

## Pennwood Cyber Charter School

### Board of Trustees Policy

#### Exceptional Student Records Confidentiality Policy

The Pennwood Cyber Charter School ("Charter School") recognizes the need to protect the privacy rights of Charter School's exceptional students and their parents. The classification, collection, use, maintenance and dissemination of any information about a student or his or her family raises issues regarding the privacy of that information. Thus, Charter School shall adhere to the provisions of federal and state laws pertaining to those privacy rights, including but not limited to the Family Educational Rights and Privacy Act of 1974 ("FERPA"), as amended, and its accompanying regulations; the applicable provisions of the Individuals with Disabilities Education Improvement Act (2004) ("IDEA"), as amended, and its implementing regulations; the applicable provisions of the Pennsylvania Public School Code of 1949, and the applicable provisions of Chapters 12 and 711 of the Pennsylvania Administrative Code containing the regulations of the Pennsylvania State Board of Education and other provisions applicable to charter schools. The Chief Executive Officer ("CEO")/Principal or their designee is designated as the administrator responsible for the maintenance, access, use and release of exceptional student records. This policy is to be used in combination with Charter School's Student Records Policy.

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

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

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

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

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

- 1. Related to the confidentiality of information, the following definitions apply:**
  - a. ***Destruction*** means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
  - b. ***Education records*** means the type of records covered under the definition of "education records" in 34 CFR Part 99 (the regulations implementing the Family

Educational Rights and Privacy Act of 1974, 20 U.S.C. §1232g (FERPA)).

- c. **Participating agency** means any charter school, agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.
- d. **Personally identifiable (34 CFR §300.32)** means information that has:
  - 1) A child's name, a parent's name, or the name of another family member;
  - 2) A child's address;
  - 3) A personal identifier, such as a child's social security number or student number; **or**
  - 4) A list of personal characteristics or other information that would make it possible to identify a child with reasonable certainty.

## 2. Access Rights (34 CFR §300.613)

### a. Parent Access

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

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

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

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

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

## 2. Fees

Charter School may charge a fee for copies of records (34 CFR §300.617) that are made

for a parent under Part B of the IDEA, if the fee does not effectively prevent the parent from exercising the right to inspect and review those records.

Charter School may not charge a fee to search for or to retrieve information under Part B of IDEA 2004.

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

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

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

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

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

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

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

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

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

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

If, as a result of the hearing, Charter School decides that the information is

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

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

**c. Safeguards (34 CFR §300.623)**

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

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

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

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

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

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

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

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

Charter School must comply with record maintenance requirements in accordance with FERPA and Chapters 711 and 12 of Title 22 of the Pennsylvania Code, together with directives of PDE

with regard to record maintenance. Special Education records must also be maintained in accordance with PDE 6-year cyclical monitoring period guidelines established by PDE.

### **TRANSFER OF RECORDS BETWEEN SCHOOLS**

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

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

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

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

### **ELECTRONIC TRANSMISSIONS**

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

#### **CONFIDENTIALITY NOTICE**

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

### **ADMINISTRATIVE PROCEDURES:**

The CEO/Principal or their designee shall be responsible for ensuring that the education records, confidentiality policies and procedures established under IDEA

2004 (relating to confidentiality of education records of exceptional students) are enforced and administered. This official shall:

Notify parents on an annual basis of the policies and procedures regarding exceptional student education records and the rights of parents under both Federal and State Law concerning the confidentiality of education records of exceptional students;

Develop a system of safeguards which will protect the confidentiality of personally identifiable information at the point of collection, storage, use, maintenance, release and destruction;

Provide training and instruction in the implementation of records policy requirements for all educational agency personnel who collect or use exceptional student personally identifiable information; and

Maintain a current listing of the names and positions of those agents and employees of Charter School who are authorized by the school to have access to personally identifiable information of exceptional students.

An education record shall not be destroyed by Charter School if there is an outstanding request to inspect and review it by the parent or eligible student. Charter School will inform the parents of an exceptional student when personally identifiable information collected, maintained, or used in the records of the exceptional student is no longer needed to provide educational services to the exceptional student. (See Student Educational Records Policy for more information).

Upon request of the parents, information no longer relevant to and necessary for the provision of educational services to the exceptional student must be destroyed by Charter School. . However, a written record of an exceptional student's name, address, phone numbers, grades, attendance records, classes attended, grade level completed, and year completed will be maintained for six (6) years beyond the school year during which the student to whom such data pertains attains age twenty-one (21). Prior to the destruction of the information referred to in the above paragraph, Charter School shall send written notification to the parents which shall inform the parents of their right to receive a copy of the material to be destroyed.( See Student Educational Records Policy for more information).

Charter School shall not destroy education records containing information necessary for the education of an exceptional student who is enrolled or has been enrolled in an education program operated by the school.

Except as is stated in the above paragraph of this subsection, nothing in this section shall be construed to mean that Charter School is required to destroy education records and the Charter School Administration is directed to implement any procedures necessary to maintain student records consistent with this policy and applicable state and federal laws and regulations.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**

# Pennwood Cyber Charter School

## Board of Trustees Policy

### EVALUATION AND REEVALUATION POLICY

In accordance with applicable state and federal regulations, the Board of Trustees of the Pennwood Cyber Charter School ("Charter School") recognizes that in order to properly identify a student as eligible for special education and related services, the Charter School must have a process and procedures in place and, therefore, directs as follows the Evaluation and Reevaluation Policy. The Charter School adopts this policy which sets forth the procedural requirements for Evaluations and Reevaluations pursuant to the IDEA and Chapter 711 concerning Charter Schools.

Child with a disability means a child evaluated in accordance with §§300.304 through 300.311 as having an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as "emotional disturbance"), an orthopedic impairment, autism, traumatic brain injury, an "other health impairment," a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services. (Sec. 300.8 Child with a disability). For children aged three through nine experiencing developmental delays, see §300.8(b) and for definitions of disability terms noted herein, see §300.8(c). Determinations for identification of students with a specific learning disability are subject to sec. 300.309(a).

#### Initial evaluations

Initial evaluations are conducted pursuant to Sec. 300.301 (Initial evaluations):

- A. General. Each public agency must conduct a full and individual initial evaluation, in accordance with §§300.304 through 300.306, before the initial provision of special education and related services to a child with a disability under this part.
- B. Request for initial evaluation. Consistent with the consent requirements in §300.300, either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.
- C. Procedures for initial evaluation.
  - a. The initial evaluation –
    - i. Must be conducted within 60 days of receiving parental consent for the evaluation; or
    - ii. If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe; and
  - b. Must consist of procedures –
    - i. To determine if the child is a child with a disability under §300.8; and
    - ii. To determine the educational needs of the child.
- D. Exception. The timeframe described in paragraph (c)(1) of this section does not apply to a public agency if –
  - a. The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
  - b. A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability under §300.8.
  - c. The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed.

A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining (i) Whether the child is a child with a disability under §300.8; and (ii) The content of the child's Individualized Education Program ("IEP"), including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities), citing Sec. 300.304(b)I1). The Charter School must (a) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and (b) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors, citing Sec. 300.304(b)(2) and (3).

The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities, citing Sec. 300.304(c)(4).

### **Reevaluations**

Pursuant to Sec. 300.303, the Charter School must ensure that a reevaluation of each child with a disability is conducted in accordance with §§300.304 through 300.311 –

- (1) If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
- (2) If the child's parent or teacher requests a reevaluation.

Pursuant to the limitation under Section (b), a reevaluation conducted under paragraph (a) of this section –

- (1) May occur not more than once a year, unless the parent and the public agency agree otherwise; and
- (2) Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.

If a child has been diagnosed with an intellectual disability, a reevaluation is required every two years in Pennsylvania and cannot be waived. There are no exceptions, under the PARC Consent Decree, to waiver of the reevaluation of a student diagnosed with an intellectual disability, as defined in Section 300.8€(6). Intellectual disability means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance. The term "intellectual disability" was formerly termed "mental retardation." See PaTTAN.net. The Special Education Evaluation/IEP Process LEA initiated request and Parent initiated request flowchart.



## **Additional requirements for evaluations and reevaluations**

Pursuant to Sec. 300.305(a), As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must (1) Review existing evaluation data on the child, including –

- (iv) Evaluations and information provided by the parents of the child;
- (ii) Current classroom-based, local, or State assessments, and classroom-based observations; and
- (iii) Observations by teachers and related services providers; and

(2) On the basis of that review, and input from the child’s parents, identify what additional data, if any, are needed to determine –

- (i)(A) Whether the child is a child with a disability, as defined in §300.8, and the educational needs of the child; or (B) In case of a reevaluation of a child, whether the child continues to have such a disability, and the educational needs of the child;
- (ii) The present levels of academic achievement and related developmental needs of the child;
- (iii)(A) Whether the child needs special education and related services; or (B) In the case of a reevaluation of a child, whether the child continues to need special education and related services; and
- (iv) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.

The Charter School’s requirements if additional data are not needed are subject to section (d) and evaluations before change in eligibility are subject to section € , §300.305. The Charter School’s evaluation and re-evaluation process is conducted by a Multi-Disciplinary Team (“MDT”). The Multi-Disciplinary Team is formed based on the student’s needs and includes a teacher and other qualified professionals who work with the child. In addition, the Parents are an integral part of the Team under the IDEA, as are other members, as required by law.

### **The Multi-Disciplinary Evaluation Process**

The Multi-Disciplinary Evaluation (“MDE”) process must be conducted in accordance with specific timelines and must include protective procedures. The evaluation and reevaluation processes and procedures used as part of the Multi-Disciplinary Evaluation may not be racially or culturally biased.

The MDE process culminates with a written report called an Evaluation Report (“ER”) or a Reevaluation Report (“RR”) for the respective evaluation and reevaluation processes noted. These reports outline recommendations concerning a student’s eligibility for special education based on the presence of a disability and the need for specially designed instruction (“SDI”). Parents who think their child is eligible for special education may request, at any time, that the Charter School conduct a Multi-Disciplinary Evaluation. Requests for a Multi-Disciplinary Evaluations and for Reevaluations must be made in writing to the CEO or their designee, or the Charter School Special Education Director. If a Parent makes an oral request for a Multi-Disciplinary Evaluation or Reevaluation, the Charter School shall provide a Parent with a form for the evaluation or reevaluation. If the Charter School denies the Parents’ request for an initial evaluation and/or for a reevaluation, the Parents have the right to challenge the denial through the processes offered by the Office for Dispute Resolution (“ODR”), such as

with an impartial hearing or mediation.

If a Parent makes a request orally to any professional employee or administrator of the Charter School for an evaluation or a re-evaluation, that individual shall provide the Parent with a copy of the Permission to Evaluate ("PTE") or the Permission to Reevaluate ("PTRE") form within ten (10) calendar days of the oral request.

Copies of the Evaluation Report and/or the Reevaluation Report shall be disseminated to the Parents at least ten (10) school days prior to the meeting of the IEP Team, unless this requirement is waived by a Parent in writing.

If the Charter School determines that additional data is needed to complete a Reevaluation and has made "reasonable attempts" to get permission and has failed to get a response, it may proceed with the Reevaluation. Examples of reasonable attempts to contact Parents include documented telephone calls, registered (return receipt required) and other First Class Mail, and visits to the residence or Parents' place of business. As part of the provision to provide a Free Appropriate Public Education ("FAPE") to students with disabilities, all evaluations (whether an initial evaluation or a reevaluation) needed to determine a child's eligibility for special education services must be provided by the Charter School at no charge to the Parents. If a child needs special education, including specially designed instruction and related services, defined under the IDEA, the special programs and related services as determined by the IEP Team will be provided free by the Charter School.

For a copy of the Procedural Safeguards Notice, contact the Charter School CEO or designee, or the Charter School Director of Special Education. For questions about the evaluation/reevaluation process, including forms for the Permission to Evaluate ("PTE") and Reevaluate ("PTRE"), and for the Parents Procedural Safeguards regarding consent for the evaluation and reevaluation processes, or for any matters concerning the IEP process and special education, contact the Charter School CEO, or designee, or the Director of Special Education. The CEO or designee is directed to implement all procedures in accordance with this policy.

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## **Pennwood Cyber Charter School**

### **Board Of Trustees Policy**

#### **Free Appropriate Public Education (FAPE) Policy**

The Board of Trustees of the Pennwood Cyber Charter School (“Charter School”) must ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade.

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

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## **Pennwood Cyber Charter School**

**2024-2025 School Year**

### ***Annual Notification of Rights under Family Educational Rights and Privacy Act (FERPA) of the 2024-2025 School Year/Notice to Parents and Guardians Regarding the Disclosure of Student "Directory Information"***

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

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

1. The right to inspect and review the student's educational records within forty-five (45) days of the day Pennwood Cyber Charter School ("Charter School") receives a request for access. Parents or eligible students should submit to Charter School's CEO/Principal a written request that identifies the record(s) they wish to inspect. The Charter School official will make arrangements for access and notify the parent or eligible student of the time and place where the record(s) may be inspected.
2. The right to request the amendment of the student's educational record(s) the parent or eligible student believes is inaccurate or misleading. Parents or eligible students may ask the Charter School to amend a record that they believe is inaccurate or misleading. Parents or eligible students should write to Charter School's Principal, clearly identifying the part of the record(s) they want amended, and specify why the record(s) is inaccurate or misleading. If the Charter School decides not to amend the record(s) as requested by the parent or eligible student, the Charter School will notify the parent or eligible student of the decision in writing and advise of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student's educational record(s) except to the extent that FERPA authorizes disclosure without consent, as discussed below.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Charter School to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

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

*Release of Records Without Consent*

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

- School officials with legitimate educational interests. A School Official may include a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law unit personnel); a person serving on the Board; a person or company with whom the Charter School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); contractors, consultants, volunteers, and other outside service providers used by the Charter School; or a parent or student serving on official committee, such as a disciplinary or grievance committee, or assisting another Charter School official in performing their tasks. A School Official has a legitimate educational interest if the official needs to review an educational record(s) in order to fulfill his or her professional responsibility;
- Other schools, school systems, or institutions of postsecondary education to which a student is transferring;
- Authorized representatives of the U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education, or State and local educational authorities. Disclosures may be made in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. The entities and officials identified here may re-disclose student information to outside entities and/or individuals that are designated as "authorized representatives" to conduct an audit or evaluation, or enforcement or compliance activity on their behalf. A designation of an "authorized representative," other than an employee, shall be memorialized in a written agreement. The same agreement shall contain provisions intended to guard the privacy of student information. Student records for children seven (7) years or older is exempt from the use of authorized representatives for agencies running programs to improve social, emotional and physical development;

- Appropriate parties in connection with financial aid for which a student has applied or has received, if the information is necessary to determine eligibility for aid, determine the amount of aid, determine the conditions of aid, or enforce the terms and conditions of aid;
- Organizations conducting certain studies for or on behalf of the school, to develop, validate or administer predictive tests; administer student aid programs; or improve instruction. The U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education, or State and local educational authorities may re-disclose student information to organizations conducting studies identified here. Any re-disclosure of student information, whether by schools or the entities and officials identified here, requires a written agreement. The written agreement shall contain provisions intended to guard the privacy of student information;
- Accrediting organizations;
- To parents of dependent students for IRS tax purposes;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities within a juvenile justice system, pursuant to specific State law.

The Uninterrupted Scholars Act (USA) (Public Law 112-278), which was signed into law on January 14, 2013, amends FERPA in the following two ways:

1) Educational agencies and institutions are permitted to disclose a student's education records, without parental consent, to a caseworker or other representative of a State or local child welfare agency or tribal organization authorized to access a student's case plan "when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student."

2) Educational agencies and institutions are permitted to disclose a student's education records pursuant to a judicial order without requiring additional notice to the Parent by the educational agency or institution in specified types of judicial proceedings in which a parent is involved. The theory behind this change is that the Parent has already been informed by being involved in the child abuse, neglect, or dependency proceeding.

The child welfare agency can then disclose (or re-disclose) the records to "an individual or entity engaged in addressing the student's education needs." This individual or entity must be authorized to receive the records and the disclosure (or re-disclosure) must be consistent with State confidentiality law.

These changes to FERPA (and, consequently, to the confidentiality provisions applicable

to Parts B and C of the IDEA), help in improving educational and developmental outcomes for children in foster care by providing those agencies that are legally responsible for such children access to specific information that is maintained by those agencies that provide early intervention or educational services to such children. More specifically, child welfare agency workers must develop a written case plan for each child in foster care, which includes the education records of the child, including the most recent information regarding:

- The names and addresses of the child's education providers;
- The child's grade level performance;
- The child's school record;
- Any other relevant education information the child welfare agency determines to be appropriate.

