



The New Academy Charter School

Special Education Handbook

2025-26

School Year

2500 Jonquil Way

Pittsburgh, PA 15210

412-515-2280

www.theacademyschools.com

Welcome to The New Academy Charter School. We look forward to working together to provide students with disabilities an enriching and rewarding educational experience. Your involvement in this process is vital and appreciated.

This handbook is designed to give you information and a brief overview about the school's special education process and policies. Please refer to the Special Education Manual for more in depth information. This can be located in the Special Education Office or it may be emailed/mailed to you upon request. If you would like for it to be emailed/mailed please contact the school.

This handbook will help you become familiar with special education services and the wide range of support services that are available. When the family, general and special educators work together as partners, a more effective and valuable educational program is developed to meet the needs of students in an inclusive setting.

Open communication is vital in order for the special education system to be successful. Therefore, please feel free to ask any and all questions to a veteran special education teacher and/or the Special Education Director.

Contact Information:

Kyle Edgar

Special Education Director

The New Academy Charter School

E: edgark@theacademyschools.com

C: (412) 277-0751

OVERVIEW OF SPECIAL EDUCATION

Special Education is a comprehensive and integrated approach to education that is designed to assist students in developing their maximum potential. Individualized Educational Programs (IEPs) are developed for each student annually and reviewed several times per year by a team consisting of teachers, administrators, OVR representatives, parents/guardians, advocates, and students. These plans allow for an individualized program geared to the students' intellectual, emotional, and physical strengths and needs. Students receive specialized instruction for one or more periods per week in accordance with their individual needs. In addition, this specialized instruction supports students' achievement in all general education curricula and allows the student to develop his or her individual education potential successfully.

Each student receiving special education services has an Individualized Educational Program (IEP) developed annually (or as needed/requested) by a team consisting of the student, teachers, parents/guardians, school psychologist, administrators and community and other supports when applicable. These plans are created to meet the specific needs of the individual learner by capitalizing on his/her strengths. Students receive varying degrees of special education services based on their needs as determined by the school psychologist and the IEP team. The goal of the school psychologist and the IEP team is to provide the supports and services in the least restrictive environment in order for the student to succeed academically, behaviorally, and socially. The student may qualify as itinerant (no/one special education class per day), supplemental (two to four special education classes per day), or full-time (all classes are special education). Support provided by the IEP is designed to allow the student to meet their educational and social potential.

Special education services can include, learning support, emotional support, life skills support, sensory support skills, speech and language support, physical support, autistic support, and multiple disabilities support. These services may be provided in the general education classroom, in the resource classroom (learning support), pause room (emotional support), or in a classroom outside the charter school.

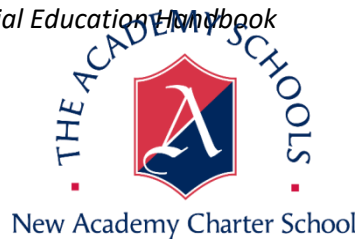
Related services include support services that assist a student with a disability to benefit from special education. Accordingly, such related services must be necessary for the student to benefit from his or her special education program. In other words, without the related services, the student would not benefit from special education. Related services can include speech-language pathology and audiology services, psychological services, physical and occupational therapy, counseling services, school health services, social work services in school, parent/guardian counseling and training, and transportation.

The Academy Charter School is required to provide a Free Appropriate Public Education (FAPE) to children with disabilities who are determined, through the evaluation process, to need special education and related services under Individuals with Disabilities Education Improvement Act (IDEIA) and Charter School Services and Programs for Children with Disabilities Chapter 711. The following are the disability categories under IDEIA:

- Autism
- Deafness
- Deaf-Blindness

- Emotional Disturbance
- Traumatic Brain Injury
- Hearing Impairment
- Intellectual Disability
- Multiple Disabilities
- Speech and Language Impairment
- Orthopedic Impairment
- Visual Impairment Including Blindness
- Other Health Impairments (*i.e. asthma, attention deficit disorder, diabetes, epilepsy, heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia*)
- Specific Learning Disability (a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia)

A school age child is eligible for special education when he/she is identified as having one or more of these physical, sensory, cognitive, or emotional disabilities AND is in need of specially designed instruction.



Independent Educational Evaluation (IEE) Procedures

Special education evaluations and reevaluations are conducted to determine what services and supports a student needs in their IEP. Sometimes, a school's evaluation or reevaluation is incomplete, lacks important information (often called data), uses the wrong tests, misidentifies a child's disability, recommends something the parent disagrees with, or otherwise lacks needed information to ensure that a proposed IEP will meet a student's needs. If this happens, parents can request an Independent Education Evaluation (IEE) at the school's expense one time per each school evaluation or reevaluation. This independent evaluation will assess a child in all areas of suspected disability and will be conducted by an appropriately credentialed certified school psychologist who does not work for the school. Sometimes, schools have a list of providers they use for IEEs. The law allows the school to decline to pay for an IEE and challenge a request for an IEE through a dispute resolution process, but in most cases the charter school agrees pay for the testing. Below is the form you may use to request the IEE.

Parent's/Guardian's Name _____

Address _____

Contact Information _____

Principal's Name – **Jay Moser**

School Name – **The New Academy Charter School**

School Address – **2500 Jonquil Way, Pittsburgh, PA 15210**

Request for Independent Education Evaluation (IEE)

I am the parent of _____, whose date of birth is _____. [If applicable: My child's language is _____. My language is _____.]

Accordingly, I request that: my child be evaluated in their native language and/or I receive interpretation and translation services.] I am requesting that the school district agree to pay for an independent educational evaluation of my child for the following reasons. I disagree with the school's evaluation

because _____

_____. I am sharing this information because I want to make sure that this and future evaluations address my concerns. My child needs the following type(s) of evaluation(s) or assessments for the following issues, including behavioral and/or mental health needs:

_____. Please forward to me the criteria that

the school district uses to select its evaluators for this type of evaluation and share the list of independent evaluators the school district typically uses. I specifically request that the school select someone who I culturally competent to evaluate my child. I understand that I can pick someone else in this area who meets the school district's criteria even if that person is not on the list. Please contact me at your earliest convenience to let me know whether the school district will pay for the requested independent evaluation(s). I understand that if the school district turns down my request, it must immediately arrange for a Special Education Hearing. If you choose to pursue a Hearing, please notify me when the school district will file a complaint with the Office for Dispute Resolution requesting that a Hearing be scheduled, and when the resolution session will be convened. Should you have any questions or problems with this request, please contact me at the following number(s) **(412) 277-0751** or by e-mail at edgark@theacademyschools.com

Sincerely,

Cc: Director of Special Education - **Kyle Edgar**

Main Classroom Teacher:

Mental Health Programs

Admissions Policy

Students are referred for participation in outpatient mental health services either from the placing agency, a family member or a staff member at The New Academy Charter School. Students may also self-refer for assessment. Based on the referral information available and reviewed, the appropriate screening tool(s) from the list below will be administered.

- Becks Depression Inventory
- Becks Anxiety Inventory
- The Child PTSD Symptom Scale (CPSS)
- Connors Rating Scale
- Autism Spectrum Rating Scale (ASRS)
- Adult ADHD Self Report
- Clinical Administered PTSD Scale for Children and Adolescents (CAPS)
- Young Mania Rating Scale (YMRS)
- Diagnostic Interview for Borderlines
- Y-BOCS Symptom Checklist
- PANSS Positive and Negative Syndrome Scale
- Child Victims of Human Trafficking (CVHT) Screening Tool
- Child Victims of Human Trafficking (CVHT) Assessment

The psychiatrist is provided with the screening results and all relevant student history for the development of a comprehensive psychiatric evaluation.

If the psychiatric evaluation determines that the client meets criteria for a diagnosis in the Diagnostic and Statistical Manual 5 (DSM-5), the psychiatrist will then prescribe the appropriate modality, dosage and duration for the treatment.

Once accepted into the program, the student will participate in the development of an Individualized Treatment Plan as prescribed by the psychiatrist and administered by our team of masters-level mental health therapists. The process of treatment will include a combination of the approaches listed below and will be based on the individual needs of each client. The program is led by our Program Director and Medical Director and treatment is provided by masters-level mental health therapists who hold credentials specific to the requirements mandated by Pennsylvania Department of Human Services.

The Academy Outpatient Mental Health Program utilizes a multi-dimensional, tailor-made, eclectic approach to treatment that is specifically designed to meet the individual needs of the adolescent client utilizing the following:

- Trauma-Focused Cognitive Behavioral Therapy (TF-CBT)
- Cognitive Behavioral Therapy (CBT)
- Dialectical Behavioral Therapy (DBT)
- Skills training, including effective communication and relationship skills, study skills, stress management, time management and self-care strategies;
- Experiential techniques such as imagery, role playing, and other expressive activities;
- Psycho-educational interventions

Individual Counseling

Clients accepted into The Academy Outpatient Mental Health Program will be assigned a primary Therapist. This clinician will be responsible for identifying which therapeutic modality will best address the student needs indicated in the treatment plan. The ITP will detail both long and short-term goals and the specific interventions to be utilized to enable the student to reach these measurable and obtainable goals. The Therapist will review the treatment plan with each individual student, family and community partners at least every 6 months or 180 days. Additionally, case consults are conducted with the clinical team and the Medical Director to review treatment progress and possible modifications needed.

Family Therapy

Based on the student's needs, and when appropriate, family therapy can be provided as a part of the mental health treatment. Family therapy is utilized to repair the psychological and emotional damage that the student has suffered. Family Therapy can take place in many forms, including in person, via videoconference, or teleconference. Family therapy can also be initiated during home visits as an introduction to the services that are anticipated to be needed in the transition/discharge plan. The goal of family therapy is to enable the parent/guardian to not only understand the treatment process but also to become a part of the healing journey.

Psychopharmacological Therapy

Psychopharmacological therapy will be used for those students who may benefit from medication administration related to their psychiatric disorder(s). Psychopharmacological therapy is offered to reduce the impairment of psychiatric symptoms. The provision of psychopharmacological therapy is provided and monitored by the attending psychiatrist and is based on assessment data and individual client needs.

Telehealth

Certain services are available to be provided to clients, when appropriate, via telehealth. Telehealth is defined by the Office of Mental Health and Substance Abuse as “the delivery of compensable behavioral health services at a distance using real-time, two-way interactive audio-video transmission.” Telehealth sessions are conducted via secure connection through Zoom, a HIPAA compliant web-based virtual office. Telehealth can help make services more convenient and accessible for clients by allowing the client and clinician to engage in services without being in the same physical location.

The program admits adolescents only. Fees for service are negotiated on a contract basis with each referral source and inability to pay would not preclude treatment.

Annual Public Notice of Special Education Services and Programs, Services for Gifted

Students and Services for Protected Handicapped Students

Notice to Parents

According to state and federal special education regulations, annual public notice to parents of children who reside within a school district is required regarding child find responsibilities. School districts (SDs), intermediate units (IUs) and charter schools (CSs) are required to conduct child find activities for children who may be eligible for services via Section 504 of the Rehabilitation Act of 1973. For additional information related to Section 504/Chapter 15 services, parents may refer to Section 504, Chapter 15, and the Basic Education Circular entitled Implementation of Chapter 15. Also, school districts are required to conduct child find activities for children who may be eligible for gifted services via 22 Pa Code Chapter 16. For additional information regarding gifted services, parents may refer to 22 PA Code Chapter 16. If a student is both gifted and eligible for Special Education, the procedures in IDEA and Chapter 14 shall take precedence.

