self-care
- Intense feelings of fear, anxiety, and concern for their safety
- Difficulty identifying how they are feeling and controlling their emotional reactions



Impact of Trauma on Students cont.

- Angry or aggressive outbursts
- A desire to withdraw from peers and adults
- A tendency to engage in risk-taking behaviors
- Trouble trusting adults and peers, reading social cues, and building relationships
- Difficulty paying attention and learning



Impact of Trauma on Students cont.

- More time out of the classroom
- Increased isolation
- School absences
- More suspensions or expulsions
- Higher referral rates to special education
- Poor test scores and an increased risk of failing grades



Impact of Trauma on Parents

- Difficulty managing emotions and controlling behaviors when interacting with school staff
- Difficulty forming relationships
- Increased risk for substance abuse, depression, and PTSD that negatively impact parenting



Impact of Trauma on Parents cont.

- Trouble managing stress related to their child's difficult behaviors
- Feelings of embarrassment, shame, fear, or guilt about their child's behaviors or needs
- Difficulty helping their children cope



Trauma Sensitive Schools cont.

Trauma Informed Approaches:

Evidence-supported, trauma-informed models have been developed in other fields and can be implemented in schools

- This means being informed and sensitive to trauma
- Providing a safe, stable and understanding environment for students and staff
- Acknowledge trauma and its triggers
- Avoid stigmatizing and punishing students



Least Restrictive Environment

- Students must be educated in regular classroom settings to the maximum extent appropriate.
- Under the IDEA, each public agency must ensure that (i) to the maximum extent appropriate, children with disabilities are educated with children who are nondisabled; and (ii) 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.
See 34 CFR §300.114.



Discipline of Students with Disabilities

- **Additional Protections Apply to Students with Disabilities**
- Charter schools and cyber charter schools shall comply with Chapter 12 (relating to students) and 34 CFR 300.530—300.537, regarding discipline procedures.
- Any removal from the current educational placement is a change of placement for a student who is identified with an intellectual disability (mental retardation).
- When a child with a disability has been expelled from a charter school or cyber charter school, the charter school or cyber charter school shall provide the child with a disability with the education required under § 12.6(e) until the charter school or cyber charter school is notified in writing that the child is enrolled in another public agency, private school, approved private school or private agency.
- Notwithstanding the requirements incorporated by reference in 34 CFR 300.530(b) and 300.536 (relating to authority of school personnel; and change of placement because of disciplinary removals), 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.



Discipline – Exclusions + Change of Placement

- 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.
- Special Circumstances Note (Weapons, Drugs, SBI)
- Thought to Be Eligible Students
- ODR Requests Related to Dangerousness
- PROCEDURAL SAFEGUARDS



Discipline – Exclusions + Change of Placement cont.

- 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 or exceed 15 cumulative school days in a school year.
- Manifestation Determination Requirement
- 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, the Charter School must, during any subsequent days of removal in that school year, provide services to the extent required.



IDEA Protections

- For students not yet eligible, but who are “thought to be eligible” under the IDEA, they are entitled to the same protections as students eligible under the IDEA.



Hypothetical

- Student is enrolled in your general education class. She has an IEP for Specific Learning Disability and Speech Language Impairment.
- After the first month of school, the student's attendance decreased dramatically.
- Even when the student is present, she does not complete or turn in assignments. She has not been present for the last two assessments and does not attend after school make-up sessions.
- Her parents have not responded to your email.
- What should be considered, done, or communicated? When? To Whom?



FBA's, PBSP's, Attendance and Observations

An FBA is a process that searches for an explanation of the purpose behind a student's problem behavior. Although FBA's and behavioral intervention plans are not required components of the IEP, they aid schools with discipline procedures.

34 CFR §300.530.



Functional Behavioral Assessment (FBA)

- The FBA process results in the identification of environmental antecedents.
- Environmental antecedents are what happened before the behavior occurred.
- The FBA process also results in the determination of consequences.
- Consequences are what happened after the behavior occurred that maintains the behavior (or keeps the behavior continuing).



Behavior Intervention Plan (BIP)

- A BIP is used to help prevent behavior problems in children by addressing the cause of the behavior(s).
- BIP and a PBSP are similar and, sometimes, used interchangeably.
- However, the focus of the BIP is to provide interventions to address the behaviors.
- The PBSP also uses positive behavior techniques but in the context of the IEP.
- If a student has an Individualized Education Plan or a 504 Plan, then each should include specific strategies to help the child learn alternative positive behaviors.



Behavior Support Personnel

- In addition to the parents, guardians and the school personnel, the FBA process and the BIP process should include all behavior support personnel.
- Such personnel include school employees and contracted vendors, including behavior consultants, behavior specialists and other persons involved in the evaluation process and the intervention process, such as the School Psychologist, the Special Education Director and Student's Case Manager and Teachers, and a Board-Certified Behavior Analyst (BCBA)



Crisis Plan

- A crisis plan is a plan to define what a child's crisis looks like. May also include Crisis/Deescalation Plan.
- The crisis plan includes simple and specific steps that the school will take to support the student in crises.
- Such steps will detail who to contact for assistance, how to work together with the student in crises during that actual crises time, and how to know when the crisis is over.
- A crisis plan will also detail when and how the parents and guardians are notified.



Crisis Plan

In sum, a crisis plan is used in the following ways:

- when the student may be at risk of harm to self or others
- for the immediate response by the school to the risk of the student's harmful behaviors or actions
- for support by behavioral health support staff and other trained mental health crisis response provider(s)
- for positive strategies with the student and with the input and support of the student in question



OSERS AND ADHD

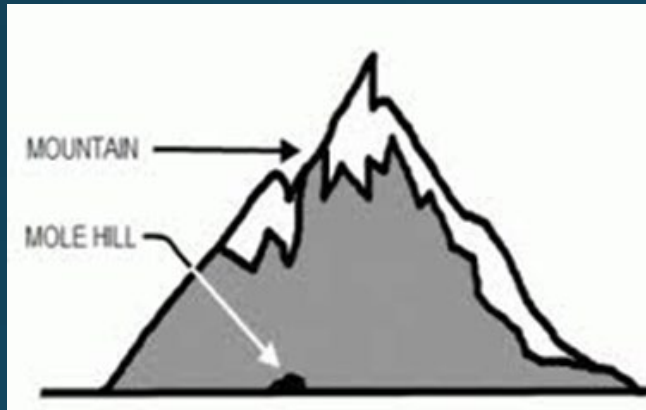
- The U.S. Department of Education's Office of Special Education and Rehabilitative Services (OSERS) issued guidance in the form of a Dear Colleague Letter (DCL) that emphasizes the requirement that schools provide positive behavioral supports to students with disabilities who need them. It also clarifies that the repeated use of disciplinary actions may suggest that children with disabilities may not be receiving appropriate behavioral interventions and supports. When schools fail to consider and provide for needed behavioral supports through the Individualized Education Program (IEP), it is likely to result in children not receiving the free appropriate public education to which they are entitled under federal law.



Least Restrictive Environment

- Students must be educated in regular classroom settings to the maximum extent appropriate.
- Under the IDEA, each public agency must ensure that (i) to the maximum extent appropriate, children with disabilities are educated with children who are nondisabled; and (ii) 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.
See 34 CFR §300.114.





Parent Requests



When to Consider Other Options?



- How to Have the Difficult Discussions
- When and How to Involve Others
- How to Advocate
- Communication Strategies



District Cyber Programs – reconciling pre-COVID case law with COVID requirements

S.P., a minor, by his parents; J.A.P.; J.L.P., and on their own behalf v. Fairview School District, U.S. District Court, Western District of Pennsylvania(Sept. 30, 2014)



School District offered full-time “cyber school” program for access from home to teenager with refractory migraine headaches. District Court held restrictive placement was necessary to meet the student's unique needs, given his frequent absences, coupled with his documented need to remain in a quiet, dark room for 12-16 hours when he had a migraine.

Like the IDEA, Section 504 requires districts to educate students with disabilities alongside their nondisabled peers “to the maximum extent appropriate” based on their needs.

“Given the unique medical issues facing [the student], the School District has made extraordinary efforts to accommodate [him] in a regular education environment.” But, Student was unable to benefit from a school-based environment. In the cyber school program, the school district gave the student the opportunity to participate in extracurricular activities and allowed him to attend school-based classes when he felt well enough to do so. As such, the district fulfilled its obligation to educate the student in the least restrictive environment (LRE).



Shortened School Days-

reconciling pre-COVID violations law with COVID requirements



- Shortening a Student's school day may not be in the Student's best interest even if it appears to be a short-term or long-term solution to an issue the student is experiencing. Furthermore, unilaterally or inappropriately shortening a Student's school day may be considered a violation of state and/or federal laws and regulations protecting children with disabilities.
- The violation of such laws may subject a school/district to: parent complaints; due process proceedings and/or investigation by state and/or federal agencies such as the Office for Civil Rights ("OCR"); potential legal liability and claims for compensatory education and damages; Independent Educational Evaluation ("IEE") requests; and attorneys' fees demands together with the costs of defense and the time and resources that must be devoted to responding to and defending against such claims. Most importantly, shortening a disabled student's school day may result in inappropriate and discriminatory programming that impedes the student's academic and social-emotional growth.
- *See Helping to Ensure Equal Access To Education Report to the President and Secretary of Education Under Section 203(b)(1) of the Department of Education Organization Act FY 2009-12, Office For Civil Rights (2012) available at: www2.ed.gov/about/reports/annual/ocr/report-to-president-2009-12.pdf*



COVID-19

- At its initial peak in Spring 2020, COVID-19 resulted in “a near-total shutdown of school buildings” and “an historic upheaval of K-12 schooling in the United States.”
- It is reported that the closures affected at least 55.1 million students in 124,000 U.S. public and private schools. Nearly every state & the District of Columbia either ordered or recommended that schools remain closed through the end of the 2019-20 school year.
- School entities, educators, parents of students with disabilities, special education students, and federal, state and local officials are charged with addressing these issues that continue to persist in the absence of a presently available vaccine.



Other Important Issues

- Procedural Safeguards Notices
- Prior Written Notice/NOREPs
- Board Approved Policies
- Annual Notifications
- Anti-Discrimination Statements and Notices
- Special Education Procedures
- Understanding Statute of Limitation Issues
- Insurance Considerations
- Compensatory Education, Damages, Attorney's Fees
- Intersection with Other Laws (i.e. Title IX, Section 1983, English Learners, Homeless Students, Surrogate Parents, ADA Accessibility, Mandatory Reporting...)



Future Implications

- FERPA
- LRE rules
- Anti-Bullying
- Health and Safety Planning for future outbreaks
- Regression
- Requests for Online Services
- Social/Emotional and Counseling and Mental Health Needs
- Catching up on evaluations and reevaluations
- Handling Litigation related to special education services and interruptions in services



OCR & Disability-Based Harassment

“Dear Colleague” Letter October 21, 2014

Schools have Obligations to Address
Disability-Based Harassment

REMEMBER: Bullying on any basis of a student with a disability who is receiving IDEA FAPE services or Section 504 FAPE services can result in the denial of FAPE that must be remedied under Section 504.

When investigating disability-based harassment, OCR considers several factors, including, but not limited to:

- ☐ Was a student with a disability bullied by one or more students based on the student’s disability?
- ☐ Was the bullying conduct sufficiently serious to create a hostile environment?
- ☐ Did the school know or should it have known of the conduct?
- ☐ Did the school fail to take prompt and effective steps reasonably calculated to end the conduct, eliminate the hostile environment, prevent it from recurring, and, as appropriate, remedy its effects?



When Students Refuse to Attend School

McKENNA SNYDER LLC



Attorneys At Law

McKenna Snyder
The statements and representations made in this presentation do not
constitute legal advice. ATTORNEY/CLIENT PRIVILEGE

(122)

Hypothetical

- Parent of a Student who has an IEP for a Specific Learning Disability in Reading and OHI requests an IEE for her student after School convenes a SAIP to improve school attendance.
- What should you do?



School Avoidance, School Refusal and School Phobia

- School avoidance is when a child refuses to attend school or has difficulty remaining in school the entire day
- Child-motivated refusal to attend school or remain in class an entire day is not uncommon.
 - Studies conducted before the pandemic estimated the rate of school refusal at **1 to 5 percent** of students. A 2016 survey by the U.S. Department of Education found that **16 percent** of K-12 students were chronically absent. In the post-pandemic return to school, many experts say that number has gotten **even higher**.
- School refusal is seen in both boys and girls and is traditionally more common in children ages 5-6, 10-11, and 16-18 (transitions).



School Avoidance, School Refusal and School Phobia

- When onset is gradual, the child may simply miss a day or two sporadically over a few school years and slowly increase their absences
- When onset is sudden, there is often a traumatic event or series of event culminating in a last straw event which causes the child to lose the ability to cope
- Most often, there is a gradual build of signs leading to school avoidance



School Avoidant Behavior Can Show As Any of the Following:

- Emotional requests to parents to stay home instead of going to school
- Repeated challenging behavior in the morning to avoid or delay the morning routine or leaving for school
- Repeated tardiness in the morning or part of day to avoid going to school or specific classes
- Leaving school during the day or escaping to a safe place such as the nurse or guidance counselor
- Complete absence from school for an extended period of time



You May Not Even See It At School

- Mental health professionals often say that it is not uncommon for a child to hold it together during the school day; but then will have tantrums or periods of uncontrolled crying at home.
- Kids are very aware of how they appear to the other kids at school and their teachers. They don't want to stand out by showing signs of distress or discomfort. They just want to blend in and be "normal."
- So, for some, their decline in attendance, missed classes, and increased tardiness may be the school's only sign.



School Avoidance is Not a Diagnosis

- School avoidance/school refusal is not a clinical diagnosis.
- There is no diagnostic code for school avoidance in the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition: DSM-5 which is the definitive authority that defines and classifies mental health disorders.
- It may be a symptom of an emotional disorder, such as anxiety or depression, or other underlying issues which propels the avoidance.



What Are The Causes of School Avoidance?

- School avoidance is a complex behavior
- It is often associated with the following disorders, learning differences, and other factors:
 - A child with OCD might avoid going to school because it's hard for them to manage their anxiety there
 - A child who's been bullied may be afraid to go to school because their tormenters are there
 - A child with separation anxiety might be afraid something terrible will happen to a loved one if they're apart
 - A child with an undiagnosed learning disorder might be avoiding shame and embarrassment



What Are The Causes of School Avoidance?

- **Anxiety Disorders**

- Panic disorder
- Social anxiety
- Separation anxiety
- Post Traumatic Stress Disorder (PTSD)
- Obsessive-Compulsive Disorder (OCD)
- Specific phobia
- Generalized Anxiety Disorder
- Selective Mutism

- **Learning Differences**

- Processing Speed Disorders
- Dyscalculia
- Disorder of Written Expression Dysgraphia
- Executive Functioning Deficits
- Working Memory Deficits



What Are The Causes of School Refusal?

• Other Causes

- Depression
- Perfectionism
- ADD/ADHD
- Bullying
- Prolonged absence due to Injury or Illness
- Death or Illness of parent or pet
- Changes in class or school transitions
- New teacher
- Toxic teacher
- Feeling unsafe at school



School Avoidance When Transitioning Between Types of School Environments

- A child may become accustomed to coping with a disability in a particular setting.
- A sudden change, especially to such a setting may trigger school avoidance.
- Whether transitioning from in-person to online, or the reverse, children may develop and display school avoidance behaviors.
- IEPs should be developed which address all areas of concern, anticipate changes such as these, and provide strategies to deal with the behaviors.



School Avoidance Is An Urgent Problem

- School-based problem solving and response is often much too slow
- Parent and educators need to be very proactive to address this problem before it becomes chronic
- Very easy for school refusal to become a long-term problem
- Schools should consider moving up their timeline for evaluations and eligibility to address this sooner
- Parents should seek professional help and be working with therapists, psychologists, or other treatment professionals as soon as possible



Functions of School Avoidant Behavior

- To effectively intervene, schools need to investigate to understand why the student may be avoiding or no longer attending school.
- The primary social functions of school avoidance are:
 - To stay away from objects or situations at school that make the child feel unpleasant physical symptoms or general distress
 - To avoid social or evaluative situations at school that is painful to the child (school-related performance situations).
 - To receive attention from a parent or significant other
 - To obtain tangible rewards that make staying home more enjoyable/comfortable than going to school



When to Act

- When the school avoidance behavior goes on for 1.5 – 2 weeks, it's time to reach out to the family, or the family to reach out to the school, to see how you can help.
- When a child's reluctance toward attending school is
 - Causing stress within their family,
 - Negatively affecting their life functioning
 - Causing them to fall behind on school work, and
 - Affecting their ability to access their education
- It's not necessary to wait for academic performance problems to act.
- Delay of proper interventions only causes the problem to grow and become more entrenched.



School Avoidance Is Not The Same As Truancy

- School Avoidance usually occurs in view of parents and involves a child who wants to be in school but is experiencing such distress that they are unable to do so.
- Truancy occurs most often away from parents (ex. Parent goes to work and expects student to take the bus, walk, or drive to school. Instead, student stays home to play video games, walks or drives to see friends.)
- Treating school avoidance with punitive measures will only exacerbate the problem and reduce your chances of helping this student return to your school



Case Update

- *D.C. by A.T. v. Pittsburgh Public Schools* (W.D. Pa. Jan. 2022)
- District attempted unsuccessful behavioral interventions via MTSS for almost a year for 1st grade student with ADHD and ODD, before referring for evaluation. District also suspended child, called for parent pick up, restrained several times and made calls to crisis.
- Court held jury could hear a claim for deliberate indifference under Section 504 because District had knowledge of known issues. District failed to act or provide supports set up potential for a claim that the child was excluded from participation and denied the benefits of or subject to discipline under 504.



IDEA

- A child with a disability is defined under the IDEA as
 - A student having intellectual disability (previously “mental retardation”), a hearing impairment, a speech or language impairment, a visual impairment, a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and
 - Who, by reason thereof, needs special education and related services.



IDEA - Eligibility

- Having a diagnosis does not automatically entitle a student to special education services
- The disability must have an adverse impact on the student's educational functioning
 - Ex: If a student does not attend school, his/her academic performance will in all likelihood be affected
- Students with school avoidance/refusal are often made eligible for special education under the categories of Emotional Disturbance or Other Health Impaired



Emotional Disturbance

- **Emotional Disturbance** (includes schizophrenia but does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance) means a condition exhibiting one or more of the following characteristics “over a long period of time and to a marked degree that adversely affects a child’s educational performance:
 - An inability to learn that cannot be explained by intellectual, sensory, or health factors.
 - An inability to build or maintain satisfactory interpersonal relationships with peers and teachers
 - Inappropriate types of behavior or feelings under normal circumstances.
 - A general pervasive mood of unhappiness or depression.
 - A tendency to develop physical symptoms or fears associated with personal or school problems.



Other Health Impairment

- **Other Health Impairment** means having limited strength, vitality, or alertness, including a heightened sensitivity to environmental stimuli, that results in limited alertness with respect to the educational environment, that—
 - Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and
 - Adversely affects a child's educational performance.



Evaluation – Determination of Eligibility

- Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the child's parents will determine whether the child is a child with a disability.
- To help determine this, the group will review various information including, but not limited to, "aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior."



Collaboration Is Key

- Research shows that school avoidant kids have the best outcomes when the parents (including family-based and private psychiatrist, psychologist, therapist, medical doctors, neurologists, etc.) and the school communicate, collaborate on an agreed-upon strategy/plan, and when every person in school who is a touch-point for the student, implements their part of that plan.



Development of an IEP

- FBA – critical (interview and observations at school, on bus and/or home)
 - What is the reason for the school refusal?
 - What interventions have been tried?
- Positive Behavior Support Plan
- Modified Scheduling
- Counseling
- Mobile therapist or guidance counselor provide 1:1 support in the morning before school with transport
- Social Skills Training
- Parent Training



Re-entry/Transition Plan

- For school avoidant students out of school, formulate a **GRADUAL REENTRY PLAN** to allow the student to have small successes along the way. The plan should be flexible, accommodating, and built exclusively to meet the needs of this particular student.
- Gradual reentry may start with having the student arrive at school but not go inside on day one, enter and visit in the front office on day two, and identify which class is most comfortable and stay just for that class on day three
- Once the student reenters the building, the first staff or teacher contacts should be strategically chosen based on comfort levels or trust with the student.
- Make sure the academic load is modified as well, so the student isn't inundated with school work all at once.
- Each teacher should be aware of the plan and modifications.
- Need to work on an academic catch-up plan that does not require making up all missed work.



IEP Goals May Address the Following:

- Increasing time at school
- Increasing length of school day
- Increasing work completion
- Increasing frustration tolerance or use of coping skills or self-advocacy skills
- Developing communication skills for peer-to-peer or student/teacher relationships so children feel safe and supported



Modifications/Accommodations for Anxiety/School Avoidance

- Established rewards- incentives
- Modified assignments
- Establish safe zone in classroom
- Periodic check ins with student during class
- Testing in private, quiet place
- Educate teachers about child's anxiety and use of strategies to facilitate student's coping
- Identify safe adult at school who can facilitate problem solving or anxiety management strategies
- Modify course schedule to allow for a favorite class or elective to start the day.



Modifications/Accommodations for Anxiety/School Avoidance

- Allow for hierarchy for attendance (gradual desensitization of being in school)
- Peer helpers/call or contact from peer when absent from school
- Automatic or personal phone call to student in the morning
- Daily access to counselor
- Built in breaks
- Skill building in self-esteem and social skills, study/organization, problem solving
- Allow student to enter or leave classroom early, before other students



If Still Not Successful, Consider Alternative Placements:

- Private Schools with Therapeutic Component
- Residential Placements
 - Schools must bear the costs of placement in a residential program when such placement “is necessary to provide special education and related services to a child with a disability”.
 - However, for placement at a residential program to be considered a related service, the program must “provide [] significant learning and confer [] meaningful benefit.”
- CAUTION:
 - Homebound Instruction is not a placement – usually results in worsening situation. It should be very temporary if it is utilized.



Relevant Case Law

- Peters Twp. Sch. Dist. v. B.B., No. 2:20-CV-01576-CRE, 2022 U.S. Dist. LEXIS 115591, at *49-51 (W.D. Pa. June 30, 2022)
 - District implemented numerous school attendance improvement plans, and almost every IEP included goals for school attendance. Parents claimed that District discriminated against Student, but hearing officer found that the steps that the District took to address the Student's attendance issues did not rise to the level of deliberate indifference, and rather showed that the District employed the appropriate mechanisms to address the Student's attendance issues.



Case Update

- *M.R. v. Laboratory Charter School* (January 2022)

Charter School unilaterally disenrolled a student who was visiting potential private placements to be considered for placement via the charter school as a result of an IEE evaluation.

Court held student did not disenroll where parent counsel had made clear to charter school counsel that they were viewing private school but not disenrolling and the agreement to return a computer did not constitute disenrollment.



Case Update

- *M.S. vs. Laboratory Charter School* (June 2022)
- Compensatory Education and IEE case.
- Student transitioned to the Charter School with an IEP but was not provided with an IEP for almost a school year. Parent also wanted an IEE.
- HO found that the school's explanation that the student was under an observation period did not excuse the failure of the Charter School to have an IEP in place and rejected the argument that this was a mere procedural violation.
- HO also considered Charter failed to offer programming related to student depression and medical/mental health issues.
- IEE ordered



Case Update

- But ...The parent has not established that the charter school denied a FAPE to the student during the [2020-2021] school year or at any time after May 5, 2020. The charter school classes during the student's [2020-2021] school year were provided via a virtual platform because of the COVID pandemic. The parent contends that the student, who had good attendance during [2019-2020 school year], missed nearly half of the days during the [2020-2021] school year. The evidence in the record, however, indicates that the student was having significant computer issues during virtual learning. The evidence in the record reveals further that the charter school staff made significant and reasonable efforts to attempt to fix the problem. The charter school staff, on numerous occasions, made visits to the student's home. On three or four occasions, the charter school staff provided new computers to a student to attempt to correct the problem. In addition, there were numerous
- contacts with the student and the parent to help fix the problem. Indeed, the parent's own independent evaluator concluded that both the parent and the charter school made significant efforts to support the student and to improve the student's engagement during virtual instruction. It is concluded that the charter school made appropriate and significant efforts to correct the student's attendance/computer issues during [2020-2021 school year].
- Moreover, neither party put any evidence into the record concerning COVID compensatory services. If the student suffered regression during [the 2020-2021 school year] because of reasons related to the virtual platform or the pandemic, the charter school may be responsible for providing compensatory services for such regression through the procedures adopted by the Pennsylvania Department of Education. Any such compensatory COVID services, however, are beyond the scope of this proceeding.



Response to Intervention (RTI)

McKENNA SNYDER LLC

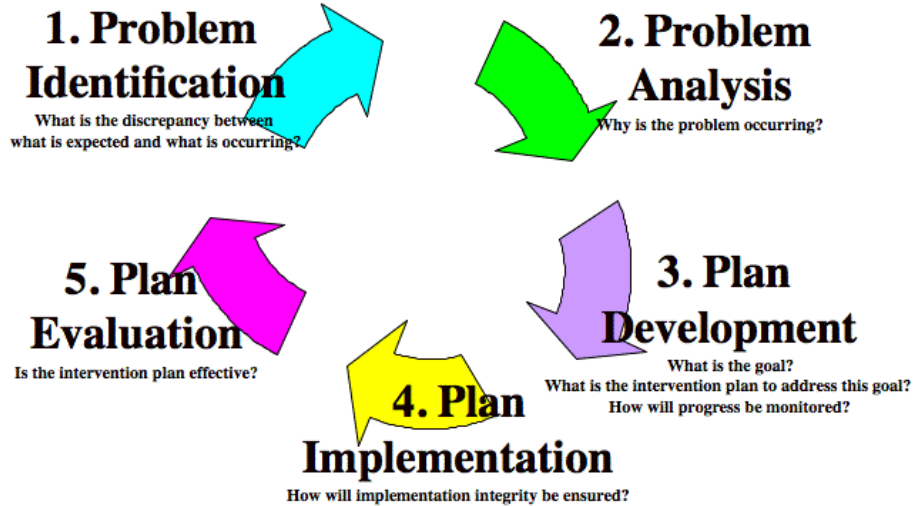


Attorneys At Law

McKenna Snyder
The statements and representations made in this presentation do not
constitute legal advice. ATTORNEY/CLIENT PRIVILEGE

(154)

Problem-Solving



<https://www.pattan.net/Multi-Tiered-System-of-Support/MULTI-TIERED-SYSTEM-OF-SUPPORTS/Response-to-Intervention-RTI>



Response to Intervention

- Assessed using a continuum of measures that are sensitive to incremental growth
- Progress-monitoring occurs across all tiers and must be collected, evaluated and used on an ongoing basis and with more frequency in the advanced tiers. It is used to:
 - Determine a rate of student(s) progress (is instruction/intervention working?)
 - Determine a rate of progress compared to peers and grade level benchmarks (does the student need more?)
 - Determine mastery of discrete skills (is the student mastering prerequisite skills needed to meet grade level benchmarks?)
 - Provide information on the effectiveness of instruction and modify the intervention if necessary
 - Analyze and interpret gaps between standards and achievements (how long will it take to close the gap?)
- Results evaluated to determine whether student response to an intervention is adequate or not based upon regular charting, graphing and/or data-analysis.

<https://www.pattan.net/Multi-Tiered-System-of-Support/MULTI-TIERED-SYSTEM-OF-SUPPORTS/Response-to-Intervention-RTI>



Multi-Tiered System of Supports (MTSS)

- Strategies to reduce chronic absenteeism and truancy are easily integrated into the MTSS.
- Using the MTSS framework, Universal Supports (Tier 1) represents common strategies to encourage good attendance for all students;
- Targeted Supports (Tier 2) provides early intervention for students who need more support to avoid chronic absence;
- Intensive Supports (Tier 3) offers intensive support for students facing the greatest challenges to getting to school.