As part of the Student's Educational Stability Plan, which is revised when placing a child in foster care, or, when a child is changing foster care placements, the agency must consider the appropriateness of the child's current school and the proximity of that school to the foster care placement; and coordinate with the local educational agency to ensure the child can stay enrolled in his or her school of origin despite the foster care placement. However, if the child welfare agency determines it isn't in the child's best interests to stay in the same school, the agency must ensure that the child is immediately enrolled in a new school, and all the child's education records are provided to that new school.

Child welfare agencies must assure that each child receiving a Federal foster care payment is a full-time elementary or secondary school student (or is incapable of attending school due to a medical condition). Federal child welfare guidance encourages child welfare agencies to ensure that children are not only enrolled, but are actually attending school.

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

### ***Release of Directory Information***

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

As part of the Charter School's annual notification under FERPA, Charter School designates for the 2024-25 School Year the following types or categories of information as "Directory Information":

- Student Name
- Participation in officially recognized activities, clubs, and sports
- Naming of student to the Honor Roll, National Honor Society or as Valedictorian
- Address
- Telephone listing
- Weight and height of members of athletic teams
- Electronic Mail Address
- Photograph
- Degrees, honors, awards received
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- The most recent educational agency or institution attended

"Directory Information" for the 2024-25 School Year also includes:

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

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

- Newsletters
- A playbill showing student's role in a drama production
- The annual yearbook
- Honor Roll or other recognition lists
- Graduation programs
- Sports activity sheets, such as for wrestling: showing weight and height of team members
- Companies or outside organizations that manufacture class rings or yearbooks
- Newspapers or other news sources



- Class Lists
- Staff and/or Student Directories and/or listings
- Charter School Website
- Charter School Bulletin Boards
- Institutions of Higher Learning requesting Directory information

These examples are for illustration only and are not an exclusive list of the manner in which Directory Information may be disclosed. This Notice provides parents and eligible students with an opportunity to object in writing to any or all of those types of information that the Charter School has designated as Directory Information. Parents and eligible students have the right to refuse to permit the release by notifying the Charter School in writing that they do not want any or all of those types of information to be designated as Directory Information.

Please note that an opt out of Directory Information disclosures does not prevent the Charter School from identifying a student by name or from disclosing a student’s name, identifier or institutional e-mail address in class in which the student is enrolled. The right to opt out of Directory Information disclosures does not include a right to remain anonymous in class, and may not be used to impede routine classroom communications and interactions, whether class is held in a specified physical location or on-line through electronic communications. Likewise, an opt out of Directory Information disclosures does not prevent the Charter School from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that the Charter School designated as “Directory Information” for the 2024-25 School Year above.

**YOUR ACTION IS REQUIRED IF YOU WISH “DIRECTORY INFORMATION” NOT TO BE PUBLISHED.** Please submit any refusal with the types of information you wish removed from the list of Directory Information and mail your written objections on or before **September 29, 2024**, to the CEO/Principal of the Charter School at:

**Pennwood Cyber Charter School  
221 W. Philadelphia Street  
York, PA 17404**

If you have any questions regarding this Notice, please call or write the CEO/Principal at Charter School at [phone number].<sup>5</sup> **If you do not submit a written refusal on or before September 29, 2024 then the Charter School may disclose directory information without your prior consent.**

**THE CONTENT OF THIS NOTICE HAS BEEN WRITTEN IN STRAIGHTFORWARD, SIMPLE ENGLISH. IF A PERSON DOES NOT UNDERSTAND ANY OF THIS NOTICE, HE OR SHE SHOULD ASK THE PRINCIPAL OF CHARTER SCHOOL FOR AN EXPLANATION. THE CHARTER SCHOOL WILL ARRANGE FOR AN INTERPRETER FOR PARENTS WITH LIMITED ENGLISH PROFICIENCY. IF A PARENT IS DEAF OR BLIND OR HAS NO WRITTEN LANGUAGE, THE CHARTER SCHOOL WILL ARRANGE FOR COMMUNICATION OF THIS NOTICE IN THE MODE NORMALLY USED BY THE PARENT (E.G., SIGN LANGUAGE, BRAILLE, OR ORAL COMMUNICATION). IF A STUDENT HAS A DISABILITY, ADDITIONAL INFORMATION IS AVAILABLE IN THE CHARTER SCHOOL’S ANNUAL**

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<sup>5</sup> School office phone number will be provided upon authorization of charter and administrative facility.

**PUBLIC NOTICE OF SPECIAL EDUCATION SERVICES AND PROGRAMS AND RIGHTS FOR STUDENTS WITH DISABILITIES.**

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**

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# **Pennwood Cyber Charter School**

## **Board of Trustees Policy**

### **IEP DEVELOPMENT FOR STUDENTS AGE 17 OR OLDER AND VOTER REGISTRATION TO ADULT LIFE POLICY**

When an IEP team meets for the purpose of reviewing or developing an IEP for a student who is 17 years of age or older, the IEP team shall discuss whether voter registration is an appropriate community living/citizenship training goal to be included in the IEP, and if so, when and how voter registration should be accomplished. The parents (and student, if present) shall be informed that voter registration can be accomplished at Pennwood Cyber Charter School ("Charter School"), that designated Charter School officials will be made available during the school day to assist the student in filling out voter registration forms, and that Charter School officials will transmit completed voter registration forms to the appropriate county voter registration commission's offices at no cost to the student or parents.

The parents (and student, if present) shall also be informed that Charter School-based voter registration or assistance in registering are not mandatory and may be declined at their option, and that they and the student are free instead to make other arrangements for the student to register to vote outside the Charter School setting (for example, in conjunction with driver licensing, or during orientation or other visits to human services offices or other agencies where voter registration forms and/or assistance is available, etc.), or to decline voter registration altogether. Because voter registration may need to be renewed or changed because of changes of residence or other reasons, this discussion shall take place at least annually at an IEP team meeting for a student age 17 or older, whether or not registration has previously been accomplished or offered.

#### **Maintaining Records**

Beyond an introduction such as that set forth above, Charter School personnel should not further pursue the topic of voter registration during an IEP meeting if the parents indicate that further discussion is not appropriate or is unwanted. Voter registration will not be included in IEP goals without parental consent. Nevertheless, voter registration information or assistance may not be denied to any IEP student who independently requests it, whether or not the topic is addressed in the student's agreed IEP, and will be provided upon such request to the same extent as would be available pursuant to an IEP.

Although Charter School personnel may answer questions about available Charter School-based assistance or other non-Charter School registration opportunities, Charter School personnel are not permitted to influence in any way the parents' and student's decision about whether or how to register, and may not participate in or influence any discussion regarding choice of political party affiliation. Discussion of political party affiliation should not take place during the IEP team meeting or other meeting at which Charter School officials are present, and party affiliation information will not be included in the IEP or other LEA-maintained records.

If the parents agree that voter registration is an appropriate transition goal to be included in the IEP, the time and manner for accomplishing registration will be included in the written IEP and implemented in accordance with it. If the manner of registration chosen by the parents and student does not contemplate use of Charter School-based assistance (e.g., in conjunction with driver licensing or other opportunities), no further action on the part of Charter School personnel is required, unless the student or parents later request Charter School-based assistance. However, even in the absence of such a request, the subject of voter registration will be discussed again in accordance with the above procedure, at least annually, when the IEP team meets to further develop, review or update the IEP.

Registration forms will be provided to the parents or student at any time upon request of the parent or student, whether or not further Charter School-based assistance is desired or voter registration is addressed in the IEP. Forms completed outside the Charter School setting, even if not originally obtained through the Charter School, may be submitted to the Charter School for transmission to the appropriate county voter registration commission as provided below.

### **Program Modifications in the IEP for Voter Registration**

If the parents and student choose to make use of Charter School-based assistance in accomplishing voter registration as set forth below, the IEP will:

- Specify the time frame in which this will occur (e.g., within 30 days of the student's eighteenth birthday, and no later than 30 days prior to the next election).
- Identify the Charter School contact person responsible for implementing this aspect of the IEP.
- Ensure that the student is provided with a voter registration form and one-on-one assistance in filling it out (unless declined by the student). Such assistance may be provided by a regular or special classroom teacher, guidance counselor, principal or other Charter School personnel, including Charter School office personnel with appropriate knowledge or training in these procedures. The assistance opportunity may be provided by special arrangement for the particular student, or by means of referral to a point of contact for a Charter School-wide procedure under which all students can obtain voter registration forms and assistance upon request, if such a process exists.
- If referral to a general Charter School-wide location or procedure (see below) is the method provided for in the IEP, the Charter School must ensure that the student receives any necessary assistance in appearing at the proper location at a time when assistance with voter registration forms is available, and that one-on-one assistance in filling out the form is offered and actually provided (unless declined by the student), even if such assistance is not otherwise provided to the general student population.
- The student may decline to register at any time. A voter registration program modification in an IEP will be considered to have been fulfilled when a voter registration opportunity and assistance have been afforded or offered at the time or in the manner set forth in the IEP, even though the student may have declined and registration did not actually occur. Whether or not registration actually occurs, the fact that the opportunity was afforded at the time and in the manner specified in the IEP will be reported to and noted for record by the lead Charter School official on the IEP team, although the

student's records should not reflect whether or not registration was declined or actually accomplished at that time.

- The Charter School implementing the portion of the IEP providing for school-based voter registration is responsible for transmitting the completed voter registration form to the appropriate county voter registration commission, at no cost to the student or parents, within ten days after Charter School officials have received the completed form from a student eligible for special education or the parents, whether or not the form was completed within the Charter School setting or with assistance of Charter School personnel. This may be accomplished by first class mail or other reliable means of delivery. At no time are voter registration forms to be regarded as student or Charter School records, but all voter registration forms shall be treated as confidential information and safeguarded from unauthorized access or disclosure.

### **Charter School Responsibilities – Coding Forms and Contacts Persons**

The Pennsylvania Department of State has designed coding information for voter registration forms that will identify forms submitted in connection with Charter School-based registration, for purposes of measuring the frequency of Charter School-based registration. Unless blank form supplies provided to the Charter School are pre-marked, the Charter School is responsible for marking with the proper code (e.g., by marking boxes indicating some alphanumeric combination, etc.) upon any registration form it transmits to county voter registration commissions resulting from Charter School-based registration information or assistance as described in this policy.

Forms provided by Charter School personnel are to be coded when first provided to a student or parents of a student for the student, even where it is anticipated the form will be completed outside the Charter School setting and submitted via other avenues. Forms obtained outside the Charter School setting but submitted to Charter School personnel for transmittal also will be marked with the Charter School-based code at the time they are received for transmittal.

The Charter School is required to designate a contact person responsible for implementation of these procedures within the Charter School, to whom the Pennsylvania Department of Education and the Department of State may direct further information and guidance about these procedures, and from whom information about that the Charter School's compliance with these requirements may be obtained. The Charter School must furnish the name, voice and fax telephone numbers and mailing address of the contact person to the Bureau of Special Education no later than thirty days after the date of this policy, and within thirty days after any subsequent change in the foregoing information.

Information, training and assistance for Charter School officials providing Charter School-based registration opportunities, including help in coding voter registration forms, is available from the Pennsylvania Department of State, Bureau of Commissions, Elections and Legislation, telephone (717) 787-5280. The Bureau will inform the Charter School of the proper form code when that has been established or if it is later changed. The Bureau's existing program of voter registration training for local agency staffs will be expanded to include voter registration training programs for Charter School personnel in selected locations throughout the Commonwealth.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS CONTROL. THIS POLICY IS NOT INTENDED TO CONFLICT WITH CHARTER REQUIREMENTS.**

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## **Pennwood Cyber Charter School**

### **Board of Trustees Policy**

#### **Independent Evaluations Policy**

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

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

An Independent Educational Evaluation or IEE is defined under applicable requirements as an evaluation conducted by a qualified examiner who is not employed by Charter School.

Public expense is defined as follows: Charter School either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with the provisions of Part B of IDEA 2004.

A parent has the right to an IEE of his or her child at public expense if the parent disagrees with an evaluation of the child obtained by Charter School, SUBJECT TO THE FOLLOWING CONDITIONS:

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

The CEO/CAO/Principal or their designee is directed to notify parents when declining the parent’s request for an IEE at public expense and the reason for denial of the IEE via a written PWN/NOREP accompanied by a Procedural Safeguards Notice.

The CEO/CAO/Principal or their designee must not unreasonably delay either providing the IEE at public expense or initiating due process to defend the Charter School’s Evaluation Report.

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

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

If Charter School initiates a hearing and the final decision is that Charter School’s evaluation is appropriate, the parent still has the right to an independent evaluation, but not at public expense and therefore the Charter School is not responsible for the cost nor any other

public source.

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

A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

If a parent obtains an independent evaluation at private expense the results of the evaluation must be considered by Charter School, if it meets Charter School's criteria, in any decision made with respect to a determination of eligibility, and/or bases of eligibility pursuant to IDEA and Chapter 711 and the provision of FAPE to the child. The IEE Report may be presented as evidence at a hearing relating to the child.

If an independent evaluation is at public expense, the criteria under which the evaluation is obtained including, but not limited to the location of the evaluation and qualifications of the examiner, must be the same as the criteria that the Charter School uses when it initiates an evaluation to the extent that those criteria are consistent with the parents' right to an independent evaluation. These criteria must be made known to the parent. Such criteria are determined by the mandates of PA Charter School Law for charter renewal and the Governmental Accounting Standards Board, as per the required annual audit of the Charter School's finances, and are also set forth in the IEE Administrative Procedures and include:

- Production of required current state and federal child abuse and criminal clearances;
- Confirmation and production, of required licensure/certification to perform the independent evaluation;
- Agreement to comply with FERPA given review and use of Student's Personally Protected Information in evaluation process;
- Production of professional liability and workers compensation insurance as evaluator is an independent evaluator and not an employee of the Charter School;
- Email of the IEE report to Parent(s) and Charter School simultaneously;
- Compliance with federal, state and local health directives given the continuing COVID pandemic.

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

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

Evaluations must also take into account the child's disability to be sure the test measures what it is supposed to measure.

The specific tests used in the evaluation process depend upon the problems the child is experiencing. In most cases, the child will be given several tests to help find strengths and needs. The Charter School teacher(s) and other School IEP team member input must be considered. Information that parents provide must also be included in the evaluation.



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

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

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

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

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

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

Charter School will comply with and monitor changes in all state and federal time lines, procedures and due process requirements throughout the entire independent evaluation process. In the event that there are changes in state or federal law with regard to any part of this policy, Charter School will comply with state and federal law.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**

## Pennwood Cyber Charter School

### INDEPENDENT EDUCATION EVALUATIONS (IEE) ADMINISTRATIVE POLICY

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

The CEO/CAO/Principal or their designee shall take the following steps to the extent that they remain consistent with applicable state and federal regulations regarding IEEs:

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

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

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

If the CEO or designee consents to provide an IEE, the parent must receive written documentation from the CEO or designee with a Permission to Re-evaluate which should state what the Charter School is proposing by way of testing to serve as prior written notice to Parent of the Charter School's intent, and also a Procedural Safeguards Notice. If the situation is one where, in addition to the request for an IEE, Parent has already disagreed with a NOREP as to all or part of the proposed programming by the Charter School, then another NOREP should also be issued to establish that Student's IEP programming will continue, in accordance with the prior IEP, if Parent has not filed for due process or with the currently recommended NOREP, if Parent has disagreed but not filed for due process. The written documentation must also include the following

(1) Charter School will pay for an IEE provided the IEE meets all of the requirements of an appropriate evaluation as defined in the enclosed Charter School IEE policy. (The IEE policy will also be included with the written documentation).

(2) The CEO/CAO/Principal shall provide a list of qualified independent evaluators to the parent in the discipline requested.

(3) Charter School will not pay for the IEE until the CEO/CAO/Principal receives from the evaluator a complete copy of a report of that evaluation and determines that the evaluation meets all of the requirements of Charter School's policy.

(4) A request that the parents consider accessing reimbursement for all or part of the evaluation from public or private sources of insurance or reimbursement, together with a clear

assurance that the parent is not required to do so and that Charter School would pay any cost not covered by such sources;

(5) DA request that Parents sign a Release of Records to allow the Charter School to send student records to the Independent Evaluator and for the Independent Evaluator to be allowed to release all information obtained from Parents during course of independent evaluation to the Charter School.

(6) . The criteria used by the Charter School for their own evaluations, which are applied to independent evaluators, as set forth in the IEE Board Policy, include:

- Production of required current state and federal child abuse and criminal clearances;
- Confirmation and production, of required licensure/certification to perform the independent evaluation;
- Agreement to comply with FERPA given review and use of Student's Personally Protected Information in evaluation process;
- Production of professional liability and workers compensation insurance as evaluator is an independent evaluator and not an employee of the Charter School;
- Email of the IEE report to Parent(s) and Charter School simultaneously;
- Compliance with federal, state and local health directives given the continuing COVID pandemic.