This notice shall inform parents throughout the school district, intermediate unit, and charter school of the child identification activities and of the procedures followed to ensure confidentiality of information pertaining to students with disabilities. If parents believe that their child may be eligible for special education, the parent should contact the staff member identified for their school district of residence, listed at the end of this public notice. In addition to this public notice, the school district, intermediate unit, and charter schools shall publish written information in the handbook and on the website (<https://www.theacademyschools.com/charter-school/>). Children ages three through twenty-one can be eligible for special education programs and services. Identification activities are performed to find a child who is suspected of having a disability that would interfere with his or her learning unless special education programs and services are made available. These activities are sometimes called screening activities. The activities include: review of group data, conducting hearing and vision screening, assessment of student's academic functioning, observation of the student displaying difficulty in behavior and determining the student's response to attempted remediation. Input from parents is also an information source for identification. After a child is identified as a suspected child with a disability, he or she is evaluated, but is not evaluated before parents give permission for their child to be evaluated. The New Academy Charter School will be providing ongoing screening services. If you wish to learn more, have questions, or believe your child may need to be identified, please contact your child's school Principal.

Parent or guardians should request an evaluation for special education services if their child demonstrates warning signs of a developmental delay.

What are the warning signs of a developmental delay? There are several general "warning signs" of possible delay. These include

- Behavioral Warning Signs
 - Does not pay attention or stay focused on an activity for as long a time as other children

- Of the same age
- Focuses on unusual objects for long periods of time; enjoys this more than interacting with others
- Avoids or rarely makes eye contact with others
- Gets unusually frustrated when trying to do simple tasks that most children of the same age can do
- Shows aggressive behaviors and acting out and appears to be very stubborn compared with other children
- Displays violent behaviors on a daily basis
- Stares into space, rocks body, or talks to self more often than other children of the same age
- Does not seek love and approval from a caregiver or parent
- Gross Motor Warning Signs
 - Has stiff arms and/or legs
 - Has a floppy or limp body posture compared to other children of the same age
 - Uses one side of body more than the other
 - Has a very clumsy manner compared with other children of the same age
- Vision Warning Signs
 - Seems to have difficulty following objects or people with his/her eyes
 - Rubs eyes frequently
 - Turns, tilts or holds head in a strained or unusual position when trying to look at an object
 - Seems to have difficulty finding or picking up small objects dropped on the floor (after the age of 12 months)
 - Has difficulty focusing or making eye contact
 - Closes one eye when trying to look at distant objects
 - Eyes appear to be crossed or turned
 - Brings objects too close to eyes to see
 - One or both eyes appear abnormal in size or coloring
- Hearing Warning Signs
 - Talks in a very loud or very soft voice
 - Seems to have difficulty responding when called from across the room, even when it is for something interesting
 - Turns body so that the same ear is always turned toward sound
 - Has difficulty understanding what has been said or following directions after once he/she has turned 3 years of age
 - Doesn't startle to loud noises
 - Ears appear small or deformed
 - Fails to develop sounds or words that would be appropriate at his/her age

The content of this notice has been written in English. If a person does not understand any of this notice, he or she should contact the school district (See Special Education Contact) and request an explanation.

Evaluation Process

Each school district, intermediate unit, and charter school has a procedure in place by which parents can request an evaluation. For information about procedures applicable to your child, contact the school that your child attends. Telephone numbers and addresses can be found at the end of this notice. A parent may file a written complaint alleging that the rights described in this notice were not provided to the following:

Pennsylvania Department of Education

Bureau of Special Education

Division of Compliance

333 Market St

Harrisburg, PA 17126-0333

Gifted Multidisciplinary Evaluation (GMDE)

When the district's screening process indicates that a student has potential consistent with the definition of mentally gifted or a performance level which exceeds that of other students in the general classroom or a parent(s) suspects their child is gifted and requests an evaluation in writing, the district will initiate a Gifted Multidisciplinary Evaluation (GMDE) as specified in Title 22 Pennsylvania Code, Chapter 16 to be conducted by the Gifted Multi-Disciplinary Team (GMDT). The GMDE must be sufficient in scope and depth to investigate information relevant to the student's suspected giftedness, including academic functioning, learning strengths, and educational needs.

The Gifted Multidisciplinary Team (GMDT)

The Gifted Multi-Disciplinary Team (GMDT) includes a certified school psychologist, the principal or district representative, the classroom teacher(s), a school counselor, and the parent(s)/guardian(s). The GMDT conducts a comprehensive evaluation that is sufficient in scope to investigate information relevant to the student's suspected giftedness, including academic functioning, learning strengths, rates of acquisition and retention, intervening factors that may mask giftedness, and educational needs. If at any time the parent(s) decides to rescind permission to evaluate, the evaluation process will be stopped as long as the parent's request is in writing.

The GMDT has the responsibility of contributing information to the GMDE that:

- Assures that comprehensive data has been collected on the student to indicate academic instructional levels, thinking skills and other learning skill levels, rate of acquisition/retention for

mastery of new content/skills, academic interests/strengths, and, as appropriate, developmental levels (young students) and career goals.

- Provides clarifying information about the ability of children who score below IQ 130 (within the standard of measurement for the test) and have strong indications of gifted performance.
- Determines if additional assessment, such as out-of-level academic testing, is needed. When normed and validated individualized standardized testing is used, a clear explanation of subtest results should be part of the Gifted Written Report. Such explanation may include:
 - Mastery level
 - Functional/instructional level and frustration level
 - Grade level equivalencies
 - District performance criteria for competency
 - Mastery and excellence of output
 - Comprehensive developmental levels in subtests
 - Implications in the learning process of the student
- Recommends whether a student is gifted and in need of specially designed instruction.
- Recommends appropriate integrated programming for a student if there is more than one area of exceptionality.
- Provides information about the student's adaptive and social behavior if this is appropriate.

The GWR should be compiled based on a complete evaluation and carry the recommendations of all individuals participating, whether or not the individuals are in concurrence. The determination of giftedness, i.e., eligibility under Chapter 16, resides with the GMDT, which includes the parents.” (Pennsylvania Department of Education Gifted Guidelines August 2010, pages 13–14)

The evaluation process must take into consideration any Intervening Factors Masking Giftedness. “Documented, observed validated or assessed evidence that intervening factors such as English as a Second Language, learning disability, physical impairment, emotional disability, gender or race bias, or socio-cultural deprivation are masking gifted abilities.” (22 PA. Code §16.21 (e) (5))

Consent

School entities cannot proceed with an evaluation, or with the initial provision of special education and related services, without the written consent of the parents. For additional information related to consent, please refer to the Procedural Safeguards Notice which can be found at the PaTTAN website, www.Pattan.net. Once written parental consent is obtained, the district will proceed with the evaluation process. If the parent disagrees with the evaluation results, the parent can request an independent education evaluation at public expense.

SECTION 504 PLANS

Services for Protected Handicapped Students, Other Than Special Education Services Under Section 504 of the Federal Rehabilitation Act of 1973, some school age children with disabilities who do not meet the eligibility criteria outlined above might nevertheless be eligible for special protections and for adaptations and accommodations in instruction, facilities, and activities. Children are entitled to such protections, adaptations, and accommodations if they have a mental or physical disability that

substantially limits or prohibits participation in or access to an aspect of the school program and otherwise qualify under the applicable laws.

The Charter School must ensure that qualified handicapped students have equal opportunity to participate in the school program and activities to the maximum extent appropriate for each individual student. In compliance with applicable state and federal laws, the Charter School provides to each qualifying protected handicapped student without discrimination or cost to the student or family, those related aids, services or accommodations which are needed to provide equal opportunity to participate in and obtain the benefits of the school program and extracurricular activities to the maximum extent appropriate to the student's abilities and to the extent required by the laws.

These services and protections for "protected handicapped students" may be distinct from those applicable to eligible or thought-to-be eligible students. The Charter School or the parent may initiate an evaluation if they believe a student is a protected handicapped student. For further information on the evaluation procedures and provision of services to protected handicapped students, parents should contact the school's Director of Special Education.

Program Development

Once the evaluation process is completed, a team of qualified professionals and parents determine whether the child is eligible. If the child is eligible, the Individualized Education Program team meets, develops the program, and determines the educational placement. Once the IEP team develops the program and determines the educational placement, school district staff, intermediate unit staff, and/or charter school staff will issue a Notice of Recommended Educational Placement/Prior Written Notice (NOREP/PWN). Your written consent is required before initial services can be provided. The parent has the right to revoke consent after initial placement.

Confidentiality of Information:

The school districts, intermediate units and charter schools maintain records concerning all children enrolled in the school, including students with disabilities. All records are maintained in the strictest confidentiality. Your consent, or consent of an eligible child who has reached the age of majority under state law, must be obtained before personally identifiable information is released, except as permitted under the Family Education Rights and Privacy Act (FERPA). The age of majority in Pennsylvania is age 21. Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information. Each participating agency 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.

For additional information related to student records, parents can refer to the Family Education Rights and Privacy Act (FERPA). This notice is only a summary of the Special Education services, evaluation and screening activities, and rights and protections pertaining to children with disabilities, children thought

to be disabled, and their parents. For more information or to request evaluation or screening of a public or private school child, contact your responsible school entity.

The Child Find Mandate: What Does It Mean To You?

<https://www.wrightslaw.com/info/child.find.mandate.htm>

Is Your Child Having Difficulty in School?: A Guide to Communicating with Staff

[https://www.pghschools.org/cms/lib/PAO1000449/Centricity/Domain/290/Difficulty in Sch0215.pdf](https://www.pghschools.org/cms/lib/PAO1000449/Centricity/Domain/290/Difficulty%20in%20Sch0215.pdf)

SCHOOL DISTRICT

Jay Moser
Principal, LEA
The New Academy Charter School
2500 Jonquil Way
Pgh, PA 15210
412-515-2280

The school entity or charter school will not discriminate in employment, educational programs, or activities based on race, color, national origin, age, sex, handicap, creed, marital status or because a person is a disabled veteran or a veteran of the Vietnam era. No secondary school pupil enrolled in a school district, intermediate unit, or charter school program shall be denied equal opportunity to participate in age and program appropriate instruction or activities due to race, color, handicap, creed, national origin, marital status or financial hardship.