Tier 1

- Comprehensive, research-based curriculum, delivered to all Students.
- Curriculum includes comprehensive coverage of core content that is aligned to grade-level standards and that the instructional strategies and practices used to deliver the curriculum have evidence of efficacy.

<https://intensiveintervention.org/tools-charts/levels-intervention-evidence>



Tier 1 – Progress Monitoring (General Education / Core Classroom Instruction)

- Assess all students minimally three times per year to monitor student progress (e.g., Universal Screening/Benchmark Assessments, Behavioral Data such as attendance reports, suspension reports, course failures, conduct, etc.) and Social-Emotional Data.
- Use the data to determine the effectiveness of core academic, social-emotional and behavioral instruction and then create a more responsive learning environment for all students that includes small group differentiated instruction.
- Teachers continue to use formative assessment from Fall to Winter and Winter to Spring.
- Decisions determine what percent of students are not progressing adequately based on grade level expectations and how many students will require additional support.

<https://www.pattan.net/Multi-Tiered-System-of-Support/MULTI-TIERED-SYSTEM-OF-SUPPORTS/Response-to-Intervention-RTI>



Tier 2 (Validated Intervention Program)

- Standardized, targeted small-group instruction using a validated intervention program.
- Intervention program has been demonstrated through rigorous research to have a positive impact on target outcomes for students at risk, when delivered with fidelity.

<https://intensiveintervention.org/tools-charts/levels-intervention-evidence>



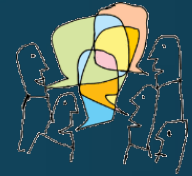
Tier 3 (Intensive Intervention)

- Individualized intervention, based on frequent and in-depth analysis of student data.
- Interventionist is following the data-based individualization (DBI) process with fidelity, making iterative adaptations as needed to an intervention platform, using clinical judgment and expertise based on analysis of student data.

<https://intensiveintervention.org/tools-charts/levels-intervention-evidence>



Tier 2 and 3 – Progress Monitoring



- Supplemental and increasingly intensive Instruction/Intervention
- Assess students minimally on a 3-4 week basis to monitor their response to the intervention as a function of Tier 2 supports and every week as a function of Tier 3 supports.
- Assess students more frequently to monitor individual skills being taught and administer diagnostic measures as needed to inform degree of deficiency, root cause and instructional focus.
- Fidelity of implementation should be formally assessed, in order to determine the overall effectiveness of advanced tiered support.
- Identify individual students who are progressing slower than others in their tiered group or who are significantly below the group's average who may need to be considered for eligibility determination.

<https://www.pattan.net/Multi-Tiered-System-of-Support/MULTI-TIERED-SYSTEM-OF-SUPPORTS/Response-to-Intervention-RTI>



Tier 3: Student Attendance Improvement Plan

The SAIP should include, but not be limited to, the following components as appropriate:

- Identification and provision of appropriate academic supports by the school and/or community organization(s);
- Identification and provision of appropriate social, emotional, physical, mental and behavioral health support from the school and/or community organization(s);
- Identification of the school environment issues that affect the student's success and solutions to address these issues;
- Explanation of the student's strengths and responsibilities related to the SAIP;



Tier 3: Student Attendance Improvement Plan (cont.)

- Explanation of the family's strengths and responsibilities related to the SAIP;
- Clarification of method(s) used for monitoring the effectiveness of the SAIP;
- Explanation of the consequences for each stakeholder if the SAIP is not fully implemented;
- Discussion of the benefits for successfully implementing the SAIP; and
- Follow up and reporting the outcome of the SAIP



RTI Team Discussion Items

- Describe how instruction and intervention within tiers 2 and 3 progressively increase in duration, frequency and intensity.
- Discuss examples of evidence-based practices methodologies that you have adopted and the instructional focus/purpose of each intervention. Are there any missing? Is your continuum complete?
- Discuss the sample fidelity checks that you use that correspond with your evidence-based practices and used within tiers 1, 2 and 3.
- Identify how many weeks of intervention occur and/or number of data points collected prior to deciding about a student's responsiveness to intervention and research-based guidelines that support tiered-movement decisions.
- Describe how practitioners are prepared to deliver evidence-based intervention.

<https://www.pattan.net/Multi-Tiered-System-of-Support/MULTI-TIERED-SYSTEM-OF-SUPPORTS/Response-to-Intervention-RTI>



Interventions Plans, Accommodations/Modifications Through Section 504 Plans, and Special Education Supports or Therapeutic Placements

- Learn strategies to build a reintegration plan with school (using gradual exposure).
- Needs to include a quantifiable plan to measure results and review strategies.
- Homebound instruction will not get to the root cause or help the problem.



Sample IEP Goals

- Increasing time at school, length of school day, work completion, frustration tolerance or use of coping skills or self-advocacy skills;
- Developing communication skills for peer-to-peer or student/teacher relationships so children feel safe and supported;



What Assessments Should be Given?

- FBA
 - The key components of the evaluation process include three parts: the interview, direct observation, and summary.
- Motivational Assessment Scale (MAS), Functional Analysis Screening Tool (FAST), and Problem Behavior Questionnaire (PBQ).
- Scales for Assessing Emotional Disturbance-Third Edition
- Behavior Assessment Scale for Children; Achenbach System of Empirically Based Assessment



Supporting Students Mental Health Needs in Schools

McKENNA SNYDER LLC



Attorneys At Law

McKenna Snyder
The statements and representations made in this presentation do not
constitute legal advice. ATTORNEY/CLIENT PRIVILEGE

(169)

Schools May Not See Mental Health Needs

- Mental health professionals often say that it is not uncommon for a child to hold it together during the school day; but then will have tantrums or periods of uncontrolled crying at home.
- Kids are very aware of how they appear to the other kids at school and their teachers. They don't want to stand out by showing signs of distress or discomfort. They just want to blend in and be "normal."
- So, for some, their decline in attendance, missed classes, and increased tardiness may be the school's only sign.



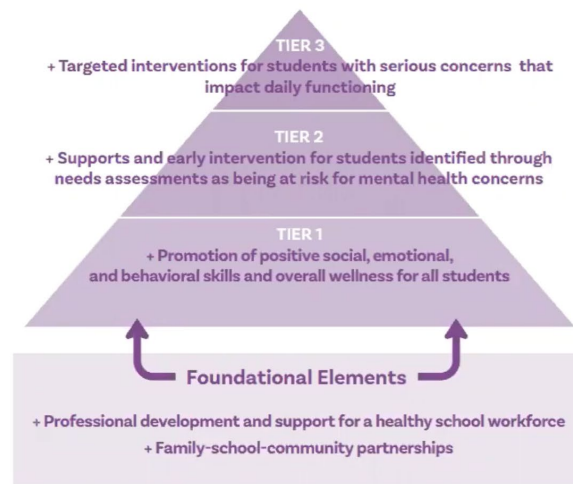
Safe, Positive School Climate Tiers

- Tier 1 provides supports for all or nearly all students.
- Tier 2 focuses on smaller groups of students needing support beyond those offered in Tier 1.
- Tier 3 includes more intensive, tailored services for individual students.



School Climate: Tiered Interventions

- Provides a framework for service delivery
- Promotes prevention and wellness
- Allows for increasingly intensive services as needed
- Systematically identifies student needs and monitors progress



(Framework for Safe and Successful Schools, 2013)

(Hoover et al., 2019)

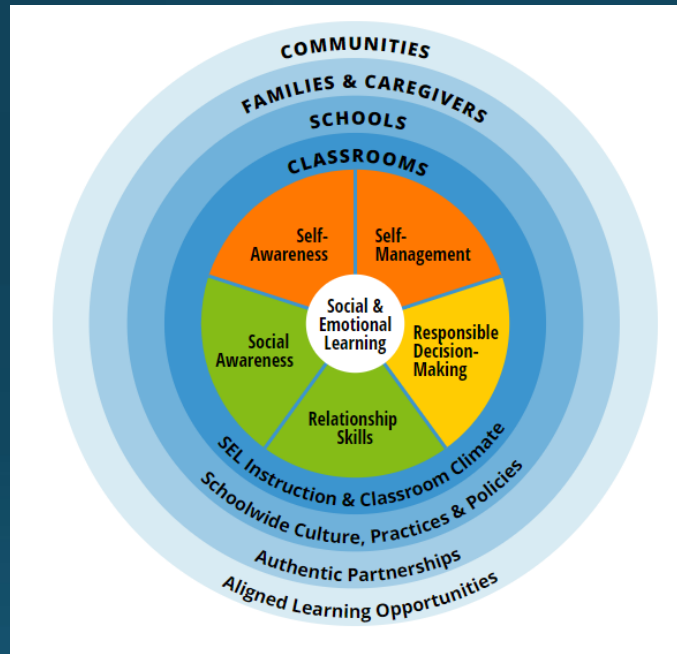


Creating A Safe, Positive School Climate

- Design Universal Social Emotional Learning Practices
- Teach and encourage prosocial behavior
- Implement School Wide Positive Behavior Support
- Monitor student behavior and screen students for risk
- Teach students how to recognize signs of distress
 - Provide Teen Mental Health First Aid Training
- Utilize Trauma Sensitive Approaches



Collaborative for Academic, Social, and Emotional Learning Framework



[About CASEL - CASEL](#)



Create Trauma Sensitive Schools

- *What is the importance for Schools?*
 - All schools and educators who work with children who have experienced trauma, but you may not know who these students are.
 - Schools have an important role to play in providing stability and a safe space for children and connecting them to caring adults.
 - In addition to serving as a link to supportive services, schools can adapt curricula and behavioral interventions to better meet the educational needs of students who have experienced trauma.



Trauma Informed Approaches

- Evidence-supported, trauma-informed models have been developed in other fields and can be implemented in schools
 - This means being informed and sensitive to trauma
 - Providing a safe, stable and understanding environment for students and staff
 - Acknowledge trauma and its triggers
 - Avoid stigmatizing and punishing students



School Climate Resources

RESOURCE GUIDE FOR IMPROVING SCHOOL CLIMATE AND DISCIPLINE. Resource guide developed by the U.S. Department of Education for schools to create nurturing, positive, and safe environments to help boost student achievement and success.

<https://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf>

SCHOOLS SECURITY TASK FORCE, WHAT MAKES SCHOOLS SAFE? Publication by the New Jersey School Boards Association to provide guidance and direction on school safety issues. The final report provides recommendations and resources to ensure the physical and emotional well-being of students.

<https://www.njsba.org/news-information/research/school-security-task-force/>

POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS (PBIS). Clearinghouse and technical assistance center that supports schools, school districts, and state agencies to create and implement a multi-tiered approach to social, emotional, and behavioral support. Provides links to resources, information, and training on PBIS tools and strategies.

<https://www.pbis.org/>

[USSS_NTAC_Enhancing_School_Safety_Guide.pdf](#)
([secretservice.gov](#))

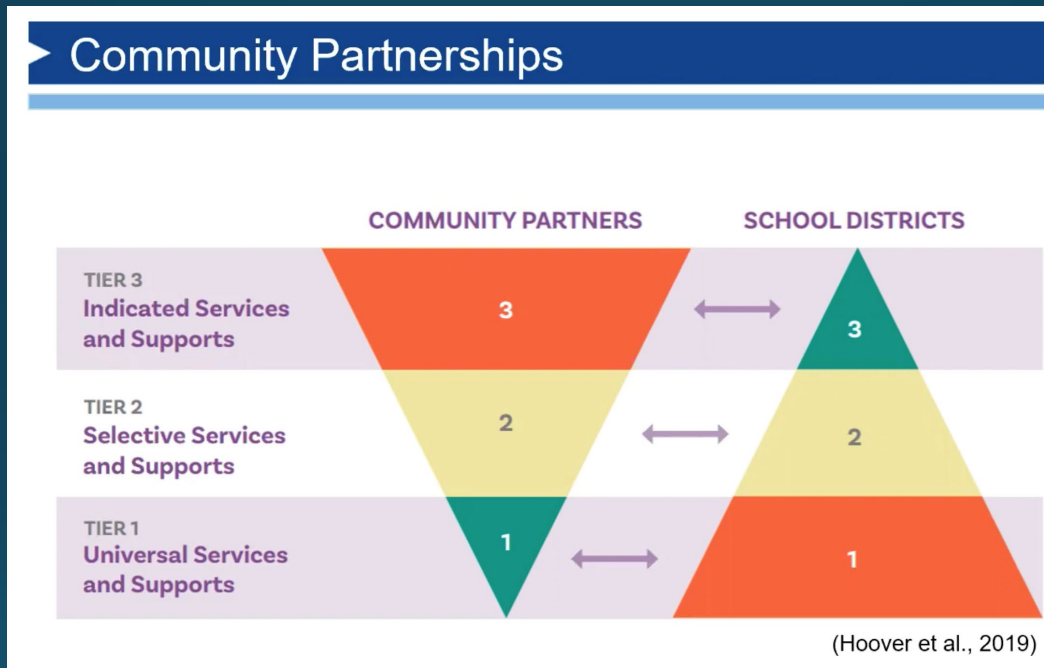


When Tier 1 & 2 Are Not Enough

- Engage family members
- Collaborate with community agencies
- Evaluate students for IDEA/504 eligibility
- Assess threats or risk of self-harm



Partnering with Community Agencies



Agency Collaboration

- Department of Human Services
 - Intensive Behavioral Health Services
- Children, Youth and Families
- Specialty mental health (e.g., psychiatrists, psychiatric nurses, psychologists, and social/behavioral health workers)
- Primary care (e.g., pediatricians, family physicians, nurse practitioners)



Evaluate Individual Students

- Whether the child qualifies under IDEA or Section 504, schools must ensure that students suspected of having a disability and needing services are evaluated without unreasonable delay.



Section 504

- Section 504 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal funds from the U.S. Department of Education (DOE).
- Section 504 provides: “No otherwise qualified individual with a disability in the United States . . . shall solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . .”



Create Threat & Risk Assessment Protocols

- Establish a Multidisciplinary Threat Assessment Team
- Provide professional development
- Develop protocols to assess threats and risk of self-harm
 - Establish communication expectations
 - Determine thresholds for intervention
- Meet routinely to review practices

[USSS_NTAC_Enhancing_School_Safety_Guide.pdf](#)
[\(secretservice.gov\)](#)



Composition of Threat Assessment Teams

At a minimum, each Team is to include individuals with expertise in:

- School health
- Counseling, school psychology, or social work
- Special education
- School administration
- School Safety Coordinator
- A core team of 3-5 members, augmented by others



The Principles of Threat Assessment

- Threat assessment is about ***prevention, not prediction***
- Focus must be on the ***central question***: Whether an individual ***poses*** a threat, not just whether the person has ***made a threat***
- An ***inquisitive, objective and diligent mindset is critical*** to successful TA
- Effective TA is based upon ***observations of behavior, rather than on characteristics – Behavioral Threat Assessment – a deductive process***
- Very different to profiling – an inductive process asserting certain traits are predictive of the probability an individual will engage in a certain form of behavior
- ***Violence is a dynamic process***. No one is either always dangerous or never dangerous



The Principles of Threat Assessment

- An *integrated systems approach* should guide threat assessment investigations
- Relationships with agencies and service systems within the school and community are critical to identifying, assessing, and managing individuals on a path to violence
- *Social media and on-line activity are often critical considerations*
- *The relationship between mental illness and violence is complex.* Serious mental illness increases general risk of violence, but is not the major factor that it is perceived to be *and is almost never the sole or primary explanation for a violent act*
- Proactivity to ensure *individuals who may pose a threat are identified and intercepted early* is necessary; achieved by setting a low bar to triggering TA



Responsibilities of Threat Assessment Teams

- Assessing and intervening with individuals who may pose a threat to self or others
- Ensuring **school employees** know:
 - **Who** the Team members are
 - **How** – and to whom – to report threatening or at-risk behavior, including through *Safe2Say Something*
- Reporting quantitative data to the Chief School Administrator / designee on the Team's activity
- Additionally recommended to provide advice, guidance, awareness raising materials and training **to the whole school community** on recognizing threatening or aberrant behavior, and how to report it



Responsibilities of Threat Assessment Teams

In addition, Threat Assessment Teams are to:

- Upon a ***preliminary determination*** that a student may pose a threat of violence or physical harm to self or others, ***notify*** the chief school administrator or a designee, the student's building principal and the school safety and security coordinator
- The building principal or designee will immediately attempt to notify the student's caregiver*, unless abuse or neglect are suspected, in which case CPS would be notified, and **not** the student's caregiver
- *This general reporting requirement does not stop school employees from acting immediately to address an imminent threat



Threats to Self and the Connection with Threat Assessment

What does this mean in practical terms:

- TATs are unlikely to see the majority of students presenting initially with suicidal thoughts or behaviors
- This is because these students are rarely a threat to others, and so will be assessed and supported through the established suicide prevention pathways and referred into the TA process only where there are warning signs that may indicate a possible risk to others
- For this reason, TATs could *never* be deemed responsible for the assessment of, and intervention with, *all* students at risk for suicide
- Given the increased risk of suicide among students that pose a risk of violence to others, *any student referred to the TAT should be screened for risk for suicide*



Threat Assessment Resources

THE NATIONAL THREAT ASSESSMENT CENTER (NTAC). Provides links to best-practices in threat assessment and the prevention of targeted violence, including resources on conducting threat assessments in K-12 schools, building positive school climates, and requesting training from NTAC personnel.

<https://www.secretservice.gov/protection/ntac/>

NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS (NASP). Provides information and links to research on conducting threat assessments in K-12 schools.

<https://www.nasponline.org/resources-and-publications/resources/school-safety-and-crisis/threat-assessment-at-school/threat-assessment-for-school-administrators-and-crisis-teams>

THE NATIONAL BEHAVIORAL INTERVENTION TEAM ASSOCIATION (NABITA). Provides education, resources, and supports to campus behavioral intervention team personnel and those who work to provide caring interventions of at-risk individuals.

<https://nabita.org/>

THE VIRGINIA STUDENT THREAT ASSESSMENT MODEL. Provides guidelines and resources for schools to conduct threat assessments of students, including links to research on threat assessment.

<https://curry.virginia.edu/faculty-research/centers-labs-projects/research-labs/youth-violence-project/virginia-student-threat>

[USSS NTAC Enhancing School Safety Guide.pdf](#)
(secretservice.gov)



Suicide Risk Assessment

- Utilized by qualified professionals when a student communicates an intention of self-harm
- Utilized as part of Threat Assessment based on correlational between harm to other and self



Supports are Available for Families

McKENNA SNYDER LLC



Attorneys At Law

McKenna Snyder
The statements and representations made in this presentation do not
constitute legal advice. ATTORNEY/CLIENT PRIVILEGE

(192)

The National Suicide Prevention Lifeline is now: 988 Suicide and Crisis Lifeline



988 has been designated as the new three-digit dialing code that will route callers to the National Suicide Prevention Lifeline. While some areas may be currently able to connect to the Lifeline by dialing 988, this dialing code will be available to everyone across the United States starting on July 16, 2022.

[LEARN MORE ABOUT THE LIFELINE & 988](#)



U.S. Department of Health & Human Services

SAMHSA

Substance Abuse and Mental Health
Services Administration

National Helpline

Treatment referral and information,
24/7.

[1-800-662-HELP \(4357\)](tel:1-800-662-HELP)

McKENNA SNYDER LLC



Attorneys At Law

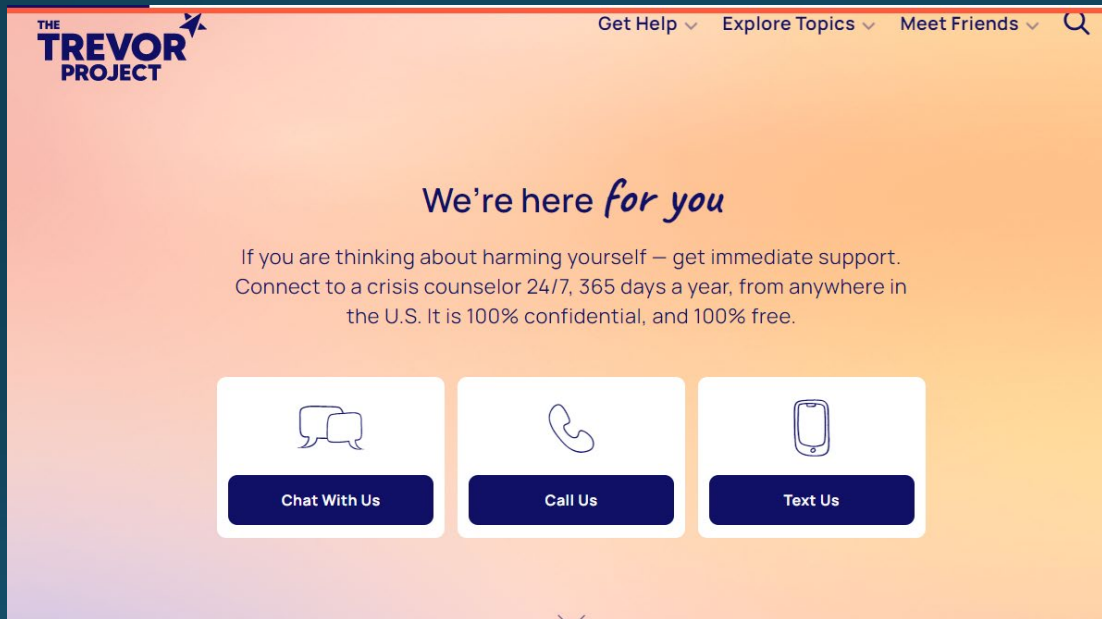
The statements and representations made in this presentation do not constitute legal advice. ATTORNEY/CLIENT PRIVILEGE

McKenna Snyder

193

The Trevor Project | For Young LGBTQ Lives

<https://www.thetrevorproject.org>



The screenshot shows the homepage of The Trevor Project. At the top left is the logo "THE TREVOR PROJECT" with a star icon. To the right are navigation links: "Get Help", "Explore Topics", and "Meet Friends", each with a dropdown arrow, and a search icon. The main heading is "We're here *for you*". Below this is a paragraph: "If you are thinking about harming yourself – get immediate support. Connect to a crisis counselor 24/7, 365 days a year, from anywhere in the U.S. It is 100% confidential, and 100% free." At the bottom are three white buttons with dark blue text and icons: "Chat With Us" (with a speech bubble icon), "Call Us" (with a telephone handset icon), and "Text Us" (with a smartphone icon).



Hypothetical

At most recent IEP Team Meeting, Parent mentions that she intends to enroll her daughter in a private school. What should you do?

Parent had previously sent a form to a Teacher from the private school and asked the Teacher for input about how the student performs in class. Teacher completed the form but never maintained a copy or informed anyone.



Tuition Reimbursement Cases

Isabelle k. v. Manheim Twp. Sch. Dist. (E.D. Pa. Jan. 2022)

District Court upheld H.O. decision that the District provided Student with a FAPE and that Parents were not entitled to tuition reimbursement and compensatory education. Student with Autism, a SL impairment and ADHD had a particularly negative experience in school. Father enrolled her in a Montessori school and Student improved. District's IEPs offered a FAPE because there was evidence that it demonstrated "unwavering efforts" to offer a FAPE by updating IEP five times in 8 months to address ongoing behavior and worsening anxiety.



Case Update

- *M.R. v. Laboratory Charter School* (January 2022)

Charter School unilaterally disenrolled a student who was visiting potential private placements to be considered for placement via the charter school as a result of an IEE evaluation.

Court held student did not disenroll where parent counsel had made clear to charter school counsel that they were viewing private school but not disenrolling and the agreement to return a computer did not constitute disenrollment.



RELEVANT CASES



Bd. of Educ. of Hendrick Hudson Central Sch. Dist. v. Rowley

- Appropriate educational programs under IDEA do not mean the absolute best or potential maximizing services for the child
- Student has to be provided with a “meaningful educational benefit”

458 U.S. 176 (1982)



Endrew F. v. Douglas County

137 S.Ct. 988 (2017)

Unanimous Supreme Court Ruling



Question: What is the level of educational benefit that school districts must confer on children with disabilities to provide them with the free appropriate public education guaranteed by the Individuals with Disabilities Education Act (IDEA)?

On March 22, 2017, Supreme Court ruled for the first time since Rowley, on what a Free Appropriate Public Education (FAPE) under IDEA requires. In Endrew F., the Court held that to offer a FAPE, “a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.”



US Supreme Court, *Endrew F. (cont.)*

- The U.S. Supreme Court ruled in a unanimous decision that an IEP must be reasonably calculated to enable a child to make progress that is appropriate in light of his circumstances. The Court's ruling arose out of a dispute over the IEPs developed for an elementary school student with autism. In holding that the student received FAPE despite his escalating behavioral problems, the 10th Circuit observed that the IEP team's modifications to the student's short-term objectives for second, third, and fourth grade showed he had received "some educational benefit."
- The Supreme Court disagreed. The Court recognized that its prior decision in *Board of Education of the Hendrick Hudson Central School District v. Rowley*, 553 IDELR 656 (1982), had used the phrase "some educational benefit." However, it pointed out that the *Rowley* court had expressly declined to adopt a test for determining the substantive adequacy of the educational benefits provided under a given IEP. "It would not have been 'difficult' for us to say when educational benefits are sufficient if we had just said that any educational benefit was enough," Chief Justice John G. Roberts Jr. wrote in reference to the *Rowley* Court's statement that determining the appropriate standard of FAPE for an IDEA-eligible student not participating in the general education setting posed a more difficult question.



US Supreme Court

Andrew F. cont.

- The Supreme Court also rejected the parents' argument that FAPE amounts to "opportunities to achieve academic success, attain self-sufficiency, and contribute to society" equal to those available to nondisabled students.
- It pointed out that the Rowley Court had rejected that interpretation. Given that the IDEA's definition of FAPE had not changed in the interim, the Court declined to adopt the parents' more expansive view. The Court vacated the 10th Circuit's ruling at 66 IDELR 31 that the district had offered the student FAPE and remanded the case for further proceedings.



US Supreme Court

Endrew F. cont.

- *Endrew F. cont.*
- Rather than adopting a bright-line rule for determining the substantive adequacy of any given IEP, the Court ruled that a child's program must be "appropriately ambitious" in light of his unique circumstances.
- This means that districts must develop sufficiently challenging programs for all IDEA-eligible students, regardless of the severity of their disabilities. The parents here argued that the district included almost identical goals in the student's second-, third-, and fourth-grade IEPs. Although the Court did not decide whether those similarities indicated a lack of appropriate progress, it did hold that the student's case required a second look.

LRP Special Ed. Connect



Post *Endrew F.*

- Courts are interpreting the impact of the Supreme Court's decision on standards in place within federal courts.



K.D. v. Downingtown Area School Dist., Docket No. 17-3065 (3d. Cir. 2018).

- *Amicus* Brief on behalf of several charter schools in an important special education case that was recently decided by the United States Court of Appeals for the Third Circuit. The charter schools filed their Brief to support the position of the Downingtown Area School District ("District") with respect to a claim filed against it by a former student and her parents. The Third Circuit has ruled in the District's favor.



K.D. v. Downingtown Area School Dist., Docket No. 17-3065 (3d. Cir. 2018).

- The former student and her parents filed a claim against the District alleging that the District had failed to provide the Third Circuit rejected the argument of the former student and her parents and sided with the District and its *Amici*. It held that nothing in *Andrew F.* required overturning the meaningful educational benefit standard and that an IEP must be reasonable, but need not be ideal. The Third Circuit also held that the District had met this requirement and the student's IEPs were reasonably calculated to enable her to make appropriate progress. The Third Circuit rejected the idea that *Andrew F.* required the progress of the former student to be measured against her grade-level peers given that she was receiving supplemental learning support. The Court also held that the District had met the meaningful educational benefit standard because it had reviewed and revised the former student's IEPs to keep them appropriately rigorous.



Statute of Limitations

G.L. v. Ligonier Valley School District
No. 14-1387 (3d Cir. 2015)



or



Absent certain statutory exceptions, parents have two years from the date they knew or should have known (KOSHK) of a violation of the IDEA to request a due process hearing through the filing of an administrative complaint, or they will be forever time-barred.