(7) The IEE shall be reviewed by the student's Multi-Disciplinary IEP Team and considered with respect to the provision of FAPE to the student. Where necessary and/or warranted as required by law, a Team Meeting shall be convened to discuss the results of the IEE and/or any Reevaluation Report performed by Multi-Disciplinary IEP School Team after review of the IEE report. A Meeting may also include discussion and offering of changes in the provision of FAPE proposed as a result of the IEE and/or the Reevaluation Report.

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## Pennwood Cyber Charter School

### Board of Trustees Policy

#### Individualized Education Program Policy (IEP)

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

(1) A description of the type or types of support as defined in this paragraph that the student will receive, the determination of which may not be based on the categories of the child’s disability alone. Students may receive more than one type of support as appropriate and as outlined in the IEP and in accordance with this chapter. Special education supports and services may be delivered in the regular classroom setting and other settings as determined by the IEP team. In determining the educational placement, the IEP team must first consider the regular classroom with the provision of supplementary aids and services before considering the provision of services in other settings.

(i) Autistic support. Services for students with the disability of autism who require services to address needs primarily in the areas of communication, social skills or behaviors consistent with those of autism spectrum disorders. The IEP for these students must address needs as identified by the team which may include, as appropriate, the verbal and nonverbal communication needs of the child; social interaction skills and proficiencies; the child’s response to sensory experiences and changes in the environment, daily routine and schedules; and, the need for positive behavior supports or behavioral interventions.

(ii) Blind-visually impaired support. Services for students with the disability of visual impairment including blindness, who require services to address needs primarily in the areas of accessing print and other visually-presented materials, orientation and mobility, accessing public and private accommodations, or use of assistive technologies designed for individuals with visual impairments or blindness. For students who are blind or visually impaired, the IEP must include a description of the instruction in Braille and the use of Braille unless the IEP team determines, after the evaluation of the child’s reading and writing needs, and appropriate reading and writing media, the extent to which Braille will be taught and used for the student’s learning materials.

(iii) Deaf and hard of hearing support. Services for students with the disability of deafness or hearing impairment, who require services to address needs primarily in the area of reading, communication, accessing public and private accommodations or use of assistive technologies designed for individuals with deafness or hearing impairment. For these students, the IEP must include a communication plan to address the language and communication needs, opportunities for direct communications with peers and professional personnel in the child’s language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child’s language and communication mode; and assistive technology devices and services.

(iv) Emotional support. Services for students with a disability who require services primarily in the areas of social or emotional skills development or functional behavior.

(v) Learning support. Services for students with a disability who require services primarily in the areas of reading, writing, mathematics, or speaking or listening skills related to academic performance.

(vi) Life skills support. Services for students with a disability who require services primarily in the areas of academic, functional or vocational skills necessary for independent living.

(vii) Multiple disabilities support. Services for students with more than one disability the result of which is severe impairment requiring services primarily in the areas of academic, functional or vocational skills necessary for independent living.

(viii) Physical support. Services for students with a physical disability who require services primarily in the areas of functional motor skill development, including adaptive physical education or use of assistive technologies designed to provide or facilitate the development of functional motor capacity or skills.

(ix) Speech and language support. Services for students with speech and language impairments who require services primarily in the areas of communication or use of assistive technologies designed to provide or facilitate the development of communication capacity or skills.

(2) Supplementary aids and services

(3) A description of the type or types of personnel support.

(4) The location where the student attends school and whether this is the school the student would attend if the student did not have an IEP.

(5) For students who are 14 years of age or older, a transition plan that includes appropriate measurable postsecondary goals related to training, education, employment and, when appropriate, independent living skills.

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

(7) Every student receiving special education and related services provided for in an IEP shall receive the special education and related services under that IEP, subject to the terms, limitations and conditions set forth in law.

(b) In addition to the requirements incorporated by reference with regard to development, review, and revision of IEP, the Charter School shall designate persons responsible to coordinate transition activities.

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

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## **Pennwood Cyber Charter School**

### **Board of Trustees Policy**

#### **Inclusion Policy**

In accordance with applicable state and federal regulations regarding students with disabilities, the Board of Trustees of the Pennwood Cyber Charter School ("Charter School") recognizes and directs as follows:

To the maximum extent appropriate, children with disabilities, are educated with children who are nondisabled; and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

A continuum of alternative placements must be available to meet the needs of children with disabilities for special education and related services. The continuum must include alternative placements (including, but not limited to: instruction in, regular classes, supplementary aids and services, instruction in special classes, instruction in alternative schools, home instruction, and instruction in hospitals and institutions to the extent required by applicable laws and regulations).

Administration is further directed to make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement to the extent required by law and to inform the Board when supplementary aids and services must be procured and/or approved by the Board.

In determining the educational placement of a child with a disability, Administration is directed to ensure that the placement decision is made by a group of persons, including the parents, and other persons knowledgeable about: the child, the meaning of the evaluation data, and the placement options. Such decision must be made in conformity with the LRE provisions of the federal regulations.

The child's placement must be determined at least annually; be based on the child's IEP; and must be as close as possible to the child's home to the extent required by applicable law. Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled.

In selecting the LRE, Administration is directed to give consideration to any potential harmful effect on the child or on the quality of services that he or she needs.

A child with a disability is not to be removed from education in age appropriate regular classrooms solely because of needed modifications in the general education curriculum.

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in the applicable state and federal regulations, Administration is directed to ensure that each child with a disability participates with nondisabled children in the extracurricular services and

activities to the maximum extent appropriate to the needs of that child.

Administration is directed to ensure that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.

Administration shall ensure that the IEP team making educational placement decisions understands and adheres to the following guiding principles from the Pennsylvania Department of Education to the extent that they are consistent with applicable federal and state regulations:

1. A Free and Appropriate Public Education (FAPE) must be provided to every student with an IEP; moreover, FAPE must be delivered in the LRE as per the IEP team.
2. Students will not be removed from regular education classrooms merely because of the severity of their disabilities;
3. When students with disabilities, including students with significant cognitive disabilities, need specially designed instruction or other supplementary aids and services to benefit from participating in regular education classrooms, as required in their IEP, the team is obliged to ensure that those services are  
Provided to the extent required by applicable state and federal regulations and laws;
4. IEP teams must determine whether the goals in the student's IEP can be implemented in regular education classrooms with supplementary aids and services before considering removal from the regular education classroom;
5. The team will consider the full range of supplementary aids and services in regular education classrooms, based on peer-reviewed research to the extent practicable, including modification of curriculum content, before contemplating placement in a more restrictive setting.

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

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

Per the Pennsylvania Department of Education, the presumption is that IEP teams begin placement discussions with a consideration of the regular education classroom and the supplementary aids and services that are needed to enable a student with a disability to benefit from educational services. Benefit from educational services is measured by progress toward the goals and objectives of the student's IEP, not by mastery of the general education curriculum, and is not limited to academic progress alone; therefore, Administration is directed

to ensure that special education placement in a more restrictive environment is not justified solely on the basis that the child might make greater academic progress outside the regular education environment.

The law and the Pennsylvania Department of Education policy favor education with non-disabled peers; however, inclusion or education with non-disabled peers is not a foregone conclusion; such a decision remains exclusively with the IEP team as they consider FAPE. An IEP team may choose a more specialized setting if:

1. The student will receive greater benefit from education in a specialized setting than in a regular class.
2. He or she is so disruptive as to significantly impair the education of other students in the class; or
3. The cost of implementing a given student's IEP in the regular classroom will significantly affect other children in the LEA.

If, after considering these factors, an IEP team determines that the student needs to be educated in a more specialized setting, the school is required to include the child in school programs with non-disabled children to the maximum extent appropriate. These may include but are not limited to extracurricular activities, assembly programs, recess, lunch, homeroom, etc. Note that a student is not required to "try out" each level of LRE and "fail" before the student moves to a more specialized setting.

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

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

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

- . Be familiar with a wide array of supplementary aids and services.
- . Know the proper IEP decision making sequence.
- . Consider the whole range of supplementary aids and services when



- making placement decisions.
- . Understand that modifications to the regular curriculum may be an appropriate means of delivering educational benefit within the regular classroom.
  - . Address services needed for a student in a single plan.
  - . Be clear about the supports you need in order to implement any given student's IEP within your regular classroom.
  - . Be familiar with the continuum of placement options.

Additionally, pursuant to 22 Pa. Code §4.51, relating to the State Assessment System:

"Children with disabilities and children with limited English proficiency shall be included in the State assessment system as required by Federal law, with appropriate accommodations when necessary. As appropriate, the Commonwealth will develop guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in the PSSA or Keystone Exams as determined by each child's individualized education program team under the Individuals with Disabilities Education Act and this part."

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## **Pennwood Cyber Charter School**

### **Board of Trustees Policy**

#### **INSTRUCTION IN THE HOME POLICY**

The Board of Trustees directs the CEO or their designee of Pennwood Cyber Charter School ("Charter School") to implement procedures needed to comply with applicable state and federal requirements, including the following guidelines in the Pennsylvania Department of Education ("PDE") Basic Education Circular:

##### **INSTRUCTION CONDUCTED IN THE HOME**

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

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

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

For students placed on Instruction Conducted in the Home, IEP Teams may consider technological options such as web conferencing, distance learning, video conferencing, and virtual classrooms to connect students to the classroom and schools, when appropriate, to provide access to teachers, peers, and to provide additional participation and learning opportunities.

In all circumstances involving the placement of a student on instruction conducted in the home, the Charter School must file any report or other documentation promulgated by the PDE within 5 days of the placement or as required by PDE. Charter School must supply the PDE with information about the student that is required (his or her disability, and the anticipated length and reason for the placement). In addition, Charter School must provide information regarding the person in Charter School whom PDE can contact to discuss the placement if necessary. The web-based reporting system, Special Education Students at Home Reporting System (email at SES@Home) must be used for such reporting. (Charter Schools should use their Administrative Unit Number (AUN) as the user name to log into the reporting system. The password is identical to the one used to log into the Cyclical Compliance Monitoring System. For assistance identifying a user name and password, the school districts and charter schools may contact the Bureau of Special Education by phone at 717-783-6134.)

Instruction conducted in the home is not an appropriate option if the IEP team is experiencing difficulty in arranging the program or placement that a student requires. In such cases, the Charter School should continue to serve the student in accordance with his or her IEP while taking steps to promptly arrange for the services that the student requires. These steps may include seeking assistance from the PDE or from other agencies involved with the student. (See Intensive Interagency Support Policy for guidance, in circumstances involving the identification of children who are experiencing placement delays or who are at-risk for placement delays.)

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

the parents and school agree to instruction conducted in the home as a short-term option. In these cases, the school must immediately file a report with the PDE utilizing the form required by PDE. As indicated on the form, the Charter School is also responsible for informing the PDE when the short-term placement has concluded. (The Charter School must report not less than weekly to PDE utilizing the web-based reporting system. As indicated on the SES@Home website, the charter school is also responsible for informing PDE when the short-term placement has concluded.)

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

Even though homebound instruction is not a special education placement option for students with disabilities, there are occasions when a student with a disability may receive homebound instruction due to a temporary excusal from compulsory attendance in the same manner as the student's non-disabled peers. The Charter School must also report to PDE for students with disabilities for whom homebound instruction is approved and must also file a follow up report when the temporary placement has concluded and the student has returned to school. In addition, the Charter School must document the physician's recommendation for homebound instruction.

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

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## **Pennwood Cyber Charter School**

### **Board of Trustees Policy**

#### **Intensive Interagency Policy**

The Board of Trustees of the Charter School ("Charter School") recognizes the duty of the CEO or designee to identify, issue reports as to and provide a free and appropriate public education ("FAPE") for all students with disabilities including those students needing intensive interagency approaches. FAPE must also be available to all children, including children with disabilities who have been suspended or expelled from the Charter School.

Intensive interagency coordination to students with disabilities occurs when the Charter School has determined that the student cannot be appropriately educated in a public educational setting and have waited more than 30 days for the provision of an appropriate educational placement. This system is also aimed at providing assistance to students who are at substantial risk of waiting more than 30 days for an appropriate educational placement.

The system of intensive interagency coordination is not intended to replace the local interagency process. In the vast majority of situations requiring interagency efforts, local IEP and Interagency teams do not require additional assistance to assure the provision of appropriate educational programs and placements for the students they serve. Intensive interagency coordination is designed for the rare situations when the local teams are not able to arrange for the placements of students in the public educational setting and the students have waited or are at risk of waiting more than 30 days for an appropriate educational placement.

Local educational agencies, such as Charter Schools, have a crucial role in identifying which students require intensive interagency coordination, since these are students whom the Charter School has determined cannot currently be served in the public educational setting.

The Charter School shall ensure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and that special classes, separate schooling or other removal of children with disabilities from the regular education environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

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If there is a dispute about the appropriateness of the student's program or placement, this dispute must be resolved through mediation and/or due process hearing procedures. Program and/or placement disputes cannot be resolved through intensive interagency coordination.

The Charter School must identify any students currently on instruction conducted in the home or students with disabilities on homebound instruction and comply with PA Department of Education reporting requirements so that the Department can determine whether these students require intensive interagency coordination..

Charter School must identify any students currently on instruction conducted in the home or students with disabilities on homebound instruction and comply with PA Department of education reporting requirement so that the Department can determine whether these students require intensive interagency coordination.

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

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

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

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

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## **Pennwood Cyber Charter School**

### **Board of Trustees Policy**

#### **Least Restrictive Environment**

The Board of Trustees of the Pennwood Cyber Charter School ("Charter School") directs the Chief Executive Officer ("CEO")/Principal or their designee to ensure that, in accordance with applicable state and federal laws and regulations, to the maximum extent appropriate, children with disabilities are educated with children who are nondisabled and that special classes, separate schooling, or other removal of children with disabilities from the regular education environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Least Restrictive Environment ("LRE") means that, to the maximum extent appropriate, a Charter School must educate students with disabilities in the regular classroom with appropriate aids and supports, referred to as "supplementary aids and services," along with their nondisabled peers in the school they would attend if not disabled, unless a student's IEP requires some other arrangement. This requires an individualized inquiry into the unique educational needs of each disabled student in determining the possible range of aids and supports that are needed to facilitate the student's placement in the regular educational environment before a more restrictive placement is considered.

The CEO/Principal or their designee is directed to ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. The continuum of alternative placements may include but is not limited to: instruction in regular classes with or without supplementary aids and services, special classes, special schools, approved private schools, home instruction and instruction in hospitals and institutions to the extent the IEP team determines such placements are appropriate.

These options must be available to the extent necessary to implement the IEP of each disabled student. The placement team must select the option on the continuum in which it determines that the student's IEP can be implemented. Any alternative placement selected for the student outside of the regular educational environment must maximize opportunities for the student to interact with nondisabled peers, to the extent appropriate to the needs of the student. Pursuant to IDEA, parents must be given written prior notice by the Charter School that meets the requirements of the IDEA federal regulations at 34 C.F.R. §300.505, as to a reasonable time before a public agency implements a proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. Consistent with this notice requirement, parents of disabled students must be informed that the public agency is required to have a full continuum of placement options, as well as about the placement options that were actually considered and the reasons why those options were rejected. 34 CFR §§300.504-300.505.

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

The CEO/Principal or their designee is directed to make opportunities available for students to interact with nondisabled peers when they need to be removed for any amount of time from the regular education environment.

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

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## **Pennwood Cyber Charter School**

### **Board of Trustees Policy**

#### **Nonacademic Services and Settings Policy**

In accordance with applicable state and federal regulations regarding students with disabilities, the Board of Trustees of Pennwood Cyber Charter School ("Charter School") recognizes and directs as follows:

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

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## **Pennwood Cyber Charter School**

### **Board of Trustees Policy**

#### **Physical Education Policy**

Physical education services, specially designed if necessary, must be made available to every child with a disability receiving FAPE, unless the charter school enrolls children without disabilities and does not provide physical education to children without disabilities in the same grades to the extent allowed by applicable laws and regulations.

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

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

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

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## Pennwood Cyber Charter School

### Board of Trustees Policy

#### Positive Behavioral Support Policy and Procedures

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

#### DEFINITIONS:

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

**Crisis Plan** - A crisis plan is an action plan that is needed for times when a student may be at risk of harm to self or others and is part of a student's Positive Behavioral Support Plan in the IEP. It should be developed by individuals knowledgeable about the child and include someone trained in mental health crisis response. A crisis plan defines what a specific student's crisis looks like in the charter school setting and includes steps the charter school will take to support the student. These steps will include who to contact for assistance, how to work together with the student during the crisis, and how to know when the crisis is over. A crisis plan also identifies when parents should be notified

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

#### *Restraints* –

(i) The application of physical force, with or without the use of a device, for the purpose of restraining the free movement of a student's body. The term does not include briefly holding, without force, a student to calm or comfort him, guiding a student to an appropriate activity, or holding a student's hand to safely escort him from one area to another.