The New Academy Charter School special education staff is aware of the responsibility of the IEP to determine what Assistive Technology Devices and/or Services are available, the timelines for such assistive technology, and the timeline for implementing the assistive technology in the students' IEP. If it is determined that a student requires Assistive Technology to provide a student FAPE then The New Academy Charter School will provide the Assistive Technology at no cost to the parent/guardian. This is covered during training at the beginning of the school year during in-service using the attached document from the Department of Education:

Assistive Technology

20 USC §1401(1-2)

Date of Issue: September 1, 1997

Date of Review: June 1, 2014

Purpose

This Basic Education Circular (BEC) has been revised to comply with the Individuals with Disabilities Education Act (IDEA) as amended in 2004 and Chapters 14 and 711. This BEC will provide guidance regarding assistive technology as to the following:

1. Increase awareness of assistive technology devices and/or services that are defined in federal law and regulations;
2. Clarify the obligation of school districts and charter schools to provide assistive technology devices and/or services to children with disabilities; and,
3. Explain supports available to assist school districts and charter schools, as the local educational agencies responsible for providing assistive technology devices and/or services to children with disabilities.

Background

As defined in federal law, assistive technology device means "any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of children with disabilities." Assistive technology devices range from a simple switch for a child with particular physical limitations to a sophisticated augmentative communication (i.e., voice output) device for a child with severe speech impairment. Other examples of assistive technology include assistive listening devices and systems for children with hearing loss and screen reading software for children with visual, neurological, or cognitive impairments. A medical device that is surgically implanted, however, is not considered an assistive technology device.

Assistive technology service means "any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device." Services include but are not limited to evaluation; purchase or lease of a device; designing, customizing, or adapting a device; maintaining,

repairing, or replacing a device; coordinating or using therapies with a device; and training or technical assistance for the child, family, and professionals.

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

The Role of Assistive Technology within Special Education

Assistive technology devices and/or services may be needed to enable children with disabilities to receive educational benefit. Federal and state special education laws explicitly include assistive technology devices and/or services among those services which local education agencies must provide for a child with a disability, at no cost to parents, if determined by the Individualized Education Program (IEP) team to be necessary for the student to receive a free appropriate public education (FAPE). Such services may be required as part of special education, related services, or supplementary aids and services required to enable a child to be educated in the least restrictive environment.

IEP Team Responsibility for Determining what Assistive Technology Devices and/or Services

As with every other special education service, the IEP team is responsible for determining if an assistive technology device and/or service is necessary for a child with a disability to receive FAPE. It is important to remember that assistive technology devices and/or services are not ends in themselves. The IEP team should focus on whether or not assistive technology devices and/or services are necessary for the eligible child to receive educational benefit and Free Appropriate Public Education (FAPE).

Assistive Technology included in the IEP

To the extent that assistive technology devices and/or services may be required as part of special education, related services, or supplementary aids or services, a child's IEP must include a statement describing the full extent of devices to be obtained (i.e., no, low, and high technology) and service(s) (i.e., programming of devices, back-up strategies, repairs and maintenance, training and technical assistance, and other relevant needs and considerations) as well as the amount of such service(s). The provision of assistive technology devices and/or services may not be made conditional on subsequent approval by entities outside the IEP process (e.g., PaTTAN, Intermediate Units, Medical Assistance, etc.). It is also noted that FAPE may require that the child have the assistive technology device overnight, on weekends, and during vacations and summers, or receive assistive technology services during such breaks, which should be specified in the IEP.

Timelines and Projections

All procedural safeguards and timelines set forth in federal and state laws for completing initial evaluations, reevaluations, and developing and implementing IEPs are fully applicable to assistive technology devices and/or services when they are necessary to ensure eligible children receive FAPE. This means that evaluations must be completed within 60 calendar

days upon receipt of parental consent; the assistive technology components of the IEP must be developed within 30 school days and the assistive technology component of the IEP must be implemented within 10 school days. Assistive technology devices should be secured on loan or leased if manufacturer delay is anticipated.

While school districts and charter schools may choose to use assessment processes, such as the SETT (Student, Environment, Tasks, and Tools) Framework, to assist in the identification or refinement of assistive technology devices or services, the assessment processes cannot be used to delay the provision of the assistive technology needed for FAPE.

Responsibility for Providing Assistive Technology Devices and Services

It is the school district or charter school's responsibility to provide without delay assistive technology devices and services when included as part of a student's IEP. School districts and charter schools are responsible for the ongoing maintenance and prompt repair of assistive technology devices in order to provide FAPE without interruption.

IDEA 2004 also requires local education agencies (LEAs) to ensure that students with disabilities receive accessible instructional materials under the National Instructional Materials Accessibility Standard (NIMAS) at the same time that students without disabilities receive their materials. LEAs also have the responsibility to provide accessible materials under the Section 504 of the Rehabilitation Act. Assurance of accessible materials involves the provision of assistive technology. Refer to the following resources available on the PaTTAN website regarding the implementation of accessible instructional materials: Accessible Instructional Materials FAQ and Pennsylvania's Guidelines for the Provision of Accessible Instructional Material (AIM Guidelines).

Services Available to Assist IEP Teams

PaTTAN and local intermediate units' assistive technology consultants are available to provide technical assistance to IEP teams responsible for selecting, providing access to, and implementing the use of assistive technology devices and/or services necessary for a student to receive FAPE. Assessments are to be provided by qualified professionals knowledgeable and experienced with the range of assistive technology available to students with disabilities.

Support Available for School Districts and Charter Schools when Purchasing Assistive Technology

The PDE, through the Bureau of Special Education, allocates funds to Intermediate Units for the specific purpose of funding assistive technology. PaTTAN will assist LEAs in purchasing assistive technology equipment/supplies at significantly reduced costs. The school district and/or charter school remains responsible for the provision of assistive technology devices and services. Alternate funding sources and equipment loans from the intermediate unit and/or PaTTAN Centers may also be utilized.

Acquisition of Assistive Technology Devices and Services under Pennsylvania's School-Based Access Program

Whether a device may be billed under the School-Based ACCESS Program depends on many variables, such as the eligibility of a student to receive Medical Assistance (i.e., Medicaid), parental consent to such billing, the funding source used to purchase the device, the enrollment of the LEA in the School-Based ACCESS Program, and the availability of the

device from alternate sources. LEAs should inform families of the School-Based ACCESS Program, how assistive technology may be obtained through it, and requirements for parental notification and consent.

The LEA should inform the family not to assume the device will be billed to Medical Assistance (MA), even if a child's MA number is provided on an equipment acquisition form. If the device is billed to MA, the LEA notifies the parents by sending a transfer of ownership letter (i.e., the device becomes the property of the MA-eligible child). When the parents are in receipt of the transfer of ownership letter, the billing process has begun. If the billing is ultimately rejected by MA, the parents will be informed by letter.

A school district or charter school may not delay or deny a student's receipt of assistive technology: (1) while it attempts to secure MA funding; (2) if the parent does not give consent to bill the School-Based ACCESS Program; or (3) by directing the family to pursue MA or other outside funding on its own for the assistive technology.

References

State Board of Education Regulations

22 Pa. Code Section 14.102(a)(2)(i), (xi), & (xxvii)[Opens In A New Window](#)

22 Pa. Code Section 14.106[Opens In A New Window](#)

22 Pa. Code Section 14.131[Opens In A New Window](#)

22 Pa. Code Section 711.3(b)(1), (10), & (24)[Opens In A New Window](#)

22 Pa. Code Section 711.41[Opens In A New Window](#)

22 Pa. Code Section 711.45[Opens In A New Window](#)

Federal Statutes

20 U.S.C. Section 1401(1)(2)

Federal Regulations

34 C.F.R. Sections 300.5 - 300.6

34 C.F.R. Section 300.105

34 C.F.R. Section 300.323(c)(1)

34 C.F.R. Section 300.324(a)(2)(v)

Bureau/Office Contact

Bureau of Special Education

Pennsylvania Department of Education

Forum Building

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Harrisburg, PA 17120

Phone: 717-783-6913

Handbook for Special Education Department

New Student on Special Education Teacher's Caseload

When you get a new student on your caseload there are several steps that you need to take to organize their special education documents and information. You will be given any documentation received from the student's previous school in your mailbox or transferred in IEP Writer. Each teacher is responsible for managing their caseload and their student's files. Files must be kept in the teacher's file drawer unless they are being used to write the IEP and other documents. Use the following steps to organize the students information:

1. Create a physical file for each student using the black binders. Each binder should have a front cover and a spine label. Place all documents in sheet protectors and in the appropriate sections:

Front Pocket:

- Place **file checklist** on inside left
 - *Fill out as you organize file
- Place **file access/contact log** on inside right
 - *Fill out when you contact home for introduction, surveys, phone invitations, and any other phone calls home.
 - *Fill out any time the file is removed from the file drawer

***Examples of these are located in the Important Documents section of this handbook.

First Tab: Current Documents

- Permission to Evaluate
- Most recent Evaluation or Reevaluation Report
- Invitations
- IEP
- Positive Behavior Support Plan (PBSP) [Now usually within IEP]
- Procedural Safeguards Letter
- NOREP with LEA signature and attempts made
- IEP waiver (if necessary)

Second Tab: Testing and Evaluation

- Woodcock Johnson IV Test of Achievement student booklet and scores
- IXL Reading and Math Diagnostic Assessment Results
- Read 180, Easy CBM Data, EBLI Data, and DIBELS data
- General Education Input forms
- Itinerant Forms
- Functional Behavior Assessment (if completed)

Third Tab: Schedule, Grades, and Demographics

- Print from PowerSchool their schedule, grades, and demographics
- Student Transition Survey
- Parent Survey
- Xello Career Exploration Information

Fourth Tab: Past Documents

- Past documents are organized according to school year with the most recent in the front and the oldest in the back.

Fifth Tab: Progress Monitoring

2. Meet with your student and complete with them a **Student Transition Survey**
 - An example of this can be found on the NACS Hub
3. Mail or email home a **Parent Survey** and enclose a prepaid envelope. If they do not mail it back or email back, call home and see if they will complete it over the phone or on Zoom.
 - An example of this and a google form of the survey can be found on the NACS Hub
4. **Academic testing** of each student needs to be completed within 30 days of the student's arrival. This testing is done using the IXL Reading and Math Diagnostic Assessment. Reading Fluency data is collected using Easy CMB, DIBELS, and EBLI. Additional data could be found via Read 180. Once you receive the score sheet for your student you will need to probe the student with an assessment based on those scores and enter it into their IEP in the Present Levels Page 1 section.
5. **Create General Education Google Forms** in order to complete quarterly progress monitoring. Each teacher should receive an event invite via Outlook Mail for all of the students that they teach and are on your caseload. This should include all their behavior goals and academic goals.
6. **Create a Google Sheet** with all of the students on your caseload that includes their PBSP and accommodations/modifications. The teacher will share this document with the general education teachers in order to provide the appropriate specially designed instruction and accommodations/modifications in the general education setting.