If a complaint is timely filed, and liability is proven, the student whose rights were violated may be entitled to compensatory education and other equitable relief for the entire “period of deprivation.” There is no two-year cap on the period of redress.



Transfers and Impact of Environment

New Environment/New Services?

Jana K. v. Annville-Cleland Sch. Dist.,

2014 U.S. Dist. LEXIS 114414 (M.D. Pa. Aug. 18, 2014).

The district court noted that the type and amount of services necessary for FAPE in a Cyber Charter School may differ from services necessary for a brick and mortar school.

- The student transferred from her home district to a cyber charter school due to lack of progress. The Hearing Officer concluded, and the district court agreed, that the resident school district had committed a child find violation thereby depriving Jana of a FAPE.
- The Hearing Officer used the related services in the Cyber Charter School IEP to determine compensatory education owed for the child find violation. The district court did not affirm that award, finding that the charter school presented fewer behavioral and emotional challenges and Jana would require far more support in a public-school setting. The court went on to award full days of compensatory education: “in a situation such as this, where the overall effect of the school district's deficiencies resulted in a widespread loss of educational benefit for the student, it would be futile to attempt to parse out the precise number of hours that the student was denied a FAPE.” 2014 U.S. Dist. LEXIS 114414, at 63.



TIMOTHY F. V. ANTIETAM SCH. DIST., CIV.A. 12-2719, 2014 WL 1301955 (E.D. Pa. Mar. 31, 2014)

TRANSFERS BETWEEN LEAs

Cautionary tales regarding students who transfer between and among school entities.

- Student left his resident school district brick and mortar school which had determined through its evaluation that Student did not require SDI for his Math disability and so provided him with a Section 504 Plan for academic support and other accommodations for a medical Asperger's diagnosis. He was enrolled in a cyber charter school which reevaluated him and concluded that he was eligible under the IDEA for an IEP for a primary disability of autism and secondary disabilities related to speech and language impairment, ADHD, and cerebral palsy.
- The Hearing Officer did not thoroughly consider the later cyber charter school evaluation but did offer the perspective that poor results in the cyber charter evaluation were consistent with Parents' negative behavior ratings, suggesting, as did other evidence, that the structure of the regular classroom environment encouraged greater focus and lessened Student's difficulties as compared with the home environment. The District Court affirmed the Hearing Officer's finding that Student exhibits more appropriate behavior in the structured classroom environment than at home, and that is a logical explanation which supports the proper finding by the school district of ineligibility after the first evaluation.



Factoring the 'new environment' for at-home behaviors

Franklin County Sch. Dist. No. 31-0506, 77 IDELR 147
(SEA NE 2020)

No entitlement to IEE in areas outside child's suspected disability

- ❑ Underlying issue: Will schools see more requests for IEEs, Evaluations, and Evaluations, for "at-home" behaviors due to the pandemic? And how will schools view those requests when Student have IEPs and Section 504 Plans, or who are thought to be eligible?
- ❑ Ruling: Finding that a Nebraska school district appropriately evaluated a student in all areas of suspected disability using a variety of assessment tools and strategies, an independent hearing officer upheld the district's finding that the student was not eligible for special education services under the IDEA. The IHO denied the mother's request for a publicly funded independent education evaluation.



Damages

- Monetary damages may be available for a denial of FAPE under Section 504.
- IDEA authorizes courts to grant appropriate relief. This provision has been interpreted as permitting awards of compensatory education and reimbursement for private services. *See, Forest Grove Sch. Dist. v. T.A.* (U.S. 2009).



The Team

- Supplementary Aids and Services?
- PCA/Paraprofessionals?
- Positive Behavior Support Plan?
- Student Assistance Program?
- What can we do?
- What can we offer?
- What can we document?



Secondary Transition



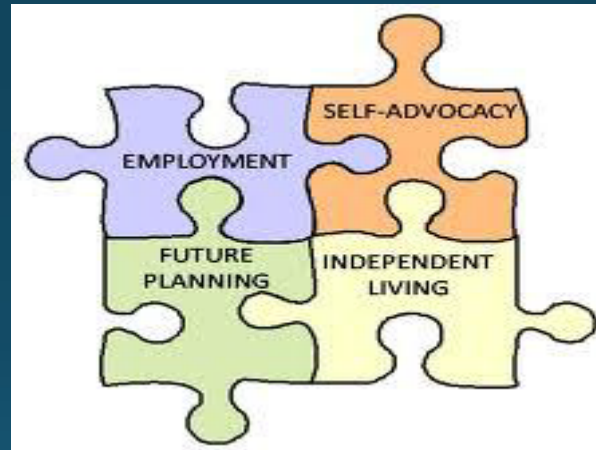
The term “transition services” means a coordinated set of activities for a child with a disability that:

- Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’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;
- Is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests; and
- Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

[34 CFR 300.43 (a)] [20 U.S.C. 1401(34)]



Transition Services/Assessments/FAPE





TRANSITION SERVICES –

This is required for students age 14 or younger if determined appropriate by the IEP team. 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 that is 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.





POST SCHOOL GOALS:

Based on age appropriate assessment, define and project the appropriate measurable postsecondary goals that address education and training, employment, and as needed, independent living. Under each area, list the services/activities and courses of study that support that goal. Include for each service/activity the location, frequency, projected beginning date, anticipated duration, and person/agency responsible.



Relevant Case Law

McKENNA SNYDER LLC



Attorneys At Law

McKenna Snyder
The statements and representations made in this presentation do not
constitute legal advice. ATTORNEY/CLIENT PRIVILEGE

(217)
217

Relevant Case Law

- Peters Twp. Sch. Dist. v. B.B., No. 2:20-CV-01576-CRE, 2022 U.S. Dist. LEXIS 115591, at *49-51 (W.D. Pa. June 30, 2022)
 - District implemented numerous school attendance improvement plans, and almost every IEP included goals for school attendance. Parents claimed that District discriminated against Student, but hearing officer found that the steps that the District took to address the Student's attendance issues did not rise to the level of deliberate indifference, and rather showed that the District employed the appropriate mechanisms to address the Student's attendance issues.

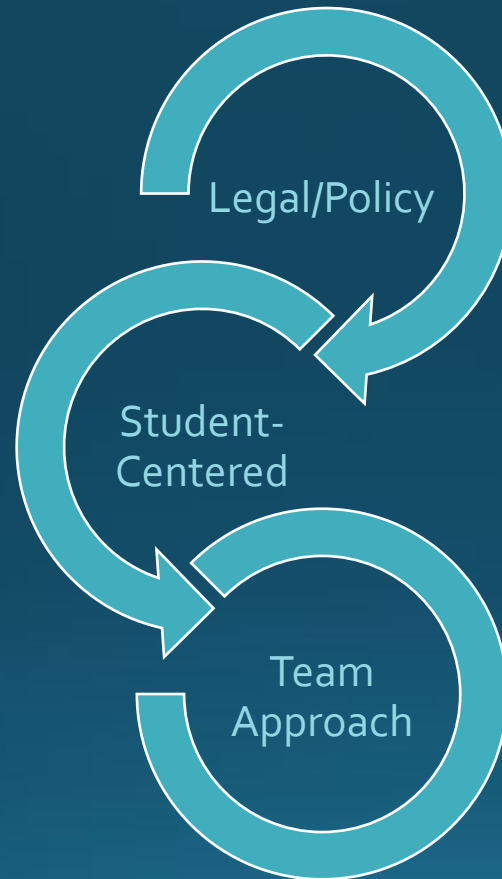


Relevant Case Law

- M.S. v. Downingtown Area School District, ODR # 13375/12-13-KE (Valentini) (August 11, 2013)
 - The District offered a variety of interventions to help Student attend school, prior to filing a truancy petition against the Parents. The District's handling of Student's excessive truancy was appropriate and did not represent a denial of FAPE.
- R.T. v. Avon Grove School District, ODR #14573-13-14-KE (Carroll) (June 22, 2014)
 - District treated Student's sleep disorder as a behavior problem that Student could control and not a disability. Adverse action was taken against Student on the basis of disability. The District ordered to expunge the truancy record.



Take Away



Give yourselves a round of applause for all you do, all you already know and for your commitment to your students and your efforts toward professional growth!



Special Education

Special Education Department MEETING AGENDA

April 12, 2023

2:00-3:00 PM

**TOPIC: Important dates,
Attendance/Truancy, SWAG**

Attendees: Faith, Alicandro, White, Watenpool, Zenone, Smith, Otis, Mulvey, Paul, Metz, Dunn, Galando, Clutter, Levenson, Weirdak, Glancy, Bigos, Blose, Batrack, Budd, Winter, Corcoran, Olszewski, Smialek, Bate, Hoffman
Note Taker: White
Timekeeper: Galando

MEETING OBJECTIVES:

- Warm Welcome (SEL practice)
- Objective 1 - **Important Dates and information**
- Objective 2 -**PD #7 - Compulsory Attendance, SWAG**
- Optimistic Closure (SEL practice)

TO PREPARE FOR THIS MEETING, PLEASE:

- Come with questions and focus on the meeting
- No laptops please

Schedule [60 minutes]

TIME	MINUTES	ACTIVITY
2:00-2:10	10	Warm Welcome - CELEBRATIONS! <ul style="list-style-type: none">• Adam and Carly have welcomed Sienna Donna Winter on Easter Sunday at 9:22 AM! 9 pounds 2 ounces. Carly and Sienna are doing well
2:10-2:30	20	OBJECTIVE 1 - Important Dates and Information Schedule your IEP meetings now! - everything before Oct. 13ths Put in all re-evaluations NOW! Plan ahead! <ul style="list-style-type: none">• Ask Stephanie for availability• 72 hours- calendar for IEPs Please add your last day of school to my calendar - just invite me to the last day in June - make sure you have accurate count of days you have left to use! - Please keep track of how many days you have to use.

-It may deny you because Steph is out.

We are still looking for ESY teachers - please make sure to apply before the deadline! If we do not have enough in-house, we will have to contract out. - Looking for 2 more! Heidi says please.

- Work from home - 20 hours a week - make your own schedule!

ESY and Summer school are different and they cannot double dip.

Important for PASA, PSSA and Keystone travel!

- Review per diem for each meal while out for testing, report back to team
 - <https://federalpay.org/perdiem>
- This will give you a total daily per diem for meals and will also provide guidance on specific breakfast, lunch, and dinner rates. We want you to be comfortable in your travels, but we also need to keep within these rates as much as possible. **Skipping breakfast does not mean that you can spend more on dinner.** If we are audited, a \$50 dinner could raise eyebrows even if you skipped a meal that day AND IT WILL NOT BE APPROVED!

Important Dates:

- April - Transition IEP Walkthroughs: Add Laura to 1 IEP meeting and send IEP Draft 3-5 business days prior (Schedule by the end of April)
- April 14 - Stephanie out
- April 17-20 - Sara and Bri PASA testing
- April 21 - Stephanie out, Heidi out
- April 24-May 26 - PSSA and Keystone testing
- April 28 - final PLP due to supervisor, all Act 13 forms done
- May 1 - Board Meeting 4pm
- May 22-June 2 - CDT testing
- May 29 - No SCHOOL - Memorial Day
- May 31 - All Day SE Training - Understanding EBR and connection to IEP-
Asynchronous day for life skills and RR's
- June 2 - Q4 grades due, Teacher Clarity Day
- June 8 - Q4 PM Due
- June 9 - Graduation - ½ day for those attending Graduation
- June 10 - Graduation
- June 11-June 24 - Stephanie out on Vacation

-If you are a site lead for testing make sure you can get into Smart Futures.

- Auditors would look for kids you are responsible for day to day, they would just be looking at the usage.

Heidi Share out

- Referral Requests for ALL related services. This includes services where Jamie and Aubrey were discussed being assigned
- Check your providers' STaR notes weekly and let me know if they are not entering their session notes - do not wait until the end of the quarter to talk to Heidi about lack of communication with related service providers.
- Check the Related Service Provider Spreadsheet and let me know if you see discrepancies - make sure services and times are correct on the spreadsheet.
- Working on ESY related services. Make sure they are listed in the appropriate place in IEP. Typically service frequency is reduced during ESY.

		<ul style="list-style-type: none"> • Make sure what is in the IEP for ESY and what goes on the ESY Spreadsheet match! <p>Mary Share out</p> <ul style="list-style-type: none"> • For filing purposes procedural safeguard letters go behind the IEPs. • Special Ed timelines do not stop because we are out for testing. Please get all meetings scheduled ASAP so I can send forms out sooner rather than later. <p>**Students with Learning Coaches should not be failing all of their classes. If that is the case, we need to have a meeting to discuss why.</p> <p>Transition–Review and reach out to Laura with questions.</p> <ul style="list-style-type: none"> • IEP Walkthroughs: <ul style="list-style-type: none"> ○ Add Laura to 1 IEP meeting and send IEP Draft 3-5 business days prior (Schedule by the end of April) ○ The <u>IEP</u> will be reviewed for compliance as it relates to transition. The following areas are reviewed: <ul style="list-style-type: none"> ■ IEP Invitation ■ Present Levels of Academic Achievement and Functional Performance (Page 1) ■ Present Levels Related to Current Postsecondary Transition Goals (Page 2) ■ Transition Services Grid ○ Use the Transition IEP Meeting Process as reference for what will be focused on for the <u>IEP Meeting</u> portion of the Walkthrough • Blurb for PA Career Standards Requirement for PL For Transition Goals (Page 2-Initial Narrative): <ul style="list-style-type: none"> ○ <i>The Career Education and Work Standards, Chapter 4 of Title 22, are part of the State Board of Education’s regulations of required education for all students in Pennsylvania. The standards address the following four areas: Career Awareness and Preparation, Career Acquisition, Career Retention and Advancement and Entrepreneurship. Currently _____ has 10 artifacts. _____needs to complete 1 artifact in the area of Entrepreneurship and also a Career Plan to be considered compliant for this school year (If you need assistance in determining what a student needs to be considered compliant, please reach out.</i> ○ Reminder: The initial narrative should also include what the student has accomplished, skills they have gained, and experiences they have participated in as they relate to the students individual transition goals. <ul style="list-style-type: none"> ■ Ex: job shadowing, community or/leadership experience, part-time employment, certifications received, etc. <p>Double check your pronouns for blurbs</p>
3:00-3:20	20	<p>OBJECTIVE 2 - PD #7 - Compulsory Attendance/Truancy and SWAG</p> <ul style="list-style-type: none"> • Huge push throughout the state for all schools and some specific to charter and cyber charter schools on attendance and truancy concerns. • This came directly from someone from the state (Dr. Marvin) that monitors for the SE audit - VERY IMPORTANT

Many of the cyclical monitorings that I have been conducting this year and last have revealed a huge problem with attendance and truancy. The LEAs have been doing their best to try and engage students; however, attendance doesn't appear to be improving. I've come across some 'tips' that I am going to share with you. I've also noticed that the IEPs of these students do not have the documentation of efforts that have been taken by the LEA. Please review this information and determine if any of these 'suggestions' fits your LEA's situation.

According to 2014 LRP Publications (Volume 29 – Issue 21)

Quick Tips

1. Identify what is causing the truancy – this could be with a FBA and/or RR
 1. Does not have to be these.
2. Revise the IEP using attendance goals with the addition of positive reinforcement incentives, such as rewards for attending, not penalizing him for late assignments, send homework when absent, and/or modify the student's schedule with the intention of increasing time at school over the course of the semester. You could also establish a 'point system' where the student earns so many points to reach a specific goal.
 1. GR has used incentives and have seen improvement and engagement. Giving them something to work towards.
 2. "Earning based on a token economy system" - cannot be gift cards.
 3. Attendance goals need to be backed up with reasoning.
3. Consider offering psychological counseling, small group instruction, and/or social skills instruction.
4. Document in the IEP should include: **This is for Parent Concerns**
 1. When you communicated with the parent
 2. How you communicated with the parent
 3. The responses that you were provided. In some cases, no response.
5. Conduct a **School Attendance Improvement Conference (SAIC)**. Please read more about compulsory attendance in the link provided below.
 1. We can add times and dates along with info for this as well. If they attended, when it was and so on.
 2. Also include if they are involved in an outside attendance organization.

****If you have students who are having issues with Live Learning Attendance bring in Timmerman or Williams for support.**

The purpose of doing all of this is to show that the LEA made a 'good-faith' effort to address this student's truancy prior to filing truancy charges. Your notes may also demonstrate the parents' level of cooperation.

		<p>The Basic Educational Circular that applies can be found at Compulsory School Attendance, Unlawful Absences, and School Attendance Improvement Conferences</p> <p>I suggest that you read this BEC. I'm sure you have already tried many of the tips listed above. However, the question is, does your documentation demonstrate your 'good faith' efforts for this student?</p> <ul style="list-style-type: none"> ● SWAG sheets <ul style="list-style-type: none"> ○ Why is this important? It links directly with the CSI goals for this school year and for future planning. ○ Why is CSI important? -Comprehensive School Improvement <ul style="list-style-type: none"> ■ It is a year long and yearly process to show improvement in areas for the district and school. ■ Monitors growth in various areas of targeted improvement - attendance, CEW, graduation, ELA, Math, Science ○ Please make sure your students have documented SWAG sheets ○ All SE teachers, regardless of age, can use the SWAG evidence blurb for their IEP meetings - please note that above and use it! <ul style="list-style-type: none"> ■ If you need help with SWAGs, please reach out to Laura Budd. <p>Everyone should be including the Smart Futures blurb in their IEPs. Talk with Laura Budd if you have specific questions about how many artifacts a student needs or general Smart Futures questions.</p> <p>Questions???</p> <ul style="list-style-type: none"> ●
--	--	--

3:20-3:30	15	Optimistic Closure - 6 weeks left, we can do it, it is possible. :) talk with your principals if you need things, talk to Steph, talk to Laura.
-----------	----	--

General Information for IEPs:

We are continuing to review IEPs and add to your compliance folders. Please continue to send me drafts of IEPs prior to sending them.

I send out BSE monthly information emails - please review and use them for information!

Special Education

Special Education Department MEETING AGENDA

March 28. 2023
2:30-3:30 PM

TOPIC: Important dates, Evaluation/Reevaluation review - deeper dive	Attendees: Faith, Alicandro, Ploesch, Budd, Levenson, Corcoran, Smith, Zenone, Bigos, Clutter, Otis, Batrack, White, Galando, Hoffman, Watenpool, Bate, Paul, Martin, Metz, Blose, Winter, Mulvey, Dun, Wierdak, Glancy, Olszewski Note Taker: Blose Timekeeper: Galando
---	---

MEETING OBJECTIVES: <ul style="list-style-type: none"> ● Warm Welcome (SEL practice) ● Objective 1 - Important Dates and information ● Objective 2 -PD #6 - Deep dive into Evaluations/Reevaluations ● Optimistic Closure (SEL practice)

TO PREPARE FOR THIS MEETING, PLEASE: <ul style="list-style-type: none"> ● Come with questions and focus on the meeting
--

Schedule [60 minutes]

TIME	MINUTES	ACTIVITY
2:30-2:40	10	Warm Welcome - CELEBRATIONS! <ul style="list-style-type: none"> ● Brina and Zach welcomed William Patrick Jacob Ault! ● Bri had a positive meeting ● Adam had a Student Led IEP meeting ● Felicia's student's father is found
2:40-3:00	20	OBJECTIVE 1 - Important Dates and Information Some GREAT news!!!! Schedule your IEP meetings now! - everything before Oct. 13ths Put in all re-evaluations NOW! Plan ahead! <ul style="list-style-type: none"> ● Ask Stephanie for availability ● 72 hours- calendar for IEPs Important Dates: <ul style="list-style-type: none"> ● March 29 - NO IEP MEETINGS - Teacher Clarity ● March 30 - Admin unavailable - 23-24 planning ● March 31 - transition-aged IEPs and invitations due to me for Dr. Grimm!!! ● March 31 - PSTAT training due for testing to L. Bailey ● March 31 - Heidi out ● April - Transition IEP Walkthroughs: Add Laura to 1 IEP meeting and send IEP Draft 3-5 business days prior (Schedule by the end of April) ● April 4 - PASA testing AM - Faith/Olszewski, look at coverage sheet ● April 5 - 3rd Q PM due, related service provider feedback due Monday ● April 5 - 3rd PLP due to supervisor ● April 5 - ½ day for all staff, Mary out all day ● April 6-10 - Spring Break!!!!

- April 14 - Stephanie out
- April 21 - Stephanie out, Heidi out
- April 28 - final PLP due to supervisor, all Act 13 forms done

Heidi Share out

- Let Heidi know if you did not get feedback from providers for PM
- Check your related services regularly
- Give Heidi input about providers for next year

Mary Share out

- File, File, File
- Complete the google form, takes the place of the paper tracking form, complete the form before filing is turned in to Mary
- This Wednesday is the last day for enrollment
- Do not forget Penn Data and make sure it is correct
- Schedule meetings sooner, rather than later because of testing for the input forms
- Remember to provide spec edu input forms
- Don't schedule meetings over lunch for reg edu teachers

Transition—Review and reach out to Laura with questions.

- IEP Walkthroughs:
 - Add Laura to 1 IEP meeting and send IEP Draft 3-5 business days prior (Schedule by the end of April)
 - The IEP will be reviewed for compliance as it relates to transition. The following areas are reviewed:
 - IEP Invitation
 - Present Levels of Academic Achievement and Functional Performance (Page 1)
 - Present Levels Related to Current Postsecondary Transition Goals (Page 2)
 - Transition Services Grid
 - Use the [Transition IEP Meeting Process](#) as reference for what will be focused on for the IEP Meeting portion of the Walkthrough
- Blurb for PA Career Standards Requirement for PL For Transition Goals ([Page 2](#)-Initial Narrative):
 - *The Career Education and Work Standards, Chapter 4 of Title 22, are part of the State Board of Education's regulations of required education for all students in Pennsylvania. The standards address the following four areas: Career Awareness and Preparation, Career Acquisition, Career Retention and Advancement and Entrepreneurship. Currently _____ has 10 artifacts. _____ needs to complete 1 artifact in the area of Entrepreneurship and also a Career Plan to be considered compliant for this school year (If you need assistance in determining what a student needs to be considered compliant, please reach out.*
 - **Reminder:** The initial narrative should also include what the student has accomplished, skills they have gained, and experiences they have participated in as they relate to the students individual transition goals.
 - Ex: job shadowing, community or/leadership experience,

		<p>part-time employment, certifications received, etc. Double check your pronouns for blurbs</p>
3:00-3:20	20	<p>OBJECTIVE 2 - PD #6 - Evaluations and Reevaluations - deep dive</p> <ul style="list-style-type: none"> ● Difference between what to note in evaluations and reevaluations <ul style="list-style-type: none"> ○ Evaluations contain first data of student - need to always note the cognitive, achievement, behavioral, and any related service in IEP ○ Full Reevaluations - same thing since there is new data ○ Record Review Reevaluations - include the last testing that was completed and note the date it was done and the date of record review ● USE GRAPHS WHEN POSSIBLE!!! <ul style="list-style-type: none"> ○ Easiest way to look quickly at data ○ Putting in summaries is too wordy and you don't need it unless there is not a graph ○ Make sure all graphs are labeled and dated, add summary if needed ● Cognitive and achievement testing goes in the achievement area of present ed levels ● Behavioral, adaptive, speech, OT, PT, and any BSC/Counseling/LC input goes in functional, teachers are now being asked to do rating scales ● If a student has a related service for an area, that input MUST be there in that functional area and the provider MUST be invited to the IEP, include LCs ● Where to look when needing more data for strengths and needs? <ul style="list-style-type: none"> ○ Summary ○ Conclusion ○ Achievement data <p>Notes: ESY teaching posting out by April 3 Stephanie needs to know by March 31 who is ESY eligible No moving cubes for next school year Proposing K-12 ES program for next SY No Draft Day this year, but full day SE meeting day</p> <p>Questions???</p> <ul style="list-style-type: none"> ●
3:20-3:30	15	Optimistic Closure
General Information for IEPs:		
<p>We are continuing to review IEPs and add to your compliance folders. Please continue to send me drafts of IEPs prior to sending them.</p> <p>I send out BSE monthly information emails - please review and use them for information!</p>		

Special Education

Special Education Department MEETING AGENDA

February 8, 2023

2:00-3:00 PM

TOPIC: Important dates, Parent interactions for IEP meetings

Attendees: Faith, Alicandro, Paul, Zenone, Ault, Smith, Martin, Otis, White, Dunn, Blose, Metz, Galando, Mulvey, Watenpool, Levenson, Glancy, Wierdak, Batrack, Winter, Budd, Corcoran, Olszewski, Clutter, Bigos
Note Taker: Dunn
Timekeeper: Galando

MEETING OBJECTIVES:

- Warm Welcome (SEL practice)
- Objective 1 - **Important Dates and information**
- Objective 2 -**PD #5 - Parent-teacher relationship in IEP meetings**
- Optimistic Closure (SEL practice)

TO PREPARE FOR THIS MEETING, PLEASE:

- Leave laptops at your desks
- Come with questions and focus on the meeting

Schedule [60 minutes]

TIME	MINUTES	ACTIVITY
2:00-2:10	10	Warm Welcome - CELEBRATIONS! <ul style="list-style-type: none">• Mary is back and yesterday was her bday!• Brina is having a baby boy!• Adam is having a baby girl!• Ashley is getting MARRIED!• Welcome to Janine Otis to SE!!
2:10-2:30	20	OBJECTIVE 1 - Important Dates and Information Some GREAT news!!!! Schedule your IEP meetings now! - everything before Oct. 13ths Put in all re-evaluations NOW! Plan ahead! Important Dates: <ul style="list-style-type: none">• February 6 through February 17 - CDT testing• February 8 - New Student start date

		<ul style="list-style-type: none"> ● February 9 (HS only) - Drop/add period ends ● February 13- Steph out ● February 14-17 - Kindness week (see counselors) ● February 14 and 17 - Indicator 13 meetings with Dr. Grimm ● February 15 - Ed Camp Day - Asynch day for students - no RR this day or Life Skills live classes ● February 17 - 100th Day of School ● February 20 - No School for all ● February 21 - Dr. Letiera's first day! ● February 27-March 3 - Read Across America week ● March 1-3 - PDE SE Conference - Steph, Blose, Dunn, Bigos out ● March 6 - Board meeting @ 4 ● March 8 - All Staff PSSA/Keystone training ● March 10 - Steph out ● March 13-22 - PASA road trip ● March 29 - NO IEP MEETINGS - Teacher Clarity <p>*Brina has sent out a spreadsheet to cover classes when out for testing and conference</p> <p>Heidi Share out</p> <p>-Please pay attention to student calendars and ensure appropriate services are listed. Let Heidi know if we need to make changes.</p> <p>Mary Share out-files are still coming in :)</p>
2:30-2:45	15	<p>OBJECTIVE 2 - PD #5 - Interacting with Parents in IEP meetings</p> <ul style="list-style-type: none"> ● Greetings <ul style="list-style-type: none"> ○ Please remember that you use Mr. Mrs. Ms. and last name ○ Even if you talk to them on a regular basis, the IEP meeting is a formal meeting and should be conducted as such ○ Greet teachers with formal names as well ○ It is easier to intro those there instead of going around ● How to start <ul style="list-style-type: none"> ○ DO NOT READ WORD FOR WORD FROM THE OUTLINE! ○ Be familiar with your student, their program, goals, needs and info ○ More conversational ○ Let those that have to leave go first - i.e. OVR, related service providers ○ If you are having a student present a self-led IEP - this is the start and drives the meeting ● The more student-led IEPs, the better!- All students can do this! ● If student is transition-aged, the transition plan and information should guide the meeting ● Next steps <ul style="list-style-type: none"> ○ Goals - review prior and how they will be changed. Even if % is increasing or decreasing, this needs to be discussed ○ Stagnant goals - do we really need these?3-6 goals recommended by AIU3 training ○ Link RR to goals to SDIs <ul style="list-style-type: none"> ■ Do we need all of the goals? Directly links to needs from RR and present ed levels ■ Do we need all of these SDIs? What are they going to use?