(ii) Excluded from this definition are hand-over-hand assistance with feeding or task completion and techniques prescribed by a qualified medical professional for reasons of safety or for therapeutic or medical treatment, as agreed to by the student's parents and specified in the IEP. Devices used for physical or occupational therapy, seatbelts in wheel chairs or on toilets used for balance and safety, safety harnesses in buses, and functional positioning devices are examples of mechanical restraints which are excluded from this definition.

*Seclusion* - refers to the involuntary confinement of a child alone in a room or isolated area from which the child is prevented from leaving. Seclusion may include having a door locked or physically blocked or held shut with the child being alone, or having a child placed away from peers and caregivers for a

period of time with no access to social interaction; the child also may have limited contact with a caregiver. Seclusion can be confused with “time out” which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, with removal or limiting of the amount of reinforcement or attention that is available to a child for a brief period of time and is implemented for the purpose of calming. Time out does not require or imply seclusion.

The U.S. Department of Education states that every instance in which restraint or seclusion is used should be carefully and continuously and visually monitored to ensure the appropriateness of its use and safety of the child, other children, teachers, and other personnel. Only school personnel who have received the required training on the use of restraint and seclusion should be engaged in observing and monitoring these children. Monitoring should include a procedural checklist and recordkeeping procedures. School staff engaged in monitoring should be knowledgeable regarding (1) restraint and seclusion procedures and effective alternatives; (2) emergency and crisis procedures; (3) strategies to guide and prompt staff members engaged in restraint or seclusion procedures; and (4) procedures and processes for working as a team to implement, monitor, and debrief uses of restraint or seclusion. Monitoring staff should receive training to ensure that the use of physical restraint or seclusion does not harm the child or others, and that procedures are implemented as planned.

Trained school staff should also inspect and prepare the seclusion area before a child is placed in seclusion. For example, the area should be free of any objects a child could use to injure him- or herself or others. School staff should either be inside the area or outside by a window or another adjacent location where staff can continuously observe the child and confirm that the child is not engaging in self-injurious behavior

#### **POSITIVE BEHAVIOR SUPPORT:**

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

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

#### **RESEARCH-BASED PRACTICES:**

Behavior support programs are informed by the results of the Functional Behavior Assessment and the strategies must be guided by the function of the interfering behavior. Behavior support plans must include behavioral goals, research-based practices and techniques to be used to decrease interfering behaviors and increase appropriate student engagement in the educational environment.

Antecedent Based Interventions – refers to the use of environmental modifications implemented to elicit appropriate behavior, and to minimize the likelihood of interfering behaviors to occur. Commonly used strategies include the presentation of a high interest activity, offering choices, providing a quiet location to work, utilizing a visual schedule, and use of transition warnings before the termination of an activity.

Reinforcement – refers to the relationship between behavior and the consequence following the interfering behavior. If the consequence increases the likelihood of the behavior to occur again in the future, it is considered to be positively reinforcing. Behavior support

plans must include information specific to reinforcement as it pertains to the interfering behavior and its function.

Consequence Interventions – refers to the actions that are taken following the occurrence of an interfering behavior. These de-escalation strategies may include implementing strategies in a crisis plan or withholding positive reinforcement for interfering behavior.

### **FUNCTIONAL BEHAVIOR ASSESSMENT:**

Behavior support programs and plans shall be based on a functional assessment of behavior (“FBA”) and utilize positive behavior techniques. When an intervention is needed to address problem behavior, the types of intervention chosen for a particular student must be the least intrusive necessary.

The IDEA does not provide specific guidelines and recommendations concerning how to conduct an FBA. However, the Charter School follows, among other things, guidelines from PaTTAN regarding the FBA process which “is frequently used to determine the nature and extent of the special education and related services that the child needs, including the need for a positive behavior support plan. As with other individualized evaluation procedures, and consistent with 34 CFR §300.300 (a) and (c), parental consent is required for an FBA to be conducted as part of the initial evaluation or a reevaluation.”

### **RESTRAINTS:**

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

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

In the event that the need to use restraint cannot be reasonably anticipated for a particular student, or the parents/guardians refuse to provide consent therefore, appropriately trained staff may use such restraint when the student is acting in a manner that constitutes a clear and present danger to him/herself, to other students, or to employees.

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

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

Restraints or use of seclusion that result in injury to the student must be reported to the parent/guardian per 22 PA Code §10.25:

(a) A school entity shall immediately notify, as soon as practicable, the parent or guardian of a victim or suspect directly involved in an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act (24 P.S. § 13-1303-A(b)(4.1) and (4.2)). In making the notification, the school entity shall inform the parent or guardian as to whether the local police department having jurisdiction over property of the school entity has been, or may be, notified of the incident.

(b) A school entity shall document attempts made to reach the parent or guardian of a victim or suspect directly involved in an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act.

Administration is directed to write internal procedures that detail who is responsible for reporting restraints and use of seclusion, who is responsible for notifying key administrators regarding the use of a restraint or seclusion, and who is responsible for entering restraints or seclusion in any PDE system to reporting on the use of restraints and seclusion. Administration is further directed to comply with PDE guidelines regarding the reporting of the use of restraints and seclusion. Staff trained and/or certified in a program of positive behavioral supports and de-escalation techniques, and safe physical management techniques will be designated as the individuals to intervene in crisis management situations that might require restraint or seclusion of a student. Physical interventions or secluding a student should only be undertaken by staff persons who have successfully completed a comprehensive crisis management course that covers: crisis definition and theory; the use of de-escalation techniques; crisis communication; anger management; passive physical intervention techniques; the legal, ethical, and policy aspects of physical intervention use; decision making related to physical interventions and debriefing strategies.

#### **INCLUSION OF USE OF RESTRAINTS IN A STUDENT'S IEP:**

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

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

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

#### **PROHIBITION AGAINST PRONE RESTRAINTS:**

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

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

The Charter School shall maintain and report data on the use of restraints as prescribed by the Secretary of the Department of Education. The report is subject to review during cyclical compliance monitoring conducted by the Department. A physical restraint as defined above must be reported regardless of the length of time used, the role of the adult performing the restraint, or the employer of that adult. The LEA must report the use of restraints within 30 days to PDE's Bureau of Special Education through the Restraint Information System of

Collection (RISC), a secure website. PDE recommends that all LEAs designate a person who will be responsible for reporting restraints to the RISC website in a timely manner. If the restraint results in serious injury to a student, staff person or both, a report shall be made via email to the RISC coordinator within 48 hours.

Additionally, a restraint or use of seclusion that results in any injury to a student, staff person or both shall be reported to the CEO who shall comply with any requirement to report the injury as a Mandated Reporter, and in accordance with the School's MOU with law enforcement, as well as PDE's Educator Misconduct Act and any other applicable state and federal reporting requirements.

### **MECHANICAL RESTRAINTS:**

Mechanical restraints, which are used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions, may be employed. The use of mechanical restraints must be recommended by a qualified medical professional, agreed to by the parent(s), and specified in the IEP. This type of restraint must be applied as recommended by qualified medical personnel. Mechanical restraints must prevent a student from injuring himself or others or promote normative body positioning and physical functioning. Charter School staff must be trained in use of mechanical restraints.

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

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

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

### **TRAINING OF PERSONNEL**

The Board of Trustees hereby directs that school personnel be trained each school year on the general use of positive behavior support, de-escalation techniques, and emergency responses.

In addition to general positive behavior support training, when students are identified as in need of these supports, individual teachers and teacher groups are notified and trained accordingly so that they can act in accordance with the student's specific Positive Behavior Support Plan and de-escalation techniques, and respond appropriately in emergencies.

Per guidance from the Pennsylvania Department of Education, the core training components, the positive support plan and de-escalation (restraint reduction) staff trainings

should include:

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

## **REPORTING**

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

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

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

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

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

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

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

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

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

### **REFERRALS TO LAW ENFORCEMENT**

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

For a student with a disability who does not have a positive behavior support plan, subsequent to notification to law enforcement, the Charter School shall convene the student's IEP Team to consider whether a behavior support plan should be developed to address the student's behavior, in accordance with law, regulations and Board policy

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**



## **Pennwood Cyber Charter School**

### **Board of Trustees Policy**

#### **Program Options Policy**

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

It is the Charter School’s policy that children with disabilities have available to them the variety of educational programs and services available to nondisabled children.

The Chief Executive Officer/Principal or their designee is directed to implement all procedures in accordance with this policy.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL’S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**

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## **Pennwood Cyber Charter School**

### **Board of Trustees Policy**

#### **Psychological Services**

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

Psychological services may include:

- (1) Administering psychological and educational testing, and other assessment procedures;
- (2) Interpreting assessment results;
- (3) Consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct observation, and behavioral evaluations;
- (4) Planning and managing a program of psychological services;
- (5) Obtaining, integrating and interpreting information about child behavior and conditions related to learning; and
- (6) Assisting in developing positive behavioral intervention strategies.

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

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

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

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

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL’S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**

# Pennwood Cyber Charter School

## Board of Trustees Policy

### RELATED SERVICES

The Board of Trustees of Pennwood Cyber Charter School ("Charter School") recognizes that charter schools must comply with Chapter 711 of Title 22 of the Pennsylvania Code regarding the provision of related services which incorporate the federal regulations at 34 C.F.R. §300.1 et. seq., which implement the Individuals with Disabilities Education Improvement Act 2004, ("IDEA").

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

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

- (1) speech-language pathology and audiology services,
- (2) interpreting services,
- (3) psychological services,
- (4) physical and occupational therapy,
- (5) recreation, including therapeutic recreation,
- (6) early identification and assessment of disabilities in children,
- (7) counseling services, including rehabilitation counseling,
- (8) orientation and mobility services, and
- (9) medical services for diagnostic or evaluation purposes.

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

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

(i) Limits the right of a child with a surgically implanted device (e.g., cochlear implant) to receive related services that are determined by the IEP Team to be necessary for the child to receive FAPE.

(ii) Limits the responsibility to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school; or

(iii) Prevents the routine checking of an external component of a surgically implanted device to make sure it is functioning properly, as required in Sec. 300.113(b) of Title 34 CFR.

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

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

- (1) Audiology includes:
  - (i) Identification of children with hearing loss;
  - (ii) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;
  - (iii) Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;
  - (iv) Creation and administration of programs for prevention of hearing loss;
  - (v) Counseling and guidance of children, parents, and teachers regarding hearing loss; and
  - (vi) Determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.
- (2) Counseling services mean services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.
- (3) Early identification and assessment of disabilities in children means the implementation of a formal plan for identifying a disability as early as possible in a child's life.
- (4) Interpreting services include –
  - (i) The following, when used with respect to children who are deaf or hard of hearing: Oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print, and TypeWell; and
  - (ii) Special interpreting services for children who are deaf-blind.
- (5) Medical services means services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.

- (6) Occupational therapy –
- (i) Means services provided by a qualified occupational therapist; and
  - (ii) Includes –
    - (A) Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation;
    - (B) Improving ability to perform tasks for independent functioning if functions are impaired or lost; and
    - (C) Preventing, through early intervention, initial or further impairment or loss of function.
- (7) Orientation and mobility services –
- (i) Means services provided to blind or visually impaired children by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and
  - (ii) Includes teaching children the following, as appropriate:
    - (A) Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street);
    - (B) To use the long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for children with no available travel vision;
    - (C) To understand and use remaining vision and distance low vision aids; and
    - (D) Other concepts, techniques, and tools.
- (8)
- (i) Parent counseling and training means assisting parents in understanding the special needs of their child;
  - (ii) Providing parents with information about child development; and
  - (iii) Helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.
- (9) Physical therapy means services provided by a qualified physical therapist.
- (10) Psychological services include –

- (i) Administering psychological and educational tests, and other assessment procedures;
  - (ii) Interpreting assessment results;
  - (iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;
  - (iv) Consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct observation, and behavioral evaluations;
  - (v) Planning and managing a program of psychological services, including psychological counseling for children and parents; and
  - (vi) Assisting in developing positive behavioral intervention strategies.
- (11) Recreation includes—
- (i) Assessment of leisure function;
  - (ii) Therapeutic recreation services;
  - (iii) Recreation programs in schools and community agencies; and
  - (iv) Leisure education.
- (12) Rehabilitation counseling services mean services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with a disability by vocational rehabilitation programs funded under the Rehabilitation Act.
- (13) School health services and school nurse services mean health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person.
- (14) Social work services in schools include—
- (i) Preparing a social or developmental history on a child with a disability;
  - (ii) Group and individual counseling with the child and family;
  - (iii) Working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;

(iv) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and

(v) Assisting in developing positive behavioral intervention strategies.

(15) Speech-language pathology services include—

(i) Identification of children with speech or language impairments;

(ii) Diagnosis and appraisal of specific speech or language impairments;

(iii) Referral for medical or other professional attention necessary for the habilitation of speech or language impairments;

(iv) Provision of speech and language services for the habilitation or prevention of communicative impairments; and

(v) Counseling and guidance of parents, children, and teachers regarding speech and language impairments.

(16) Transportation includes—

(i) Travel to and from school and between schools;

(ii) Travel in and around school buildings; and

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

Related services are provided to students during normal school hours during the Charter School's regular school year as dictated by the student's IEP or during times and hours as otherwise agreed upon by the student's IEP team and written in the IEP. Related services are provided during the extended school year to the extent extended school year services are applicable for a particular student pursuant to state regulations and the student's IEP. The Charter School may provide related services in the home for students who require related services in the home as part of their IEP. When related services are not provided in the Charter School setting, the Charter School arranges transportation to and from the location of related services in accordance with applicable state and federal regulations.

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## **Pennwood Cyber Charter School**

### **Board of Trustees Policy**

#### **Section 504 Policy**

The Board of Trustees recognizes that all qualified persons with disabilities in the Pennwood Cyber Charter School ("Charter School") are entitled to a free and appropriate public education under Section 504 of the Rehabilitation Act of 1973 ("Section 504"). Section 504 is a civil rights statute that prohibits discrimination against individuals with disabilities. Section 504 is applicable to charter schools that receive Federal financial assistance from the U.S. Department of Education for programs and activities

The Charter School is under an affirmative duty to locate all students who are eligible for Section 504 accommodations pursuant to its Child Find duties. (34 C.F.R. §104.32(a)).

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

A "physical or mental impairment" may include:

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

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

"Major life activity" may include: functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. According to the OCR, this list is also not exhaustive.

A student is not "regarded as" an individual with a disability if the impairment is transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less. However, an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. A student with such an impairment is entitled to a free appropriate public education under Section 504.

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

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



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

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

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

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

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

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

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

Section 504 requires the use of evaluation and placement procedures.

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

The CEO/CAO/Principal or their designee must establish standards and procedures for initial

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

The CEO/CAO/Principal or their designee is directed to draw upon a variety of sources in the evaluation and placement process so that the possibility of error is minimized. All significant factors related to the learning process must be considered. These sources and factors include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior.

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

Periodic reevaluation is required.

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

If parents or guardians disagree with the school's decisions, they must be afforded an impartial hearing. A review procedure also must be available to parents or guardians who disagree with the hearing decision. . Section 504 neither prohibits nor requires the Charter School to initiate a due process hearing to override a parental refusal to consent with respect to the initial provision of special education and related services. Nonetheless, the Charter School should consider that IDEA no longer permits schools to initiate a due process hearing to override a parental refusal to consent to the initial provision of services.

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

## PROCEDURES

Students who are in need or are believed to be in need of services under Section 504 may be referred for evaluation by a parent/guardian, teacher, or other certified school employee. Requests should be directed to Charter School's CEO at: 221 W. Philadelphia St, York, PA 17404.

Charter School will consider the referral, and based upon a review of the student's records,

including academic, social, testing, and behavioral records, determine whether an evaluation is appropriate. Any student, who, because of a disability, needs or is believed to need special services, will be referred for evaluation. If a request for evaluation is denied, Charter School will inform the parents or guardian of this decision and of their procedural rights. . Section 504 requires informed parental permission for initial evaluations. If a parent refuses consent for an initial evaluation and the Charter School suspects a student has a disability, the IDEA and Section 504 provide that the Charter School may use due process hearing procedures to seek to override the parents' denial of consent.

## EVALUATION

The purpose of a student evaluation shall be to determine eligibility for accommodations as a disabled person under Section 504. School districts may use the same process to evaluate the needs of students under Section 504 as they use to evaluate the needs of students under IDEA.

The Charter School's multi-disciplinary committee should include persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. The committee members must determine if they have enough information to make a knowledgeable decision as to whether or not the student has a disability. Charter School's Section 504 evaluation procedures must ensure that:

Evaluation materials have been validated for the specific purpose for which they are used and are interpreted and/or administered by trained personnel in conformance with the instructions provided by their producer.

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

The information obtained from all such sources must be documented and all significant factors related to the student's learning process must be considered. These sources and factors may include student records, aptitude and achievement tests, teacher recommendations/input, nurse and/or counselor input, physical condition, social and cultural background, and adaptive behavior. In evaluating a student suspected of having a disability, it is unacceptable to rely on presumptions and stereotypes regarding persons with disabilities or classes of such persons.