7. When a student transfers to the school and their IEP is **Out of Compliance**, the IEP team must meet within 5 school days to create a compliant IEP. This will be discussed with you on a case-to-case basis by the Special Education Director.
 - The IEP team will follow this most current IEP with consent from the guardian and the IEP team will reconvene within 30 calendar days to add additional information.
8. **IEP timelines** are as follows: When a new student comes to the school, the Special Education Director will create a NOREP to state that their current accommodations/modifications and PBSP will be followed until the IEP meeting has occurred at The New Academy Charter School. Second, an IEP needs to be created within 30 calendar days. This IEP will be based on their previous compliant IEP from the last school or placement that they attended. Draft IEPs need to be written one week prior to the meeting and given to a veteran special education teacher for review. After the IEP meeting, you will have one week to finalize the IEP. This also applies if a student requires a Positive Behavior Support Plan.
9. **IEP meetings** will be scheduled by the Special Education Director. This schedule will be emailed to you as new students are added. It will also be added to your Academy Outlook Calendar.
10. **Other documents** that will be required for the IEP meeting include:
 - Invitations with at least three attempts by paper, email, DocuSign, or phone calls
 - Positive Behavior Support Plan (completed WITHIN the IEP)
 - NOREP with the LEA's signature and attempts made
 - Procedural Safeguards Letter and Notice

Woodcock Johnson IV Test of Achievement (WJ-IV)

The Special Education Director or School Psychologist will have the testing materials needed for evaluations and re-evaluation testing. The School Psychologist will complete the WJ-IV testing in a one-on-one setting within the school.

The student is only required to complete tests 1-6 & 9-11. Tests 3, 5, 6, 9, 10, and 11 can be done as a group with multiple students.

Test 1: Letter-Word Identification

Test 2: Applied Problems

Test 3: Spelling

Test 4: Passage Comprehension

Test 5: Calculation

Test 6: Writing Samples

Test 9: Sentence Reading Fluency (timed 3 minutes)

Test 10: Math Fluency Facts (times 3 minutes)

Test 11: Sentence Writing Fluency (timed 5 minutes)

Descriptions to put in the IEP (add grade level scores):

Broad Reading: GE

Letter-Word Identification: GE (Student is asked to read a list of words)

Sentence Reading Fluency: GE (Student is asked to read sentences and asked to answer yes or no within 3 minutes)

Passage Comprehension: GE (Student is asked to read a short passage and identify a missing key word)

Broad Written Language: GE

Spelling: GE (Student is asked to spell words that get progressively harder)

Sentence Writing Fluency: GE (Student is asked to write a sentence about a given picture within 5 minutes)

Writing Samples: GE (Student is asked to write sentences that are evaluated with respect to the quality of expression)

Broad Mathematics: GE

Calculation: GE (Student is asked to solve mathematical problems that get progressively harder)

Math Fluency Facts: GE (Student is asked to solve addition, subtraction, multiplication, and division problems within 3 minutes)

Applied Problems: GE (Student is asked to listen to a problem, recognize the procedure to be followed, and then perform relatively simple calculations)

IEP Writer

IEP Writer is a web-based system that special education professionals use to create IEPs and other special education documents for all of the students on their caseload. Each teacher and administrator will be assigned a user name and password for the program. You will be given this log in information from the Special Education Director.

The website for IEP Writer is www.iepwriter.com/pa. Please take the time to login and get familiar with the system.

IEP Timeline

When a new student comes to the school, an IEP needs to be created within 30 calendar days. This IEP will be based on their previous compliant IEP from the last school or placement that they attended. Draft IEPs need to be written one week prior to the meeting and given to a veteran special education teacher for review. After the IEP meeting, you will have one week to finalize the IEP. This also applies if a student requires a Positive Behavior Support Plan.

When a student is on your caseload and their annual IEP is about to expire (one day less than a year), you will need to create a new IEP. For example, if a student's IEP is dated to expire on 11/12/2016, their new IEP needs to be dated on or before 11/11/2017. This requires new testing and new input from the student's teachers and guardians.

When a student's Reevaluation Report is completed, you will have 10-30 calendar days to complete a new IEP based on the new information unless the parent waives the 10 day period. If this is the case the IEP meeting can occur before 10 days.

IEP Schedule

An IEP Schedule will be emailed as new students are added. A master schedule can be found on the NACS google drive. The meetings will also be added to your Academy Outlook email calendar. The schedule will include the student, special education teacher, who the general education teacher is, the LEA, Special Education Director, OVR Representative, and any other educational decision maker, when the meeting is, and any other important information. Once you receive the student's prior special education documents, it is important to start the process that is outlined in this handbook.

<u>Student Name</u>	<u>Time</u>	<u>Caseload</u>	<u>Regular Education Teacher</u>	<u>Type:</u>	<u>Other Info:</u>
Jack Johnson	8 th 1:00pm	Ifft	Shamitko	IEP Meeting	
Ringo Star	3 rd 10:30am	Noll	Giordano	IEP after RR	

Invitations

Invitations to IEP meetings must be mailed to parents/guardians and the student (14 years old and older during the current school year). You must document at least 3 invitations starting a month out from the scheduled date and time. Invitations are generated on IEPWriter and should be sent by mail, email, DocuSign, or fax. Phone or email conversations should be attempted in order to reinforce the official invitations.

You will also need to file the Outlook Calendar invite as documentation of invitation to the LEA, Guidance Counselor, General Education Teacher and/or any other outside agency.

Examples of the 2 invitations can be found on the NACS google drive.

IEP

IEPs are implemented the same day as the meeting. The IEP consists of sections that address and discuss different topics. Sections include the IEP Team signatures, Special Considerations, Present Levels (Academic Achievement, Functional Performance, and Transition), Transition Services, Positive Behavior Support Plan, State Assessments, Local Assessments, Goals and Objective, Related Services, IEP Questions, and Placement and Reporting.

Included on the NACS Hub is a sample IEP that we use as a generic draft for our students. Please follow this sample as a guide when writing your own student's IEP. It is also helpful to compare your IEP to the IEP File Checklist to ensure that you have everything in the IEP that is needed.

Indicator 13 Checklist/Post-Secondary Transition Goals

It will be helpful to compare your file, IEP, and other documents to the Indicator 13 Checklist. Students that are 14 years or turning 14 during the school year will complete a student transition survey and interview with their special education teacher. If they are unsure of what career/job they would like to pursue they will complete an interest survey found using this link:

<https://www.careeronestop.org/Toolkit/Careers/interest-assessment.aspx>

The special education teacher and student can use this as a basis to write post-secondary goals for the student to work towards. The IEP must include the students post-secondary education/training goal, competitive employment goal, independent living goal, and any other outside agencies that they are involved in that can help to meet their post-secondary goals. This will be updated yearly and will reflect on which parts of the goals they have met and update any new activities/services they need to work towards. Each section will have at least two services and two activities to work on during the school year.

Act 26 Transition Questions are new as of May 2017. Please let the Special Education Director know what answer you chose for each of the questions.***

- Does this student have a transition plan as part of their IEP? (YES/NO/NA)
- Does the IEP contain new services that support paid work-based learning experiences in a competitive (at least minimum wage) integrated setting? (YES/NO/NA)
- Does the IEP contain services that include job supports/coaching? (YES/NO/NA)
- Does the IEP contain services that include career development and job exploration? (YES/NO/NA)

Each student will have 3 transition goals including Post-Secondary Education/Training, Employment, and Independent Living. Each goal needs at least three services and activities. Examples of this are as follows:

Post-Secondary Education/ Training: Hunter has a goal of attending a 2 – 4yr program in order to obtain a degree after high school. In order to be successful, Hunter must improve his Reading Comprehension Skills. He will also work on his on-task skills and research different 2- or 4-year programs that he might be interested in.

Employment: Hunter has a goal of being competitively employed in the field of business after high school. In order to be successful, Hunter needs to improve his ability to stay on task.

Independent Living: Hunter has a goal of eventually living on his own or with friends after high school. Hunter has a goal of to obtain a drivers license and plans to get around using his own car or transportation from friends/family or Uber/Lyft. In order to be successful, Hunter must improve his Math Calculation Skills.

Other Agency Involvement: Hunter is a part of the Integrated Program at The New Academy Charter School. Hunter is a student involved with the Allegheny County Office of Juvenile Probation and is assigned a Probation Officer through the agency. He also receives services through Wesley Spectrum Services outside of School.

Each measurable annual goal must be addressed at least once under a transition goal. Each transition goal must address at least one measurable annual goal and include at least one service (what are we doing for them) AND one activity (what is he/she/them doing).*

Goals and Standards

If it is determined that a student is below at least 2 grades levels in a particular area, then a measurable annual goal is required to be written into their IEP and progress monitored. These goals need to be aligned to the Pennsylvania Common Core Standards based on the grade level that the student is currently in. You can find a list of these standards at pdesas.org/PACore. Select PA Core then ELA Assessment Anchors and Eligible Content or Math Assessment Anchors and Eligible Content and select the appropriate grade.

If a student has a PBSP then a student will have at least one behavior goal in their IEP. The IEP team will write a behavior goal that is able to be quarterly monitored and measured. This goal is tracked daily, averaged weekly, and reported quarterly to see if the student is able to work towards their goals with the supports/services provided. If the student is meeting the goal then the difficulty is increased until they are able to master the goal. If the student is maintain or regressing, then the IEP team will need to consider possible interventions or an increase in supports/services to help them meet these goals.

For help writing Measurable Annual Goals, please reference the Special Education Manual or a veteran special education teacher.

Least Restrictive Environment

A student's special education placement must be made in the Least Restrictive Environment (LRE) in which the student's educational needs can be addressed. According to the law, all students with disabilities must be educated to the maximum extent *appropriate* with students who do not have a disability. Once the IEP team has decided upon services and the amount of services, then the location of where the services are to take place is determined. Services may be provided in four types of settings: the general education classroom by the general education teacher, in the general education classroom by the general and special education teacher, in a small group setting in a special education classroom, or in a separate location by specialized instructors, or in a combination of these educational settings. The IEP must note how much of the student's day is spent outside of the general education environment and away from peers without disabilities.

Please use the following percentages for LRE placement:

Total Hours in a School Day	Total Hours w/ nondisabled peers	Number of Special Education Classes	Percentage	LRE Placement
7.5	7.5	0	100%	Itinerant
7.5	7.0	1	93%	Itinerant
7.5	5.84	2	78%	Supplemental
7.5	5.1	3	68%	Supplemental
7.5	4.3	4	57%	Supplemental
7.5	3.5	5	46%	Supplemental
7.5	2.6	6	35%	Supplemental

Positive Behavior Support Plan (PBSP)

When a student is diagnosed with an Emotional Disturbance, or if the IEP team determines that the student would benefit from a Positive Behavior Support Plan, it is required to create a PBSP based on observations, teacher input, behavior referrals, and an FBA (Functional Behavioral Assessment) that is specific to that student's behaviors and needs. This will include 1-2 behavior goals that focus on the most problematic behaviors exhibited by student. This must be completed within the IEP and refined during the IEP meeting with the IEP team.

NOREP

Once the *Individualized Educational Program* (IEP) team has designed the IEP for the student, the charter school will issue a *Notice of Recommended Educational Placement* (NOREP) to the parents/guardians. This notice may be given to the parents/guardians at the IEP meeting, mailed, or sent through DocuSign immediately following the meeting. The NOREP explains the educational placement decision and the reasons for the recommended placement. The completed IEP and the NOREP are the charter school's offer of a Free and Appropriate Public Education (FAPE). Parents/guardians indicate their approval of this offer by signing the NOREP and checking the option: "I approve of this recommendation." This approval is required before special education services can begin.