		<ul style="list-style-type: none"> ● Parent input is necessary - you can open the meeting that way or you can add it once things are presented. If the student is present and did not do a led IEP, get their input. If parent does not attend, document that contact was made (date) and what was communicated. <ul style="list-style-type: none"> ○ Avoid the “third degree” in this meeting - if you want to do a lot of questioning or lecture - i’d suggest to do at end of meeting ● Some general notes <ul style="list-style-type: none"> ○ Do not talk down to parents - meet them at where they are as far as understanding their child and the program ○ Do make it meaningful to the team ○ Do start with strengths, then needs, then back to what can be done to be more successful ○ Slow Down - give the parent time to digest information ○ Be professional in your clothing, your background, your speaking <ul style="list-style-type: none"> ■ Avoid “ummm”, distractions, or not professional dress ○ IF YOU DON’T KNOW AN ANSWER, DO NOT BS THEM - TELL THEM YOU WILL ASK AND GET BACK TO THEM ○ Be careful of what we will offer here <p>Questions???</p> <ul style="list-style-type: none"> ●
--	--	---

2:45-3:00	15	Optimistic Closure
-----------	----	---------------------------

General Information for IEPs:

We are continuing to review IEPs and add to your compliance folders. Please continue to send me drafts of IEPs prior to sending them.

I send out BSE monthly information emails - please review and use them for information!

Special Education

Special Education Department MEETING AGENDA

January 11. 2023
2:00-3:00 PM

TOPIC: Important dates, Extended School Year	Attendees: Faith, Paul, Bate, Hoffman, Galando, Ault, Dunn, Glancy, Smith, Winter, Metz, Clutter, Wierdak, Levenson, Ploesch, Budd, Martin, Blose, Cocoran, Mulvey, Crandall, Watenpool, White Note Taker: Olszewski Timekeeper: Galando
---	---

--	--

MEETING OBJECTIVES:

- Warm Welcome (SEL practice)
- Objective 1 - **Important Dates and information**
- Objective 2 -**PD #4 - Extended School Year (ESY)**
- Optimistic Closure (SEL practice)

TO PREPARE FOR THIS MEETING, PLEASE:

- Leave laptops at your desks
- Come with questions and focus on the meeting

Schedule [60 minutes]

TIME	MINUTES	ACTIVITY
2:00-2:10	10	<p>Warm Welcome - What do we hope for 2023?</p> <ul style="list-style-type: none"> ● Dr. Ploesch ● Completion of all PASA ● Baby boy Ault ● Baby girl Winter ● PSSAs online ● Smooth wedding planning for Smith ● Sending independent 8th onto 9th grade ● Seniors needing to graduate in June ● Building more relationships with students ● Having Mary back.....SOON
2:10-2:30	20	<p>OBJECTIVE 1 - Important Dates and Information</p> <p>Some GREAT news!!!! Adding one more Sped Team person for the HS, will be coming on in Feb.</p> <p>Important Dates:</p> <ul style="list-style-type: none"> ● January 13 - Heidi out PM ● January 16 - No School for all ● January 18 - Clarity PD but still RR, with exceptions of Life skills live class ● January 18- ALL Q2 ASSIGNMENTS LOCK -Elementary only ● January 20 - Heidi out all day- dont visit lol ● January 24 - End of Q2 and Q2 PLP due ● January 25 - New Student start date- 6 Sped kiddos enrolling ● January 25-26 - NO SCHOOL STUDENTS - PD DAY FOR STAFF - ● January 25 - 26- NO IEP Meetings!!! RELATED SERVICES CAN HAVE SESSIONS- All staff on site! ● January 26 - Q2 grades due ● January 27 - Q3 starts ● January 30 - Q2 PM Due to Steph by end of day ● February 6 through February 17 - CDT testing ● February 8 - New Student start date ● February 9 (HS only) - Drop/add period ends

- February 14-17 - Kindness week (see counselors)
- February 15 - Ed Camp Day - Asynch day for students - no RR this day or Life Skills live classes
- February 17 - 100th Day of School
- February 20 - No School for all
- March 1 - New Student start date

Heidi share out

- No other people allowed in filing room other than Heidi, Mary, Steph, and helpers
- Mailing documents - stack organized papers tightly. Presentation represents the school, so having papers going all different directions looks sloppy. It takes time to sort and stack.
- Filing - same goes. Ensure you're following filing SOP; paperclipped correctly, in order, (1-8), hole punched so they can easily be put in 3 ring binders. Filing can be very time consuming if having to resort and correct simple errors. Need help, ask Sarah Blöse
 - WEEKLY WEEKLY WEEKLY WEEKLY!
- If Related Services are discussed at your IEP meetings, please send me an email with what was discussed. Everything dealing with Related Services, I should be cc'd on.
 - New service - submit a referral request
 - Changes - send me an email
- Let me know if/when you are having any issues with providers, I will work with them and/or their coordinators to re-educate OR will have them replaced.
- Procedural safeguards to go behind either the invite if mailing, or after the IEP when filing
- CC Heidi if and when services have changed or been updated
- Thank everyone for their patience as I muddled through wearing Mary's shoes!

Progress monitoring update

- Make sure all PM is due to me by January 30th end of day. If there is an extension needed, please speak to me 1:1 privately.
- Related service providers need to ensure all data is recorded prior to January 30.
- Please do not just cut and paste ALL of the written STAR data, make sure it is clear, concise and specifics about data and IEP goals
 - Include data points, specific goal progress, data for attendance, and anything else important to note. Pair down all of the documentation to what is important for the goal progress.
- Why is PM important?
 - It is not a check box for just compliance but drives the IEP!
 - Progress should be made for all goals. If the goals are mastered, revise with another goal based on RR.
 - If the goal is not showing any improvement - why? Do we need to meet? Do we need additional SDIs?
 - We do look at goal progress for SE students, especially for those that are graduating based on goals.

2:30-2:50

20

OBJECTIVE 2 - PD #4 - Extended School Year

- Brina and Sara provided the ESY Workshop Wednesday parent training today. This presentation will also be on the PA Distance website under parent resources.
 - One parent attended and another commented on the Parent Square
- There is a whole folder for ESY in the Special Education 22-23 folder. Please use all of the resources available.
- Important to note - ESY IS AN INTENSIVE SUMMER PROGRAM FOR STUDENTS WITH SIGNIFICANT DISABILITIES. IT IS NOT A SUMMER SCHOOL OR A SUMMER CAMP!
- When do we determine ESY?
 - Armstrong group - End of February
 - Seven factors qualification - End of March
- What is the Armstrong group?
 - Students that are ID as well as students that have **SEVERE** ED or Autism. Just because that is their diagnosis - does not mean they are Armstrong group.
 - These students are already receiving ESY and DO NOT NEED NEW NOREPS!!!! Even if they came in with a new IEP, they should have already been receiving ESY so nothing needs to change.
- Students that newly qualify for ESY
 - Data has to indicate regression/recoupment for these students.
 - The determination needs to be made through an IEP revision by the end of March.
 - NOREP is issued if this is a NEW service
- Students that have already been in ESY
 - Same as Armstrong group - they do not need a revision or NOREP
- Students that are exiting ESY because they no longer qualify
 - There needs to be data to determine that this student no longer qualifies for ESY.
 - Revision for IEP and a NOREP issued that they are no longer in need of ESY services.
- IEPs have to always answer ESY and have the seven questions present with each one answered.
- Goals for ESY
 - Should be marked in the goal area.
 - Should focus on the most needed goals for that summer
 - Should not be more than 4-5
 - Related service goals will be there if they continue to qualify for the services

- About 20 hours per week total, related services will be significantly less than normal school year hours
- Monday- Thursday is typical and Friday if needed based on student
- AM sessions with live teacher
- Providers may or may not be the same, clarify that with parents and families
- Summer school is different than ESY, they are not able to be done at the same time. If students qualify for ESY then they should be attending that rather than summer school.

		<ul style="list-style-type: none"> • Summer camps are able to be done in conjunction with ESY • Good documentation to put within the new IEP for the following year, if they attended ESY, participation, if it was declined, etc. • ESY progress reports will have the information if it was attended or if a student did not attend • No make up sessions for related services over the summer, it does not roll over to following school year. June 30th is the cutoff each year for make up sessions • ESY teacher postings- will be taking applications for teachers in April • July 5th - July 31st, tentative dates for ESY <p>Questions???</p> <ul style="list-style-type: none"> • Oct 13th is the cutoff for IEPs and Re-evals need to be done before June • 2018 and newer can be record review, 2017 and older needs Re-Eval • Send any and all Pre-ETS forms with Laura Budd asap • Pass survey will need to be provided by RR teachers because there is a conflict with the OVR homeroom session
--	--	--

2:50-2:55	5	<p>Assess what worked well about this meeting and what we would have liked to change:</p> <table border="1"> <thead> <tr> <th>+ Plus</th> <th>▲ Delta</th> </tr> </thead> <tbody> <tr> <td>• It was great 😊</td> <td>• Matt Galando had no job to do 😞</td> </tr> <tr> <td>• Built in time for the meeting</td> <td>•</td> </tr> <tr> <td>• Ended on time</td> <td>•</td> </tr> <tr> <td>•</td> <td>•</td> </tr> <tr> <td>•</td> <td>•</td> </tr> </tbody> </table>	+ Plus	▲ Delta	• It was great 😊	• Matt Galando had no job to do 😞	• Built in time for the meeting	•	• Ended on time	•	•	•	•	•
+ Plus	▲ Delta													
• It was great 😊	• Matt Galando had no job to do 😞													
• Built in time for the meeting	•													
• Ended on time	•													
•	•													
•	•													

2:55-3:00	5	Optimistic Closure
-----------	---	---------------------------

General Information for IEPs:

We are continuing to review IEPs and add to your compliance folders. Please continue to send me drafts of IEPs prior to sending them.

Make sure if you are in the Indicator 13 training - HS/MS - you have completed the Indicator 13 Schoology course!!!!

Special Education Department MEETING AGENDA

November 9, 2022

2:30-3:30 PM

TOPIC: Important dates, information, and PD # 3 - IEP Writing Feedback and Progress Monitoring

Attendees: Faith, Sara Olszewski, Galando, Metz, Dunn, Corcoran, Batrak, Grossman, Winter, Levenson, Wierdak, Glancey, Paul, Alicandro, Reddecliff, Bate, Bloss, Clutter, Smith, Martin, Zenone, Watenpool, White
Facilitator: Faith, Alicandro, Paul, Reddecliff, Crandall
Note Taker: Reddecliff
Timekeeper: Galando

MEETING OBJECTIVES:

- Warm Welcome (SEL practice)
- Objective 1 - **Important Dates and information**
- Objective 2 - **PD #3 - IEP Writing Feedback and Progress Monitoring**
- Optimistic Closure (SEL practice)

TO PREPARE FOR THIS MEETING, PLEASE:

- Come prepared with any questions and review the agenda.
 - [Jamboard](#) for questions

Schedule [60 minutes]

TIME	MINUTES	ACTIVITY
2:30-2:35	5	<p>Warm Welcome - A Positive and Negative share out - with ALL</p> <p>Great IEP meetings this year Sarah's student completed their first grad recovery course Ashley's students are mastering their fluency goals Communication is lacking Sara's parents are signing paperwork Some students are struggling due to environmental needs and issues Input forms are coming in with a lot more information about our students Engagement is lacking this year</p>
2:25-2:45	10	<p>OBJECTIVE 1 - Important Dates and Information</p> <p>Welcome to Amy Watenpool and Chelsea White!!!!</p> <p>Important Dates:</p> <ul style="list-style-type: none"> ● Nov. 11- No School ● Nov. 16 - New Student Start Date- Last one for semester! ● Nov. 17 - Mary's Last Day 😞 ● Nov. 21 - Elementary Career Day ● Nov. 22- staff ½ day and also optional bowling with staff outing ● Nov. 23-27 - OFF for Thanksgiving break ● Dec. 1 - 15 - Elementary Acadience testing window

		<ul style="list-style-type: none"> ● Dec. 5-16 - Keystone testing window ● Dec 7 - SE Luncheon - location TBA <ul style="list-style-type: none"> ○ Any dietary restrictions, please let me know! ● Dec. 13-15 - Stephanie and Sarah Blose out for CE ● Dec. 20 - AM- Staff Celebration! ½ day for staff PM ● Dec. 21-Jan 2 - Off for Winter Break ● Jan 3 - Stephanie OUT of OFFICE <p>Heidi and Mary share out</p> <ul style="list-style-type: none"> ● Filing <ul style="list-style-type: none"> ○ Get it to Mary as soon as you can! ○ While Mary is out, Heidi will be helping as much as possible. ○ Add Special Ed assistant still and Heidi to IEP meetings on Google Calendar ● Communication with Related Service Providers moving forward; Ashley and Amy's emails sent for clarity. <ul style="list-style-type: none"> ○ Reach out to providers if you haven't heard from them. ○ Providers can use Meet if they are having trouble with Zoom, but let Heidi know if something sounds off with what the provider is doing. ● If there are any changes made to related services, send email to Heidi
2:45-3:20	35	<p>OBJECTIVE 2 - PD #3 - IEP writing feedback and Progress Monitoring</p> <p>Steph is working on IEP revisions and Progress Monitoring *Until xmas break-1 week to finalize IEPs (changing back to 72 hours after break)</p> <p>Notes for IEP Writing -</p> <ul style="list-style-type: none"> ● Other information - <ul style="list-style-type: none"> ○ make sure you put all invite dates and attempts, and also the date of IEP and if parent/student attended. If they did not attend, put the date that you talked to them about IEP. ● IEP Signatures and Written Input - <ul style="list-style-type: none"> ○ Make sure you have all teachers that provided input forms and related service people listed on written information if they do not attend. If they are attending and in the signature page - they do not need to be there!!!! <ul style="list-style-type: none"> ■ Do not put invitees on more than one time - Remove Steph if on more than one time. ● LEA, Related service people and at least one reg ed teacher HAVE to be on signature page. ● Present Ed Levels - <ul style="list-style-type: none"> ○ academic is for academic information - summaries of cognitive and achievement testing from ER/RR - does not mean to cut and paste the whole thing! <ul style="list-style-type: none"> ■ Chart and Summary only- Don't need test descriptors ○ LC input is part of academic info. ○ Functional - this is where BSC, Speech, PT, OT goes. Summary of behavior rating scales also goes here, as well as adaptive. ● State and Local Assessments - <ul style="list-style-type: none"> ○ We are still putting frequent breaks, calculator, and extended time. This is for ALL. Also, make sure that state and local are the SAME and NEEDED. ○ Read aloud is for minimal students!!!! ● Transition - <ul style="list-style-type: none"> ○ Follow the notes that Laura has provided for transition. ○ Use the verbiage "will" for the goal statements. ○ Make sure services and activities are specific to the career path. ○ WE provided all of these services and activities - so we are responsible ● Goals

- Make sure they are reasonable, attainable, and related to the needs in the IEP (needs in RR + student data and disability category).
- If they make the progress - then remove them and increase rigor with the new goal.
- Make sure you are stating at the end of each goal - "over the course of the IEP year"
- Standards need to match the goals!
- Attendance and assignment completion - need to be used sparingly and when data indicates the need.
- Goals need to be revised when they meet them or if they are stagnant over multiple quarters.
 - If they are stagnant - then we need an IEP meeting.
- SDIs
 - Have to be more specific on WHO is providing the service and how it looks. More specifics are important to SDIs.
 - Watch for repeating SDIs.
 - MORE IS NOT BETTER. They need to match needs and goals.
 - I did put in dropdowns for more specific locations - specify online or with SE teacher
- Related Services -
 - Only thing is if we change the frequency or remove services - Heidi needs to be informed.
- Supports for school personnel
 - Utilize this and document when you speak to related services - should be at least bi-weekly.
 - This can be for parent communication and could also speak to helping with tech needs or email needs
 - This is a great area for parent support.
- Questions for IEP team -
 - These are pretty good - make sure you note what was offered and what was refused.
 - Explanations - gen ed participation is different than gen ed curriculum
- PENN DATA -
 - I am happy to help with the calculations!!

Progress Monitoring

- Why is this important?
- What does this show parents/staff/students?
- How do we get students to participate and buy in?
- When do you revise and when do you have a meeting?

3:20-3:25

5

Assess what worked well about this meeting and what we would have liked to change:

+ Plus	▲ Delta
● Love the quick, all inclusive topics	● Wish we had more time to hear from the S.E. teachers
●	●
●	●
●	●

3:25-3:30	5	Optimistic Closure
General Information for IEPs:		
<p>The Essentials of IEP Writing training is back and offered by PaTTAN - all NEW staff please sign up for this online course that can be done between November 7 and December 19, 2022 - https://www.pattan.net/Events/On-line-Courses/Course-2739/Events/Session-36776</p>		

Special Education
Special Education Department MEETING AGENDA
<p>October 12, 2022 2:00-3:00 PM</p>

TOPIC: Important dates, information, and PD # 2	Attendees: Faith Facilitator: Faith Note Taker: Timekeeper:
--	--

- MEETING OBJECTIVES:**
- Warm Welcome (SEL practice)
 - Objective 1 - **Important Dates and information**
 - Objective 2 - **PD #2 - Invites, NOREPs, Procedural Safeguards, Waivers**
 - Optimistic Closure (SEL practice)

- TO PREPARE FOR THIS MEETING, PLEASE:**
- Bring your laptop with access to [Google Drive](#)
 - Come prepared with any questions and review the agenda.
 - [Jamboard](#) for questions

Schedule [60 minutes]

TIME	MINUTES	ACTIVITY
2:00-2:05	5	Warm Welcome

2:05-2:15	10	<p>OBJECTIVE 1 - Important Dates and Information</p> <ul style="list-style-type: none"> ● October 19 - New Student Enrollment ● November 2- New Student Enrollment ● Oct 1 - Child Count Due <ul style="list-style-type: none"> ○ The December 1 PIMS report will soon be upon us. This report provides us with our funding for the year. It is imperative that we count every single student possible for this report. ○ As Mary mentioned in the meeting this afternoon, her last day in the office will be November 17, 2022. ○ With that being said, Mary will need all IEPs that are due in November and the first week of December to be completed by November 10, 2022. ○ As Stephanie stated in our meeting, you can schedule these meetings prior to the deadline. ● September 26-October 21 - PASS Survey Window <ul style="list-style-type: none"> ○ Each principal has their own window for when this is happening. K-12, See Joanna for more info. ○ PASS info for students slides → click HERE ● October 20 - Open House <ul style="list-style-type: none"> ○ If you want to attend Harrisburg/Philly let Steph and Anglea know ○ Philly Locations: Various Libraries ○ Harrisburg Location: Happening during one of the field trips ● October 26 - NO IEP MEETINGS ON THIS DAY - Teacher Clarity Work ● November 2 - Q1 Progress Monitoring DUE ● November 3 - Q1 PLP Check in Due <p>The Essentials of IEP Writing training is back and offered by PaTTAN - all NEW staff please sign up for this online course that can be done between November 7 and December 19, 2022 - https://www.pattan.net/Events/On-line-Courses/Course-2739/Events/Session-36776</p> <ul style="list-style-type: none"> ● Heidi and Mary share out <ul style="list-style-type: none"> ○ Filing - get to Mary. Binders are being made for new students. Check your mailbox - it is your cube # - your folders will be in the mailboxes. ○ Special Ed turkey for their door so they can decorate! ○ Related services - send email if you are having issues with providers. If you are not hearing from them, you need to reach out first. Progress monitoring is going to be due so please let Heidi know if you do not have it.
2:15-2:50	35	<p>OBJECTIVE 2 - PD #2 - Invites, NOREPs, Procedural Safeguards, Waivers</p> <ul style="list-style-type: none"> ● Invitations <ul style="list-style-type: none"> ○ MUST have parent, LEA, SE Teacher, RE Teacher, and related service providers ○ CAN have counselor, principal, other teachers and staff ○ Sent 10 days before IEP meeting to allow for the 3 attempts - but make sure there is always one done before an IEP ○ Can send for signature with the packet of things if parent requests mailed copies after the meeting ○ For students 14 and older - you HAVE to add transition planning to the invite and add in outside agencies for invitation! ● NOREPs <ul style="list-style-type: none"> ○ MUST be issued after every IEP meeting ○ MUST match the disability category and amount of support on the IEP ○ MUST have three attempts sent and mailed to parents ○ MUST have signature for any new student or any new related service ○ Not needed when revisions are made that do not involve related services or changes in amount of support

		<ul style="list-style-type: none"> ● Procedural Safeguards <ul style="list-style-type: none"> ○ Letter <ul style="list-style-type: none"> ■ Sent with all invites for IEP meetings ■ County info has to be present and match the area of student ○ Notice <ul style="list-style-type: none"> ■ MUST be sent with all mailings, all new students paperwork and CAN be attached to the letter and invite in the calendar ■ There is a link parents can use when signing from IEP Writer for procedural safeguards notice ● Waivers <ul style="list-style-type: none"> ○ RR waivers <ul style="list-style-type: none"> ■ We do not want to do these - the only times are 1) if student is graduating or 2) if the student came in and paperwork will expire before the 30 days ■ Students that are ID (primary or secondary) cannot have a waiver for a RR ○ IEP waivers <ul style="list-style-type: none"> ■ MUST for all meetings that an ER/RR is presented and then the IEP is presented ■ This will be most meetings we have that ER/RR will present then the SE teacher will then go into the IEP ■ You should ask parents if they are ok with doing both when scheduling the meeting for the RR/IEP ■ Send with NOREP and also have printed for all paper copies
--	--	--

2:50-2:55	5	<p>Assess what worked well about this meeting and what we would have liked to change:</p> <table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 50%;">+ Plus</td> <td style="width: 50%;">▲ Delta</td> </tr> <tr> <td>●</td> <td>●</td> </tr> </table>	+ Plus	▲ Delta	●	●
+ Plus	▲ Delta					
●	●					

2:55-3:00	5	Optimistic Closure
-----------	---	---------------------------

General Information for IEPs:

PaTTAN has released some information on benefits counseling, and it is recommended that in addition to the agency information, this counseling information should be included in IEPs. Please feel free to use this statement.

SAMPLE statement that can be used in Transition PLEP

BENEFIT COUNSELING INFORMATION:

Benefits counseling is a free service offered through SSA's Work Incentives Planning and Assistance (WIPA) program to explain how working and federal and state benefits can coexist. This includes but is not limited to:

- SSDI and SSI
- Housing assistance
- Supplemental Nutrition Assistance Program (SNAP)/food stamps
- Healthcare benefits, including Medicare and Medicaid

More information can be found in the Benefits Counseling Toolkit on the PA Secondary Transition Website:

<https://www.pasecondarytransition.com/assets/img2/OVR-BSE%20Benefits-Counseling%20Tlkt%2012-7-21.pdf>

OR the toolkit can be downloaded on PaTTAN's website:

<https://www.pattan.net/Publications/BSEOVR-Benefits-Counseling-Toolkit-for-Educators-a>



Special Education Department MEETING AGENDA

September 14, 2022

12:00-1:00 PM

TOPIC: SE Training - important dates and PD #1 - SE COMMON LANGUAGE

Attendees: Faith, Blose, Dunn, Bigos, O, Martin, Glancy, Wierdak, Batrack, Galando, Paul, Alicandro, Metz, Zenone, Mort, Winter, Corcoran, Levenson, Grossman, Mulvey, Budd, Colbert, Smith, Bate, Hoffman, Reddiecliff
Facilitator: S. Faith
Note Taker: S.Blose
Timekeeper: M.Glancy

MEETING OBJECTIVES:

- Warm Welcome (SEL practice)
- Objective 1 - Important Dates
- Objective 2 - PD #1 - Using Common Language in all SE documents
- Optimistic Closure (SEL practice)

TO PREPARE FOR THIS MEETING, PLEASE:

- Bring your laptop with access to [Google Drive](#)
- Come prepared with any questions and review the agenda.
 - [Jamboard](#) for questions

Schedule [60 minutes]

TIME	MINUTES	ACTIVITY
12:00-12:05	5	<p>Warm Welcome (SEL Practice) Three Signature Practices https://drc.casel.org/uploads/sites/3/2019/02/Summary-The-SEL-3-Signature-Practices.pdf</p> <p>1. Open each class period, meeting, or professional learning experience with a WELCOMING INCLUSION ACTIVITY, ROUTINE, OR RITUAL that builds community and connects to the work ahead. GET SNACKS! Sorry remote peeps.</p> <p>Examples of Welcoming Activities, Routines, and Rituals: • Smile warmly and greet each person by their preferred name • Whole-group greeting activities • Morning circles • Interactive “do-nows,” such as peer-to-peer homework help</p> <p>We are still actively looking for two more HS teachers.</p>
12:05-12:15	10	<p>OBJECTIVE 1 - Important Dates</p> <ul style="list-style-type: none"> ● September 14 - New Student Enrollment ● September 28 - New Student Enrollment ● October 19 - New Student Enrollment ● November 2- New Student Enrollment ● September 16 - STAR 360 PM Training ● September 12-30 - Acadience Testing Window ● September 19-23 - CDT Window (Gr. 3-12) ● Oct 1 - Child Count Due

		<ul style="list-style-type: none"> ● September 26-October 21 - PASS Survey Window <ul style="list-style-type: none"> ○ Each principal has their own window for when this is happening. K-12, See Joanna for more info. ○ PASS info for students slides → click HERE ● October 20 - Open House <ul style="list-style-type: none"> ○ If you want to attend Harrisburg/Philly let Steph and Anglea know ○ Philly Locations: Various Libraries ○ Harrisburg Location: Happening during one of the field trips ● October 26 - NO IEP MEETINGS ON THIS DAY - Teacher Clarity Work ● November 2 - Q1 Progress Monitoring DUE ● November 3 - Q1 PLP Check in Due <p>-Mary will send email reminder about Dec 1 Count</p> <p>***Steph out on October 7, October 21, and October 24*** -Building principals can attend IEP meetings</p> <p>10 day NOREP - has to be signed before RS are requested unless specific cases</p> <p>Office Hour small groups will have same “buddies” as Resource Room - connect w your partner to add to schedule/calendar, HS small groups during OHs, put in IEP, required</p> <p>From HR - the work day starts at 7:30. if an individual is going to be late, he/she should call Leigh Anne’s extension (163) to leave a message</p> <p>. Beginning next week, Leigh Anne will start reporting these habitual ones to admin - but wanted to have it reiterated - to plan ahead to get here on time. Starts this week</p> <p>Also - when in the building, clocking in-out MUST be completed on the timeclock machines located in each building - remote punch in is only for when you are working from home.</p> <p>All SE Teachers of students of transition age and admin of transition-aged students - Please register for the September 16, 2022 Schoology course: Preparing for Cyclical Monitoring: A Focus on Secondary Transition Planning and IEP Development (Registration code is IND13-2022)</p> <p>Please make sure you are scheduling your 10 day IEPs, 30 day IEPs, and sending that paperwork out within 48-72 hours for signatures!!!! We cannot add more than what is in the 10 day - that would jump the LRE and we have no data.</p> <p>Also, Double Check all RR dates to ensure compliance!!!!Year 2018 and down- needs testing, Year 2018 and above records review, Waivers count as 3 years unless ID, must have 10 Day Waiver for RR/IEP meetings</p>
12:15-12:50	35	<p>OBJECTIVE 2 - PD #1 - Using Common Language for all SE Documents-language needs to be consistent</p> <ol style="list-style-type: none"> 1) Present Ed Levels <ol style="list-style-type: none"> a) Always start with the intro blurb...”Student is a —Grade student at PA Distance Learning Charter School, who currently receives —S Support. Student meets the IDEIA criteria as a student with a — and requires specially designed instruction and support to make educational progress.” Add where they came from b) Make sure the disability categories match from RR to IEP!!!!!!!!!!!!