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

1. Determine if there are reasonable accommodations that can enable the student to participate in learning in the school environment.
2. Do not provide different or separate aid unless it is necessary to make benefits or services as effective as those being provided to all other students in the class.
3. Do not require the identical result or level of achievement as other students; rather, provide equal opportunity.
4. If the education of a person, in a regular environment with the use of reasonable supplementary aids, cannot be achieved satisfactorily, then the implementation of an IEP may be considered.
5. Other students' educational rights may not be significantly impaired by the accommodations.

6. The accommodations must be reasonable, must not fundamentally alter the school program, or present undue burden to the school.
7. The accommodations being considered are for the child's current placement only.

No final determination of whether the student is a disabled individual within the meaning of Section 504 will be made without informing the parent or guardian of the student concerning the determination. With regard to a student who is determined to be disabled under Section 504 of the Rehabilitation Act of 1973, but who is not determined to be disabled under IDEA, Charter School shall periodically conduct a reevaluation of the student as required by law. The CEO/CAO/Principal or their designee is directed to develop procedures necessary to implement this policy in a school setting.

- The Charter School must provide each identified protected handicapped student enrolled in the Charter School, those related aids, services, or accommodations needed to afford the student the equal opportunity he/she requires to participate in and obtain the benefits of the school program and extracurricular activities without discrimination. This is accomplished without cost to the student or their family, through the creation of a Chapter 15 Service Agreement. It is advisable to discuss with Parent/Guardian, during the meeting to determine Section 504 eligibility, what will be in the Service Agreement and when and where the services, aids and/or accommodations are provided.
  - Whether done at a meeting or not, it is advisable to have Parent/Guardian sign a written Service Agreement before implementing it; and, the Agreement must contain:
    - o Brief description of disability and resulting needs of Student;
    - o Specific related aids, services curriculum modifications or accommodations that are being proposed;
    - o Date services to begin and end or specific commitment to continue services for an indefinite period;
    - o If appropriate, procedures to follow in a medical emergency;
  - It is advisable that the 504 Team, including Parent/Guardian, meet periodically, and no less than an annual basis, to review Student progress or to meet within the School year if Student not demonstrating progress per teacher observation/assessments;

Note: With regard to a student who is determined to be disabled under Section 504 of the Rehabilitation Act of 1973, but who is not determined to be disabled under IDEA, the Charter School shall periodically conduct a reevaluation of the student as required by law.

The CEO and/or Section 504 Coordinator is directed to develop procedures necessary to implement this policy in a school setting.

## DISCIPLINE

As part of the protections of not being subjected to discrimination or denied benefits of Charter School programs, the Student is afforded protections applicable to eligible special education students pertaining to exclusionary discipline. Such protections include holding a Manifestation Determination to decide if the misconduct is related to the disability, and Informal and Formal Hearings, with the latter having all due process protections pursuant to 22 Pa. Code §12.6.

### FOR Students Eligible Under Section 504 WHEN NO SERVICE AGREEMENT IS Necessary

Such students may not require a 504 Service Agreement because:

- No accommodations needed in classroom or by School Nurse; or

- As result of mitigation measures, do not require accommodations with such measures including, but not limited to:
  - o Medication, medical equipment, hearing aids, low vision devices but NOT eyeglasses or contacts, Assistive Technology, auxiliary aids or services (interpreters, taped texts, and other means of delivery of aural or visual material) or learned behavioral or adaptive neurological modifications.

#### Grievance Procedure

If a Parent/Guardian believes that the school or any of its staff or schools have inadequately applied the regulations of Section 504, he/she may initiate a grievance with the school's CEO, Section 504 Coordinator or person designated per School Complaint Policy or in Parent/Student Handbook. The grievance procedures must explicitly state and make clear to the individual(s) involved that a complaint can be made to the regional office of U. S. Department of Education's Office for Civil Rights ("OCR") without going through the school's grievance procedures. However, the 504 Coordinator should attempt to resolve the matter initially through the Charter School in accordance with the Charter School's Parent/Student Complaint process and it is advisable for Charter School to convene a conference with Parent/Guardian within ten (10) days of receipt of complaint

**PORTIONS OF THIS POLICY HAVE BEEN EXCERPTED FROM OCR'S WEB GUIDANCE ON SECTION 504 STUDENTS. TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**

# **Pennwood Cyber Charter School**

## **Board of Trustees Policy**

### **SERVICE ANIMALS IN SCHOOL POLICY**

The Board of Trustees ("Board") of the Pennwood Cyber Charter School ("Charter School") adopts this Policy regarding Service Animals in School in accordance with applicable provisions of: Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101, and its implementing regulations at Section 28 C.F.R. Part 35. Additionally, this Policy addresses requirements and considerations regarding service animals under applicable provisions and implementing regulations of Section 504 of the Rehabilitation Act (Section 504), 29 U.S.C. § 794; and applicable provisions and implementing regulations of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), 20 U.S.C. § 1400.

The Board adopts this policy to ensure that individuals with disabilities are permitted to participate in and benefit from Charter School programs, activities and services, and to ensure that the Charter School does not discriminate on the basis of disability.

#### **Service Animals Defined under the ADA:**

Pursuant to Section 28 C.F.R. § 35.104, a Service Animal is defined as: any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to:

- assisting individuals who are blind or have low vision with navigation and other tasks,
- alerting individuals who are deaf or hard of hearing to the presence of people or sounds,
- providing non-violent protection or rescue work,
- pulling a wheelchair,
- assisting an individual during a seizure,
- alerting individuals to the presence of allergens,
- retrieving items such as medicine or the telephone,
- providing physical support and assistance with balance and stability to individuals with mobility disabilities, and
- helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

#### **Emotional Support/Therapy/Comfort Animals:**

Emotional support, therapy, comfort, or companion animals are NOT considered service animals under the ADA. Rather these terms are used to describe animals that provide comfort just by being with a person. Because they have not been trained to perform a specific job or task, they do not qualify as service animals under the ADA.

However, the use of an emotional support animal, sometimes referred to as a comfort animal, may be considered a request for a reasonable accommodation under the ADA. Such a request for the use of an emotional support animal must be supported by recent, reliable, objective, medical documentation. Documentation regarding an emotional support animal may be required to address legitimate safety requirements necessary for the safe operation of Charter school programs, services, or activities.

The ADA requires that a service animal be individually trained to do work or perform tasks for the benefit of an individual with a disability “, which means that the animal must be trained to take a specific action when needed to assist the person with a disability. For example, a person with diabetes may have a dog that is trained to alert him/her when his/her blood sugar reaches high or low levels. A person with depression may have a dog that is trained to remind him/her to take his/her medication. Alternatively, a person who has epilepsy may have a dog that is trained to detect the onset of a seizure and then help the person remain safe during the seizure.

The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purpose of this definition.

The ADA makes a distinction between psychiatric service animals and emotional support animals. If the animal has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, that would qualify as a service animal. However, if the animal's mere presence provides comfort, that would not be considered a service animal under the ADA. More specifically, while emotional support animals provide comfort or companionship, psychiatric service animals may perform tasks such as reminding an individual with a disability to take medication, performing safety checks or room searches for individuals with PTSD, interrupting self-mutilation, and removing disoriented individuals from dangerous situations.

The Department of Justice has stated that other federal or state laws may permit an emotional support animal to qualify as a reasonable accommodation if necessary for a student's receipt of FAPE, even though it would not meet the definition of a service animal under Title II. Such requests by students or their parents will be reviewed on a case-by-case basis consistent with applicable federal and state laws and regulations. Only domesticated animals will be considered as a support animal. If a student or parent of a student requests that a student be permitted to use an emotional support animal, comfort animal or therapy dog, the school shall request the following documentation:

- 1) Signed medical release allowing the school to review any and all records pertaining to reasons for which the student requests the support animal.
- 2) Any training/certifications that the animal has received in respect to the functions it will carry out for the student.
- 3) Proof of current vaccinations and immunizations of the service animal.

All sections of this policy governing the use/duties/safety requirements of service animals and vaccinations/immunizations/licensing apply to support animals on school grounds, transport or school sponsored activities or testing sites.

If, at time of request to have a support animal at school, a student already has a Section 504 Plan or IEP, a meeting of the requisite Team, including Parent(s) and Student, will be convened to consider information and documentation supplied to the School by Parent(s) and Student to determine if the support animal is necessary to provide FAPE to the Student.

At the Meeting, the School shall request the following documentation:

- 1) Signed medical release allowing the school to review any and all records pertaining to reasons for which the student requests the support animal.
- 2) Any training/certifications that the animal has received in respect to the functions it will carry out for the student.
- 3) Any information regarding the type of animal/breed.
- 4) Proof of current vaccinations and immunizations of the animal.

### **Service Animals in School:**

Parents/Guardians of students with disabilities who believe the student needs to bring a service animal to school in order to receive a free and appropriate public education shall notify the CEO or designee. In accordance with the Charter School's Childfind duties under the Individuals with Disabilities in Education Act (IDEA), the appropriate School Team shall evaluate the request to use the service animal in school, gather necessary information and determine when the student requires the service animal, during the school day and/or at school activities. This may include a request for parental permission to formally evaluate the student's education-based needs to determine if an Individualized Educational Plan (IEP) is necessary. Any service animal accompanying a student with a disability to school or school activities shall be handled and cared for in a manner detailed in the student's IEP or Section 504 Service Agreement.

Pursuant to Section 28 C.F.R. § 35.106: a public entity shall make information regarding services, programs or activities applicable to applicants, participants, beneficiaries and other interested persons, in such a manner as to apprise such persons of the protections against discrimination assured them.

Generally, the Charter School will modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability. The term "disability" is defined under Section 28 C.F.R. § 35.104.



If the Charter School properly excludes a service animal under § 35.136(b), the CEO shall give the individual with a disability the opportunity to obtain services and accommodations without having the service animal on the premises. 28 C.F.R. § 35.136(c).

A service animal **must** be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal **must be otherwise under the handler's control** (e.g., voice control, signals, or other effective means). 28 C.F.R. § 35.136(d).

**The Charter School is not responsible for the care or supervision of a service animal. 28 C.F.R. § 35.136(e).**

The Charter School shall not ask about the nature or extent of a person's disability, but may require the following information in order to determine whether an animal qualifies as a service animal and before a service animal shall be allowed in a Charter School building, or on Charter School property or vehicles. The owner or handler of the animal shall submit to the CEO or designee a written request and the following documentation from a certified professional:

- (1) Verification of the need for a service animal.
- (2) What work or task the animal has been trained to perform in relation to the individual's disability.
- (3) Proof of current vaccinations and immunizations of the service animal.

*Generally*, the Charter School may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability). 28 C.F.R. § 35.136(f).

### **Direct and Immediate Threats:**

The Charter School reserves the right to exclude an individual if that individual presents a direct and immediate threat to others in the building or school. 28 C.F.R. § 35.139(a). To make this determination, the Charter School will make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk. 28 C.F.R. § 35.139(b). The Charter School will not rely solely on speculation, stereotypes or generalizations about individuals with disabilities. 28 C.F.R. § 35.130(h).

The Charter School may exclude a service animal from District buildings, property and vehicles under the following circumstances:

- Presence of the animal poses a direct threat to the health and safety of others.

- Owner or handler is unable to control the animal.
- Presence of the animal would require a fundamental alteration to the program.
- Animal is not housebroken. 28 C.F.R. § 35.136(b).

**Access to Charter School areas/ Admission Of Service Animals To Public Events:**

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a place of public accommodation where members of the public, program participants, clients, customers, patrons, or invitees, as relevant, are allowed to go. 28 C.F.R. § 35.136(g). This right of access does not extend to the schools generally or to other activities that are not open to the general public.

The Charter School shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If the Charter School normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal. 28 C.F.R. § 35.136(h).

**Delegation of Responsibility**

The owner or handler of a service animal shall be solely responsible for:

1. Supervision and care of the animal, including any feeding, exercising, clean up and stain removal.
2. Control of the animal at all times through the use of a harness, leash, tether or by other effective means.
3. Damages to Charter School buildings, property and vehicles caused by the animal.
4. Injuries to students, employees, volunteers and visitors caused by the animal.
5. Annual submission of documentation of vaccinations and immunizations.

## **Miniature horses:**

The Charter School shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability only if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, the Charter School shall consider--

- (A) The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- (B) Whether the handler has sufficient control of the miniature horse;
- (C) Whether the miniature horse is housebroken; and
- (D) Whether the miniature horse's presence in a specific facility compromises legitimate safety and/or health requirements that are necessary for safe operation.

Other requirements which apply to service animals pursuant to this policy and applicable federal regulations shall also apply to miniature horses. 28 C.F.R. § 35.136(i).

The CEO or designee is directed to inform the Board of any new requirements regarding service animals and to develop and implement any procedures that may be necessary to effectuate this policy.

The CEO will seek and obtain any necessary or required trainings relative to effectuating this policy and that address issues with regard to service animals and safety including any training regarding the proper way to interact with service animal in the school setting.

## **Students with Disabilities:**

In addition to the requirements and parameters regarding service animals above, the decision as to whether to allow an animal in school for a student with a disability under Section 504 or IDEA, even if that animal does not meet the definition of a "service animal" shall be made on a case by case basis in accordance with applicable state and/or federal laws and regulations, including applicable sections of Section 504 and/or IDEA and ADA.

The parent or guardian of a student with a disability, who believes that an animal is necessary to ensure a free and appropriate public education to the student, is directed to notify the CEO or the Student's IEP team or Section 504 team in accordance with applicable state and federal laws and regulations and in accordance with this policy.

Such a request for an animal in school shall be evaluated and made in accordance with applicable state and federal laws and regulations, including: ADA, Section 504, IDEA and/or Chapter 711 of Title 22 of the Pennsylvania Code.

In an effort to fully understand the scope of the request and need, the Charter School reserves all rights applicable under Section 504 and/or IDEA to request documentation and/or relevant information regarding such requests, to the extent those rights are not specifically precluded by other applicable regulations.

### **Notice and Appeal**

The designated Administrator shall ensure that all individuals involved in a situation where a service animal will regularly accompany an owner or handler in Charter School buildings or vehicles or at School-sponsored events or test sites are informed of the Board Policy and any procedures governing this issue. Involved individuals can include administrators, appropriate employees, student and parent/guardian.

Any individual with a service animal who is aggrieved by a decision to exclude, limit or remove a service animal may appeal the decision in accordance with applicable Student Complaint Policy.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**

# Pennwood Cyber Charter School

## Board of Trustees Policy

### Students with Specific Learning Disabilities Policy

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

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

(1) Address whether the child does not achieve adequately for the child's age or meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and scientifically based instruction appropriate for the child's age or State-approved grade-level standards:

- (i) Oral expression.
- (ii) Listening comprehension.
- (iii) Written expression.
- (iv) Basic reading skill.
- (v) Reading fluency skills.
- (vi) Reading comprehension.
- (vii) Mathematics calculation.
- (viii) Mathematics problem solving.

(2) Use one of the following procedures:

(i) A process based on the child's response to scientific, research-based intervention, which includes documentation that:

- (A) The student received high quality instruction in the general education setting.
- (B) Research-based interventions were provided to the student.
- (C) Student progress was regularly monitored.

(ii) A process that examines whether a child exhibits a pattern of strengths and weaknesses, relative to intellectual ability as defined by a severe discrepancy between intellectual ability and achievement, or relative to age or grade.

(3) Have determined that its findings are not primarily the result of any of the following:

- (i) A visual, hearing or orthopedic disability.
- (ii) Intellectual Disability.
- (iii) Emotional disturbance.
- (iv) Cultural factors.
- (v) Environmental or economic disadvantage.
- (vi) Limited English proficiency.

(4) Ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or mathematics by considering documentation that:

(i) Prior to, or as a part of, the referral process, the child was provided scientifically-based instruction in regular education settings, delivered by qualified personnel, as indicated by observations of routine classroom instruction.

(ii) Repeated assessments of achievement were conducted at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**

## **Pennwood Cyber Charter School**

### **Board of Trustees Policy**

#### **Special Education Student Enrollment**

The Board of Trustees of the Charter School (“Charter School”) recognizes that the Charter School must not deny enrollment or otherwise discriminate in admission practices on the basis of a child’s need for special education or supplementary aids or services.

The Charter School shall comply with the Board of Trustees’ approved Student Admissions Policy. The Charter School is further directed to make the Student Admissions Policy available for inspection by auditors from the Pennsylvania Department of Education during any special education cyclical monitoring audit.