A NOREP must be sent home 3 times, the third time being sent Certified Mail or DocuSign. It is important to highlight where the NOREP needs to be selected and signed by a parent. An example of a NOREP can be found on the NACS google drive.

When parents/guardians do not agree with the IEP that describes a student's program and placement, they have four options: request another meeting to discuss the recommendations further, request a Pre-Hearing Conference, request mediation, or request a Due Process Hearing. Each of these options is detailed in the *Procedural Safeguards Notice*. If a parent does not respond, the school is required to start services.

Procedural Safeguards

At the yearly IEP meeting, parents must be given a Procedural Safeguards Letter and a Procedural Safeguards Notice, which can be found on IEPWriter. They must also sign page 4 of the IEP that states they have received the Notice. If they are not at the IEP meeting, this must be mailed or emailed home along with the other special education documents and date of mailing or emailing documented on page 4.

You must also create a Procedural Safeguards Letter. This is also found on IEPWriter. In order to create this, the following addresses for services are needed. Additionally, an example of the letter can be found on the NACS Hub.

HSAO
2801 Custer Avenue
Pittsburgh, PA 15227

The Arc of Greater
711 Bingham Street
Pittsburgh, PA 15203
412-995-5000

The Special Education Manual goes into more detail pertaining to Procedural Safeguards Letter and Notice and the laws surrounding it.

IEP Meeting

Three days before the meeting, make sure the following are in the student's folder ready for the IEP meeting:

- a. Clean copy of the IEP (with corrections made)
- b. Clean copy of the NOREP (with corrections made)
- c. Filled out Procedural Safeguards Letter
- d. Procedural Safeguards Notice
- e. Test Scores
- f. Evaluation/Reevaluation (most current)
- g. Grades
- h. Teacher Input
- i. Transition and Parent Survey
- j. Permission to Evaluate/Reevaluate (Multiple if not signed by parent/guardian)
- k. Invitation to the Meeting (Multiple if not signed by parent/guardian)

Two days before the meeting, please call the parent/guardian and ask if he or she will be attending the meeting and if he or she would like transportation. Please schedule it accordingly and then speak with Sam Roach in order to arrange transportation if needed. If you do not reach the parent/guardian, please leave a message and try again the next day. This contact must be documented both on the Invitation to the Meeting and on the "Contact and File Access Log."

On the day of the meeting, call the parents/guardians and other IEP team members, regardless if they are coming or not, and confirm the time of pick-up and/or meeting. This contact needs to be documented both on the Invitation to the meeting and on the "Contact and File Access Log." If this is the first time you have been able to reach them please try to set up transportation and get them to come in for the meeting. If not, ask them if they are able to participate via Zoom or phone.

After the meeting you are responsible for making adjustments to the IEP and NOREP on IEP Writer within one week of the meeting. The Special Education Director will read over the corrections. If any adjustments need to be made the Special Education Director will let you know and the adjustments will need to be made within three days.

What to Mail/Email Home and When

Copies of all of the created special education documents must be mailed home to parents within a week of the IEP meeting. This is not necessary if the documents were given at the meeting and no changes to the IEP occur. Examples of these documents include the IEP, PBSP, NOREP, Procedural Safeguards Notice and Letter, and IEP Waiver (if needed). Please also include a prepaid envelope with ATTN: Your Name on it for parents to mail back the signed NOREP.

Progress Monitoring is also mailed home quarterly. This includes: quarterly overview, behavior chart, and academic charts.

Parent surveys need to be sent home with the Invitations to Participate in the IEP meeting and/or via emailing the Google Form of the Parent Survey.

Progress Monitoring

Each special education teacher is responsible for completing progress monitoring for all of your students on your caseload on the hard copy of the IEP and on IEP Writer. Each file will be checked one week after each 9-week period. Spot checks of student's folders will be done bi-weekly. The monitoring needs to be marked as follows. If the IEP date starts within The New Academy Charter Schools 3rd nine week grading period, the 3rd nine week grading period on the IEP will be the first monitoring block filled in.

For Behavior progress monitoring, you will use data from the behavior google sheets or hard copies that are given to the general education teachers. Collect the general education google sheet responses or hard copies once grades are due. It will be helpful to send a friendly reminder to the teachers for when you would like them back to you and throughout the quarter. You will take the data, average it, and put it into a graph form using Microsoft Word or Excel. If you need help with this please see a veteran special education teacher.

Both Academic and Behavior progress monitoring needs to be completed and shown to the Special Education Director no longer than one week after report cards are sent home. You will then need to mail this home to the parents. Please send graphs for both as well as the progress monitoring summary page. Examples of these graphs and summaries can be found on the NACS google drive.

Manifestation Determination

A Manifestation Determination must be completed and the IEP Team must meet when a student accumulates either 10 consecutive days or 15 cumulative days of suspension during a given school year. It also needs to be completed if days 11-15 constitute a pattern in behavior. In addition, if a student with an Intellectual Disability is suspended for 1 day a Manifestation Determination needs to be completed. If a student is referred to an AEDY programs a Manifestation Determination needs to be completed.

This template can be found on IEP Writer. Your Special Education Director will discuss this with you on a case-to-case basis. More information can also be found in the Special Education Manual.

504 Plans

Students with disabling conditions who do not qualify for and/or need special education may be eligible for a 504 Plan. A 504 Plan specifies accommodations and modifications in the educational environment that the student needs in order to “level the playing field”.

Students with 504 Plans are not considered to be “special education students.” They remain under the general education program. Section 504 regulations are enforced by the Office of Civil Rights (OCR). Further information regarding Section 504, including rights and safeguards can be obtained by accessing the following web site:

<http://www.ed.gov/about/offices/list/ocr/504faq.html>

504 Plans are completed yearly and they are generated through IEP Writer. An initial (within 30 days) and annual meeting (within a year) is needed for all 504 Plans.

Graduation Plan and Exit NOREP

A Graduation Plan must be completed for every senior on your caseload. This is a summary of academic achievement and functional performance. It includes student information, summary of performance, accommodations, recommendations, and transition goals. It also includes the student's perspective of their high school experience. This needs to be completed at least 2 weeks prior to their graduation and mailed home/or DocuSign/Email. It can be done in IEPWriter.

An Exit NOREP must also be created for every senior that is graduating. This is generated in IEP Writer and will only be done if the student is graduating. These are dated for the day of graduation. If the student is graduating in January, use their last day of school as the date. If the student is a summer graduate, also use their last day of school as the date. This will be mailed home/or DocuSign/Emailed no longer than one week after the student's graduation and it should be highlighted as an annual NOREP is highlighted.

An example of both of these can be found on the NACS google drive. If you would like a digital copy of the Graduation Plan, please ask your Special Education Director or a veteran special education teacher.

Faculty Pledge

It is important in establishing a positive school and home partnerships that the parents/guardians, staff and students have a common understanding of the rules and regulations of The New Academy Charter School. We ask that you sign and return this pledge after reading the statements below.

I have read the *2024-25 Special Education Handbook* and understand the policies and procedures as well the programs therein. In addition, I will adhere to these policies and procedures.

Faculty's Signature

Administrative Signature

Date signed: _____

Date handbook was received: _____

SPECIAL EDUCATION PROGRAM

Individualized Education Program

If the evaluation has determined that the student is eligible for special education services, a team will meet to develop an *Individualized Educational Program* (IEP) based on the *Evaluation Report*. The parents/guardians will receive an *Invitation to Participate* in the IEP Team Meeting via mail and email invite. Three attempts will be made if there is no response from the parent/guardian.

The meeting must be scheduled to occur within 30 calendar days from the final Evaluation Report (ER) date.

According to the law, the IEP team must include, but is not limited to, the following individuals:

- A representative of the school district or the Local Educational Agency (LEA).
- At least one general education teacher.
- At least one special education teacher.
- The child's parents/guardians.
- The child (if transition services are planned or if the parents/guardians so choose).

The IEP identifies the type of services, the amount of services, and where those services will be provided. For the majority of students, the IEP will describe the supports that will help them participate with peers without disabilities and make progress in the general education curriculum. The IEP team will base goals for academics or behavior on the student's instructional and functional performance levels. For students with more significant needs, the IEP team will write goals to develop the student's independence in activities of everyday living.

Transition Services

Students 14 years of age or older will be invited to attend the IEP team meeting in order to plan for life after school (upon graduation from high school or age 21). Representatives from adult service agencies, such as, the Office of Vocational Rehabilitation (OVR), Blind & Vision Services, or a case manager from Allegheny County Department of Human Services, may be invited to participate in the development of the IEP. These are agencies that may be able to assist a student with a disability after education services end. These transition plans may be for the student to transition from school to work or from school to higher education, including college. The purpose of this planning is to make sure that the student is participating in relevant coursework and programs while in high school so that the student's post-secondary goals can be achieved. The IEP team will identify desired post-school outcomes in the areas of additional education, employment, and independent living based on the student's interests, abilities, and needs.

Type of Special Education Services & Supports

An *Individualized Educational Program* (IEP) team utilizes information from the *Evaluation Report* to answer questions about specific factors addressed in the IEP under the section of special considerations. These factors include whether or not the student has a vision or hearing impairment, or has communication needs or behaviors that impede his or her learning. Then information from the *Evaluation Report* about the student's present academic achievement and functional performance levels will be summarized. Next, the IEP team will consider how the student's disability influences the student's involvement and progress in the general education curriculum. The IEP team will also determine how the student will participate in state and local assessments. In order for the results of standardized tests to be valid and reliable, only limited accommodations are allowed. The IEP team will determine whether or not the student needs accommodations on these assessments. This discussion will be based on the accommodations documented in the IEP. The IEP specifies if the student will participate in state and district-wide standardized tests with or without accommodations.

The *Evaluation Report* (ER), reevaluation report(s), special considerations, the student's present levels of academic achievement and functional performance combined give all members of the IEP team the necessary information about the student to develop the goals and objectives for learning. Goals and objectives contained in an IEP will reflect the unique needs of the student. An IEP might contain goals and objectives in one or more of the following areas: academics, social skills, daily living skills, and/or behavior. If the student is 14 or older, these goals will be related to desired post-school outcomes. However, goals and objectives for all students will be based on the recommendations and needs identified by the ER and reiterated in the first two sections of the IEP. Along with these goals and objectives, the IEP team considers the need for modifications and specially designed instruction, which means what, how, and where the student is taught (the content, methodology, and delivery of instruction). A *Behavior Intervention Plan* (BIP) may be included in the IEP once the team considers "strategies, including positive behavioral interventions, strategies, and supports if the child's behavior impedes his or her learning or that of others". The IEP team also identifies how the special education student's progress will be measured. Progress must be reported at least as frequently as progress is reported for students in regular education.

The IEP team will consider whether additional services called related services are necessary in order for the student to benefit from special education. These related services might include transportation, speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation (including therapeutic), counseling services (including rehabilitation counseling), orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services, social work services in schools, and parent counseling and training.