- c) Make sure the He and She and Insert name - remove, [watch when you cut and paste](#)
- d) Make sure current year info is in there - one year of info is all that is needed.
- e) Academic achievement - for academics, progress monitoring, testing, academic comments from teachers
- f) Standardized assessments - have to have data in order to report - do not report if there is no data, [put that student did not take the assessment](#)
- g) Functional performance - for speech, OT, any related service, attendance, grades, behavior/discipline, and any adaptive info
- h) [Add summary of RR, conclusion, put in new testing](#)
- i) [Attendance and grades in functional](#)
- j) [Testing- chart and summary](#)

2) Goals

- a) Written as SMART goals
- b) Contains grade level standards
- c) Take out instructional level and put grade level for MOST students - exceptions can be made based on individual plans
- d) All goals are Needs in the present ed levels - make sure they are in both places. [And connect to SDIs](#)

3) Transition

- a) For the 3 goal areas, avoid using the following words: plans to, wants to, hopes to, wishes to. Instead, use the word will. This makes the goal measurable. Also, be as specific as possible, and make sure the goals align with what is added in the blurb within the present levels section (reference slides 4-5 of the IEP Transition Services Training for PLAAFP).

Examples:

- (1) Postsecondary: Upon completion of high school, Super Student will attend a four-year college and take courses in Child Development.
- (2) Employment Goal: After earning a four-year degree, Super Student will obtain full-time employment working with children.
- (3) Independent Living: After high school, Super Student will self-advocate for accommodations in high school (can also adapt for employment accommodations)

4) SDIs

- a) No "as needed" or "as provided"
- b) Make them concise and explicit so that everyone knows what to expect, [can combine SDIs](#)
- c) Systematic reading intervention - use for all students in SE groups, reading foundations ([can put with Read 180](#)) - end date needed for last day of school, [do not put WIN, Workshop, Tier II time in SDIs](#)
- d) Math intervention - use for all students in SE groups - end date needed for last day of school
- e) Alternate math pathway - use for all students in Math Strategies or full year Alg 1 - no end date needed [for HS, no end date for waiving World Language](#)
- f) NO EXTENDED TIME-[mention 2 weeks in meeting](#)
- g) NO CALCULATOR
- h) Define frequent breaks and all that can be misinterpreted or left up to subjectivity

5) Related Services

- a) Write as minutes per week
- b) Just as a reminder, when you are writing your IEP's to include related services, please include the highlighted verbiage in the frequency section: **30 minutes per week (exception school holidays, closures and student absences)**

[LC used as last option, Think about student schedule and related services](#)

		On Going Dept. Goal- Parent trainings, How to videos for parents posted to website Laura and Steph will be reviewing IEPs throughout the year								
12:50-12:55	5	<p>Assess what worked well about this meeting and what we would have liked to change:</p> <table border="1"> <thead> <tr> <th>+ Plus</th> <th>▲ Delta</th> </tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> Steph stayed on time! </td> <td> <ul style="list-style-type: none"> </td> </tr> <tr> <td> <ul style="list-style-type: none"> Food at the meeting! Congrats Brina! </td> <td> <ul style="list-style-type: none"> </td> </tr> <tr> <td colspan="2"> <p>I loved the explicit direction on common language and terminology that needs to be used in IEPs.</p> </td> </tr> </tbody> </table>	+ Plus	▲ Delta	<ul style="list-style-type: none"> Steph stayed on time! 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Food at the meeting! Congrats Brina! 	<ul style="list-style-type: none"> 	<p>I loved the explicit direction on common language and terminology that needs to be used in IEPs.</p>	
+ Plus	▲ Delta									
<ul style="list-style-type: none"> Steph stayed on time! 	<ul style="list-style-type: none"> 									
<ul style="list-style-type: none"> Food at the meeting! Congrats Brina! 	<ul style="list-style-type: none"> 									
<p>I loved the explicit direction on common language and terminology that needs to be used in IEPs.</p>										
12:55-1:00	5	<p>Optimistic Closure (SEL Practice) Three Signature Practices https://drc.casel.org/uploads/sites/3/2019/02/Summary-The-SEL-3-Signature-Practices.pdf</p> <p>Close each experience in an intentional way.</p> <p>An OPTIMISTIC CLOSURE is not necessarily a “cheery ending,” but rather highlights an individual and shared understanding of the importance of the work, and can provide a sense of accomplishment and support forward-thinking. The closing activity may be reflective of the learning, help identify next steps, or make connections to one’s own work.</p> <p>Examples of Optimistic Closure:</p> <ul style="list-style-type: none"> One-Minute Accolade: Something I learned today... • I am curious about... • I am looking forward to tomorrow because... Suit Yourself: Something I’ll do as a result of this meeting is... • Something I still question... • Something that still concerns me... 								



Special Education
Special Education Department MEETING AGENDA
<p>August 17, 2022</p> <p>12:00-3:30 PM</p>

TOPIC: SE Training - deep dive into procedures and IEPs	Attendees: Faith, Paul, Alicandro, Dunn, Galando, Blose, Grossman, Budd, Levenson, Bigos, Smith, Olszewski, Reddecliff, Glancy, Wierdak, Batrack, Pollock, Bate, Hoffman, Matt Galando, Amy Dunn Facilitator: S. Faith Note Taker: Pollock Timekeeper: Galando
--	---

MEETING OBJECTIVES: <ul style="list-style-type: none"> ● Warm Welcome (SEL practice) ● Objective 1 - Mary info ● Objective 2 - Heidi info ● Objective 3 - Laura Budd transition info ● Objective 4 - IEP deep dive ● Objective 5 - linking with teacher clarity ● Optimistic Closure (SEL practice)

TO PREPARE FOR THIS MEETING, PLEASE: <ul style="list-style-type: none"> ● Bring your laptop with access to Google Drive and the annotated IEP ● Come prepared with any questions and review the agenda. <ul style="list-style-type: none"> ■ Jamboard for questions
--

Schedule [90 minutes]

TIME	MINUTES	ACTIVITY
12:30-12:40	10	Warm Welcome (SEL Practice) Three Signature Practices https://drc.casel.org/uploads/sites/3/2019/02/Summary-The-SEL-3-Signature-Practices.pdf 1. Open each class period, meeting, or professional learning experience with a WELCOMING INCLUSION ACTIVITY, ROUTINE, OR RITUAL that builds community and connects to the work ahead. GET SNACKS! Sorry remote peeps. Examples of Welcoming Activities, Routines, and Rituals: • Smile warmly and greet each person by their preferred name • Whole-group greeting activities • Morning circles • Interactive “do-nows,” such as peer-to-peer homework help Welcome to Keri Mulvey - new K-2 SE Teacher! Bri Smith will now do all speech IEPs for K-5 + 504s We will be welcoming two new HS teachers - Maddie Corcoran and Daniela Zenone on August 22! We are still actively looking for two more HS teachers.
12:40-1:10	30	OBJECTIVE 1 - Mary Alicandro, SE Records Specialist Notes: Updates to IEP Writer:

		<ul style="list-style-type: none"> - Gender/ Non Binary option. Has to be a change in the school's SIS. - Text editor will allow you to easily add charts. - Other changes as well <p>-Filing:</p> <ul style="list-style-type: none"> - Mary has created a form letter that is in your binder. Use it moving forward. Consistency is important during this upcoming school year. - *You can never be in the records room and look at records without someone with you.* - Filing and records should be turned in weekly. Checklist will help to ensure Mary has all the paperwork necessary. - Only turn in Penn data if something changes with the data form. Cover sheets are always needed except for revisions. -
1:10-1:40	30	<p>OBJECTIVE 2 - Heidi Paul - Related Service Specialist</p> <p>Notes:</p> <p>SOP's are included in your binder.</p> <p>Will be working with community engagement more this year to get signatures when needed.</p> <p>Order in binder of what is needed to be included in files.</p> <p>Invite Heidi to IEP meeting that involves related services./</p> <p>When filling out related review Google form, be sure you are in view mode vs. edit mode.</p> <p>-45 days is the LEAST amount of time for Dr. Buchanan for RR.</p> <p>After 3 missed Related services, parents need to be notified. After 5, put services on hold and have an IEP meeting.</p> <p>4 data points per goal per quarter in STaR for related service providers.</p>

		<p>Work with regular Ed teachers to notify them when BSE's are coming to classes. Communication among everyone is important.</p> <p>One pagers of related services are in binders. Packets will be mailed Monday regarding related services and special education information. If you want to include a letter to introduce yourself get it to Heidi or Mary by the end of the week.</p>
1:40-2:00	20	<p>OBJECTIVE 3 - Laura Budd - CEW Coordinator Transition/Career Surveys & Assessments</p> <ul style="list-style-type: none"> Remember to complete required surveys and assessments linked above with your students and parents/guardians. <p>IEP Transition Services Training</p> <ul style="list-style-type: none"> Training will take place on August 30th from 8-9 AM. <p>Transition Padlet</p> <ul style="list-style-type: none"> This is for your use, and can also be shared directly with your families. It is also posted on the PA Distance Website under Transition. If there is anything that comes across your desk that you feel would be beneficial to our families, please let me know and I will add it to the Padlet. :) <p>Notes:</p> <p>Need to create life skills friendly for transition assessment.</p> <p>Data from transition assessment should go right into IEP's.</p> <p>Secondary Transition plans are important moving forward per Indicator 13 Initiative. Focus on post high-school goals need to drive IEP</p> <p>Some team members may be attending EBR training in March.</p> <p>We can offer work-based credit for electives.</p> <p>If students are turning 14, during IEP year is in place, they must have the transition section completed.</p>
2:00-2:10	10	BREAK
2:10-3:00	50	<p>OBJECTIVE 4 - IEP Deep Dive</p> <p>Using the Annotated IEP from the Special Education 22-23 folder Review of each piece of the IEP and what belongs</p>

		<p>FOCUS AREA - Present Ed Levels - Goals - SDIs - Related Services</p> <p>How to calculate LRE % and is it congruent to amount and type of support?</p> <p>Notes:</p> <p>Be specific with present levels and use details about programs being used and who the student will be working with students. (Spec Ed teacher, interventionist, etc).</p> <p>Acadeince K-2 for local assessment and CDT's for 3-12. Life skills students will use another assessment.</p> <p>Don't focus on grade levels when talking to parents and students. It could discourage them.</p> <p>If a student is held back,measure them where they are compared to the grade level.</p> <p>In IEP writer, certain accommodations were deleted as all students receive them or cannot be used during state assessments.</p> <p>Wait 30 days to change goals.</p> <p>DO NOT put "as needed" in SDI's. Need to be very specific.</p> <p>Use calculators to calculate Educational placement %'s.</p>								
3:00-3:15	15	<p>OBJECTIVE 5 - Linking your work with teacher clarity</p> <p>What to expect for the 22-23 SY for special ed and teacher clarity?</p>								
3:15-3:20	5	<p>Assess what worked well about this meeting and what we would have liked to change:</p> <table border="1" data-bbox="456 1308 1386 1570"> <thead> <tr> <th data-bbox="456 1308 914 1371">+ Plus</th> <th data-bbox="914 1308 1386 1371">▲ Delta</th> </tr> </thead> <tbody> <tr> <td data-bbox="456 1371 914 1434">●</td> <td data-bbox="914 1371 1386 1434">●</td> </tr> <tr> <td data-bbox="456 1434 914 1497">●</td> <td data-bbox="914 1434 1386 1497">●</td> </tr> <tr> <td data-bbox="456 1497 914 1560"></td> <td data-bbox="914 1497 1386 1560"></td> </tr> </tbody> </table>	+ Plus	▲ Delta	●	●	●	●		
+ Plus	▲ Delta									
●	●									
●	●									
3:20-3:30	10	<p>Sign your Act 48 Sheet to receive 3 hours of credit!</p> <p>Optimistic Closure (SEL Practice) Three Signature Practices https://drc.casel.org/uploads/sites/3/2019/02/Summary-The-SEL-3-Signature-Practices.pdf</p> <p>Close each experience in an intentional way.</p>								

		<p>An OPTIMISTIC CLOSURE is not necessarily a “cheery ending,” but rather highlights an individual and shared understanding of the importance of the work, and can provide a sense of accomplishment and support forward-thinking. The closing activity may be reflective of the learning, help identify next steps, or make connections to one’s own work.</p> <p>Examples of Optimistic Closure:</p> <ul style="list-style-type: none"> • One-Minute Accolade: Something I learned today... • I am curious about... • I am looking forward to tomorrow because... • Suit Yourself: Something I’ll do as a result of this meeting is... • Something I still question... • Something that still concerns me...
--	--	---



Meeting Wise Agenda Template
Special Education Department MEETING AGENDA
August 4, 2022
8:00-9:30 AM

TOPIC: Welcome Back!	<p>Attendees: Wierdak, Galando, Glancy, Dunn, Krokonko, Pollock, Batrack, Metz, Bigos, Blose, Paul, Alicandro, Reddecliff, Olszewski, Levenson, Bate, Hoffman, Budd, Winter, Smith, Gulish (virtual), Grossman</p> <p>Facilitator: S. Faith</p> <p>Note Taker: Pollock</p> <p>Timekeeper: Wierdak</p>
-----------------------------	---

<p>MEETING OBJECTIVES:</p> <ul style="list-style-type: none"> • Warm Welcome (SEL practice) • Welcome Back info! • Optimistic Closure (SEL practice)
--

<p>TO PREPARE FOR THIS MEETING, PLEASE:</p> <ul style="list-style-type: none"> • Come prepared with any questions and review the agenda

Schedule [90 minutes]

TIME	MINUTES	ACTIVITY
8:00-8:10	10	<p>OBJECTIVE 1 - Warm Welcome (SEL Practice)</p> <p>Three Signature Practices</p> <p>https://drc.casel.org/uploads/sites/3/2019/02/Summary-The-SEL-3-Signature-Practices.pdf</p>

		<p>1. Open each class period, meeting, or professional learning experience with a WELCOMING INCLUSION ACTIVITY, ROUTINE, OR RITUAL that builds community and connects to the work ahead. GET SNACKS! Sorry remote peeps.</p> <p>Examples of Welcoming Activities, Routines, and Rituals: • Smile warmly and greet each person by their preferred name • Whole-group greeting activities • Morning circles • Interactive “do-nows,” such as peer-to-peer homework help</p>
8:10-9:00	50	<p>OBJECTIVE 2 - Welcome Back Information!</p> <ul style="list-style-type: none"> ● New Staff Introduction <ul style="list-style-type: none"> ○ Angie Grossman - HS ○ Noah Krokonko - HS ○ Val Metz - HS ○ TBA x 3! ● Additional New Staff <ul style="list-style-type: none"> ○ Linda Williams - Parent Connection Specialist ○ Cassandra August - K-1 Counselor ○ Catherine Brenc - MS Math ○ Amber Fox - K-2 Art ○ Mike Marrone - 3-5 Art ○ Karley Honaker - MS ELA ○ Reilley Meyer - Community Engagement Coach ○ Kacy Ruffin - 6th Counselor ○ Jess Colbert, Katie Heiles - HS Instructional Specialists ○ Lindsay Fanning - MS Instructional Specialist ○ Carol Smialek, Brandon Payne - ES Instructional Specialists ● All staff will be expected to be in-person during <u>the entire week of August 8, 2022</u> <ul style="list-style-type: none"> ○ No time off will be approved ○ Aubrey/Jamie/Heidi - we are doing a Related Service PD, Matt G - CPI (Crisis Prevention) will take place during this time. Bri and Steph a 504 PD, Steph will do SpEd refresher w/ the Related Service stuff ● PD - all will be on your calendars <ul style="list-style-type: none"> ○ SE specific will be 12-3 on August 17th in person ○ Working on scheduling Moby Max and STAR 360 Progress Monitoring ● Mary - share out ● Heidi - Check your email, links for Related Service(s) google sheets are there (Provider assignments, Related Service Referral form, Testing form) ● Be mindful of what you are putting in chat and email; everything can be tracked and ramifications can happen. Don't vent here. Be mindful of PPI, student name, parent name, etc. No emotions, just facts in communications. 'Is it true, kind, or necessary? ● IEP Meeting clarifications <ul style="list-style-type: none"> ○ All those that are going to attend need to be on the formal invite sent to parents. One RE teacher HAS to be on any invite for an IEP and also present for the meeting. ○ Remember 3 attempts for invites and NOREPS!! ○ Focus on the RE staff attending for the area(s) of most need. For behavior, it can be most of the team but for targeted academics, focus on that specific subject area teacher for attendance. ○ If the student is in reading or math intervention with an interventionist - they need to attend! ○ Counselors all need to be invited. ○ Principals and I also all need to be invited - I will try to attend as many as I can.

		<ul style="list-style-type: none"> ○ Laura Budd - please MS/HS - invite her to a few for transition support. This will be a huge focus for us this year. ● Speaking of the department foci for the year..... <ul style="list-style-type: none"> ○ Teacher Clarity equals Student Success — #1!!!! ○ Compliance is #2!!! ○ Transition is #3!!! ○ Providing you all the most PD as possible to educate you on what you need and also do not know - that is #4!!! <p>Notes:</p> <ul style="list-style-type: none"> -L. Williams will attend meeting on 17th. -Will review special education expectations with regular education teachers. Special education teachers will attend as well. -Moby Max and STAR 360 Asynchronous training. (Star 360 will be used for all progress monitoring. - Mary explained paperwork and filing is most important. Going to keep paperwork spot on. - SOPS are all updated. Use them to find any info that you need. -Heidi explained the need to know if services are not being used. After 3 consecutive misses, see what is going on and inform Heidi. After 5 misses, you need to have a meeting to potentially cancel services. -On 17th, one-pagers will be shared and provided with information on related services. These will be shared with parents at the start of the school year. -DO NOT VENT about students in ANY written communication. - Need at least one regular education teacher at all IEP meetings. Focus on area of need. (Intervention teachers CAN serve as regular education teacher during meeting.) -Going to focus on careers with special education for students of transition age. -Cut the repetition, not the rigor. Focus on what we need to focus on, we will see more buy-in and success. -Monthly meetings will focus on PD. 15 mins for housekeeping and the rest will be training specific to IEP's. -Expectation that parent orientation MUST be shared with parents during student orientation week. -Update contact log. First thing that is checked when any issues arise with families. Mark confidential as needed, and be mindful of what you put in notes.
9:00-9:15	15	<p>Team Building Activity</p> <ul style="list-style-type: none"> ● We are a TEAM and each piece fits together to be what is best for students!

		<p>Notes:</p> <p>-Shared out goals for the 2022-2033 School year (On Puzzle Pieces.)</p>								
9:15-9:20	5	<p>Assess what worked well about this meeting and what we would have liked to change:</p> <table border="1" data-bbox="456 363 1386 630"> <thead> <tr> <th data-bbox="456 363 914 426">+ Plus</th> <th data-bbox="914 363 1386 426">▲ Delta</th> </tr> </thead> <tbody> <tr> <td data-bbox="456 426 914 491">●</td> <td data-bbox="914 426 1386 491">●</td> </tr> <tr> <td data-bbox="456 491 914 558">●</td> <td data-bbox="914 491 1386 558">●</td> </tr> <tr> <td data-bbox="456 558 914 630"></td> <td data-bbox="914 558 1386 630"></td> </tr> </tbody> </table>	+ Plus	▲ Delta	●	●	●	●		
+ Plus	▲ Delta									
●	●									
●	●									
9:20-9:30	10	<p>Optimistic Closure (SEL Practice) Three Signature Practices https://drc.casel.org/uploads/sites/3/2019/02/Summary-The-SEL-3-Signature-Practices.pdf</p> <p>Close each experience in an intentional way.</p> <p>An OPTIMISTIC CLOSURE is not necessarily a “cheery ending,” but rather highlights an individual and shared understanding of the importance of the work, and can provide a sense of accomplishment and support forward-thinking. The closing activity may be reflective of the learning, help identify next steps, or make connections to one’s own work.</p> <p>Examples of Optimistic Closure:</p> <ul style="list-style-type: none"> • One-Minute Accolade: Something I learned today... • I am curious about... • I am looking forward to tomorrow because... • Suit Yourself: Something I’ll do as a result of this meeting is... • Something I still question... • Something that still concerns me... <p>Notes:</p> <p>Going to create Jamboard for Q &A. Steph will send out after the meeting.</p>								

MEMORANDUM OF UNDERSTANDING

BETWEEN

Franklin Park Police Department

(Law Enforcement Authority)

and

PA Distance Learning Charter School

(School Entity)

July 1, 2023

(Date)

I. Introduction

A. Parties

The following Law Enforcement Authority or Authorities agree to follow the policies and procedures contained in this Memorandum of Understanding (hereinafter “Memorandum”):

Franklin Park Police Department

The following School Entity or Entities agree to follow the policies and procedures contained in this Memorandum:

PA Distance Learning Charter School

- B. This Memorandum establishes procedures to be followed when certain incidents – described in Section II below – occur on school property, at any school sponsored activity, or on a conveyance as described in the Safe Schools Act (such as a school bus) providing transportation to or from a school or school sponsored activity. This Memorandum does not cover incidents that are outside of those school settings and create no substantial disruption to the learning environment.
- C. The parties seek to foster a relationship of cooperation and mutual support and to maintain a safe school environment.
- D. Legal Authority
 - 1. The parties make this agreement as required by Article XIII-A of the Public School Code of 1949, popularly known as the “Safe Schools Act,” as amended, 24 P.S. §§ 13-1301-A—13-1313-A.

2. In so recognizing this legal authority, the parties acknowledge their respective duties pursuant to the Safe Schools Act and hereby agree to support and cooperate with one another in carrying out their joint and several responsibilities thereunder.
3. Information From Student Records
 - a. The Law Enforcement Authority shall be governed by the following reporting and information exchange guidelines:
 - i. Criminal History Record Information Act, 18 Pa.C.S. § 9101 et seq.
 - ii. The prohibition against disclosures, specified in section IV(C)(5) of this Memorandum.
 - b. When sharing information and evidence necessary for the Law Enforcement Authority to complete its investigation, the School Entity shall:
 - i. Comply with the Family Educational Rights and Privacy Act (hereinafter “FERPA”), 20 U.S.C. § 1232g, and its implementing regulations at 34 C.F.R. § 99.1 et seq., and 22 Pa. Code §§ 12.31-12.33, including any amendments thereto.
 - ii. Comply with the requirements of the Safe Schools Act, 24 P.S. §§ 13-1303-A and 13-1313-A, and any amendments thereto.
 - iii. Complete reports as required by section 1303-A of the Safe Schools Act, 24 P.S. § 13-1303-A, and any amendments thereto.
 - c. The School Entity may disclose personally identifiable information from an educational record of a student to the Law Enforcement Authority if a health or safety emergency exists and knowledge of that information is necessary to protect the health or safety of the student or other individuals. In determining whether a health or safety emergency exists, the School Entity may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the School Entity determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to the Law Enforcement Authority, if knowledge of that information is necessary for the Law Enforcement Authority to protect the health or safety of the student or other individuals. The School Entity must record the articulable and significant threat to the health or safety of a student or other individuals so that it can demonstrate to parents, students and the Family Policy Compliance Office¹ – what circumstance led it to determine that a health or safety emergency existed and why the disclosure was justified.

¹ Questions related to FERPA should be directed to the Family Policy Compliance Office within the U.S. Department of Education.

E. Priorities of the Law Enforcement Authority

1. Help the School Entity prevent delinquent acts through preventive measures, including referrals to support services, diversionary programs, restorative practices, school-wide positive behavior supports, education and deterrence.

2. Investigate as appropriate all incidents reported to have occurred on school property, at any school sponsored activity, or on a conveyance as described in the Safe Schools Act (including a school bus) providing transportation to or from a school or school sponsored activity. The investigation of all reported incidents shall be conducted in the manner that the Law Enforcement Authority, in its sole discretion, deems appropriate; but any investigation shall be conducted so as to involve as little disruption to the school environment as is practicable.
3. Identify those responsible for the commission of the reported incident and, where appropriate, apprehend and prosecute those individuals. Identification and apprehension procedures shall involve as little disruption to the school environment as is practicable.
4. Establish and maintain a cooperative relationship with the School Entity in the reporting and resolution of all incidents described in Section II of this document.

F. Priorities of the School Entity

1. Help law enforcement prevent delinquent acts through preventive measures, including referrals to support services, diversionary programs, restorative practices, school-wide positive behavior supports, education and deterrence.
2. Create a safe learning environment.
3. Establish and maintain a cooperative relationship with the Law Enforcement Authority in the reporting and resolution of all incidents described in Section II of this document.
4. Provide the Law Enforcement Authority with all relevant information and required assistance in the event of a reported incident.
5. The School Entity shall give the Law Enforcement Authority a copy of the School Entity's behavior support services procedures and invite Law Enforcement Authority representatives to behavior support trainings.

II. Notification of Incidents to Law Enforcement

The School Entity is required to notify law enforcement in specific situations listed in subsection A of this section, and has discretion over whether to notify law enforcement about incidents listed in subsection B of this section. Law enforcement's decision to investigate and file charges may be made in consultation with school administrators.

A. Mandatory Notification

1. The School Entity shall immediately notify the Law Enforcement Authority having jurisdiction where the offense occurred by the most expeditious means practicable of any of the following incidents occurring on school property, at any school sponsored activity, or on a conveyance as described in the Safe Schools Act (including a school bus) providing transportation to or from a school or school sponsored activity:
 - a. The following offenses under 18 Pa.C.S (relating to crimes and offenses):
 - i. Section 908 (relating to prohibited offensive weapons).

- a) The term “offensive weapon” is defined by section 908 of the Crimes Code as “[a]ny bomb, grenade, machine gun, sawed-off shotgun with a barrel less than 18 inches, firearm specially made or specially adapted for concealment or silent discharge, any blackjack, sandbag, metal knuckles, dagger, knife, razor or cutting instrument, the blade of which is exposed in an automatic way by switch, push-button, spring mechanism, or otherwise, any stun gun, stun baton, taser or other electronic or electric weapon or other implement for the infliction of serious bodily injury which serves no common lawful purpose.” See 18 Pa.C.S. § 908(c) (relating to definitions).
 - b) Consistent with section 908(b) of the Crimes Code (relating to exceptions), this reporting requirement does not apply to one who possessed or dealt with an offensive weapon solely as a curio or in a dramatic performance, or to one who possessed an offensive weapon briefly in consequence of having found it or taken it from an aggressor, or under circumstances similarly negating any intent or likelihood that the weapon would be used unlawfully.
- ii. Section 912 (relating to possession of weapon on school property).
 - a) The term “weapon” is defined by section 912 of the Crimes Code to include but is not limited to, a knife, cutting instrument, cutting tool, nunchuck stick, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.
 - b) Consistent with section 912(c) of the Crimes Code (relating to defense), this reporting requirement does not apply to a weapon that is: (a) possessed and used in conjunction with a lawful supervised school activity or course; or (b) is possessed for other lawful purpose.
 - iii. Chapter 25 (relating to criminal homicide).
 - iv. Section 2702 (relating to aggravated assault).
 - v. Section 2709.1 (relating to stalking).
 - vi. Section 2901 (relating to kidnapping).
 - vii. Section 2902 (relating to unlawful restraint).
 - viii. Section 3121 (relating to rape).
 - ix. Section 3122.1 (relating to statutory sexual assault).
 - x. Section 3123 (relating to involuntary deviate sexual intercourse).
 - xi. Section 3124.1 (relating to sexual assault).
 - xii. Section 3124.2 (relating to institutional sexual assault).
 - xiii. Section 3125 (relating to aggravated indecent assault).
 - xiv. Section 3126 (relating to indecent assault).
 - xv. Section 3301 (relating to arson and related offenses).