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

#### **Guidelines**

##### **Entitlement to Education**

Every child of school age who is a resident of a Pennsylvania school district is entitled to a public school education. Resident students include those residing with their parent(s) and non-resident students living with a Pennsylvania school district resident who is supporting the child gratis and seeking enrollment. Once the required enrollment documentation described below is provided, the Charter School must enroll non-resident children and permit them to attend school. A child should be permitted to attend school on the next school day after the day on which the child is presented for enrollment, and in all cases within five (5) business days of the Charter School’s receipt of the required documents, if a space exists pursuant to the Charter School’s Admission/Lottery Policy.

##### **Required Enrollment Documentation**

Except when a child is homeless, whenever a child of school age is presented for enrollment by a parent(s), a Pennsylvania school district resident, or any other person having charge or care of the child, the Charter School shall require that the following information be documented before enrolling the child and allowing the child to attend school:

##### **1. Proof of the child's age**

Any one of the following constitutes acceptable documentation: birth certificate; notarized copy of birth certificate; baptismal certificate; copy of the record of baptism – notarized or duly certified and showing the date of birth; notarized statement from the parents or another relative indicating the date of birth; a valid passport; a prior school record indicating the date of birth.

##### **2. Immunizations required by law**

Acceptable documentation includes: either the child’s immunization record, a written

statement from the former school district or from a medical office that the required immunizations have been administered, or that a required series is in progress, or verbal assurances from the former school district or a medical office that the required immunizations have been completed, with records to follow.

### 3. Proof of residency

Acceptable documentation includes: a deed, a lease, current utility bill, current credit card bill, property tax bill, vehicle registration, driver's license, or Department of Transportation identification card. While more than one form of residency confirmation may be required, the Charter School should be flexible in verifying residency, and should consider what information is reasonable in light of the family's situation. See the paragraph on Homeless Students for guidance in that situation. (Also see attached Residency Affidavit.)

### 4. Parent Registration Statement

A sworn statement attesting to whether the student has been or is suspended or expelled for offenses involving drugs, alcohol, weapons, infliction of injury or violence on school property must be provided for a student to be admitted to any school entity. The Charter School may not deny or delay a child's school enrollment based on the information contained in a disciplinary record or sworn statement. However, the Charter School may wait to enroll a student until a current period of expulsion has expired.

### 5. Home Language Survey

All students seeking first time enrollment in a school shall be given a home language survey in accordance with requirements of the U.S. Department of Education's Office for Civil Rights. Enrollment of the student may not be delayed in order to administer the Home Language Survey.

### Documents which May be Requested but Not as a Condition of Enrollment

Although the Charter School may ask for any of the information below, the Charter School may not require it as a condition of enrolling or admitting a child and a child's enrollment or attendance may not be delayed until these documents are provided. Among the documents that the Charter School may request are: picture identification, health or physical examination records, academic records, attendance records, Individualized Education Program, and other special education records. In addition, the Charter School may not require that a physical examination be conducted as a condition of enrollment.

### Registration Form

A registration form, filled out by families for student enrollment, may include the following: name, address, telephone number, name of parent(s) or guardian(s) or resident adult(s) with whom the student is living, emergency contact information, former school information, and other locally required information. Failure to complete this form will not be made a condition of the student's enrollment.

### Documentation Required From Other Sources

The Charter School is also entitled by law to receive information on an enrolling student from the previous school, public, charter, nonpublic or private, which the student attended. However, the provision of this information rests with the educational entity and not the family, and so, the Charter School, as the receiving local educational agency, will not require this information as a precondition to enrollment and will not delay a student's admission for lack of this information.

### Student Education Records



Upon enrollment, the Charter School contacts the student's former school for a copy of the student's education records. The former school district or charter school, if within this Commonwealth, is required to respond by forwarding the records within 10 business days of the date upon which a student's records are requested by the Charter School. The Charter School shall enroll students within 5 business days regardless of receipt of records from the previous districts.

#### Disciplinary Records

Whenever a pupil transfers to another Pennsylvania school entity or nonpublic school, a certified copy of the student's disciplinary record shall be transmitted to the school entity or nonpublic school to which the pupil has transferred. The school entity or nonpublic school to which the student has transferred should request the record. The sending school entity or nonpublic school shall have 10 days from receipt of the request to supply a certified copy of the student's disciplinary record. Failure to receive the student's discipline record cannot be used to deny or delay the student's enrollment or school attendance. A school district may not deny or delay a child's school enrollment based on the information contained in a disciplinary record or sworn statement.

#### Prohibited Requests - Items Which May Not Be Requested

For both enrollment and also for residency determinations, the Charter School will not request or require any of the following: a social security number; the reason for a child's placement if not living with natural parents; a child's or parent's visa; agency records; or, except in the limited circumstances described in the next section, a court order or records relating to a dependency proceeding. A child's right to be admitted to school may not be conditioned on the child's immigration status. The Charter School will not inquire as to the immigration status of a student as part of the admissions process.

#### Student Classifications for Education Entitlement

##### Resident Students and Court Orders or Custody Agreements

The Charter School may require a parent/guardian to provide a custody or dependency order when the child is being enrolled at the Charter School pursuant to parent relying on court order or custody agreement as the basis for enrollment. The Charter School will not require a custody order or agreement as a condition of enrollment in any circumstances other than the circumstance specified above. (See attached Affidavit of Custody).

##### Students Living With a Resident Adult other than a Parent

When a child is living with an adult other than a parent, who is supporting the child without personal compensation, (*gratis*) the child may attend the public schools of that adult's school district, provided that resident makes application and supplies the required enrollment information noted in the section entitled Required Enrollment Documentation. In addition, before accepting the child as a student, the Charter School shall require the resident to file only one of the following:

1. A sworn and notarized statement from the resident of the school district indicating that the signer is a resident of the school district, is supporting the child without receiving personal compensation, that the child is living with the resident continuously and not just for the school year, and that the resident will accept all responsibilities relating to the child's schooling (See Attachment B for a model statement), or
2. Appropriate legal documentation to show dependency or guardianship, which may include a custody order. The Charter School may require other information to be submitted by the resident to substantiate the sworn statement. The natural parent(s) or former guardian(s) of the student may not be required to provide information. Once the requested information is

provided, the Charter School will enroll the child and permit him or her to begin to attend school without delay, but in no case more than 5 days. (See attached Affidavit of Support), if a space exists pursuant to the school's Admission/Lottery Policy.

A resident's receipt of payments, such as Supplemental Security Income (SSI), Transitional Assistance for Needy Families (TANF), pre-adoptive or adoptive support, maintenance on public or private health insurance, support from the military or military personnel or other payments for or on account of the child such as child support, shall not be deemed to be personal compensation or gain.

#### Foster Children

While the Public School Code provisions governing nonresident children placed in foster care are not applicable to charter schools pursuant to the Pennsylvania Charter School Law, the Charter School will use such Public School Code provisions for guidance in such situations in conjunction with consultation with the Charter School's legal counsel.

#### Nonresident Children Living in Facilities or Institutions

A child living in a district in which there is located a licensed shelter, group home, maternity home, residence, facility, orphanage or other institution for the care or training of children or adolescents, shall be admitted to that district's schools if living at or assigned to the facility or institution. If the school district of residence of a child living at or assigned to a facility or institution cannot be determined, but the child is determined to be a resident of the Commonwealth, the child shall be permitted to attend the public schools of the district. This includes a child placed by the child's resident parents or guardians at a facility or institution and subsequently abandoned or deserted.

If Student has been placed by person or entity other than the cyber charter school at a facility or institution which meets criteria for institutionalization pursuant to 13-1306 of the Public School Code, then the Charter School cannot enroll student or if already enrolled and Student is subsequently determined to be institutionalized, the Charter School must disenroll Student who will return to school district of residence as payor to host district of institution.

#### Emancipated Minors

An emancipated minor is a student under the age of 21 who has established a domicile apart from the continued control and support of parents or guardians or who is living with a spouse. The school district in which this student is living is his or her resident school district and the student may enroll at the Charter School without any additional assistance from an adult.

#### Homeless Students

The Charter School will ensure that each child of a homeless individual and each homeless youth have equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth. Homeless students may reside in shelters, hotels, motels, cars, tents or be temporarily doubled-up with a resident family because of lack of housing. In the case of homeless students, traditional concepts of "residence" and "domicile" do not apply. Homeless children and youth lack a fixed, regular, and adequate nighttime residence. Included within the definition of homeless children and youth are those who are "awaiting foster care placement" and "unaccompanied homeless youth."

Unaccompanied homeless youth may enroll without documents and without the help of an adult. Unaccompanied homeless youth includes any child who is "not in the physical custody of a parent or guardian." Falling within this definition are students who have run away

from home, been thrown out of their home, or been abandoned or separated from their parents or guardians.

Youth awaiting foster care placement include those who are placed in emergency, interim or respite foster care; kinship care; evaluation or diagnostic centers or placements for the sole purpose of evaluation. When necessary, Charter School administration will consult with the respective county children and youth agencies to determine if a child meets the definition of "awaiting foster care placement", including, on a case-by-case basis, whether a child who does not clearly fall into one of these categories is nevertheless a child "awaiting foster care placement."

Homeless youth are entitled to immediate enrollments, if a space exists pursuant to the Admissions/Lottery Policy and their families are not required to prove residency regarding school enrollment. These students are considered residents of the district where they are presently residing, or continue their education in the district of prior attendance.

#### Pre-Adoptive and Adoptive Students

The Federal Adoption Assistance Program, among other things, provides for adoption assistance payments to encourage the placement of certain hard-to-place children with adoptive parents. Pennsylvania has adopted companion legislation, known as the Adoption Opportunities Act. Children living with pre-adoptive parents who are receiving adoption assistance subsidies, pre-adoptive foster payments, or other payments such as Supplemental Security Income (SSI) or Transitional Assistance for Needy Families (TANF), are entitled to attend school in the school district in which the pre-adoptive parents reside. Notwithstanding receipt of any of the above payments, children living in pre-adoptive situations are considered residents of the school district in which their pre-adoptive parents reside. Children living with adoptive parents are entitled to all free school privileges accorded to resident school children of the respective school district.

#### School-Age Children of Military Personnel

When Pennsylvania residents who are military personnel are deployed and their school age children are living with relatives or family friends in a school district for that period of time, the students are entitled to attend school in the school district in which they are residing.

#### Other Issues Related To Enrollment

##### Address Confidentiality Program ( ACP )

Some families may enroll a student using an ACP card that lists a post office box as their address. This is their legal address and the Charter School will not require additional information about their residence. School records from the student's former school will be forwarded through the ACP.

##### Age

Children are considered school age from the time they are admitted to the public school educational program until graduation from high school or the age of 21 if identified pursuant to the Individuals with Disabilities Education Act of 2004. The Charter School will not refuse admission to a child who meets the age requirement. Students who turn 21 during the school term are entitled to finish that school term. If a student is under age 21 and has a Graduation Equivalency Diploma ("GED"), the student can enroll in school and work towards a diploma. For subsidy purposes, students who reach age 21 after the school term begins are eligible to be counted for the entire school term. The Department of Education will accept requests to allow students to be counted in membership for subsidy purposes for an extended school program beyond age 21 if the request includes a hearing officer decision or court order.

##### Children and Families with Limited English Proficiency

Children and families with limited English proficiency will be provided translation and interpretation services to the extent needed to help the family understand the enrollment process and enroll the student in school promptly per applicable federal law.

#### Twins and Multiple Siblings

While the Public School Code provision governing twins and multiple siblings is not applicable to charter schools pursuant to the Pennsylvania Charter School Law, the Charter School will use the Public School Code provision for guidance in such situations in conjunction with consultation with the Charter School's legal counsel.

#### Submitting Enrollment Complaints to the Department Of Education

When a dispute arises regarding enrollment of a student, the person attempting to enroll the child or the Charter School may bring the dispute to the attention of the Department's School Services Unit. A complaint may be filed by mail, email or by phone with written follow up. After receipt of a complaint, a Department representative will contact the Charter School, family or other involved parties to determine the facts, whether the child is entitled to enrollment at the Charter School and to try to resolve the problem. These contacts, whenever possible, will occur within five (5) days of receipt of the complaint. If the complaint is not amicably resolved, a written determination will be made and sent to the Charter School and the individual who filed the complaint.

If the Charter School does not enroll the student within five (5) school days after receiving the written determination and space exists pursuant to the school's Admissions/Lottery Policy, the Department will issue a letter to the Charter School requesting its position on the situation. The Charter School will have five (5) school days to respond to the request. If the Charter School refuses to enroll the student or does not respond, the matter will be forwarded to the Department's Office of Chief Counsel (OCC). The OCC and the Deputy Secretary for Elementary/Secondary Education will determine if the Charter School's response is valid to deny enrollment. If not, the Deputy Secretary will determine what additional measures may be necessary to assure enrollment.

#### Written Policies

The Charter School's written policy on student admission is a public record and will be posted to the school's website.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**

# **Pennwood Cyber Charter School**

## **Board of Trustees Policy**

### **Summary of Academic Achievement and Functional Performance/Procedural Safeguard Requirements for Graduation Policy**

The Board of Trustees of the Pennwood Cyber Charter School (“Charter School”) recognizes that federal and state law requires an evaluation of a student with a disability in accordance with 34 CFR 300.304 through 34 CFR 300.311 before determining the student is no longer a student with a disability. For a student whose eligibility terminates based on graduation from high school, the Charter School must provide the student with a summary of the student’s academic achievement and functional performance, including recommendations on how to assist the student in meeting the student’s post-secondary goals. A transition plan, including the student’s appropriate measurable post-secondary goals related to training, education, employment, and when appropriate, independent living skills should be addressed in the student’s IEP.

Graduation from high school with a regular high school diploma constitutes a change in placement. Therefore, the Charter School must provide a Prior Written Notice/Notice of Recommended Educational Placement for student’s graduation so as to provide student with procedural due process safeguard in the event that Parent(s) disagree with the Charter School IEP Team’s recommendation.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL’S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**

## Pennwood Cyber Charter School

### Board of Trustees Policy

#### Surrogate Parent Policy

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

#### 20 U.S.C. § 1401 Definitions:

The term “Parent” means –

- a) a natural, adoptive, or foster parent of a child (unless a foster parent is prohibited by state law from serving as a parent);
- b) a guardian (but not the State if the child is a ward of the State);
- c) an individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare; or
- d) except as used in sections 1415(b)(2) and 1439(a)(5) of this title, an individual assigned under either of those sections to be a surrogate parent.

#### 42 U.S.C. § 11434A McKinney-Vento Homeless Assistance Act, Education for Homeless Children and Youths – Definitions:

The term “homeless children and youths” means –

- a) individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1) of this title); and
- b) includes:
  - i. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or, are awaiting foster care placement;
  - ii. children and youths who have a primary nighttime residence that is a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302(a)(2)(C) of this title);
  - iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, sub-standard housing, bus or train stations, or similar settings; and,
  - iv. migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

Charter School must have a method of determining whether or not a child needs a surrogate parent, and for assigning a surrogate parent to the child as well as ensuring that surrogates are trained and have adequate knowledge to serve in this capacity.

Charter School may select a surrogate parent in any way permitted under State law, but must ensure that a person selected as a surrogate is not an employee of the State Educational Agency (“SEA”), Charter School or any other agency that is involved in the education or care of the child, such as the child welfare agency, adoption agency, etc. This means that a “house

parent,” or other employee of a public child welfare agency or private child welfare provider agency, school district, charter school, state educational agency, or a facility where the child lives is not eligible. Whenever possible, a surrogate parent should be someone who already knows and has a trusting relationship with the youth and must have knowledge and skills that ensure that he or she will adequately represent the child..

For a child who is a ward of the State, a surrogate may be appointed by a judge overseeing the child’s care or by Charter School. The surrogate must have no personal or professional interest that conflicts with the interest of the child the surrogate parent represents. The surrogate parent must have knowledge and skills that ensure adequate representation of the child. The surrogate parent may represent the child in all matters relating to the identification, evaluation, educational placement and provisions of FAPE to the child.

When Does the Charter School need to appoint a surrogate?

- 1) No parent, guardian, current foster parent, or relative caregiver (relative acting in place of the parents with whom the child lives) can be located
- 2) Parent’s right to make educational decisions for the child have been terminated by the court, and no guardian, current foster parent, or relative caregiver (relative with whom the child lives) can be located and the child does not have a court-appointed education decision maker or surrogate parent.
- 3) The child is an unaccompanied homeless youth under 42 U.S.C. § 11434A.

If a child is or may be eligible for special education or early intervention services, the IDEA requires the child’s school district, charter school, cyber charter school or early intervention agency to ensure that the child has an active birth or adoptive parent or other person authorized by the IDEA or a court to make decisions for him or her. The person who is designated to act as the “parent” under the IDEA is entitled to participate in all of the meetings and make all relevant decisions. If the charter school cannot locate a biological or adoptive parent or other IDEA Parent from the list below, then it must appoint a “surrogate parent” within 30 calendar days. In some cases, a child may appear to have more than one IDEA parent from the list below and the Charter School will need to determine which person is the legally-authorized decision maker.