The IEP team will address each student's eligibility for Extended School Year (ESY) services as necessary for the provision of Free and Appropriate Public Education (FAPE). Factors that the team must consider are regression and recoupment, the student's disability, progress on goals in consecutive IEPs, and relevant reports from educators, therapists, or others having direct contact with the student. The need

for ESY is considered each year. Decisions about ESY need to be made by February 28 of each year for students who are identified as severely handicapped- mentally, physically, or emotionally.

Educational Placement

The Educational Placement section of the *Individualized Education Program* (IEP) describes the type of service and type of support that are needed for the student to make progress toward the specified goals. The *type of service* describes the services that are necessary to address identified needs. It is important to note that the support may differ from the disability category that was used for determination of eligibility for special education. These supports and services may follow the student throughout various school environments and are not limited to a separate classroom. Supports and services may include:

- Autistic Support- services for students with the disability of autism.
- Emotional Support- services for students with a disability whose primary identified need is emotional support.
- Learning Support- services for students with a disability whose primary identified need is academic learning.
- Multiple Disabilities Support- services for students with multiple disabilities.
- Physical Support- services designed primarily to meet the needs of students with disabilities of orthopedic or other health impairments.
- Sensory Support- services for students with the disability of visual impairment and/or hearing impairment.
 - Deaf or hard of hearing
 - Blind or vision loss
- Speech and Language Support- services for students with the disability of speech and language impairment.

Least Restrictive Environment

A student's special education placement must be made in the Least Restrictive Environment (LRE) in which the student's educational needs can be addressed. According to the law, all students with disabilities must be educated to the maximum extent *appropriate* with students who do not have a disability. Once the IEP team has decided upon services and the amount of services, then the location of where the services are to take place is determined. Services may be provided in four types of settings: the regular education classroom by the regular education teacher, in the regular education classroom by the special education teacher, in a small group setting in a special education classroom, or in a separate location by specialized instructors, or in a combination of these educational settings. The IEP must note how much of the student's day is spent outside of the regular education environment, and away from peers without disabilities.

The IEP that is agreed on at this meeting must be put into action by the charter school within 10 calendar days after the IEP is completed once the parents/guardians have signed a Notice of Recommended Educational Placement (NOREP) indicating agreement.

The *Individualized Education Program* (IEP) team/ Multi-Disciplinary Team (MDT) will meet at least yearly to review the child's progress. Additional evaluations, called reevaluations, are conducted every three years or every two years if the child is classified as having an intellectual disability. These reevaluations are then incorporated into the IEP. For a child with autism, serious emotional disturbance, intellectual disability, multiple-disabilities, other health impairments, learning disabilities, or traumatic brain injury the reevaluation must include a school psychologist.

Notice of Recommended Educational Placement (NOREP)

Once the *Individualized Educational Program* (IEP) team has designed the IEP for the student, the charter school will issue a *Notice of Recommended Educational Placement* (NOREP) to the parents/guardians. This notice may be given to the parents/guardians at the IEP meeting or mailed immediately following the meeting. The NOREP explains the educational placement decision and the reasons for the recommended placement. The completed IEP and the NOREP are the charter school's offer of a Free and Appropriate Public Education (FAPE). Parents/guardians indicate their approval of this offer by signing the NOREP and checking the option: "I approve of this recommendation." This approval is required before special education services can begin.

When parents/guardians do not agree with the IEP that describes a student's program and placement, they have four options: requesting another meeting to discuss the recommendations further, requesting a Pre-Hearing Conference, requesting mediation, or requesting a Due Process Hearing. Each of these options is detailed in the *Procedural Safeguards Notice*. If a parent does not respond, the school is required to start services.

Interagency Approach Policy

The New Academy Charter School will use the Regional Interagency Coordinator, or similar service, when the charter school has difficulty locating a program in order to provide FAPE. A Free Appropriate Public Education (FAPE) is the right of every child who is eligible to receive special education, beginning at age three. The New Academy Charter School recognizes its obligation to provide a Free Appropriate Public Education (FAPE) to all students who qualify for special education services. The school is committed to providing these services in the Least Restrictive Environment (LRE) for each student.

Admissions Policy

Every child of school age who is a resident of a Pennsylvania school district is entitled to a public schooled education. This entitlement and the requirements to secure enrollment apply equally to resident students residing with their parent(s); to non-resident students living with a district resident who is supporting the child gratis and seeking enrollment under 24 P.S. §13-1302; to non-resident students living in a facility or institution; and to non-resident students living in a foster home. Provided that the required enrollment documentation described herein is provided, the school district or 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 presented for enrollment, and in all cases within five (5) business days of the school district's receipt of the required documentation.

Prior to enrollment, students need to complete forms for enrollment. Information that is needed includes; enrollment notification form, enrollment agreement form, immunization records, medical history, proof of residency (i.e. utility bills, bank statement etc...), and a signature on school policy and procedures. The parent/guardian will be required to sign the enrollment form. Each year the student enrollment forms need to be completed and/or updated by parents/guardians. In addition, the school request: academic records, attendance records, Individualized Education Plans (IEP), and other special education records. While these documents are required, admission will not be delayed if they are not provided within 5 days of receiving the enrollment forms.

All students meeting our admission requirements will have an opportunity to be selected in our admissions process and welcomed into The New Academy Charter School as stated in the Equal Opportunity Statement.

Equal Opportunity Statement

The New Academy Charter School is committed to equal opportunity and nondiscrimination in all programs and services, and does not discriminate on the basis of race/ethnicity, color, religion, sex, marital status, national origin, ancestry, age, sexual orientation, disability, or veteran status. If you feel this clause has been violated, please contact our administration immediately at (412) 515-2280.

Assistive Technology

As defined in federal and state law, assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of children with disabilities.

Assistive technology devices and/or services may be essential factors in meeting the educational needs of children with disabilities. Both federal and state special education laws explicitly include assistive technology devices and/or services among those services which local school districts must provide for a child with a disability, at no cost to parents/guardians, if determine by the Individualized Education

Program (IEP) team to be necessary for the student to receive a Free Appropriate Public Education (FAPE). Such services may be required as part of special education, related services, or supplementary aids and services required enabling a child to be educated in the least restrictive environment.

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

To the extent that assistive technology devices and/or services may be required as part of special education, related services, or supplementary aids or services, a child's IEP must include a statement describing the full extent of devices and service(s) as well as the amount of such service(s).

It is The New Academy Charter School's responsibility to provide assistive technology devices and services when included as part of a student's IEP. The New Academy Charter School is responsible for the maintenance and repair of assistive technology devices used to implement a child's IEP. The New Academy Charter School's LEA will have trainings for all staff to ensure that the assistive technology device is being maintained and repaired properly.

ROLES & RESPONSIBILITIES OF IEP MEMEBERS

The parents/guardians are a critical part of the *Individualized Educational Program* (IEP) team. They provide background information for the evaluation, participate in the IEP planning, and encourage the child to succeed. Parents/guardians must give consent for all necessary evaluations and educational placement and decisions.

The regular education teacher considers the student with a disability as "one of my students" in the classroom. The teacher is familiar with the IEP and is responsible for implementing adaptations and accommodations for the child as determined by the IEP. Regular communication (formal and informal) occurs with other members of the IEP team. Progress is continually monitored and shared.

The special education teacher writes and coordinates the student's IEP with input from all of the other team members. Special education teachers should update and maintain the special education records for the student and report on progress toward the goals and objectives. The special education teacher is responsible for determining appropriate instructional strategies and assisting the regular education teacher and paraprofessionals with implementation.

The Local Education Agency (LEA) representative is someone from the school district who is qualified to provide or supervise the provision of specially designed instruction, is knowledgeable about general education curriculum, and is knowledgeable of the availability of resources.

The school psychologist administers and interprets necessary psychological, educational, and behavioral assessment instruments. The school psychologist also conducts classroom observations, gathers home-

life information, and other educational and medical record information in order to complete and Evaluation Report (ER). The school psychologist makes recommendations to the IEP team for appropriate educational placements and interventions.

The student participates in the IEP process by sharing his/her preferences and interests for the future. Students who are 14 years or older will be invited to attend the IEP meeting, and students who are younger than 14 may attend with parental permission.

Other members of the IEP team will be invited as appropriate. For instance, a physical therapist, occupational therapist, transition services, community representatives, or speech therapist will attend when these related services are planned or discussed.

SPECIAL EDUCATION LEGALLY MANDATED PROCEDURES

Procedural Safeguards (see Appendix for complete document)

Parents/Guardians have the right to be notified about protections under the law regarding a child with a disability or a child thought to be a child with a disability. This notification is called the *Procedural Safeguards Notice*. As stated in the foreword to this handbook, many laws define special education and the processes of special education. The *Procedural Safeguards Notice*, published by the Pennsylvania Department of Education (PDE), tries to consolidate the laws related to providing a Free Appropriate Public Education (FAPE) to all students with disabilities who are in need of special education. The 32-page *Procedural Safeguard Notice* is divided into the following sections:

I.	General Information.....	1
II.	Confidentiality Information.....	6
III.	State Complaint Procedures.....	9
IV.	Due Process Complaint Procedures.....	11
V.	Hearings on Due Process Complaints.....	14
VI.	Mediation.....	18
VII.	The Child's Placement Pending Mediation and Due Process.....	19
VIII.	What If My Child Is Excluded From School Because of Discipline Issues?.....	20
IX.	What Special Education Services Are Available For My Child, If Parentally Placed In a Private School?.....	25
	Appendix A.....	27
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The remainder of this handbook summarized each of the sections of the *Procedural Safeguards Notice*. While The New Academy Charter School prefers to resolve differences without formal

procedures, in order to ensure that the student's rights are protected, it is necessary to engage in the dispute resolution process.

Prior Written Notice

The charter school must notify the parents/guardians in writing whenever it wants to begin, change, or discontinue special education and related services. Prior written notice is provided to parents/guardians in the form of a *Notice of Recommended Educational Placement* (NOREP). This notice must be provided in the native language of the parent, unless clearly is not feasible to do so.

Specifically, parents/guardians must be notified in writing if the charter school:

- Proposes or refuses to initiate change regarding identification, evaluation, or educational placement of the student
- Propose or refuses to make changes regarding the provision of a Free Appropriate Public Education (FAPE) to the student
- Takes disciplinary action (notice must be no later than the date on which the decision to take disciplinary action is made)

The *Notice of Recommended Educational Placement* (NOREP) must contain:

- A description of the action proposed or refused by the Local Education Agency (LEA) for each evaluation procedure, assessment, record, or report the LEA used as a basis for the proposed or refused action.
- A description of other options considered by the *Individualized Education Program* (IEP) Team and the reasons why those options were rejected.
- A description of the factors that are relevant to the LEA's proposal or refusal.
- A statement that the parent of a child with a disability has procedural safeguards protection and, if the notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained.
- Sources the parent may contact to obtain assistance in understanding these provisions.
- A statement informing the parent about the state complaint procedures, including a description of how to file a complaint and the timelines under those provisions.

In addition to the signature, the NOREP offers options for the parent to check. Parents/guardians may sign with approval of the recommendations for educational placement. Other options include requesting another meeting to discuss the recommendation further, requesting a Pre- Hearing Conference, requesting mediation, or requesting a Due Process Hearing. Each of these options is detailed in the *Procedural Safeguards Notice*.