- xvi. Section 3307 (relating to institutional vandalism), when the penalty is a felony of the third degree.
 - xvii. Section 3502 (relating to burglary).
 - xviii. Section 3503(a) and (b)(1)(v) (relating to criminal trespass).
 - xix. Section 5501 (relating to riot).
 - xx. Section 6110.1 (relating to possession of firearm by minor).
- b. The possession, use or sale of a controlled substance, designer drug or drug paraphernalia as defined in “The Controlled Substance, Drug, Device and Cosmetic Act,” as amended, 35 P.S. §§ 780-101—780-144, popularly known as the “Drug Act.” For purposes of this Memorandum, the terms “controlled substance”, “designer drug” and “drug paraphernalia” shall be defined as they are in Section 102 of the Drug Act. See 35 P.S. § 780-102 (relating to definitions).
- c. Attempt, solicitation or conspiracy to commit any of the offenses listed in paragraphs 1 and 2 of this subsection.
- d. An offense for which registration is required under 42 Pa.C.S. § 9795.1 (relating to registration).
2. In responding to students who commit an incident listed under section 1303-A(b)(4.1) of the Safe Schools Act (24 P.S. § 13-1303-A(b)(4.1)), a school entity may consider the propriety of utilizing available school-based programs, such as school-wide positive behavior supports, to address the student’s behavior. Nothing in this provision shall be read to limit law enforcement’s discretion.

B. Discretionary Notification

1. The School Entity may notify the Law Enforcement Authority having jurisdiction where the incident occurred of any of the following incidents occurring on school property, at any school sponsored activity, or on a conveyance as described in the Safe Schools Act (including a school bus) providing transportation to or from a school or school sponsored activity:
- a. The following offenses under 18 Pa.C.S (relating to crimes and offenses):
 - i. Section 2701 (relating to simple assault).
 - ii. Section 2705 (relating to recklessly endangering another person).
 - iii. Section 2706 (relating to terroristic threats).
 - iv. Section 2709 (relating to harassment).
 - v. Section 3127 (relating to indecent exposure).
 - vi. Section 3307 (relating to institutional vandalism), when the penalty is a misdemeanor of the second degree.

- vii. Section 3503(b)(1)(i), (ii), (iii) and (iv), (b.1) and (b.2) (relating to criminal trespass).
 - viii. Chapter 39 (relating to theft and related offenses).
 - ix. Section 5502 (relating to failure of disorderly persons to disperse upon official order).
 - x. Section 5503 (relating to disorderly conduct).
 - xi. Section 6305 (relating to sale of tobacco).
 - xii. Section 6306.1 (relating to use of tobacco in schools prohibited).
 - xiii. Section 6308 (relating to purchase, consumption, possession, or transportation of liquor or malt or brewed beverages by a person under 21 years of age).
- b. Attempt, solicitation or conspiracy to commit any of the offenses listed in subsection (a).
2. In exercising its discretion to determine whether to notify law enforcement of such incidents, the School Entity may consider the following factors: the seriousness of the situation, the school's ability to defuse or resolve the situation, the child's intent, the child's age, whether the student has a disability and, if so, the type of disability and its impact on the student's behavior, and other factors believed to be relevant.
- C. Law Enforcement Response to Notification
1. When notified of an incident listed in subsections A or B, law enforcement's decision to investigate and file charges, at the sole discretion of the Law Enforcement Authority, may be made in consultation with school administrators.
 2. In determining whether to file charges, the Law Enforcement Authority is encouraged to consult with the District Attorney. Where appropriate under the law, part of this consultation may include a discussion about the availability or propriety of utilizing a diversionary program as an alternative to filing charges.
- D. Notification of the Law Enforcement Authority when incident involves children with disabilities
1. If a child with a disability commits an incident of misconduct, school administrators and the Law Enforcement Authority should take into consideration that the child's behavior may be a manifestation of the disability and there may be no intent to commit an unlawful act. A child with a disability under this subsection shall mean a student with an IEP, a protected handicapped student with a service agreement that includes a behavior support plan, or such student for whom an evaluation is pending under 22 Pa. Code §§ 14.123 (relating to evaluation), 15.5 (relating to school district initiated evaluation and provision of services), 15.6 (relating to parent initiated evaluation and provision of services), or Chapter 711 (relating to charter school and cyber charter school services and programs for children with disabilities).

2. In the event a child with a disability commits a mandatory notification offense under Subsection A, the School Entity must provide immediate notification to the Law Enforcement Authority regardless of the disability. Such notification will state that the child has an IEP or a service agreement that includes a behavior support plan and may include the School Entity's recommendation that police intervention may not be required and advisement that the School Entity will act to address the student's behavior need as required by applicable federal and state law and regulations, including 22 Pa. Code §§ 14.133 (relating to positive behavior support), 15.3 (relating to protected handicapped students—general) or 711.46 (relating to positive behavior support). The Law Enforcement Authority may take the recommendation under advisement but reserves the right to investigate and file charges.
3. In the event a child with a disability commits a discretionary offense under Subsection B and the School Entity does not believe that police intervention is necessary, the School Entity will address the student's behavior need as required by applicable federal and state law and regulations, including 22 Pa. Code §§ 14.133, 15.3 or 711.46.
4. In accordance with 34 CFR 300.535 (relating to referral to and action by law enforcement and judicial authorities), nothing will prohibit the School Entity from reporting an offense committed by a child with a disability to the Law Enforcement Authority, and nothing will 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.
5. The School Entity, when reporting an offense committed by a child with a disability, should ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to the Law Enforcement Authority to whom the incident was reported.
6. The School Entity, when reporting an incident under this section, may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by FERPA.

[Describe any specific procedures to be followed for incidents involving a student with a disability having an IEP as required by 22 Pa. Code § 14.104 (relating to special education plans) or 22 Pa. Code Chapter 711 (relating to charter school and cyber charter school services and programs for children with disabilities)]

No physical students at location.

- E. Upon notification of the incident to the Law Enforcement Authority, the School Entity shall provide as much of the following information as is available at the time of notification. In no event shall the gathering of information unnecessarily delay notification:
1. Whether the incident is in-progress or has concluded.
 2. Nature of the incident.
 3. Exact location of the incident.

4. Number of persons involved in the incident.
 5. Names and ages of the individuals involved.
 6. Weapons, if any, involved in the incident.
 7. Whether the weapons, if any, have been secured and, if so, the custodian of the weapons.
 8. Injuries involved.
 9. Whether EMS or the Fire Department have been notified.
 10. Identity of the school contact person.
 11. Identity of the witnesses to the incident, if any.
 12. Whether the incident involves a student with a disability and, if so, the type of disability and its impact on the student's behavior.
 13. Other such information as is known to the school entity and believed to be relevant to the incident.
- F. No later than September 30 of each year, the School Entity shall assemble and make ready for immediate deployment to its Incident Command Post the following information for the purpose of assisting the Law Enforcement Authority in responding to an emergency:
1. Blueprints or floor plans of the school buildings.
 2. Aerial photo, map or layout of the school campus, adjacent properties and surrounding streets or roads.
 3. Location(s) of predetermined or prospective command posts.
 4. Current teacher/employee roster.
 5. Current student roster.
 6. Most recent school yearbook.
 7. School fire-alarm shutoff location and procedures.
 8. School sprinkler system shutoff location and procedures.
 9. Gas/utility line layouts and shutoff valve locations.
 10. Cable/satellite television shutoff location and procedures.
 11. Other information the School Entity deems pertinent to assist local police departments in responding to an emergency

III. Law Enforcement Authority Response

- A. Depending on the totality of the circumstances, initial response by the Law Enforcement Authority may include:
1. For incidents in progress:
 - a. Meet with contact person and locate scene of incident.

- b. Stabilize incident.
 - c. Provide/arrange for emergency medical treatment, if necessary.
 - d. Control the scene of the incident.
 - i. Secure any physical evidence at the scene.
 - ii. Identify involved persons and witnesses.
 - e. Conduct investigation.
 - f. Exchange information.
 - g. Confer with school officials to determine the extent of law enforcement involvement required by the situation.
2. Incidents not in progress:
- a. Meet with contact person.
 - b. Recover any physical evidence.
 - c. Conduct investigation.
 - d. Exchange information.
 - e. Confer with school officials to determine the extent of law enforcement involvement required by the situation.
3. Incidents initially reported to the Law Enforcement Authority

If any incident described in sections IIA or IIB is initially reported to the Law Enforcement Authority, the Law Enforcement Authority shall proceed directly with its investigation, shall immediately notify the School Entity of the incident, and shall proceed as outlined in sections IIA through IIE.

B. Custody of Actors

1. Students identified as actors in reported incidents may be taken into custody at the discretion of the investigating law enforcement officer under any of the following circumstances:
 - a. The student has been placed under arrest.
 - b. The student is being placed under investigative detention.
 - c. The student is being taken into custody for the protection of the student.
 - d. The student's parent or guardian consents to the release of the student to law enforcement custody.
2. The investigating law enforcement officer shall take all appropriate steps to protect the legal and constitutional rights of those students being taken into custody.

IV. Assistance of School Entities

A. *In Loco Parentis*

1. Teachers, Guidance Counselors, Vice Principals and Principals in the public schools have the right to exercise the same authority as a parent, guardian or person in parental relation to such pupil concerning conduct and behavior over the pupils attending a school during the time they are in attendance, including the time required in going to and from their homes.
2. School authorities' ability to stand in loco parentis over children does not extend to matters beyond conduct and discipline during school, school activities, or on a conveyance as described in the Safe Schools Act providing transportation to or from school or a school sponsored activity.

B. Notification of Parent or Guardian

1. Parents or guardians of all victims and suspects directly involved in an incident listed under Section IIA or IIB shall be immediately notified of the involvement, and they shall be informed about any notification regarding the incident that has been, or may be, made to the Law Enforcement Authority.
2. The School Entity shall document attempts made to reach the parents or guardians of all victims and suspects directly involved in incident listed under Section IIA or IIB.

C. Scope of School Entity's Involvement

1. General Principles: Once the Law Enforcement Authority assumes primary responsibility for a matter, the legal conduct of interviews, interrogations, searches, seizures of property, and arrests are within the purview of the Law Enforcement Authority. The School Entity shall defer to the Law Enforcement Authority on matters of criminal and juvenile law procedure, except as is necessary to protect the interests of the School Entity. The Law Enforcement Authority will keep the chief school administrator, or his designees, informed of the status of pending investigations.
2. Victims
 - a. The School Entity shall promptly notify the parent or guardian of a victim when the Law Enforcement Authority interviews that victim. The Law Enforcement Authority shall follow its policies and procedures when interviewing a victim to ensure the protection of the victim's legal and constitutional rights.
 - b. In the event a victim is interviewed by Law Enforcement Authority on school property, a guidance counselor or similar designated personnel may be present during the interview.
3. Witnesses
 - a. The School Entity shall promptly notify the parent or guardian of a witness when the Law Enforcement Authority interviews that witness. The Law Enforcement Authority shall follow its policies and procedures when interviewing a witness to ensure the protection of the witness's legal and constitutional rights.
 - b. In the event a witness is interviewed by the Law Enforcement Authority on school property, a guidance counselor or similar designated personnel should be present during the interview.

4. Suspects and Custodial Interrogation

- a. The School Entity shall help the Law Enforcement Authority to secure the permission and presence of at least one parent or guardian of a student suspect before that student is interrogated by law enforcement authorities.
- b. When a parent or guardian is not present, school authorities shall not stand in loco parentis (in the place of the parent/guardian) during an interview.
- c. If an interested adult cannot be contacted, the School Entity shall defer to the investigating Law Enforcement Authority, which will protect the student suspect's legal and constitutional rights as required by law.

5. Conflicts of Interest

- a. The parties to this Memorandum recognize that if a School Entity employee, contractor, or agent of the School Entity is the subject of an investigation, a conflict of interest may exist between the School Entity and the adult suspect.
- b. Neither the individual that is the subject of the investigation, nor any person acting as his/her subordinate or direct supervisor, shall be present during Law Enforcement Authority's interviews of student co-suspects, victims or witnesses by the Law Enforcement Authority.
- c. Neither the individual who is the subject of the investigation, nor his/her subordinate(s) and/or direct supervisor(s), shall be informed of the contents of the statements made by student co-suspects, victims or witnesses, except at the discretion of the Law Enforcement Authority or as otherwise required by law.

D. Reporting Requirements

All school entities are required to submit an annual report, which will include violence statistics and reports, to the Department of Education's Office for Safe Schools. This annual report must include all new incidents described in Sections IIA and IIB. Before submitting the required annual report, each chief school administrator and each police department having jurisdiction over school property of the School Entity shall do the following:

- a. No later than thirty days prior to the deadline for submitting the annual report, the chief school administrator shall submit the report to the police department with jurisdiction over the relevant school property. The police department shall review the report and Safe2Say Something reporting and compare the data regarding criminal offenses and notification of law enforcement to determine its accuracy.
- b. No later than fifteen days prior to the deadline for submitting the annual report, the police department shall notify the chief school administrator, in writing, whether the report accurately reflects police incident data. Where the police department determines that the report accurately reflects police incident data, the chief of police shall sign the report. Where the police department determines that the report does not accurately reflect police incident data, the police department shall indicate any discrepancies between the report and police incident data.

- c. Prior to submitting the annual report, the chief school administrator and the police department shall attempt to resolve discrepancies between the report and police incident data. Where a discrepancy remains unresolved, the police department shall notify the chief school administrator and the office in writing.
- d. Where a police department fails to take action as required under clause a or b, the chief school administrator shall submit the annual report and indicate that the police department failed to take action as required under clause a or b.
- e. Where there are discrepancies between the School Entity's incident data and the police incident data, the following shall occur:

[Describe procedure to be followed for the resolution of school violence data discrepancies prior to filing the annual report]

Law Enforcement Agency and School Entity will meet to review discrepancies and determine how the incident(s) should be reported. School Entity will make any required changes and resubmit the annual report to the police department.

V. General Provisions

- A. This Memorandum does not create any contractual rights or obligations between the signatory Law Enforcement Authority, the signatory School Entity, any other signatory authorities or entities, or their respective officers, employees, agents or representatives.
- B. This Memorandum may be amended, expanded or modified at any time upon the written consent of the parties. It must be reviewed and re-executed within two years of the date of its original execution and every two years thereafter.
- C. If changes in state or federal law require changes to this Memorandum, the parties shall amend this Memorandum.
- D. All parties to this Memorandum will communicate fully and openly with each other in order to resolve any problems that may arise in the fulfillment of the terms of this Memorandum.



Signatures Page

Dr. Michael Leitera, Chief Executive Officer

PA Distance Learning Charter School
(School Entity)

Kelly Crooks, Building Principal / Chief Academic Officer

PA Distance Learning Charter School
(Building Principal)

Walter Healy, Chief Law Enforcement Authority

Franklin Park Police Department
(Law Enforcement Authority)

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

Patricia R. Rosetti

Chief Executive Officer
Pennsylvania Distance Learning Charter
2100 Corporate Drive, Suite 500
Wexford, PA 15090

April 18, 2017

Dear Ms. Rosetti:

I want to thank you again for spearheading a smooth process in the past few months between Pennsylvania Distance Learning Charter and Allegheny County Department of Human Services, Office of Children, Youth and Families (CYF) regarding meeting the Every Student Succeeds Act (ESSA) requirements for youth in foster care. I look forward to collaborating with you and your colleagues in your school district. You can consider me a point of contact at Allegheny County for this effort.

Please find two enclosed documents fully signed and executed with all relevant signatures.

1. Memorandum of Understanding
2. Transportation Plan

These documents can be emailed to the Department of Education's Foster Care Coordinator at pafostercare@csc.csiu.org. Please reference the following web site for more information.
www.pafostercare.org

My very best to you as the school year comes to an end.

Sincerely,

Samantha Murphy
Resource Services Manager/Education Liaison

MEMORANDUM OF UNDERSTANDING

Between

Pennsylvania Distance Learning Charter School

and

Allegheny County Department of Human Services, Office of Children, Youth and Families (CYF)
Agreement

To ensure the educational success and school stability of students in foster care:
Every Student Succeeds Act (ESSA) requirements

This Memorandum of Understanding (MOU) addresses identified points of contact, data sharing, best interest school placement determination, transportation, school enrollment and dispute resolution related provisions. Additional policies may be added to address the unique needs of each collaboration between the Local Education Agency (LEA) and the Allegheny County Department of Human Services, Office of Children, Youth and Families (CYF) in order to ensure the educational success of students in foster care. Note: this MOU is not a local transportation plan. It is an agreement between the LEA and CYF to work together for the best interest of students in foster care.

Purpose:

The purpose of this agreement is to establish procedures and agreed upon processes between PA Distance Learning CS (LEA) and CYF to ensure the provision of services to optimize academic success for children and youth in foster care who are enrolled in the LEA.

“Consistent with the Fostering Connections Act, “foster care” means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre adoptive homes.” (U.S. Department of Education and U.S. Department of Health and Human Services, 2016, p. 6).

Identified Points of Contact

LEA responsibilities:

The LEA agrees to appoint a Foster Care Point of Contact (POC). The name and contact information for this person will be updated regularly through the Pennsylvania Department of Education's (PDE) established state process. If there is a change in the appointment of the Foster Care POC the LEA will update the change in the state directory and will inform the CYF Education Point of Contact and the PDE Regional Coordinator within 10 business days.

Duties of the LEA Foster Care POC can include but are not limited to the following:

- Facilitating dialog within the school system with all relevant parties who have first-hand knowledge of the child's academics, special education needs and social/emotional strengths and concerns in order to inform the Best Interest School Placement Determination (BID) with CYF.
- Ensuring that all data sharing agreements have been met and school documents have been shared with appropriate parties as allowable by FERPA.
- Documenting transportation plans for students in foster care and mediating between the school

transportation system and CYF as to the best and most economical mode of transportation available to meet the students' needs.

- When appropriate, facilitating the school enrollment process that will ensure that the child in foster care is immediately enrolled in the new school, attending at the appropriate grade level and receiving the supports necessary to be successful.
- Leading the agreed upon dispute resolution process with the LEA, State Education Agency (SEA) and CYF, as needed
- Training LEA staff on the urgent educational needs of young people in foster care and advising and trouble-shooting on a case-by-case basis, as needed.

CYF responsibilities:

The assigned caseworker's duties include, but are not limited to:

- Gathering relevant information regarding BID from all child welfare stakeholders including the parent, parent's attorney, child's attorney, placement provider, education decision maker, the child (when deemed appropriate), CYF and other relevant parties who have first-hand knowledge of the child's needs outside of the academic setting.
- Facilitating discussion around cost-effective school transportation plans.
- Initiating the agreed upon dispute resolution process when BID or additional costs cannot be agreed upon.

CYF agrees to appoint an Education Point of Contact. The name and contact information for this person will be made available to all LEAs. The duties of the CYF Education Point of Contact can include but are not limited to the following:

- Supporting the assigned caseworker by connecting the LEA with the assigned CYF caseworker, supervisor, child's attorney, placement provider, education decision maker and other relevant parties who have first-hand knowledge of the child's needs outside of the academic setting in order to best inform the BID.
- Supporting CYF around the discussion about best interest school placement decisions and school transportation plans for students in foster care and mediating between the LEA and parties in the child welfare system as to the best and most economical mode of transportation available to meet the student's needs.
- Supporting the decision making around permission for CYF to cover additional costs associated with special transportation arrangements for students in foster care placements if determined that CYF will contribute to costs.
- Training child welfare staff, placement provider staff and legal parties on urgent educational needs of young people in foster care and advising and trouble-shooting on a case by case basis when necessary.
- Ensuring that all data sharing agreements have been met and school documents have been shared with appropriate parties as allowable by FERPA.
- Leading the agreed upon dispute resolution process with the LEAs and CYF.

Data Sharing

The LEA and CYF will facilitate data sharing between both systems on behalf of children in foster care that is consistent with the Family Education Rights and Privacy Act (FERPA), IDEA and other privacy protocols. Both parties agree to maintain confidentiality of information regarding children and families being served, in accordance with FERPA, and all other State and Federal laws and regulations regarding confidentiality.

The LEA will share the following with CYF:

- Directory level data on all students in the school district
- Analysis on graduation rates for students in foster care

- Name of technology vendor and name/contact information for the technology lead in the district
- Student level educational information including transcripts, academic records, credits accrued, schedule, special education assessments and plan, 504 plan provisions, discipline records and attendance records.

CYF will share the following with the LEA:

Upon receipt of FERPA allowable directory level data, CYF will share the names of all students in foster care that are enrolled in the district.

Within three business days of entrance into the foster care system and with every change of residence while in foster care, CYF will share the following student level information on a case by case basis:

- Name of child in foster care, date of birth
- CYF caseworker's name and contact information and CYF supervisor's name and contact information
- Parent's home address and home school district
- Verification if foster parent receives subsidy for the child (yes or no)
- Placement provider's name and contact information
- Name and contact information of child's caretaker (night time residence) including foster parent if applicable
- Name and contact information of Educational Decision Maker which may continue to be biological parent or may be another party appointed by the courts
- Any relevant safety concerns including the possibility of parents visiting the school or attempting contact with the child during school hours
- Any pertinent information about meeting the child's needs during this time of transition and heightened stress

Best Interest School Placement Determination

"The school of origin is the school in which a child is enrolled at the time of placement in foster care. An SEA and its LEAs **must ensure that a child in foster care enrolls or remains in his or her school of origin unless a determination is made that it is not in the child's best interest.** (ESEA section 1111(g)(1)(E)(i)). If a child's foster care placement changes, the school of origin would then be considered the school in which the child is enrolled at the time of the placement change." (U.S. Department of Education and U.S. Department of Health and Human Services, 2016, p. 11).

1. When a student is placed in foster care or changes residences while in foster care, the assigned CYF caseworker will notify the School of Origin (SOO) Foster Care POC within 72 hours of placement. If the new residence is not within the school district boundaries, the Foster Care POC will coordinate and arrange, with the assistance of the CYF caseworker, a BID meeting within 7 school days of the child's change in residence. This meeting can occur in person, by phone or by e-mail communication. Until the BID discussion has happened and a decision is made, the child will remain enrolled in the school district of origin. If transportation challenges incur initially, the child will not be marked with unexcused absences. All efforts will be made by both CYF and the SOO to ensure that the child attends school during this timeframe.

Though the specific factors may vary depending on context, in order to make a holistic and well-informed BID, a variety of student-centered factors should be considered. These factors may include:

- Preferences of the child;

- Preferences of the child's parent(s), child's attorney, child's placement provider, child's foster parent or education decision maker(s);
- The child's attachment to the school, including meaningful relationships with staff and peers;
- Placement of the child's sibling(s);
- Influence of the school climate on the child, including safety and well-being;
- The availability and quality of the services in the school to meet the child's educational and socioemotional needs;
- History of school transfers and how they have impacted the child;
- How the length of the commute would impact the child, based on the child's developmental stage;
- Whether the child is a student with a disability under the IDEA who is receiving special education and related services/aids or a student with a disability under Section 504 who is receiving special education or related services/aids and, if so, the availability of those required services in a school other than the school of origin; and
- Whether the child is an English Language Learner and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin consistent with Title VI and the EEOA.

Transportation costs should not be considered when determining a child's best interest in school placement, which is consistent with the program instruction released by the U.S. Department of Health & Human Services subsequent to the passage of the Fostering Connections Act." (U.S. Department of Education and U.S. Department of Health and Human Services, 2016, p. 11-12). Efforts by all parties should be made to transport the child to the school district of origin while the BID is being made.

2. Prior to the BID meeting, the LEA Foster Care POC in the SOO will contact relevant school personnel to obtain information regarding the child's academics, special education needs, social/emotional strengths and/or concerns, extracurricular involvement, attendance, and any other information that can help to facilitate the best interest conversation.
3. Prior to the best interest determination meeting, the CYF caseworker will gather relevant information regarding best interest determination from the parent, parent's attorney, child's attorney, placement provider, education decision maker, the child (when deemed appropriate), CYF and other relevant parties who have first-hand knowledge of the child's needs outside of the academic setting.
4. Scheduled or arranged by the CYF caseworker and the LEA Foster Care POC, all parties will meet within 7 days of the child's change of residence to talk through the gathered information and will come to a joint decision as to best interest school placement for the child in care.
5. During any child welfare placement or change of placement, the presumption is that the child should remain in the SOO, and continue in this district until a determination has been made that it is no longer in the child's best interest.
6. If the LEA's Foster Care POC (with support from all identified school personnel) and the CYF caseworker (with support from all child welfare stakeholders) cannot come to a joint decision, they will jointly contact the CYF Education Point of Contact and the PDE Regional Coordinator for consultation.
7. The CYF Education Point of Contact and the PDE Regional Coordinator will gather pertinent information with regards to the student in question and will issue a joint decision.
8. In the case of a dispute, the LEA and CYF will reference the uniform statewide Inter-Agency Transportation Dispute Resolution Process and the statewide Dispute Resolution Process for school selection and enrollment.

LEA responsibilities:

The LEA Foster Care POC will lead the BID process with all relevant parties within the school system and will

document the BID.

CYF responsibilities:

Responsibility for the BID ultimately lies with the assigned CYF Caseworker along with input from all child welfare stakeholders. The CYF Education Point of Contact can be consulted if necessary.

Transportation

"Some children in foster care will need transportation to remain in their school of origin when it is in their best interest. To facilitate transportation for these children, an LEA receiving Title I funds must collaborate with the State or local child welfare agency or agencies to ensure that transportation for children in foster care is provided, arranged, and funded. (ESEA section 1112(c)(5)(B)). SEAs and State or tribal child welfare agencies also play a key role in ensuring the adequate provision of transportation for children in foster care, as part of their overall responsibilities under Title I and the Fostering Connections Act to provide educational stability for these children." (U.S. Department of Education and U.S. Department of Health and Human Services, 2016, p. 15).

Joint responsibilities:

- The LEA and CYF agree to collaborate to jointly design a comprehensive transportation plan to ensure that transportation for children in foster care is provided, arranged, and funded.
- Both parties agree that under no circumstances should a transportation dispute between parties delay or interrupt the provision of transportation for a child to the SOO.
- Both parties agree to communicate regularly and share leadership responsibilities at the local level to ensure that available resources for transportation are utilized in the most effective manner, without duplication.
- Both parties agree that transportation must be provided in a "cost effective" manner so low-cost/no-cost options should be explored. (e.g. pre-existing bus stops or public transportation, foster parents provide transportation, transportation by other programs if child is eligible).
- Both parties understand that all federal, state and local funding sources should be maximized to ensure transportations costs are not unduly burdensome on one agency.

LEA responsibilities:

"An LEA must ensure that a child in foster care needing transportation to the school of origin receives such transportation for the duration of the time the child is in foster care. (ESEA section 1112(c)(5)(B))." (U.S. Department of Education and U.S. Department of Health and Human Services, 2016, p. 17).

- Ensures that transportation is provided to children in foster care, adhering to the collaboratively designed transportation plan, even if the LEA does not transport other students.
- Acknowledges that Title I is an allowable funding source for additional transportation costs, although funds reserved for comparable services for homeless children and youth may not be used for transportation.
- Informs the CYF whether Title I funds are available to support additional transportation costs for children in foster care in order to maintain enrollment in their school of origin.
- Agrees, if applicable, to support additional transportation costs for eligible foster care youth utilizing funds made available within Title I.

"If there are additional costs incurred in providing transportation to the school of origin, the LEA will provide such transportation if (1) the local child welfare agency agrees to reimburse the LEA for the cost of such transportation; (2) the LEA agrees to pay for the cost; or (3) the LEA and local child welfare agency agree to share the cost. (ESEA 1112(c)(5)(B))." (U.S. Department of Education and U.S. Department of Health and Human Services, 2016, p. 16).

- Agrees that a child must remain in his or her school of origin while any disputes are being resolved.
- In the case of a dispute, agrees to provide or arrange for adequate and appropriate

transportation and to work with CYF if this results in additional costs.

CYF responsibilities:

- Supports transportation costs for eligible youth in foster care utilizing funds made available within the county's child welfare budget including under Section 475(4)(A) of Title IV-E of the Social Security Act.
- Informs the LEA/SOO whether Title IV-E funds are available to support additional transportation costs for children in foster care in order to maintain enrollment in their school of origin.
- Agrees to assist the LEA/SOO in exploring the full range of options for providing transportation and/or funding transportation to maintain a child in his or her school of origin, consistent with the child's educational stability plan.
- Agrees that a child must remain in his or her school of origin while any disputes are being resolved.
- Agrees to work with the LEA to address additional costs for any transportation arranged by the LEA during the dispute process
- Agrees to identify alternate transportation options when school district transportation is not immediately available to ensure that children in foster care placement are not sitting out of school while the LEA works to arrange appropriate transportation.