Under the IDEA, potential IDEA Parents include:

- A biological or adoptive parent;
- A foster parent;
- An individual who has the authority to act as the child’s parent or who has the authority to make education decisions for the child (such as an Educational Decision Maker “EDM”);
- A family member with whom the child lives who is acting as a parent (such as a grandparent or stepparent);
- A guardian who is legally responsible for the child’s welfare (but not any employee of a child welfare agency); or
- A surrogate parent assigned by the local educational agency (such as the school district or charter school).

If a court has not limited the biological/adoptive parent’s authority to make education decisions, the Charter School must recognize that parent as the person authorized to make education decisions for the child so long as he or she is “attempting to act as the parent.” If the parent is not “attempting to act as the parent” (for example, is not responding to notices or attending meetings), and the child has a foster parent or one of the other potential “IDEA parents” listed above, the Charter School must then treat that person as the child’s IDEA Parent and allow that person to participate in meetings, give or deny consent, and make early intervention or special education decisions for the child. The “IDEA

Parent” can challenge the Charter School’s proposals through the mediation and due process hearing procedures.

If the child has a “parent” under the IDEA (see list above), the Charter School does not need to “appoint” that person as the child’s surrogate parent. Unlike a juvenile court judge, who can appoint another person as EDM to act in the best interest of the child even if the child has a parent, a Charter School cannot appoint another person to make decisions for the child if the child has a “parent.” If, however, a court has appointed an EDM, the EDM makes educational decisions for the child regardless of whether the biological/adoptive parent wants to serve in that role or whether there are other potential “parents” under the IDEA who are ready to serve that role. *If a court has appointed an EDM, that person trumps all other potential “parents” under the IDEA.*

The Charter School must take steps to ensure that the child’s rights are protected if:

- 1) The Charter School does not know who the parent is;
- 2) The Charter School cannot locate the parent after making reasonable efforts to get in touch with them, such as calling and sending letters on multiple occasions;
- 3) The child has no “parent” under the IDEA (see above); or
- 4) The child is an “unaccompanied homeless youth” as defined by 42 U.S.C. § 11434A

Once a Charter school has determined that an enrolled child needs a surrogate parent, it must assign a surrogate parent within 30 calendar days. To meet its 30-day obligation, a Charter School should try to maintain a pool of trained surrogate parents who are available for children in need. Charter Schools may enter into interagency agreements with its local child welfare agency to identify children in need of surrogate parents and potential candidates to fill this role.

#### Exceptions to General Rule Prohibiting Caseworker/Employee of Agency to be Surrogate:

There are two exceptions to the general rule that an EDM or surrogate parent cannot be an employee of an agency involved in the care or education of the child for children aged 3 or older:

- 1) A caseworker or other agency employee can consent to an initial evaluation in very limited circumstances. Written consent of a parent is required before a child can first be evaluated to determine eligibility for special education services. However, the IDEA permits a school to start the initial evaluation without obtaining parent permission if the child is in the custody of the child welfare agency, is not living with the parent or with a foster parent, and *one* of the following applies:
  - The school documents that it has made repeated attempts but cannot locate the parents;
  - The parents’ rights have been terminated; or
  - The birth parents’ rights to make education decisions have been suspended by a judge and the judge has appointed an individual to consent to the initial evaluation.

NOTE: In this limited circumstance only, the judge can appoint a person to give this consent who is an employee of an agency involved in the education or care of the child, such as the county or a private provider child welfare agency. However, if the child is ultimately determined to be eligible, that person cannot consent to starting special education services. Therefore the Charter School or the court must immediately begin the process of appointing an EDM or surrogate parent who can consent to the provision of special education services while determining if the child is eligible.

- 2) A temporary surrogate parent can be appointed for an “unaccompanied homeless youth.” These are youth who are not in the physical custody of a parent or guardian and who do not have a fixed, regular, and adequate nighttime residence. For such youth, the staff of an emergency shelter, transitional shelter, independent living program, or street outreach program may be appointed as a “temporary surrogate parent” (even if that person is an employee of an agency involved in the care or education of the youth) *until such time as a surrogate parent who meets the usual requirements can be*



*appointed.*

#### Who can be a Surrogate Parent?

- 1) A person of good character;
- 2) a person at least 18 years of age;
- 3) a person who possesses reasonable abilities to make decisions regarding a student's educational needs;
- 4) a person committed to acquainting themselves with a student's educational needs, the student's rights under the Individuals with Disabilities Education Act, and the Pennsylvania educational system;
- 5) a person committed to advocating a free appropriate public education for the child in the least restrictive environment and agree to fulfill the responsibilities listed below;
- 6) a person who has no vested interest that would conflict with the interests of the student;
- 7) a person is not an employee of any agency responsible for the education of care of the child; and
- 8) a person who lives within geographic proximity to the student, which will enable that person to discharge their obligations as a surrogate parent.

#### Responsibilities of a Surrogate Parent:

- 1) Participate in the surrogate training session(s);
- 2) Request and participate in all applicable meetings relating to the provision of services and educational placement of the child (including individualized education program (IEP) meetings, evaluation reviews and manifestation determinations, etc.);
- 3) Approve or disapprove of the student's IEP;
- 4) Engage in ongoing communication, verbally or in writing with the student, the student's teacher and the student's school;
- 5) Assert student's rights to due process and to compliance with the IEP as appropriate;
- 6) Contact the surrogate parent trainer if further assistance is required or if surrogate parent no longer wishes to assume the educational responsibility for the child;
- 7) Ensure the child receives a free appropriate public education in the least restrictive environment.

The CEO/Principal or their designee is directed to develop procedures that may be necessary to implement this policy.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**

## **Pennwood Cyber Charter School**

### **Board of Trustees Policy**

#### **Special Education Training Policy**

##### Personnel

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

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

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

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

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

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

Pursuant to 22 Pa Code §711.5, instructional paraprofessionals are to receive 20 hours of staff development activities related to their assignment each year. An instructional paraprofessional is a charter school or cyber charter school employee who works under the direction of a certificated staff member to support and assist in providing instructional programs and services to students with disabilities. This support and assistance includes one-on-one or group review of material taught by certificated staff, classroom management and implementation of positive behavior support plans. Services may be provided in a special education class, regular education class or other instructional setting as provided in the student’s IEP.

Pursuant to 22 Pa Code §711.5, personal care assistants are to receive 20 hours of staff development activities related to their assignment each school year (the 20 hours of training may include training required by any school-based ACCESS program, if applicable). A personal care assistant provides one-to-one support and assistance to a student, including support and assistance in the use of medical equipment (for example, augmentative communication devices; activities of daily living; and monitoring health and behavior). A personal care assistant may provide support to more than one student, but not at the same time. Personal care assistants shall provide evidence of 20 hours of staff development activities related to their assignment each school year. The 20 hours of training may include training required by the school-based access program.

Pursuant to 22 Pa Code §711.5, educational interpreters are to receive 20 hours of staff development activities relating to interpreting or transliterating services annually. An educational interpreter is an individual who provides students who are deaf or hard of hearing with interpreting or transliterating services in an educational setting. To serve as an educational interpreter at a charter school or cyber charter school, consistent with the Sign Language Interpreter/Transliterator State Registration Act.

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

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

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

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

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## **Pennwood Cyber Charter School**

### **Board of Trustees Policy**

#### **Transition Services Policy**

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

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

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

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

Transition services are a coordinated set of activities for a student with a disability designed to be within a results oriented process, that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation that is based on the individual student's needs taking into account the student's strengths, preferences, and interests as well as the fact that the student has been educated in a school setting. . Curriculum-based instruction or any instruction occurring outside the classroom in the school or community where interaction occurs with persons without disabilities, and includes nondisabled peers and community members, is counted as a general education classroom and is included in the calculation for Least Restrictive Environment.

Based on age-appropriate assessment, the student's IEP team is to define and project the appropriate measurable postsecondary goals that address education and training, employment, and as needed, independent living. Such postsecondary goals or goals covering education, training, employment or independent living, will be updated annually. . All three goal areas shall be addressed by the IEP team and summarized in the present educational levels secondary transition section of the IEP. Federal law requires that students have "appropriate, measurable post-secondary goals based upon age appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills" §300.320(b)(1). If a post-secondary goal area is not needed, the reason it is not needed must be documented in the Present Levels of Academic Achievement and Functional Performance portion of a student's IEP. The services/ activities and courses of study that support that goal are to be included in student IEPs. For each service/ activity, the location, frequency, projected beginning date, anticipated duration, and person/ agency responsible are also to be included.

The specific courses of study which facilitate the student's successful move from school to the student's expressed post-school goal must be included in the IEP. If specific transition services are required, based upon the student's skill deficit area(s), to assist the student in realizing their goal(s), these must be set forth in the IEP. Each post-school goal should contain information as

to the instruction, related service(s), community experience and if appropriate, acquisition of daily living skills that are necessary for meeting the post-school goal(s).

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

### **Assistance in Obtaining Accommodations in College/University**

Charter School high school IEP Transition Teams should include in the Transition Plan goals and steps to assist students with how to request and secure postsecondary accommodations if they plan to attend college after high school graduation. This assistance includes:

**Help students submit appropriate documentation:** Post-secondary institutions such as colleges and universities are not required to accept IEPs but are mandated to provide accommodations in accordance with American with Disabilities Act ("ADA"). Therefore, development of a Section 504 Plan for a student is one way that permits a student to educate the post-secondary institution about the accommodations student will require in this environment. If Student requires an IEP through to high school graduation, Guidance counselors and IEP School Transition Team members should advise students to send neuropsychological or psychoeducational tests instead of IEPs to the chosen colleges. Or for some disabilities, many colleges will request a signed letter from a doctor or neurologist. As part of the Transition Plan in the IEP, the School Team should help students to ensure these letters are written on the doctor's letterhead and include the doctor's license number and either a DSM-4 or DSM-5 diagnosis as well as the evaluator's or doctor's recommendations.

The School Team should advise students to call the admissions office of colleges and ask whether they should submit their testing results together with the application or wait until after they have been accepted, as colleges vary.

**Provide up-to-date evaluations:** Neuropsychological and psychoeducational testing should be conducted no more than three to five years before the student applies to college and requests accommodations. If a student's tests are out of date, have the student check with the college to see if an update may be obtained, which is a scaled down version of the original test instead of a whole new battery.

**Help students discern accommodations from modifications:** Accommodations are what happen in college while modifications *and* accommodations happen in K-12. Colleges are not required to grant modifications, such as altering the curriculum, assignments, or degree requirements, as these could lower students' production level or quality of work. Accommodations though must be provided to college students under the ADA if deemed reasonable which means that the requested accommodation will not be burdensome financially or resource-wise for the university.

Students should be made aware also that colleges do not have to provide the exact accommodations the student requests, but they do have to grant similar status. For example, if a student requests a personal scribe to help take notes, a college might opt to provide assistive technology, as it is a less burdensome option financially.

Students must also be advised that they must inform their professors of their accommodations, as the ADA officers cannot legally inform professors of accommodations on the students' behalf.

**Support students' self-advocacy:** The School's Transition Team must start working with students to help them understand what their disability is, how it affects them in an academic setting, and what they need in order to be accommodated in that setting.

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

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## **Pennwood cyber charter school**

### **Board of Trustees Policy**

#### **Special Education Policy**

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

The Board of Trustees of Charter School also recognizes that charter schools are not exempt from federal special education laws or regulations included in Chapter 711. These include but are not limited to enumerated provisions of the Individuals with Disabilities Education Improvement Act (2004) ("IDEA") and Section 504 of the Rehabilitation Act of 1973. ("IDEA"), for school-age children with disabilities who do not meet the eligibility criteria outlined under the IDEA, but who might be eligible for special protections and for adaptations and accommodations in instruction, facilities, and activities. Section 504 protects children who have a mental or physical disability that substantially limits or prohibits participation in or access to an aspect of the school program and otherwise qualify under the applicable state and federal laws, including Chapter 711 and Section 504. Pursuant to 22 Pa. Code §711.3:

"Charter schools and cyber charter schools assume the duty to ensure that a [free and appropriate public education], FAPE, is available to a child with a disability in compliance with IDEA and its implementing regulations in 34 CFR Part 300 (relating to assistance to states for the education of children with disabilities) and section 504 and its implementing regulations in 34 CFR Part 104 (relating to nondiscrimination on the basis of handicap in programs and activities receiving federal financial assistance)."

The Charter School's special education program includes the supports and services needed for students who require specially designed instruction and other services, including related services, with all services provided at no cost to the student or parents and guardians. Programs are developed by qualified Charter School staff to meet the needs of all students. Individual Education Programs are developed on an individual basis by the IEP Team, pursuant to Sec. 300.321, and implemented in the Least Restrictive Environment, pursuant to Sec. 300.114. The term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§300.320 through 300.324, pursuant to Sec. 300.320.

Charter School shall ensure that all children with disabilities enrolled in the charter school, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services

Charter School must be able to document that children with disabilities, who are in need of special education programs and services, are identified and evaluated through child find activities. Child find includes public awareness activities that are sufficient to inform parents of the special education programs and services that are available and how to request those services.

Charter School must conduct systematic screening activities that lead to the identification and evaluation of children with disabilities. Basic screening procedures might include but are not limited to hearing and

vision tests as well as grade level tests of academic performance. The Charter School must be able to document that children with disabilities, who are in need of special education programs and services, are identified and evaluated through published Child Find activities in accordance with 22 Pa. Code §711.21, a pertinent portion of which is set forth below:

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.

Basic screening procedures might include, but are not limited to, hearing and vision tests as well as grade level tests of academic performance.

Please see the Charter School's Child Find Child Find Policy and Notice.

The Charter School also complies with the Family Educational Rights and Privacy Act (20 U.S.C. §1232g; 34 CFR Part 99) ("FERPA"), which is a Federal law that protects the privacy of student education records, which includes special education records. Parental consent must be obtained before personally identifiable information is disclosed to parties, other than officials of participating agencies in accordance with Sec. 300.622(b)(1) of the IDEA, unless the information is contained in education records, and the disclosure is authorized without parental consent under 34 CFR part 99, in accordance with §300.622(a).

Charter School must also have a system to evaluate the overall success and effectiveness of public awareness and child find activities.

Charter School recognizes that:

- Children with disabilities must be admitted on the same basis as children without disabilities.
- Upon admitting a child with a disability, the school must provide services to address the child's specific needs
- When a student with a disability transfers to the school, the school is responsible for ensuring that the student receives services that are described in an Individualized Education Program (IEP), either by adopting the old IEP or by developing a new IEP.
- Charter School will use the most current and appropriate versions of Special Education Formats.
- To meet the requirements of federal law, Charter School may provide the services itself, or contract with another entity, such as an intermediate unit or school district, to provide the services, respecting the least restrictive environment requirements.

Contact the Charter School CEO, or designee, or the Director of Special Education for questions about the Charter School Special Education program, the evaluation/reevaluation process, including forms for the Permission to Evaluate ("PTE") and Reevaluate ("PTRE"), and for the Parents Procedural Safeguards regarding consent for the evaluation and reevaluation processes, or for any matters concerning the IEP process and special education,. For a copy of the Procedural Safeguards Notice, contact the Charter



School CEO or designee, or the Charter School Director of Special Education. The CEO or designee is directed to implement all procedures in accordance with this policy.

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# Pennwood Cyber Charter School

## Board of Trustees Policy

### TRANSITION FROM PRESCHOOL EARLY INTERVENTION PROGRAMS TO CHARTER SCHOOL KINDERGARTEN OR FIRST GRADE PROGRAMS

The Board of Trustees of the Pennwood Cyber Charter School ("Charter School"), recognizes that Act 212 of 1990, the Early Intervention Systems Act, established Early Intervention services in Pennsylvania for eligible children from age three to the "age of beginners". Age of beginners is defined as the minimum age established by each school district's board of directors for admission to the school district's first grade under 22 Pa. Code 14 §14.101. A transition, without interruption in program, and with appropriate procedural protections, is required under 20 U.S.C. §1419 (IDEA).

To assist in this transition process, the Pennsylvania Department of Education ("PDE") Bureau of Special Education ("BSE") and the Bureau of Early Intervention Services ("BEIS") have developed standardized procedures and forms to be utilized by the Preschool Early Intervention programs, school districts and charter schools throughout the process. If Parents choose to enroll their child in the Charter School or complete the Intent to Register and select the Charter School, then the Charter School must fulfill the following responsibilities for a successful transition for the new school year.