Procedural Safeguard Notice

The LEA provides the *Procedural Safeguards Notice* to parents/guardians annually, usually at the IEP meeting. Additionally, the *Procedural Safeguards Notice* must be given to parents/guardians upon the

initial referral for evaluation, upon the parent's request for evaluation, upon receipt of the first occurrence of the filing of a request for due process, and upon request by the parent.

The *Procedural Safeguards Notice* reminds parents/guardians of their rights under state and federal special education law pertaining to:

1. Independent educational evaluation
2. Prior written notice
3. Parental consent
4. Access to education records
5. Opportunity to present and resolve complaints
6. Opportunity for LEA to resolve the Due Process Hearing Request
7. The availability of mediation
8. The child's placement while due process proceedings are pending
9. Procedures for children who are subject to placement in an interim alternative educational setting
10. Requirements for unilateral placement by the parent of a child in private school at charter school expense
11. Due Process Hearing
12. State-level appeals
13. Civil action
14. Attorney fees
15. State complaint procedures

Parental Consent is always required prior to:

- Conducting an initial (for the first time) evaluation.
- Initially placing an exceptional or eligible young child in special education program.
- Disclosing to unauthorized persons personally identifiable information.

Absence of Parental Consent

If a parent/guardian fails to respond to a request to provide consent for an initial evaluation, the Local Education Agency (LEA) may pursue an **initial** evaluation through mediation or due process procedures. Once the evaluation is concluded, if the parent/guardian does not provide consent for special education, the LEA will not provide special education and related services. The LEA will not use mediation or due process procedures either. However, the LEA will **not** be in violation of its requirement to provide a Free and Appropriate Education (FAPE), and the LEA does not need to hold annual *Individualized Education Program* (IEP) meetings nor develop an IEP for the student.

Parents/guardians who disagree with actions, proposed or refused by the charter school, have the right to request a meeting with school personnel, a Pre-Hearing Conference, mediation, a Due Process Hearing (which is a hearing conducted by an impartial third party), file a complaint as outlined in the Individuals with Disabilities Education Act (IDEA), or seek civil action. Parents/guardians may request these options either by checking the choice on the *Notice of Recommended Educational Placement* (NOREP) or by writing a letter to the charter school. Each of these dispute mechanisms are available to the parents/guardians and/or charter school is described below.

Dispute Resolution System – Pre-Hearing Conference

A Pre-Hearing Conference is between the charter school and the parents/guardians, although either party may waive the right to a Pre-Hearing Conference. The charter school and parents/guardians attempt to resolve the dispute about the student's IEP by having an opportunity to understand the reason for the other position. This method works in many cases. However, if a Pre-Hearing Conference does not resolve the dispute, the parent may request an impartial Due Process Hearing with an independent hearing officer, or if a hearing has been scheduled, move to the Due Process Hearing.

A Pre-Hearing Conference will be scheduled within 10 days of the date the LEA receives the parent's/guardian's request.

Dispute Resolution System – Mediation

Mediation is a voluntary process and is paid for by the Pennsylvania Department of Education (PDE). Mediation helps parents/guardians and the charter school attempt to reach a mutually agreeable settlement with the assistance of an impartial mediator. The mediator is not employed by any local or state agency providing services to the child and must not have a personal conflict of interest. Mediation can be requested alone or in conjunction with a Due Process Hearing; however, discussions from the mediation process are confidential and may not be used as evidence during any subsequent due process hearing or court proceeding. If the dispute is resolved through mediation, the parties are required to execute a legally-binding agreement that is enforceable by a court.

Dispute Resolution System- Due Process Hearing

Parents/guardians requesting a Due Process Hearing must notify the school in writing of the nature of the problem with the school's proposed or existing program, placement, evaluation, or identification; the facts relating to such problem; and a proposed resolution of the problem to the extent known and available to the parents/guardians at the time. This notice is mandatory, and the failure to provide it to

the charter school can diminish or extinguish a claim for attorney's fees and costs if counsel represents the parents/guardians.

Due Process Hearings are oral, personal hearings open to the public unless the parents/guardians request a closed hearing. A Hearing Officer will determine the sufficiency of the request and grant amendments or hearings based on the request. Once a hearing takes place, the decision of the Hearing Officer shall include findings of fact, a discussion, and conclusions of law. The decision of the Hearing Officer may be appealed to a three-member panel of hearing officers. The appeal panel's decisions may be further appealed to the appropriate court.

The due process complaint must allege a violation that occurred not more than two years before the date you or the LEA knew or should have known about the alleged action that forms the basis of the due process complaint.

Before a Due Process Hearing will take place, a Resolution Session must be held within 15 days of the Due Process Hearing Request, unless the parent and the LEA agree in writing to waive this meeting.

The timeline for completion of the Due Process Hearing is 45 days, unless the Hearing Officers grants specific extensions of time at the request of either party.

Dispute Resolution System- Attorney's Fees

Parents/guardians should consult with their legal counsel regarding these matters. Individuals with Disabilities Education Act (IDEA) 2004 authorizes that a court, in its discretion, may award reasonable attorneys' fees as part of the court costs:

1. To preventing party who is the parent of a child with a disability
2. To a prevailing party who is the parent of a child with a disability (LEA) against the attorney of the parent who files a Due Process Hearing Request or subsequent cause of action that is frivolous, unreasonable or without foundation or against the parent who continued to litigate after the litigation clearly became frivolous, unreasonable or without foundation.
3. To prevailing State Educational Agency or LEA against the attorney of the parent, or against the parent, if the parent's Due Process Hearing Request or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay or to needlessly increase the cost of litigation.

Parental Claims for Tuition Reimbursement

If the parents/guardians of a child with a disability, who previously received special education and related services under the authority of a LEA, enroll the child in a private school without the consent of or referral by the LEA, a court or a Hearing Officer finds that the LEA had not made a Free and Appropriate Public Education (FAPE) available to the child in a timely manner prior to that enrollment. However, parents/guardians are also advised to seek legal counsel about any such claim.

Compliant Procedures

Parents/guardians who may not wish to use the dispute resolution mechanisms and/or who believes that special education procedures as outlined in regulations have not been adhered to regarding the identification, evaluation, educational plan development, and/or the implementation of the *Individualized Education Program (IEP)* may file a *Consumer Request Intake Form* with the Bureau of Special Education- Pennsylvania Department of Education (PDE). The Bureau has staff assigned to each intermediate unit that will investigate the accusations of the complaint. If parents/guardians want to file a written complaint with the Pennsylvania Department of Education (PDE), a complaint packet is available by calling the Special Education Consult Line at 1-800-879-2301.

Confidentiality Policy

Confidentiality & Student Records

Education records as defined in sections 437-440 of the General Education Provisions Act (20 U.S.C.A. 51232f-1211) and 34 CFR Part 99 (relating to family educational rights and privacy) of an exceptional student who:

- (i) Receives or has received special education and related services from a school entity or an intermediate unit.
- (ii) Is enrolled or has been enrolled under section 1376 of the Public School Code of 1949 (24 P.S. 13-1376) and the regulations, standards and guidelines there under, in an approved private school for exceptional students.
- (iii) Is enrolled or has been enrolled in a program of special education operated by the Department.
- (iv) Is enrolled or has been enrolled in a School for the Deaf.

Educational Agency includes the following entities:

- (i) A school district or an intermediate unit and component part thereof which collects, maintains or uses an exceptional student's education records containing personally identifiable information or from which records or information are obtained.
- (ii) An approved private school or components thereof which, with regard to an exceptional student who is enrolled or has been enrolled in the approved private school as an approved placement for the student according to section 1376 of the Public School Code of 1949 and the regulations, standards and guidelines there-under, collects, maintains or uses the exceptional student's education records containing personally identifiable information or from which records or information are obtained.

(iii) The Department and components thereof, to the extent that the Department collects, maintains or uses an exceptional student's education records containing personally identifiable information or releases records or information.

I. Procedures for Maintaining the Confidentiality of Educational Records for Exceptional Students

The New Academy Charter School maintains reciprocity between agencies in the dissemination/assessing of data which are directly related to and identified for the servicing of students enrolled in the school. Therefore, policy of confidentiality of educational records will be maintained as outlined in this document. It should be further noted that, because of the "identification" function as noted above, The New Academy Charter School will, as part of the process, gather and maintain information for students who may not be identified as exceptional. Any information generated for these students will be treated for purposes of confidentiality in the same manner as the education records of exceptional students.

The New Academy Charter School shall:

1. Protect the confidentiality of personally identifiable information regarding an exceptional student or a student thought to be exceptional or an eligible young child or young child thought to be eligible.
2. Provide access to educational records to the parents/guardians of a student or young child or a representative of the parents/guardians.
3. Establish procedures to permit parents/guardians to request the destruction of educational records.
4. Comply with the Family Educational Rights and privacy Act of 1974 (20 U.S.C.A. 12232g), 34 CFR Part 99 (relating to family educational rights and privacy), 34 CFR 300.560-300.576 (relating to confidentiality of information), Chapter 12 (relating to students) and other applicable law.

II. Definitions

The following words and terms, when used in the section, have the following meanings, unless the context indicates otherwise:

Destruction—The physical destruction or permanent removal of personally identifying data from the education records of a student so that the information in those records is no longer personally identifiable.

Personally identifiable: Data or information including the following:

- (i) The name of a student or the name of any of the student's family members.

- (ii) The address of the student.
- (iii) A personally identifying piece of information such as the student's telephone number or social security number.
- (iv) A list of personal characteristics or other information which would make the student's identity easily traceable.
- (v) Other information which would make the student's identity easily traceable.

Release- The giving of access or the transfer, disclosure or communication of the student's education records, in whole or in part, which contains personally identifiable information to any party by any means.

Student- An exceptional person or preschool pupil with respect to whom an educational agency maintains education records.

III. Data Collection

Members of The New Academy Charter School staff and related agencies are involved in the identification, evaluation, reevaluation and placement of exceptional students. Data is gathered following the procedures as outlined in the Pennsylvania Department of Education's Standards and Regulations for Special Education.

The New Academy Charter School and its designees are responsible for gathering parental consent for initial multidisciplinary evaluations, parent/guardian notice of intent to reevaluate and/or consent to use different types or categories of evaluation in the reevaluation process for students enrolled in The New Academy Charter School. Copies of signed parental consent forms are maintained in the student's special education file.

Information obtained through outer agencies, also identified as "third party" (i.e. physician, clinic, private practitioner), specific parental consent to access the information is obtained and the information maintained in the student's special education file.

Parental permission to photograph or videotape a New Academy Charter School student is obtained and is maintained in the student's cumulative folder for the current academic year.

IV. Data Maintenance

Student records maintained by The New Academy Charter School are done so in accordance with the Pennsylvania Department of Education's Standards and Regulations for Special Education.

The student's cumulative folder is maintained in the main office with the assistance of the classroom teacher and designated Administrative staff. The materials contained in the cumulative folder include all identifiable student information. This information includes: Parent/guardian information, enrollment information, emergency information, photo consent, birth certificate, and academic progress reporting, as well as test information when available.