School Enrollment

The LEA and CYF acknowledge that there will be times when children must change educational placements as a result of a child welfare placement. This decision should be made jointly with the LEA who has been educating the child, the assigned caseworker from CYF, the parent, parent's attorney, child's attorney, placement provider, education decision maker, the child (when deemed appropriate), CYF and other relevant parties.

LEA responsibilities:

- Agrees to immediately enroll children in foster care placements within their district. Enrollment will not be delayed due to lack of documentation including previous school records, proof of residency, proof of birth and immunization records.

"When a determination is made that remaining in the school of origin is not in a child's best interest, SEAs and LEAs must ensure that a child in foster care is immediately enrolled in his or her new school even if the student does not have the required documentation. The enrolling school must then contact the student's prior school for relevant records. (ESEA section 1111(g)(1)(E)(ii)-(iii))." (U.S. Department of Education and U.S. Department of Health and Human Services, 2016, p. 20).

- The enrolling LEA agrees to communicate with the SOO within 3 business days to obtain information in order to appropriately place the student in classes, pending receipt of records.
- Agrees that upon receipt of the child's records from their SOO, the Foster Care POC will work with CYF to assist in obtaining any missing documentation.

CYF responsibilities:

- CYF will work with the enrolling LEA to supplement the exchange of educational records if there are any relevant files in the child welfare record. Child welfare will also produce a copy of immunization records and/or birth certificates (they may not be the original copies) if they are in the record.

Dispute Resolution Process

"To the extent feasible and appropriate, an LEA must ensure that a child remains in his or her school of

origin while the disputes are being resolved to minimize disruptions and reduce the number of moves between schools. (See ESEA section 1111(g)(1)(E)(i))." (U.S. Department of Education and U.S. Department of Health and Human Services, 2016, p. 15).

Should there be a dispute in the BID or Transportation Planning, the LEA will consult the PDE Regional Coordinator and CYF will consult the CYF Education Point of Contact. The PDE Regional Coordinator and the CYF Education Point of Contact will discuss all relevant information and a joint decision will be issued.

In the case of a dispute, the LEA and CYF will reference the uniform statewide Inter-Agency Transportation Dispute Resolution Process and the statewide Dispute Resolution Process for school selection and enrollment.

U.S. Department of Education and U.S. Department of Health and Human Services (2016). *Guidance on the Foster Care Provisions in Title I, Part A of the Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act of 2015.*

<https://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>

Updates and Revisions:

Updates and revisions to this MOU should be made as needed. Any updates or revisions to the MOU must be submitted to the Pennsylvania Department of Education.

Pennsylvania Distance Learning Charter School (LEA) and Allegheny County Department of Human Services, Office of Children, Youth and Families agree to update or revise this Memorandum of Understanding (MOU) as needed or every three years to coincide with the contractual timelines.

ATTEST:

**ALLEGHENY COUNTY
DEPARTMENT OF HUMAN SERVICES**

Patricia Rossette
Witness ALSCCO

By: 
Marc Cherna, Director of the Department of
Human Services

William McKain 3-28-17
William McKain, County Manager

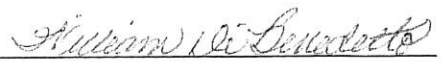
Approved as to Form Only:


By: 

By: 

ATTEST:

SCHOOL DISTRICT


Secretary

By: 
Board President

Approved as to Form Only:

Date of Board Approval: 3-6-17

By: _____
Solicitor

Transportation Plan

**Between
(LEA) Pennsylvania Distance Learning Charter School**

And

**Allegheny County Department of Human Services, Office of Children, Youth and Families
(CYF)**

Transportation Procedures

To ensure the educational stability of Foster Care Youth:
Every Student Succeeds Act (ESSA) requirements

These procedures are established to comply with the Every Student Succeeds Act (ESSA) foster care provision requirements to ensure educational stability for children in foster care.

A collaborative partnership between the Local Educational Agency (LEA) and the Allegheny County Department of Human Services, Office of Children, Youth and Families (CYF) has been established to ensure all factors are considered in the Best Interest School Placement Determination (BID) for students in foster care. During any child welfare placement or change of placement, the presumption is that the child should remain in the school of origin, and continue in this district until a determination has been made that it is no longer in the child's best interest. Best interest will be determined using child-centered factors, such as the age/grade of the child, length of the commute and its effect on the child's education, connections in the school, etc. Although it is the goal to come to a joint decision with regards to BID, there may be times that this is not possible. If a joint decision cannot be reached, the final decision with regards to school placement is left to CYF.

Based on this school placement decision, the LEA will work collaboratively with CYF and placement agencies to identify and establish the most cost-effective method of transport, using the framework below.

Part 1. LEA and CYF Representative(s) Included in Designing the Local Transportation Plan

Please include the name and title of each LEA and CYF representative(s) included in designing the joint plan.

Local Education Agency Representative(s)	Title
1) Patricia Rossetti	CEO/Foster Care Contact
2)	
3)	
4)	

County Children and Youth Agency and partners(s)	Title
1) Laura Whiteman	<i>Assistant County Solicitor</i>
2) Alexis Samulski	<i>Assistant County Solicitor</i>
3) Pat Valentine	<i>Executive Deputy Director of Integrated Program Services</i>
4) Jacki Hoover	<i>Assistant Deputy Director, CYF</i>
5) Peter Sloan	<i>Analyst from Data, Analysis, Research and Evaluation office, DHS</i>
6) Kathy McCauley	<i>Analyst from Data, Analysis, Research and Evaluation office, DHS</i>
7) Samantha Murphy	<i>Resource Services Manager</i>
8) Jaclyn Snyder	<i>Education Records Consultant, AIU</i>

Part 2. Addressing Transportation Assurances to Ensure Educational Stability

Transportation Options:

Multiple factors will be considered and addressed in the BID meeting when determining transportation options for students in foster care, including: safety of the student and other students being transported; student's age; distance and length of time of the commute; and an existing Individualized Education Plan (IEP) with specialized transportation. Information from the School of Origin (SOO) transportation designee about these factors will be provided so that the BID meeting will be comprehensive and include consideration of cost-effective measures.

The following options will be considered to provide SOO transportation:

1. An existing bus route can be used, including non-public, charter school and Career Technical Center buses.
2. An existing bus route can be modified to accommodate a new address.
3. Specialized transportation offered to other students can be accessed, such as:
 - a. Special Education
 - b. Alternative Education
 - c. McKinney Vento Education
4. Existing specialized transportation can be modified slightly to accommodate the new address.
5. The SOO may identify alternatives not provided directly by the school district that the SOO would be willing to assist CYF in accessing (this could include facilitating the arrangement or providing the transportation and being reimbursed). Examples include:
 - a. Cabs or other contracted transport; or
 - b. Public transportation, such as city buses
6. CYF will also explore options outside of those provided by the SOO including the following options:
 - o a combination of the school and CYF supports if agreement can be reached
 - o natural support (foster parent, parent, aunt, uncle, neighbor, etc)

- child uses a bus pass if appropriate
- placement provider on an ongoing basis
- CYF case aid

Funding:

1. If the student has an IEP that includes provisions for specialized transportation, transportation must be provided by the school district responsible for the student's Free Appropriate Public Education (FAPE).
2. If the SOO can offer an existing means of transportation at no additional cost, the district will provide transportation and CYF will not be charged.
3. If the SOO can provide transportation but will need to modify a route or create a new route, the SOO transportation designee will calculate the cost, if any, that will be charged to CYF. **Any charges to CYF should be approved prior to incurring costs.**
4. CYF will explore whether the student is eligible for Title IV-E funds to be used to cover the cost.
5. The SOO may use Title 1, Part A funds to assist with additional transportation costs if funds exist after covering mandated responsibilities (such as transportation for students experiencing homelessness).

Part 3: Addressing Additional Costs

The SOO will work with the district of residency and surrounding districts to identify potential existing routes that would allow for transportation at no additional cost if the SOO does not have an existing route. However, in some instances a route may not exist. In this case the SOO transportation designee will identify the most cost-effective route. If there are **additional costs** incurred in providing transportation to the school of origin, the LEA will provide such transportation if:

1. **CYF agrees to reimburse the LEA for the cost of such transportation. This may be possible for children who qualify for Title IV-E funds. Additional costs must be discussed and approved prior to incurring costs by the Allegheny County, Office of Children, Youth and Families with the assistance of the appointed CYF Educational Point of Contact.**
2. The SOO will review situations where there is an additional cost to transport on a case-by-case basis, taking into consideration age/grade of student, special needs, and whether or not there is funding available to pay for additional costs. If funding is available then the SOO can agree to either assume the additional cost or split that cost with the CYF.
3. If after a good faith effort, and exhaustion of the dispute resolution procedures described herein, the LEA and CYF are unable to reach an agreement regarding responsibility for additional costs incurred in providing transportation, CYF is responsible for the additional costs.

The LEA and CYF understand that all federal, state and local funding sources should be maximized to ensure transportations costs are not unduly burdensome on one agency.

Part 4. Considering Low-Cost or No-Cost Transportation Options for Foster Care Youth

On a case-by-case student basis, additional low-cost or no-cost options for transportation of students in foster care should be explored. Please carefully review the following no-cost or low-cost options for transportation and indicate with a check mark if the LEA and CYF agree to explore these transportation funding options on a case-by-case basis.

No-Cost or Low-Cost Options	LEA	CCYA
The child may be dropped off at a school bus stop near the existing transportation system for the school of origin. Communication between the current and new school districts is critical.	X	X
Public transportation options exist, if the child is of an appropriate age and has, or is able to acquire, the skills to utilize such options.	X	X
The foster parents, family member(s) or placement providers are willing and able to transport the child to school.	X	X
The child is already eligible for transportation covered by other programs. For example, Individuals with Disabilities in Education Act (IDEA) funds may be used to pay for transportation services if the child's IEP Team determines transportation is a related service that is required for a child with disabilities in foster care to receive FAPE.	X	X
There are pre-existing bus routes or stops close to the new foster care placement that cross district boundaries, such as bus routes for magnet schools, charter schools and transportation for homeless students as required by the McKinney-Vento Act.	X	X
The school district of residence, school district of origin, and CYF are willing to share transportation costs.	X	X

Part 5. Describing a local transportation dispute resolution process between the LEA and CYF

If a mutual decision cannot be reached between the Foster Care POC and CYF with regards to responsibility for additional costs of transportation, the following dispute resolution process will be initiated. During a dispute, CYF will arrange transportation for the children in question. If there are already existing transportation options that do not increase costs that the school has within their system, these options will be offered during a dispute.

Step 1: The Foster Care POC and CYF will put in writing the reason for the dispute.

Step 2: A problem solving meeting will be held between identified staff of the LEA and CYF

Step 3: The Region 4 Foster Care Coordinator located at the Allegheny Intermediate Unit, can be called to participate in the discussion to help facilitate an agreed upon solution.

If a dispute occurs, the LEA and CYF will reference the uniform statewide Inter-Agency Transportation Dispute Resolution Process and the statewide Dispute Resolution Process for school selection and enrollment.

If after a good faith effort, and exhaustion of the dispute resolution procedures described herein, the LEA and CYF are unable to reach an agreement regarding responsibility for additional costs incurred in providing transportation, CYF is responsible for the additional costs.

Part 6. Sample scenarios

These are just some sample scenarios. Each case will be reviewed on a case-by-case basis to determine best interest and additional cost responsibility.

Scenario #1

Student is placed in a foster care placement within the School of Origin

- Student remains a student of the school of origin
- Student is transported by the school of origin

Scenario #2

A student is placed in a foster care placement within an LEA from a different school of origin, and the Best Interest School Placement Determination is to attend new LEA. ex. A student is placed in a foster care placement within the Woodland Hills SD from a different school of origin (McKeesport SD) and the Best Interest School Placement Determination is to attend Woodland Hills SD.

- The student will be **immediately** enrolled in Woodland Hills SD.
- The student will be provided transportation in accordance with the Woodland Hills SD's transportation policies.
- If special transportation is required through the IEP, Woodland Hills SD will provide the transportation to the neighborhood school or the designated school determined by the IEP.

Scenario #3

A Sto-Rox SD student is placed in a foster care placement in the Baldwin-Whitehall SD, and the Best Interest Determination is to attend the Baldwin-Whitehall SD.

- The student will be **immediately** enrolled in the LEA of residency – Baldwin-Whitehall SD.
- The student will be provided transportation in accordance with Baldwin-Whitehall SD's transportation policies.
- If special transportation is required through the IEP, the district of residency (Baldwin Whitehall SD) will provide the transportation to the neighborhood school or the designated school determined by the IEP.

Scenario #4

A Pittsburgh Public SD student is placed in a foster care placement in the Clairton SD, , and the Best Interest Determination is for the student to continue to attend the Pittsburgh Public SD.

- The student will continue to attend the Pittsburgh Public SD
- Existing transportation routes will be identified, if possible by Pittsburgh Public.
- If there is not an existing route that will accommodate the student, then Pittsburgh Public SD will identify the most cost effective route.
- CYF with the support of the CYF Education Liaison and all internal county staff will identify potential cost-effective options.
- Cost effective transportation methods will be explored in each case and are not limited to new routes, route hand-offs, and district-to-district shared transportation, and foster parents/placement provider providing transportation.
- If there is any additional cost of transportation, the LEA Foster Care Point of Contact at Pittsburgh Public and CYF with the support of the CYF Education Liaison and all internal county staff will come to mutual decision as to how to cover these costs.
- During any disputes and pending arrangement of transportation by the school district, CYF will arrange transportation for the student back to the school of origin. However, if there are already existing transportation options that do not increase costs that the school has within their system, these options will be offered during a dispute.

Part 7. Updates and Revisions

_____ (LEA) and
_____ (CCYA) agree to update or revise this local
transportation plan as needed or every three years to coincide with the contractual timelines.

This agreement will be reviewed and approved by representatives of both agencies:

ATTEST:

ALLEGHENY COUNTY

DEPARTMENT OF HUMAN SERVICES

Patricia Rossette
PSCS CEO
Witness

By: [Signature]
Marc Cherna, Director of the Department of
Human Services

[Signature] 3-28-17

William McKain, County Manager

Approved as to Form Only:

By: [Signature]

By: George M. Jarrocker

ATTEST:

SCHOOL DISTRICT

William W. Rossette
Secretary

By: [Signature]
Board President

Approved as to Form Only:

Date of Board Approval: 3-6-17

By: _____
Solicitor



To: ESL District Liaisons

From: Dr. Kelly A. Noyes
Program Director of Educational Support Services

Jill Santa
Title III Supervisor

Date: May 6, 2022

Subject: Memorandum of Understanding

The 2022-23 AIU Title III Consortium agreed upon grant initiatives based on the planning meeting held at the Allegheny Intermediate Unit on May 6, 2022:

- A series of professional development opportunities targeting specific areas surrounding EL needs. The series of professional development opportunities will include all stakeholders and will vary in theme, scope, and audience. Expenses may include the cost of speakers and their travel, food costs where applicable, copies and supplies, associated materials such as books and workbooks, as well as up to \$100 of reimbursement for substitute teacher costs to allow district staff to attend Title III professional development. This is limited to one reimbursement per district per professional development session. An invoice from the district will be required.
- Reimbursement of 40% of the district allocation up to \$4,000 to provide summer programming, after-school remediation, tutoring (in person or remotely), parent outreach, data collection, curriculum development, technology, educational field experiences, or other supplemental support to the English Learners in the district. Reimbursement will be provided once the member provides the AIU with proof that the allocation has been spent and supplements the education of ELs. This is to be recorded on a request form provided by the Consortium Lead.
- The consortium will continue to provide selected supplies, materials, technology, resources, and appropriate training.
- Quarterly Technical Training Sessions for ESL Liaisons/Administrators.
- A Program Coordinator will offer optional half or full day site visits and professional development for individual and district staff initiatives including, but not limited to: MTSS and EL's, program review, compliance, content area teacher resources and training, ELD Standards, and any other specific district needs relative to ELs. Visits may be on site or virtual.
- The opportunity to attend a national conference and/or educational training (in person or virtual) with the consortium providing reimbursement up to \$1,000 for LEAs with under \$10,000 allocation and \$2,000 for those with over \$10,000 allocation. This reimbursement may also be applied toward a course or membership in a professional organization provided the focus is on English Learners.

- One Student Event Day for students enrolled in the ESL program in grades 9-12. Bus transportation for the day will be reimbursed for participating school districts after providing an invoice. (Actual cost up to \$500.00)

In addition to the above stated initiatives, each member of the Consortium as a recipient of Title III funds agrees to maintain compliance in all the following areas:

- Following the procedures for the proper identification of English Learners
- Following procedures for parental notification of program placement
- Following procedures for consultation with non-public schools, identification of non-public school ELs, and providing supplemental support to non-public entities
- Administering annual ELD Assessment as defined by Pennsylvania (currently the ACCESS 2.0 for ELs exam).
- Continuing to monitor the ESL Program for continuous improvement including the review of appropriate data.
- Maintaining records and complying with all requirements under ESSA as per the Pennsylvania Department of Education.
- Ensuring equity of educational quality and equitable resources for the LEA's ELs.
- Active participation by all Consortium members is important to the overall success of the Consortium and the attainment of performance goals.

The Pennsylvania Distance Learning Charter School , is in agreement with the aforementioned initiatives.

Signature

Date

Patricia Rossetti

May 12, 2022

Print name

Patricia Rossetti



Philadelphia District Attorney's Office

PROJECT GO

THREE SOUTH PENN SQUARE
PHILADELPHIA, PENNSYLVANIA 19107-3499

PROJECT "GO" SCHOOL ATTENDANCE SUPPORT PROGRAM MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU"), dated August 18, 2022, is by and between the **Philadelphia District Attorney's Office** ("DAO") and **PA Distance Learning Charter School [State School ID# PA-115220003-7821]** ("the School"; collectively, "the Parties").

- I. **Purpose.** The purpose of this partnership is to ensure that the parents/guardians of the children enrolled in the School are made aware of the importance of regular school attendance. This MOU sets forth the duties and responsibilities of the DAO and the School to implement the Project "GO" School Attendance Support program at the school.
- II. **Term.** The term of this MOU shall commence on August 1, 2022 and terminate no later than July 31, 2023 (the "Term").
- III. **Responsibilities of the Parties.**

A. PA Distance Learning Charter School [PA State School ID# PA-115220003-7821]

1. The Principal of the School agrees to assign at least one Attendance Designee to be responsible for all contact between the School Attendance Support Unit at the DAO and the School.
 - a. The Attendance Designee shall be:
 - an employee of the School.
 - familiar with attendance record keeping procedures.
 - familiar with the School's attendance policy.
 - familiar with the attendance enforcement procedures regarding truant and habitually truant students pursuant to 24 P.S. §§ 13-1333 – 1333.1.

- familiar with the requirements of compulsory school attendance law regarding excuses for not attending school pursuant to 24 P.S. §§ 13-1327.2 and 1329.
 - familiar with exceptions to compulsory school age pursuant to 24 P.S. § 13-1330.
 - familiar with the requirements of written legal notice to parents/guardians pursuant to 24 P.S. § 13-1354.
2. The Attendance Designee will provide the following information for habitually truant students monthly or, at the request of the DAO, within ten (10) business days of such request:
- a. All requested demographic information of habitually truant students via the appropriate electronic DA Referral Spreadsheet.
 - b. Requested student records via email, fax, or USPS, which shall include:
 - The attendance record for the current school year.
 - The attendance record from the previous school year if the student attended The School.
 - A copy of the School Attendance Improvement Plan written during the 2021-2022 school year.
 - A written record of all verbal or written contact between the School and the parent/guardian during the current school year regarding school attendance.
 - c. Prior to submitting demographic information or student records to the DAO, the School must contact the parent/guardian in writing pursuant to 24 P.S. § 13-1333(a).
3. The Attendance Designee or agent will be present at the Family Conference, a meeting coordinated by the DAO and intended to uncover the barriers to school attendance, to respond to specific questions regarding the School's policies and resources or a student's attendance. The Attendance Designee or agent must be familiar with the student's attendance records.
4. After the Family Conference, with respect to the students whose parents/guardians were invited to the Family Conference, the School will:
- a. investigate, document, and ensure the validity of all unexcused and excused absences,
 - b. ensure the accuracy of the attendance record, and

- c. continue to document in writing all contacts concerning attendance between the School and the parents/guardians of habitually truant students.
5. After the Family Conference, the Attendance Designee will notify the DAO of those students whose attendance has not improved in violation of the compulsory school attendance law, 24 P.S. § 13-1333. Notification will occur electronically:
 - a. at a time to be agreed upon at the Family Conference, and
 - b. after the School has monitored the student's attendance for at least ten (10) school days.
6. The School will compile and produce the student's school records at the request of the DAO to ensure that a family is able to receive more intensive services and support.
7. The Principal will identify a primary contact for Regional Truancy Court hearings. The Attendance Designee will submit the following to the DAO for forwarding to the Court:
 - a. The Principal's first name, last name, and email address.
 - b. The Principal's signature.
 - c. The first name, last name, and email address of the primary contact at the School for Regional Truancy Court hearings.
 - d. The School's phone number.
 - e. The School's physical address.

B. Philadelphia District Attorney's Office

The DAO agrees to provide truancy prevention/intervention services at for habitually truant students. The DAO will:

1. Maintain complete confidentiality as defined and required by state, federal, and local law and by the School for all information and records relating to School students. The DAO acknowledges that the School is bound by federal and state laws regarding the compilation, maintenance, and release of educational records. The DAO shall comply with all federal and state laws regarding the confidentiality of educational records of the School and the Student, including, but not limited to, the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, and its implementing regulations, 34 C.F.R. Part 99, and Title 22 of the Pennsylvania Code, 22 Pa. Code §§ 12.31–32. For the purposes of this MOU, the DAO is

considered a contractor under FERPA and has a legitimate educational interest in student records.

2. Provide the School with the electronic referral forms needed to make referrals.
3. Upon receiving a student's demographic information from the Attendance Designee via the electronic referral form, send an Initial Warning Letter on DAO letterhead to the parents/guardians of those students who have been identified as habitually truant via First-Class Mail. The Initial Warning Letter will explain the importance of regular school attendance and the legal significance of truancy.
4. Schedule a Family Conference with parents/guardians of those students who continue to need school attendance support after the School has fulfilled its obligations under 24 P.S. § 13-1333 and the DAO has sent an Initial Warning Letter. Subsequently, the DAO will:
 - a. Contact the parents/guardians scheduled for a Family Conference via phone at least three (3) days prior to the scheduled conference.
 - b. Send advanced written notice of the Family Conference via First-Class mail to the relevant parents/guardians at least two (2) weeks prior to the scheduled conference.
 - c. Ensure a member of the DAO is present at all Family Conferences held at the School, other physical location, or remotely.
5. Refer students and families as needed to agencies that will provide services aimed at addressing barriers to consistent school attendance in accordance with agreements made at the Family Conference. The DAO will provide timely notice to the School via email once a referral has been made.
6. After the Family Conference and upon receiving notice from the Attendance Designee that a student's attendance has not improved in violation of the compulsory school attendance law (24 P.S. §13-1333), the DAO will do one or more of the following:
 - a. Schedule an additional meeting with the parent/guardian and/or student,
 - b. Make additional referrals to agencies that will provide services aimed at addressing barriers to consistent school attendance, and/or
 - c. Refer students and their parents/guardians to Regional Truancy Court in Philadelphia County.

7. Prior to referring a case to Regional Truancy Court, the DAO must ensure that the School is added to the citations list of the Juvenile Branch, Family Division of the Court of Common Pleas of Philadelphia - First Judicial District of Pennsylvania (the "Court") or, if the School was previously added, that the existing citation is accurate.
 - a. The DAO will forward the information requested in Section IV, Subsection A(7) of this MOU to the Court to add the School to the Court's citation list or verify the accuracy of the existing citation.
8. When referring cases to Regional Truancy Court, the DAO will:
 - a. Send the following required documents to Truancy Intervention and Support Services Unit of the City of Philadelphia Department of Human Services ("DHS") and the Court:
 - The attendance record for the current school year,
 - The attendance record from the previous school year, if available,
 - A copy of the School Attendance Improvement Plan written during the 2021-2022 school year, and
 - A record of all verbal or written contact between the School and the parent/guardian during the current school year regarding school attendance.
 - b. Submit requested student demographic information to the Court and DHS.
 - c. Notify the Attendance Designee electronically to confirm the referral has been made.
 - d. Notify the Attendance Designee electronically of scheduled hearing dates upon receipt of notice from the Court.
9. Train relevant School staff and parents/guardians regarding their duties as part of the Project "GO" School Attendance Support program, under compulsory school age law, and pursuant to this MOU and in accordance with the School's Health and Safety Plan.

[Continued on next page]

IV. Notices. Any written communication required by this MOU shall be sent electronically to the contacts listed below.

Communication to the DAO shall be emailed to projectgo@phila.gov or to the following individuals:

Sarah Shaw
Sarah.shaw@phila.gov
Senior Program Manager, Project Go

Suzanne Gallen
Suzanne.gallen@phila.gov
Program Associate, Project Go

Communication to the School shall be emailed to the designated Attendance Designee(s).

V. Cost. There is no fee for these services and no monetary exchange between the parties for implementation of Project "GO" School Attendance Support program.

VI. Termination. Failure to abide by the responsibilities outlined in this MOU may result in cancellation of the Project "GO" School Attendance Support program at the school.

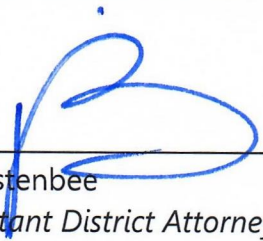
VII. General Terms. It is expressly understood that each party will operate according to their own policies. Nothing contained in this MOU supersedes the statutes, rules, and regulations governing each party. To the extent that any provision of this MOU is inconsistent with any such statute, rule or regulation, the statute, rule or regulation shall prevail.

If a conflict arises regarding the terms of this MOU, the Parties agree to work in good faith to resolve such conflict.

[Signature Page Follows]

This MOU will be signed by the appropriate agency representatives. By signing, the parties agree to support and uphold the MOU.

Philadelphia District Attorney's Office:



Robert Listenbee
First Assistant District Attorney

Date: 8/24/22



Sarah Shaw Thomas
Senior Program Manager, Project Go

Date: 8/24/22

PA Distance Learning Charter School [PA State ID# PA-115220003-7821]:

Patricia Rossetti

School Leader's Signature

Date: 8/18/2022

Patricia Rossetti

School Leader's Name (printed)

Chief Executive Officer

School Leader's Title:

**ALLEGHENY INTERMEDIATE UNIT
COMPREHENSIVE SERVICES AGREEMENT - 2023-2024**

This Comprehensive Services Agreement (“Agreement”) is made this 1st day of July, 2023 (the “Effective Date”), by and between the ALLEGHENY INTERMEDIATE UNIT (“AIU”), and the PA Distance Learning Charter School (“District/School”) (collectively, “Parties”).

WHEREAS, the AIU is a regional education service agency that provides specialized services to Allegheny County’s 42 suburban school districts, five career and technical schools, charter schools and numerous other organizations throughout the area; and

WHEREAS, the District/School wishes to receive certain services from the AIU in exchange for agreed-upon fees; and

WHEREAS, this Agreement does not obligate the District/School to purchase any particular service from the AIU, but pertains to services that the District/School chooses to receive.

NOW, THEREFORE, for good and adequate consideration and with the intent to be legally bound, the Parties agree as follows.

1. **Scope.** The terms of this Agreement, while in effect, shall apply to the AIU’s provision of services to the District/School and shall be deemed to be incorporated into all of the Parties’ contemporaneous and subsequent agreements through which the AIU provides services and the District/School receives such services. To the extent the terms of this Agreement and those of a contemporaneous or subsequent agreement conflict, the terms of the other agreement shall control.