By February 1<sup>st</sup> of each year, preschool Early Intervention programs must identify the children in their programs who are approaching the age for kindergarten or first grade. During the transition meetings in February, if parents intend to register their child with the Charter School, the following options should be considered by parents and the Charter School team:

(1) Parents and the Charter School can agree to adopt and implement the child's preschool Early Intervention Individualized Education Program for the new school year and, if so, the Charter School would then issue the Notice of Recommended Educational Placement/Prior Written Notice ("NOREP/PWN"), indicating this recommendation. However, the NOREP/PWN should indicate that the IFSP, as adopted, will serve as interim supports for the student, for a period of time of a maximum of sixty (60) days, while the Charter School, as the new LEA, decides on whether to accept, in part or whole, the entire recommended special education program in the IFSP. The Charter School will then determine, through a review of Early Intervention records, if school-age instruments were used to develop the IFSP and if not, then issue a PTE to conduct an evaluation using necessary school-age instruments.

(2) Parents and the Charter School can decide to adopt the preschool Early Intervention Individualized Education Program with revisions. The Charter School and parents would discuss the proposed revisions. The Charter School would then issue the revised Individualized Education Program and Notice of Recommended Educational

Placement/Prior Written Notice indicating this recommendation.

(3) Parents and the Charter School will decide if a reevaluation is necessary. the Charter School may conduct a reevaluation consisting of a review of existing data and information prior to the development of an Individualized Education Program. The Charter School is not required to issue the Prior Written Notice and Request for Consent for Reevaluate form to obtain parental consent prior to a reevaluation limited to a review of existing data. The Charter School will notify the parents in writing within a reasonable amount of time after receipt of the Intent to Register form. Charter schools may conduct a reevaluation and develop Individualized Education Programs in accordance with the timelines mandated in 22 Pa. Code Chapter 711. The Charter School and the parents may agree to waive a required reevaluation that is allowed under 34 CFR §300.303(b)(2), or may agree to implement the existing evaluation or Individualized Education Program.

(4) The Charter School may notify parents using a letter/notice developed by the Charter School. If the team is meeting to review existing evaluation data, the Invitation to Participate in the Individualized Education Program Team Meeting or Other Meeting notice can be used, noting that the meeting is to review data as part of a reevaluation. This review of existing data should commence within a reasonable amount of time after receipt of the Intent to Register.

The Reevaluation Report will summarize the data reviewed during reevaluation, the decision about whether additional evaluation data are needed, and a determination about the child's continued eligibility for special education services. If, through the review of existing evaluation data the Individualized Education Program team as described above determines that additional data are needed, the Charter School will issue the Prior Written Notice and Request for Consent to Reevaluate Form to obtain parental consent to collect the additional data. Within 60 days of the date the Charter School receives parental consent (not including summer days) to collect additional data, the parents will receive a copy of the Reevaluation Report.

(5) Waiving the reevaluation is not part of the reevaluation process. Waiving the reevaluation is recommended by the Charter School, not the Individualized Education Program team. The parents must be in agreement with the determination to waive the reevaluation. Parent signature is required on the Agreement to Waive Reevaluation form.

Within a reasonable period of time from the receipt of the signed Intent to Register form but no later than April 15th, the Charter School will notify parents in writing and initiate one of the options as noted above. Regardless which option is chosen, an Individualized Education Program will be implemented no later than 10 school days after its completion, in order to ensure that the special education programs of young children with disabilities are not interrupted when they transition from preschool Early Intervention programs to school-age programs.

All children currently eligible for special education in preschool Early Intervention and registered with the Charter School will remain eligible for special education in the Charter School unless the Charter School or preschool Early Intervention program completes a

reevaluation that determines the child is no longer eligible for special education. If no longer eligible for special education services, the Charter School or preschool Early Intervention program must issue a Notice of Recommended Educational Placement/Prior Written Notice. If parents disagree with the Individualized Education Program offered by the Charter School and initiate a due process hearing or both parties agree to mediation, children who will transition into kindergarten or school age programs must continue to receive the services described in their preschool Individualized Education Program (ensuring "status quo") pending completion of dispute resolution options of mediations or due process hearings.

It is recommended that the records of children who will be transitioning to the Charter School be requested by the Charter School for transfer from the preschool Early Intervention program in time for the transition meeting. If a transition meeting is not held, the records will be transferred upon the child being registered with the Charter School or when the child is no longer receiving preschool Early Intervention services.

The CEO shall ensure that this transition process is carried out through the Director of Student Services/Special Education Coordinator and any questions should be directed to this latter person.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**

Company Name	Main Contact E-mail	Services 1	Service 2	Service 3	Service 4	Evaluation 1	Evaluation 2	Evaluation 3	Mileage	Participation in IEP team Service Location	Contact Name, Address
Devon Healthcare	<a href="mailto:joanne@devonhealthcaregroup.com">joanne@devonhealthcaregroup.com</a> , <a href="mailto:Andrea@devonhealthcaregroup.com">Andrea@devonhealthcaregroup.com</a>	Speech and Language (Face to Face) services, Speech and Language (Virtual) services	Occupational therapy (Face to Face) services, Occupational therapy (Virtual) services	Physical Therapy Services services, Indirect services (includes parent consult, prep time, scheduling, Easy IEP review/update, and monthly progress reports)	BCBA & ABA Certified Therapist, Behavioral support services provided by Registered Behavior Technician, Instructional Aides	Speech and Language evaluation (to include write-up, progress notes, and goals)	Occupational evaluation (to include write-up, progress notes, and goals)	Physical evaluation (to include write-up, progress notes, and goals),  Psychological evaluations	All travel is paid by mile at the current federal IRS rate.	Participation in IEP teams via phone conference; Mutually agreed upon location	Joanne Michener, 15 Rittenhouse Place, 2nd floor, Ardmore, PA 19003; Phone 866-830-7272
Allied Therapy Partners, LLC	<a href="mailto:helen@alliedtherapygroup.com">helen@alliedtherapygroup.com</a>	Speech and Language Individual services	Occupational therapy services services, Physical therapy services	Counseling services, Applied Behavior Analysis (ABA) & Verbal Behavior services	Psycho Educational Evaluation	Speech and Language evaluation (to include write-up, progress notes, and goals) services	Occupational evaluation (to include write-up, progress notes, and goals) services	Physical evaluation (to include write-up, progress notes, and goals) services	All travel is paid by mile at the current federal IRS rate.to:(blank)	Participation in IEP team meetings via phone conference; Mutually agreed upon location; or virtual online	Helen Bommarito, 842 South Keim Street, Pottstown, PA 19467; Phone 610-812-3649
Support Brands LLC dba Therapy Serve	<a href="mailto:lauren@therapyserve.com">lauren@therapyserve.com</a>	Speech and Language Services	Occupational therapy services	Physical therapy services, Vision services (Virtual/Face to Face), Counseling services (Virtual/Face to Face), BSC services (Virtual/Face to Face), Social Skills services (Virtual/Face to Face), and Audiologist/Deaf and Hard of Hearing services (Virtual/Face to Face)	Applied Behavioral Analysis services, PCA/IA services (Virtual/Face to Face), Tutor services (Virtual/Face to Face)	Speech and Language evaluation (to include write-up, progress notes, and goals), Occupational evaluation (to include write-up, progress notes, and goals), Physical therapy evaluation (to include write-up, progress notes, and goals)	RN Evaluations, Progress Reports at a flat rate of fifty dollars (\$50)	Functional Behavioral Assessments (to include write-up, progress notes, and goals), Psychological Evaluations (to include write-up, progress notes, and goals), (VB-MAPP) Verbal Behavior Milestones Assessment and Placement Program Evaluations	All travel is paid by mile at the current federal IRS rate.	Participation in IEP teams via phone conference; Mutually agreed upon location	Lauren Holoka, 216 Hoeffcker Road, Phoenixville, PA 19460; Phone 610-324-8950
Therapy Source, Inc.	<a href="mailto:PPuleo@txsource.com">PPuleo@txsource.com</a>	Speech and Language Services	Occupational Therapy Services	Physical Therapy Services, Psychological Services, BCBA services, Behavior Analyst, Behavior Therapist, Counseling, School Social Work	Audiological Services, Assistive Technology, ELL Services, Nursing Services, Special Education Tacher, Teacher of Hearing Impaired, Teacher of Visually Impaired, O&M Specialist, Educational Aide, Tutor	Assistive Technology Evaluation, Social Work Evaluation, Psychological Records Review, Psychological Evaluation, OT evaluation, S/L evaluation				Mutually agreed upon location	Philip Puelo, 5215 Militia Hill Road, Suite A, Plymouth Meeting, PA 19462; Phone 866-783-5301
Liberty Therapy Solutions LLC	<a href="mailto:Mike@LibertyTherapySolutions.com">Mike@LibertyTherapySolutions.com</a>	Behavior Specialist Consultant, Instructional Assistant, Occupational Therapist, BCBA, Special Education Teacher, Personal Care Assistant, Tutoring Services,	Registered Nurse, Registered Behavior Technician, School Counseling, SLP, Gen Ed Teacher, TVI	Psychological Evaluation, TVI Evaluation, School Counseling Evaluation, S/L Evaluation, Nurse Evaluation	Behavior Specialist Consultant Evaluation, BCBA Evaluation, Special Education Teacher Evaluation, Physical Therapist Evaluation, OT evaluation				All travel is paid by mile at the current federal IRS rate.	Participation in the IEP via phone conference billed at Service rate indicated above; Mutually agreed upon location	Michael Scott, 1160 South Trooper Rd., West Norriton, PA 19403; Phone 844-543-8979
Barbara S. DeSalvo, Inc.	<a href="mailto:barbara.smith@bdesalvoinc.com">barbara.smith@bdesalvoinc.com</a>	WIAT, Woodcock-Johnson Test of Achievement, WISC, WAIS, WPPSI, RIAS, or KTEA3 testing, BASC and ABAS testing, BRIEF testing	ADOS-2 (Autism Diagnostic Observation Schedule – Second Edition) testing	CTONI-2 (Comprehensive Test of Nonverbal Intelligence- Second Edition)	CARS, GARS, ASRS, or GAD testing	Each additional test (i.e. Conner's, VMI, etc) Writing a report for someone else's testing, FBA (Functional Behavior Assessment) completed face-to-face with parent, FBA (Functional Behavior Assessment) completed by phone interview	Phone conference with parent to complete Rating Scales, Student Background Information - Gathering information provided by the parent or guardian regarding the student being tested, Student Records review	Testing Protocols,  Summary of Assessment Results: Assessment results entered into IEP system by the evaluator.	All travel is paid by mile at the current federal IRS rate.	Participation in the IEP via phone conference, Phone and/or email (including Connexus) consultation with school personnel and psychologist; Services to take place at a mutually agreed upon location	Barbara Smith, 800 Compton Road, Suite 18, Cincinnati, OH 45231; Phone 513-729-2111

Brent Cooper	<a href="mailto:b.cooper@elpaseostaffing.com">b.cooper@elpaseostaffing.com</a>	Speech and Language services, Occupational therapy services	Adaptive Physical Education Services and Evaluations, Orientation and Mobility services, Orthopedic Impairment Services & Evaluations	Deaf/Hard of Hearing Services and Evaluations, Audiological Services and Evaluations, Vision Impaired Services and Evaluations, Assistive Technology Services & Evaluations	Psychological Services, Counseling and Evaluations, Behavior Intervention Services	Speech and Language Evaluation (to include write-up, progress notes, and goals), Bilingual Speech and Language Evaluation (to include write-up, progress notes, and goals), Occupational Evaluation (to include write-up, progress notes, and goals) =	Psycho-Educational assessment including report, ERMHS Assessment including report, FBA Assessment including report, Review of records / Psycho Educational Evaluation	School nurse, screening, assessments	All travel is paid by mile at the current federal IRS rate.	Participation in team meetings via phone conference; Mutually agreed upon location	Brent M. Cooper, 74075 El Paseo Drive, Suite A-6, Palm Desert, CA 92260; Phone 760-342-4900
Community Therapy Services	<a href="mailto:mcriss@ctsvirtual.com">mcriss@ctsvirtual.com</a>	Virtual occupational therapy services: (including direct intervention, consultation, and screenings)=.	Student supply fee	Completion of progress reports, IEP reports, or other school-mandated documentation required in addition to the student log (such as additional progress documentation or service trackers)	Documentation/administrative preparation fee for individual student sessions=	Occupational Therapy Evaluation (virtual intake evaluation, new referral, and re-evaluations to include evaluation write-up and OT student supply kit for new students). Records review only evaluation			All travel is paid by mile at the current federal IRS rate.	Participation in IEP team meetings or other training or staff meetings by school request via phone or video conference; Mutually agreed upon location; or virtual online	Melanie Criss, 3860 Silverberry Circle, Maumee, OH 43537; Phone 419-509-8476
Enable My Child dba Hello Hero	<a href="mailto:tracy.ball@hellohero.com">tracy.ball@hellohero.com</a>	Speech/Language Therapy, Physical Therapy, Occupational Therapy, Virtual Vision Impairment Services, O&M Services, ABA Services, BCBA	Counseling, Social Work, Clinical Social Work services, School Psychology services	TVI or DHH Teacher	Physical Therapy Evaluation, Occupational Evaluation, Speech Language Evaluation, School Basic Psychology Evaluation, School Comprehensive Psychology Evaluation	Audiology Evaluation, Teacher of DHH Evaluation, TVI Evaluation, O&M Evaluation, Assistive Technology / AAC Evaluation				Mutually agreed upon location	Tracy Ball, 3545 28th Street, Astoria, NY 11106; Phone 855-569-2445 ext. 700
Presence	<a href="mailto:piper.brown@presencelearning.com">Piper Brown, piper.brown@presencelearning.com</a> , <a href="mailto:karen.katz@presencelearning.com">karen.katz@presencelearning.com</a>	Occupational Therapy	Social work and psychological services, Social skills		Physical Therapy	Social work and psychological evaluation (to include write-up, progress notes, and goals)	Occupational evaluation (to include write-up, progress notes, and goals), Physical Therapy evaluation	Progress Reports	All travel is paid by mile at the current federal IRS rate.	Participation in IEP teams via phone conference; Mutually agreed upon location	Piper Brown, 2528 Summerson Road, New York, NY 10018; Phone 415-512-9000
Summit Pediatric Therapy	<a href="mailto:bryan@summitpedstherapy.com">bryan@summitpedstherapy.com</a>	Speech and Language services	Occupational Therapy services	Physical Therapy services	Indirect services	Speech and Language evaluation (to include write-up, progress notes, and goals)	Occupational evaluation (to include write-up, progress notes, and goals)	Physical evaluation (to include write-up, progress notes, and goals)	All travel is paid by mile at the current federal IRS rate.	Participation in the IEP via phone conference as (\$15) per 15 minute intervals; Mutually agreed upon location	Bryan Shepherd, 6851 S. Holly Circle, Suite 295, Centennial, CO 80112; Phone 720-457-5500
Soliant Health, LLC	<a href="mailto:katv.kicklighter@soliant.com">katv.kicklighter@soliant.com</a> , <a href="mailto:maqqie.chambers@vocovision.com">maqqie.chambers@vocovision.com</a>	Audiologist, DHH Paraprofessional, Bilingual Teacher, Dyslexia/Reading Specialist, ELL Teacher, O&M Specialist, LPN/LVN/CPA, Certified School Nurse, Gifted Teacher, Registered Behavior Technician/ABA,	School Psychologist, Sign Language Interpreter, Special Ed Teacher, TVI, DHH Teacher, Registered Nurse, Gen Ed Teacher, Diagnostician, Behavior Specialist (BCBA), Art Therapist, Counselor, Music Therapist	Social Worker, APE Teacher, Paraprofessional, SLP, SLPA, OT, OTA, PT, PTA					All travel is paid by mile at the current federal IRS rate	Mutually agreed upon location	Kelly Chase, 1979 Lakeside Pkwy, Suite 30084, Tucker, GA 30084; Phone 770-325-0309
Vitac Corporation	<a href="mailto:deborah.restall@vitac.com">deborah.restall@vitac.com</a>	Closed Captioning			Closed Captioning in French						Deborah Restall, 5690 DTC Blvd, Suite 500W, Greenwood Village, CO 80111; Phone 412-491-3675

Language Line Services	<a href="mailto:JJumonville@lanquaqeline.com">JJumonville@lanquaqeline.com</a>		Language Interpretations in Spanish	Language Interpretations in all other supported languages							Angela Tribelli, 1 Lower Ragsdale Drive, Bldg 2, Monterey, CA 93940; Phone 877-862-1302
LTC Language Solutions	<a href="mailto:dprice@lcls.com">dprice@lcls.com</a>	American Sign Language (virtual) services	American Sign Language Interpreting (via video remote interpreting)						All travel is paid by mile at the current federal IRS rate.	Mutually agreed upon location	Douglas Price, 5750 Castle Creek Parkway N Drive, Suite 150, Indianapolis, IN 46250, Phone 317-578-1661
STS Translations, Inc (Straker)	<a href="mailto:jake.goodwin@strakertranslations.com">jake.goodwin@strakertranslations.com</a>	Language Translation									Lee Konstanty - General Mgr Business Development Chris Gudgin, 1630 Welton Street, #729, Denver, CO 80202; Phone: 720-316-5967