2. **Duration.** This Agreement shall commence as of the Effective Date and shall remain in effect through June 30, 2024, subject to prior termination in accordance with Paragraph 13 hereof.

3. **Services Guide; Pricing.** It is agreed that services provided by the AIU are rendered throughout the school year and that the AIU periodically invoices for fees for services provided to the District/School as outlined in the AIU’s 2023-2024 Services Guide (“Services Guide”). Fees for programs not listed in the Services Guide will be determined on a case-by-case basis, subject to approval of an addendum or other written agreement by the governing boards of the District/School and the AIU. By executing this Agreement, the District/School explicitly acknowledges receipt of the Services Guide and expressly accepts the pricing schedule for all of the services listed therein.

4. **Invoicing; Payment.** By accepting the services provided by the AIU, the District/School agrees to pay for those services at the prices specified in the Services Guide and to do so no later than sixty (60) days from the invoice date. The AIU may apply a late payment charge of 1% per month on any unpaid balance more than sixty (60) days past due, retroactive to the invoice date.

The District/School will be invoiced in accordance with the Services Guide. It is agreed that the District/School will be invoiced for all programs and services provided and utilized by each student. Any delay in invoicing by the AIU will not affect the duty of the District/School to pay the invoice for the services received. The District/School agrees that a failure or delay in invoicing shall not constitute a waiver of the right of the AIU to be paid in full for services received by the District/School.

To ensure that the cost of services is properly allocated among districts, as well as the accuracy of each AIU invoice, the District/School understands and agrees that it is responsible to review all invoices when received; to audit the invoices to ensure that they accurately reflect the services received for each student identified; and to verify whether each student resided in the district being charged for services during that billing period.

The District/School agrees to pay the AIU the price for each program or service requested by the District/School as listed in the Services Guide. Further, in the event schools are closed on account of contagious disease, the destruction or damage of a school building by fire or other causes during the term of this Agreement, the District/School agrees to pay the AIU the greater of (1) an amount necessary to pay the salaries and fringe benefits of the teachers, as defined by the Public School Code, engaged by the AIU to provide services to the District/School as requested or (2) such amount required by the Public School Code, as it may be amended, or other applicable law.

5. **Special Education Services.** Any special education services requested by the District/School and provided by the AIU shall be governed by Addendum A: Special Education Services, attached hereto and incorporated herein by reference as though set forth in full.

6. **Compliance With Applicable Law.** The AIU shall ensure that its services comply with all requirements of Pennsylvania and federal law, to the extent such compliance does not depend upon the performance or actions of any other individual or entity beyond the control of the AIU. The AIU represents and warrants that it and its employees, agents or personnel providing services pursuant to the terms of this Agreement possess the skills, qualifications, experience, licenses and certifications necessary to perform adequately such services. The AIU shall comply with all federal and Pennsylvania laws regarding the confidentiality of educational records of District/School students, including but not limited to the Family Educational Rights and Privacy Act, [20 U.S.C. § 1232g](#), and its implementing regulations ([34 C.F.R. Part 99](#)) and [22 Pa. Code §§ 12.31-12.33](#). The District/School shall provide such action, assistance or cooperation as required to ensure that students receive services in compliance with state and federal law.

7. **Clearances.** With respect to all individuals providing services to the District/School on behalf of the AIU except those having no direct contact with children, the AIU shall ensure that such individuals provide to the AIU the following clearances in accordance with legal requirements:

- a. A Pennsylvania State Police report of criminal history record information as required by Act 34, [24 P.S. § 1-111\(b\)](#);
- b. A Federal criminal history record as required by Act 114, [24 P.S. § 1-111\(c.1\)](#); and

- c. A certification from the Pennsylvania Department of Human Services as to whether the individual is named as an alleged perpetrator or perpetrator of child abuse, as required by Act 151, [23 Pa. C.S. § 6344\(a.1\), \(b.2\)](#).

Further, the AIU shall ensure that it and such individuals shall comply with the employment history review provisions of Act 168, [24 P.S. § 1-111.1](#), and the child abuse recognition and reporting training requirements of Act 126, [24 P.S. § 12-1205.6](#).

8. **Relationship of the Parties.** The Parties acknowledge that the AIU is an independent contractor of the District/School and that all individuals providing services under this Agreement are employees or independent contractors of the AIU and not the District/School. Nothing contained in this Agreement will be deemed to create an employment, agency, joint venture or partnership relationship between the District/School and the AIU or any of their respective agents or employees, or any other legal arrangement that would impose liability upon one party for an act or a failure to act of the other party. Neither the District/School nor the AIU will have any express or implied power to enter into any contracts or commitments or to incur any liabilities in the name of, or on behalf of, the other party, or to bind the other party in any respect whatsoever without the other party's prior written consent.

9. **Liabilities.** Subject to any immunities provided by the Political Subdivision Tort Claims Act or other law, the Parties agree to indemnify, defend and hold harmless each other, their respective directors, officers, employees and agents, against all claims, damages, losses, or penalties that result from the acts or omissions of their own employees or agents, any real property owned or leased by such party, or the operation or maintenance of any equipment or vehicles provided or used by such party. The Parties agree to indemnify, defend and hold harmless each other against all claims, damages, losses, or penalties resulting from any judicial, administrative or other determination that any staff member of one party hereto is an employee or agent of the other party hereto.

10. **No Third-Party Beneficiaries.** This Agreement is entered into for the sole benefit of the District/School and the AIU. No other parties are intended to be direct or incidental beneficiaries of this Agreement, and no third party shall have any right in, under or to this Agreement.

11. **Assignment.** Neither this Agreement nor any of the rights, benefits or obligations hereunder may be assigned or delegated (whether by operation of law or otherwise) without the prior written consent of the other party.

12. **Force majeure.** The AIU will not be liable for any failure or delay in performing an obligation under this Agreement that is due to any of the following causes, to the extent beyond its reasonable control: acts of God, accident, riots, war, terrorist act, epidemic, pandemic, quarantine, civil commotion, natural catastrophes, governmental acts or omissions, changes in laws or regulations, national strikes, fire, explosion or generalized lack of availability of energy.

13. **Termination.** Either Party may terminate this Agreement and any services provided hereunder upon at least 60 days' prior written notice to the other Party. Individual services provided hereunder may be terminated with less than 60 days' notice if mandated by

an Individualized Education Program ("IEP") or an order of a hearing officer, the Secretary of Education or a court of competent jurisdiction.

14. **Governing Law; Venue.** This Agreement shall be construed and governed by the laws of the Commonwealth of Pennsylvania. Jurisdiction and venue for all purposes shall be in courts of competent jurisdiction sitting in Allegheny County, Pennsylvania.

15. **Interpretation.** In any proceeding of any type or kind in which this Agreement or its terms shall be reviewed, construed, or brought into issue in any manner, the Parties hereby agree that this Agreement shall be construed as if jointly prepared, written and typed by the Parties. It is agreed that the covenants of this Agreement are severable, and that if any word, phrase, clause(s), sentence(s), paragraph(s) shall be found unenforceable, the entire Agreement shall not fail but shall be construed and enforced without the severed language in accordance with the tenor of this Agreement.

16. **Counterparts.** This Agreement may be executed in counterparts, each of which, when executed and delivered, shall be deemed an original and all of which, taken together, shall constitute one and the same instrument, even though both Parties are not signatories to the original or the same counterpart. Furthermore, the Parties may execute and deliver this Agreement by electronic means. Each of the Parties agrees that the delivery of the Agreement by electronic means will have the same force and effect as delivery of original signatures and that each of the Parties may use such electronic signatures as evidence of the execution and delivery of the Agreement by both Parties to the same extent as an original signature.

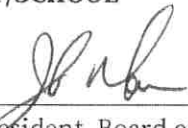
17. **Entire Agreement.** This Agreement constitutes the entire agreement and understanding between the AIU and the District/School concerning the programs and services to which it applies; supersedes all prior or contemporaneous agreements and understandings, written or oral, with respect to the subject matter hereof; and shall be modified only in a writing approved by the Parties' respective governing boards.

IN WITNESS WHEREOF, the parties have signed this Agreement on the dates shown below, intending to be legally bound hereby.

ALLEGHENY INTERMEDIATE UNIT

DISTRICT/SCHOOL

By: 
President, Board of Directors

By: 
President, Board of Directors

Attest:

Attest:

By: 
Secretary, Board of Directors

By: 
Secretary, Board of Directors

Date: 8/28/2023

Date: 6-26 2023

**ALLEGHENY INTERMEDIATE UNIT
COMPREHENSIVE SERVICES AGREEMENT – 2023-2024**

**ADDENDUM A:
SPECIAL EDUCATION SERVICES**

1. **Services Provided.** For the 2023-2024 school year, the Allegheny Intermediate Unit (AIU) shall provide and operate, for the benefit of students assigned by the District/School, the special education services and programs delineated in the AIU Special Education Plan (“Plan”), as approved by the Department of Education, by furnishing the following:
- a. Professional and support staff, as required to implement the Plan in accordance with all applicable provisions of state and federal law;
 - b. Administrative, supervisory and clerical staff as required to effectively and efficiently implement the Plan and this Agreement;
 - c. Such supplies, equipment and other materials as necessary to implement the Plan and as mutually agreed upon by the Parties;
 - d. Such classrooms and facilities as required to implement the Plan in accordance with state and federal law, to the extent the program or service is provided or operated upon premises not owned or leased by the District/School; and
 - e. Any other personnel, facility, material or service mutually agreed upon by the Parties, subject to approval by their respective governing boards.

Services provided include but are not limited to those outlined in the Services Guide, such as Blind/Visually Impaired Services; Career Development Services; Deaf/Hard of Hearing Services; School-Based Educational Services at the AIU-operated Mon Valley, Pathfinder and Sunrise Schools; District-Based Classrooms; Speech/Language-Impaired Support; Pupil Personnel Services; and Occupational and Physical Therapy.

2. **Programs Provided on District/School Premises.** For special education programs and services provided by the AIU on premises owned or leased by the District/School, the District/School shall provide the following:
- a. Classroom and other space necessary for the provision of services;
 - b. Assistance, cooperation and participation of District/School administrative, professional and support staff in the development and implementation of accommodations, supplementary aids and support services necessary to include, to the fullest extent appropriate, students assigned to special education programs in educational and extracurricular activities, regular education support, regular education instruction and ancillary services, such as nursing, counseling, library,

physical education, food, custodial and maintenance services, as necessary to meet the needs of the students assigned to the program; and

- c. Any other personnel, facility, material or service mutually agreed upon by the Parties, subject to approval from their respective governing boards.

3. **Multidisciplinary Evaluation and IEP Development.**

- a. **For Students Receiving AIU Services on District Premises.** The District/School, in cooperation with the AIU, shall conduct student Multidisciplinary Evaluations (“MDEs”) and Re-evaluations (“RRs”) and develop Individualized Education Programs (“IEPs”) and revise those plans as necessary for exceptional and thought-to-be exceptional students of the District/School. The District/School will provide the AIU staff with an opportunity to participate in the development of RR and IEPs.
- b. **For Students Receiving Services in AIU-Operated Schools.** The AIU, with cooperation and participation by the District/School, shall conduct student MDEs and RR and develop IEPs and revision procedures for exceptional and thought-to-be exceptional students of the District/School. The District/School recognizes that it remains the Local Education Agency (“LEA”) for the student and is responsible for ensuring that the student’s IEP provides for a free appropriate public education (“FAPE”). Therefore, the District/School will participate in the development of MDEs, RR and IEPs that outline specially designed instruction, accommodations and supplementary aids and services for students.
- c. **For All Students Receiving AIU Services.** Specially designed instruction, accommodations, supplementary aids and services required by any IEP or any order of a hearing officer, appeals panel, the Secretary of Education or court and beyond the scope of the programs and services enumerated in the Plan shall be provided as mutually agreed upon by the Parties, subject to approval by their respective governing boards. In such instances, the AIU administration will work with the District/School as LEA in identifying the appropriate service. The District/School agrees that the AIU shall not be liable to the District/School on account of a hearing officer’s or court’s determination that an IEP does not provide FAPE.

[Continued on next page]

Allegheny Intermediate Unit Comprehensive Services Agreement – 2023-2024
 Addendum A: Special Education Services

4. **Tuition; Fees for Speech, Hearing and Vision Services.** Tuition for the AIU-Operated Special Education Schools and fees for speech, hearing and vision services will be invoiced and paid in installments according to the schedule below:

Invoice Date	Services Billed: School Tuition and Fees for Speech, Hearing and Vision	Based on Data* As Of
September 15, 2023	Services anticipated for August through October	September 1, 2023
November 15, 2023	Services anticipated for November through December, <i>plus adjustments relative to September billing</i>	November 1, 2023
January 16, 2024	Services anticipated for January through February, <i>plus adjustments relative to November billing</i>	January 1, 2024
March 15, 2024	Services anticipated for March through April, <i>plus adjustments relative to January billing</i>	March 1, 2024
May 15, 2024	Services anticipated for May through June, <i>plus adjustments relative to March billing</i>	May 1, 2024
June 17, 2024	Final invoice reconciling payments with the actual final 2023-2024 special education database, verified in June; may result in a credit to the District/School or payment due to the AIU, exclusive of the special education school reconciliation.	June 2024

* Refers to student information in the AIU special education database.

NOTE: Services requested by the District/School after the review of the special education database as of September may result in additional invoices.

[Continued on next page]

5. **Reconciliation for AIU-Operated Special Education Schools.** Because of the fluctuating nature of student enrollment at the AIU-operated special education schools, it is agreed that the overall operating cost for each school will be continuously monitored to determine whether revenue and expenses are in alignment with budgeted projections. The parties agree that at the conclusion of the 2023-2024 school year, the AIU will perform a reconciliation of its special education school revenues and expenses for the entire school year. If the AIU revenues from the school programs provided under this Agreement exceed the expenses incurred in providing such services, the District/School will receive a pro-rata credit; if the AIU’s expenses incurred in its school programs exceed the revenues received by the AIU, the District/School will be responsible for and pay to the AIU a pro-rata share of the excess expenses. The reconciliation process will be conducted as follows:

Date	AIU-Operated Special Education School Review and Reconciliation
August 15, 2024	Final reconciliation of revenues and expenses for the entire school year will be completed and issued to the District/School. This may result in a credit to the District/School or payment due the AIU
September 2, 2024	District/School payment to the AIU for the pro-rata share of excess expenses, <i>and/or</i> ...
January 31, 2025	AIU credit issued to the District/School for the pro-rata share of excess revenues

Any District/School due to receive a reconciliation credit and having open balances payable to the AIU greater than 60 days past due will have the credit applied to open balances or withheld until payment is received, as appropriate.

**Lackawanna College Proposal for
Dual Enrollment Agreement
with the PA Distance Learning Charter School**

The following proposed agreement outlines the terms and conditions of a dual enrollment program offered by Lackawanna College to the PA Distance Learning Charter School.

1. Term of Contract

The term of this agreement shall exist from July 1, 2022 through June 30, 2023.

2. Student Eligibility

- A. Students who meet all of the following criteria are qualified to participate in the program:
 - a. The student is a high school junior or senior.
 - b. The student is making satisfactory progress toward fulfilling applicable secondary school graduation requirements, as determined by the charter school.
 - c. The student demonstrates readiness for college-level coursework in the intended subject area, as determined by Lackawanna College. The College will determine readiness based on the recommendations from the charter school.
- B. The charter school will determine what students are eligible to participate in the program. In order to remain in the program, the student must maintain a level of academic progress as determined by both the district and the college.

3. Courses Offered

The following criteria apply to all courses by this agreement:

- A. The courses are non-remedial.
- B. The courses are either in a core academic subject or will be given equal elective credit at the PA Distance Learning Charter School. Core subjects *include English, Reading or Language Arts, Mathematics, Science, Foreign Language, Civics & Government, Economics, Arts, History and Geography.*
- C. The courses are regularly accepted in transfer by accredited colleges and universities throughout the nation.

4. Location

Classes offered through this dual enrollment contract will be held online, unless otherwise stipulated.

5. Classes Offered

A list of Dual Enrollment Courses Offerings will be made available from Lackawanna College prior to the start of each semester.

6. Financial Information

The costs for all dual enrollment courses will be \$100/credit. Students are directly responsible for the purchase of the textbook(s), if required, for each course in which they are enrolled.

7. Student Credit

Students will not be allowed to enroll in more than 12 post-secondary credits through dual enrollment per academic year, however, students can take 6 additional credits in summer sessions.

The College will award postsecondary credit to students who successfully complete courses identified in this agreement. The College will transcript this credit in a manner similar to other students who take courses at the institution. If a dual enrollment student becomes a regularly enrolled student at the college following graduation from PA Distance Learning Charter School, Lackawanna College shall recognize those credits and they will be applied toward the student's degree requirements. Also, if a student does enroll at Lackawanna College after graduation, the fees that are required for undergraduate enrollment will be waived.

8. Promotional Materials

Both the College and the Charter School agree to provide a mechanism for communicating the educational and economic benefits of higher education as well as the requirements for participation and enrollment procedures for dual enrollment to students and parents.

Lackawanna College will host or co-host an information session on dual enrollment for students and parents.

9. Additional Administrative Responsibilities

The following individuals will be responsible for the tasks listed below:

A. Registration- Admissions Staff

A Lackawanna College representative will register all applicants for the school year. A five (5) day grace period will be observed from the start date of the class for any student wishing to add or drop a class. All student registrations must be received by a date TBD.

B. Record Keeping- College Registrar's Office

Lackawanna College's Registrar's Office will keep comprehensive records of the courses taken and grades received by dual enrollment students.

C. Fiscal Transactions- Enrolled students will be fully responsible for all tuition, fees, books and other costs associated with dual enrollment courses. The costs for all dual enrollment courses will be paid directly by the student to Lackawanna College. Students will be required to pay their tuition balance at the time of registration. If a student is unable to make a payment at that time, full payment MUST be received by a date TBD. Any student that has not paid by this deadline will be automatically withdrawn from the course and credit will not be awarded for the course(s) in which they were enrolled.

Signature Page

PA Distance Learning Charter School and Lackawanna College agree not to unlawfully discriminate on the basis of race, nationality, ethnicity, religion, gender, age, or disability in any undertaking pursuant to this agreement.

PA Distance Learning Charter School:

Patricia Rossetti

Superintendent

September 1, 2022

Date

President, Board of School Directors

Date

Lackawanna College:


Lackawanna College Director of Partnerships

9/1/22

Date

10/7/2020

**EARLY COLLEGE PROGRAM
BETWEEN
LUZERNE COUNTY COMMUNITY COLLEGE
AND THE
Pennsylvania Distance Learning Charter School SCHOOL DISTRICT**

July 1, 2020 – JUNE 30, 2025

EARLY COLLEGE PROGRAM FOR YOUNG SCHOLARS

The purpose of the Early College Program (the "Program") is to allow eligible junior and senior high school students to get a jumpstart on their higher education experience at Luzerne County Community College (the "College").

ELIGIBLE HIGH SCHOOL STUDENTS

- Students must be high school juniors or seniors.
- Students must maintain a minimum **2.0** high school GPA and demonstrate readiness for college-level coursework in the intended subject area of study.
- Students must demonstrate readiness for college-level coursework in the intended subject area of study, as determined by the College. The College will determine readiness based on *ACCUPLACER* testing administered by the College. A student shall be deemed ready if the student has scored at least 263-300 in Writing, 247-300 in Reading, and 237-300 in Quantitative Reasoning, Algebra & Statics on the placement exam(s) (*ACCUPLACER*) deemed appropriate by the College for the dual enrollment course to be taken. (Placement testing will be waived for applicants who submit documentation of having had scored both 500+ Verbal and 500+ Math on the SATs.)
- Students whose *ACCUPLACER* test scores indicate the need for developmental coursework will **NOT** be eligible to take college-level courses through the Program.
- All participants must have the high school guidance counselors or school administrator's signature, parental or guardian permission, by signature, and parental or guardian initials acknowledging financial responsibility on the Registration Form.
- A minimum **GPA of 2.0 and a grade of "C" or better** in each college-level course attempted must be maintained for continued participation in the Program.

CREDITS

- College credits awarded for successful completion of coursework may be applied towards students' high school diploma. (*LCCC does not guarantee that any college credits will count towards the high school diploma. Participants must contact their high school guidance counselor or administrator in regard to high school policies governing dual-credit.*)

LIMITS ON PARTICIPATION

- High school students may participate until the end of their spring semester, senior year.
- The prerequisites listed for specific courses and specific curricula should be closely observed to ensure qualification for subsequent courses, and to gain maximum benefit from instruction.
- The Off-Campus Program Office is responsible for evaluating placement test scores and utilizing any other available grades/scores in making a final determination on student placement and course selection.
- The College may not enroll participating high school juniors or seniors in remedial, developmental, or other courses that are not college-level.
- The College reserves the right to cancel any course (on or off campus) for which enrollment does not satisfy minimum enrollment requirements.

10/7/2020

STUDENT PARTICIPATION AT LCCC

- Participating students may attend classes at the College's main campus, one of the College's off-campus sites, or classes held at the high school during the traditional school day.
- Participating students may make use of the College's library and email services.
- Participating students may attend events sponsored by the College.
- Participating students may utilize Student Support Services. A tutoring program is available to students in a variety of subjects.
- Participating students may use their college credits to matriculate into an associate degree program at the College or for the purpose of transferring to a 4-year college or university.
- **ALL COLLEGE POLICIES** shall apply to Program students. College policies can be viewed in the Student Handbook on the Student Services webpage at: <http://www.luzerne.edu/students/welcome.jsp>

GRANTS AND FINANCIAL AID

- A participating student enrolled in any course(s) at the College through the Program is **NOT** eligible for any state or federal financial aid.

FEES, TEXTBOOKS, MATERIALS

- Participating students shall be responsible for payment of all tuition, a per course fee, textbooks, and, when applicable, laboratory and material fees, as determined by the College.
- The College will receive any FTE reimbursement for those students who are currently enrolled in high school and who are enrolled in the Program.
- When coursework is offered at the school district site during the regular school day, the College will receive the FTE reimbursement for those enrolled students. Subsequently, the College will be responsible for all staffing and funding of instruction.
- The College reserves the right to adopt any additional rules and regulations which it deems necessary or appropriate with respect to the Program, such rules and regulations to become effective sixty (60) days after written notice from the College to the school district.
- This agreement will be renewed on a five (5) year basis, unless terminated by either party by providing at least sixty-(60) day's advance written notice prior to any anniversary date of this Agreement of such party's intention not to renew this Agreement, provided, however, that said termination shall not become effective until the final date of the College's then current academic period if an academic period is in progress as of the date of the termination notice. This Agreement may be modified at any time with signed mutual written consent of all parties hereto.

FOR THE SCHOOL DISTRICT:

Patricia Rossetti _____ August 23, 2022
 Superintendent Date:

Jo Mason _____ August 25, 2022
 President, Board of School Directors Date:

LUZERNE COUNTY COMMUNITY COLLEGE:

 President, Thomas P. Leary Date



Board Affirmation Statement

PA Distance Learning Charter School

2605 Nicholson Road, Suite 4100, Sewickley, PA 15143

The purpose of this document is for the President of the governing board to affirm that the annual report information is accurate.

Steps to Complete this Section:


Note: Individual signatures required for each section.

1. Signature of President of the governing board and date signed for each section.
2. Upload Board Affirmation document which includes the Board President's signature and date signed.

Charter Annual Report Affirmation

I verify that all information and records in this charter school annual report are complete and accurate.

Affirmed on this 21st day of July, 2023

By:  (Signature of Board President)

John Marous John Marous (Print Name)

President, Board of Trustees

Charter School Law Affirmation


Pennsylvania's first Charter School Law was Act 22 of 1997, 24 P.S. § 17-1701-A et seq., which primarily became effective June 19, 1997, and has subsequently been amended.

The Charter School Law provides for the powers, requirements, and establishment of charter schools. The Charter School Law was passed to provide opportunities to teachers, parents, pupils and community members to establish and maintain schools that operate independently from the existing school district structure as a method to accomplish all of the following: (1) improve pupil learning; (2) increase learning opportunities for all pupils; (3) encourage the use of different and innovative teaching methods; (4) create new professional opportunities for teachers; (5) provide parents and pupils with expanded choices in types of educational opportunities that are available within the public school system; and (6) hold charter schools accountable for meeting measurable academic standards and provide the school with a method to establish accountability systems.

The charter school assures that it will comply with the requirements of the Charter School Law and any provision of law from which the charter school has not been exempted, including Federal laws and regulations governing children with disabilities. The charter school also assures that it will comply with the policies, regulations and procedures of the Pennsylvania Department of Education (Department).

Additional information about charter schools is available on the Pennsylvania Department's website at: <http://www.education.state.pa.us>.

Affirmed on this 21st day of July, 2023

By:  (Signature of Board President)

John Marous John Marous (Print Name)

President, Board of Trustees

Ethics Act Affirmation

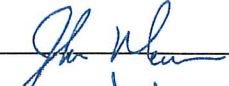
Pennsylvania's current Public Official and Employee Ethics Act (Ethics Act), Act 93 of 1998, Chapter 11, 65 Pa.C.S. § 1101 et seq., became effective December 14, 1998 and has subsequently been amended.

The Ethics Act provides that public office is a public trust and that any effort to realize personal financial gain through public office other than compensation provided by law is a violation of that trust. The Ethics Act was passed to strengthen the faith and confidence of the people of Pennsylvania in their government. The Pennsylvania State Ethics Commission (Commission) administers and enforces the provisions of the Ethics Acts and provides guidance regarding its requirements.

The regulations of the Commission set forth the procedures applicable to all proceedings before the Commission as well as for the administration of the Statement of Financial Interests filing requirements. See 51 Pa. Code § 11.1 et seq.

The charter school assures that it will comply with the requirements of the Ethics Act and with the policies, regulations and procedures of the Commission. Additional information about the Ethics Act is available on the Commission's website at: <http://www.ethics.state.pa.us>.

Affirmed on this 21st day of July, 2023

By:  (Signature of Board President)

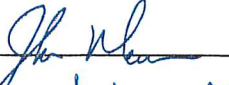
John Marous John Marous (Print Name)

President, Board of Trustees

Charter Annual Background Check Affirmation

I certify that, as of this date, the above referenced LEA is in compliance with all applicable provisions of Sections 111 and 111.1 of the Public School Code of 1949.

Affirmed on this 21st day of July, 2023

By:  (Signature of Board President)

John Marous John Marous (Print Name)

President, Board of Trustees

Charter Annual Administrative Certification Affirmation

All public school principals, including charter and cyber charter school principals, are subject to the applicable certification requirements of the Public School Code (24 P.S. § 11-1109) as well as any Act 45 continuing education and Pennsylvania Inspired Leaders (PIL) requirements. In keeping with the intent of section 1109, any person who devotes half or more of their time to supervision or administration in a public school, without an identified principal, is serving as the "principal" of the school regardless of the locally titled position (i.e., school director, head teacher, etc.). Such individuals must hold a valid administrative certificate and comply with all applicable Act 45 and PIL requirements. In addition, the public school should properly identify the individual as a principal in PIMS/PERMS regardless of the local title utilized.

The Charter School assures that the Public School Code (24 P.S. § 11-1109) as well as any Act 45 continuing education and Pennsylvania Inspired Leaders (PIL) requirements are met as outlined above.

Affirmed on this 21st day of July, 2023

By: John Marous (Signature of Board President)

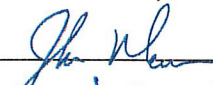
John Marous John Marous (Print Name)

President, Board of Trustees

Identification of Students with Specific Learning Disabilities using Response to Intervention Assurance/Affirmation

If the Charter School has received approval from PDE to utilize a Response to Intervention method to identify students with Specific Learning Disabilities, the Charter School will assure implementation with fidelity for the duration of this plan.

Affirmed on this 21st day of July, 2023

By:  (Signature of Board President)

John Marous John Marous (Print Name)

President, Board of Trustees