Students who are identified, are in evaluation process or are receiving special services have a folder maintained with all reports which includes but is not limited to the following: Parental consent for evaluation or reevaluation, IEP, and progress reports.

A list of personnel who have access to the pupil records has been developed and is available for inspection.

A form is also available with the school secretary for requests for the release of student records. The release of information is based on the approval of the Chief Administrative Officer.

V. Parent Access Rights

The New Academy Charter School, upon written request of the parent or legal guardian, will permit the review of any educational record dealing to the exceptional child or children of that parent or guardian when such record is collected, maintained or used by The New Academy Charter School. The New Academy Charter School will comply with the request within 30 days after the request is received, and prior to a conference regarding an individual education program and/or prior to a hearing relating to identification, evaluation or placement of the child/children.

The right to inspect or review education records includes:

1. The right of a parent to request of and receive from The New Academy Charter School a reasonable explanation of information contained in the education records of the child.
2. The right of the parent/guardian to be provided, on written request, with a copy of all or part of the education records of the child.
3. The right of the parent/guardian to designate a representative who will inspect and review the records.

If a parent/guardian requests copies of education records from The New Academy Charter School, The New Academy Charter School may charge a reasonable cost which is not to exceed the actual expense of making the copies requested. No cost will be charged to a parent/guardian, which would effectively prevent the parent/guardian from inspecting or reviewing the record or records.

A parent/guardian will not receive information which contains the name or any personally identifiable information concerning any child who is not the child of such parent/guardian.

IV. Access Record

The New Academy Charter School will maintain for public inspection a current list of names and positions of those agencies and employees of The New Academy Charter School who are authorized to have access to personally identifiable information. These agents and employees include: Program Supervisors, School Psychologists, Social Workers, and Interagency Coordinators, consultants employed or contracted by The New Academy Charter School which are directly involved with the cases. The New Academy Charter School teaching staff, whenever a student is enrolled in their class, members of the Administrative Staff whose responsibilities include filing, securing services or maintaining the upkeep of information in the records.

The Chief Administrative Officer is responsible for ensuring that the education records, confidentiality policies and procedures established under 22 PA Code, Chapter 342, Section 342.68 Confidentiality (relating to confidentiality of education records of exceptional students) are enforced and administered. This official shall:

1. Notify parents/guardians annually of the policies and procedures of The New Academy Charter School regarding the student's education under both Pennsylvania and federal law.
2. Develop a system of safeguards which will protect the confidentiality of personally identifiable information at the point of collection, storage, release, and destruction.
3. Provide training and instruction in the implementation of federal, Pennsylvania, and local records policy requirements for all Academy Charter School personnel who collect or use personally identifiable information.
4. Maintain a record for inspection of the previously described.

VII. Destruction

Upon request of the parents/guardians, information no longer relevant to and necessary for the provision of educational services to the student must be destroyed by The New Academy Charter School. However, a written record of a student's name, address, phone number, grades, attendance records, classes attended, grade level completed, and year completed must be maintained.

The New Academy Charter School will not destroy education records containing information necessary for the education of a student who is enrolled or has been enrolled in an education program operated by The New Academy Charter School.

VIII. Release of Information

Written parental consent will be obtained by The New Academy Charter School before educational records or personally identifiable information contained therein is released by The New Academy Charter School to any party unless:

1. Such release is authorized by 20 U.S.C.A. paragraph 12232 f-1232 I and 34 C.F.R. Part 99.
2. The information released is directory information and the release is made under the conditions specified in 22 PA Code, Chapter 342, Section 342.68 (Confidentiality) subsection (J).
3. The agency releasing the information or records is an approved private school and the agency receiving the information or records is the student's school district of residence, the student's intermediate unit, or the Department, if the receiving agency has requested the information in order to review, reevaluate, or monitor the student's placement, educational progress, or enrollment status at the approved private school.
4. The agency requesting the information or record is a school district in which the student is enrolled or seeks to be enrolled.

IX. Parent's Request for Amendment of Records

A parent, who believes that information in educational records collected, maintained or used under The New Academy Charter School policies regarding such records is inaccurate or misleading or violates the privacy or other rights of the child may request The New Academy Charter School to amend the information.

The New Academy Charter School may require that any parent/guardian request for amendment of the record of a student be made in writing and contain a brief statement which specifies the records to be amended and the reason that amendment is requested.

The New Academy Charter School shall decide whether to amend the information in accordance with the request of the parent/guardian within 45 days after receipt of the request.

If The New Academy Charter School's decision results in a refusal to amend the information in accordance with the request of the parent/guardian, The New Academy Charter School will inform the parent/guardian in writing of both the refusal and the specific reasons for the refusal. Written notification will be sent to the parent/guardian pertaining to their right to request a hearing as indicated in the next paragraph of this policy.

On parent/guardian request, The New Academy Charter School will provide the parent/guardian with an opportunity for a hearing to challenge information in education records if the parent/guardian alleges that such information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. The hearing will be conducted according to the following provisions:

1. The hearing will be held at a mutually agreed upon time and place within 30 days after The New Academy Charter School received the request for a hearing from the parent/guardian.
2. The parent/guardian will be notified in writing of the date, place, and time of the hearing, no later than five days in advance of the hearing.
3. The hearing will be conducted by a party who does not have a direct interest in the outcome of the hearing.

4. The party conducting the hearing may be an official of a local education agency.
5. The parent/guardian will be afforded a full and fair opportunity to present evidence relevant to the issues.
6. The parent/guardian may, at the hearing, be assisted or represented by persons of his choice at his expense; such persons may include legal counsel.

The hearing officer will render a written decision on the issues presented at the hearing within 30 days after its conclusion. The decision will be based solely upon evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

If, as a result of the hearing, The New Academy Charter School decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, it will amend the records accordingly and so inform the parent/guardian in writing.

If, as a result of the hearing, The New Academy Charter School decides the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, it will inform the parent/guardian of his right to place in the education record of the student a statement which sets forth the written comments of the parent/guardian upon the information in the education records, or reasons for disagreeing with the decision of The New Academy Charter School or both written comments and reasons.

The statement of the parent/guardian will be appended by The New Academy Charter School to the education records so long as the record or the contested portion thereof is maintained by The New Academy Charter School.

If the education records of the student or the contested portion thereof are released by The New Academy Charter School to any party, the statement of the parent/guardian will also be released to the party.

The parent/guardian and The New Academy Charter School may, by mutual agreement, meet prior to a parent/guardian request for a hearing or the hearing itself in order to discuss the concerns of the parent/guardian regarding the accuracy or inaccuracy of the records of the student.

All current consent and notification forms referred to will be maintained.

Positive Behavior Support Policy

Overview:

The use of restraints may only be included in a student's IEP when the following conditions apply: The restraint is used with specific elements of Positive Behavior Support, the restraint is used in conjunction with teaching acceptable replacement behavior, staff is trained to provide restraints, and a plan to eliminate the use of restraints through positive behavior. Prone restraints are prohibited in our Charter School Positive Behavior Support Policy. The school has a system for reporting restraints and is outlined in our policy. If a student is referred to law enforcement, a functional behavioral assessment and updated positive behavior support plan are completed.

Policy:

The New Academy Charter School incorporates training using preventative strategies (Trauma Informed Training and PBIS), teaching positive behaviors/replacement behaviors (Think Kids Restorative Practices and Social Emotional Learning Curriculum), de-escalation, and emergency/crisis responses via Safety Crisis Management (SCM). The New Academy Charter School implements Safety Crisis Management, Trauma Informed Training and Think Kids Restorative Practices training annually for all teachers and staff. The NACS have a certified SCM trainer on staff who trains the staff on proper ways to restrain a student. The SCM is a training program for children and youth care staff. It presents a crisis prevention and intervention model designed to teach staff how to help children learn constructive ways to handle crisis. The ability of The NACS to respond effectively to staff and young people in crisis situations is critical in establishing not only a safe environment, but also one that promotes growth and development. The skills, knowledge, and professional judgment of staff in responding to crises are critical factors in helping young people learn constructive and adaptive ways to deal with frustration, failure, anger, rejection, hurt, and depression. The purpose of the SCM system is to provide a crisis prevention and intervention model that will assist in, preventing crises from occurring, de-escalating potential crises, effectively managing acute crises, reducing potential and actual injury to children and staff, learning constructive ways to handle stressful situations, and developing a learning circle within the organization. In addition to SCM, we have used PATTAN to train our staff on positive behavior support techniques. Duquesne University worked with The New Academy Charter School to develop the school wide Positive Behavior Support System: the 3 B's, Be positive, Be Professional, and Be Safe. The NACS has in house training provided by the staff who have attended trainings at the AIU or PATTAN. The NACS has implemented a Self Management class where all students are assigned a mentor and are instructed with social and emotional learning (SEL). SEL curriculum is currently Everyday Speech.

The NACS implements a positive behavior support system as the primary method for addressing problem behaviors in the school. There is currently a three tier system to address varying levels of problem behavior within the school. At each level of infraction, evidence based interventions are suggested. The NACS uses Think Kids Restorative Practices to address these interventions.

After an incident, a copy of the discipline report is provided to the support staff, the person making the report, and the mentor to place into the student's personal file. The assigned support staff logs all restraints and our discipline referrals into a Google form to track trends and to address during restorative practices. They are then entered into PowerSchool where they are reported to the state. All restraints are reported in our state Safe Schools report and into The Restraint Information System (RISC) through PDE.

If a NACS school member uses restraints to control behavior, the school must notify the parent of the use of restraint and convene a meeting of the IEP team within 10 school days of the inappropriate behavior, unless the parent of the child after written notice agrees in writing to waive the meeting. At this meeting, the IEP team must 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.

All students who are classified as students with an Emotional Disturbance has a positive behavior support plan (PBSP) as part of their IEP. Additional students may also have a positive behavior support plan if behavioral difficulties are identified by the student's IEP team. The PBSP is created using existing data in a level II infraction. More serious infractions, level III, require a full functional behavior assessment to be completed.

Students have the use of restraints in their IEP only when they become a harm to themselves or others. If a student has shown the need for a restraint based on displayed self injurious behavior (i.e. head banging), a functional behavior assessment would be completed to determine why the student initiates the behavior. An individual behavior support plan would be created to reduce the occurrence of this behavior and replace it with a behavior that does not harm the student, which also lowers the need for restraints. For example, perhaps the student becomes frustrated easily and is unable to communicate his or her needs. The student is then taught, using evidence based interventions, ways to express his or her frustration using words or pictures, which in turn reduces head banging and restraints.

The skills, knowledge, and professional judgment of staff in responding to crises are critical factors in helping young people learn constructive and adaptive ways to deal with frustration, failure, anger, rejection, hurt, and depression. The purpose of the Think Kids Restorative Practices, PBIS, SEL Everyday Speech, and SCM system is to provide a crisis prevention and intervention model that will assist in: preventing crises from occurring, de-escalating potential crises, effectively managing acute crises, reducing potential and actual injury to children and staff, learning constructive ways to handle stressful situations, and developing a learning circle within the organization.

The New Academy Charter School uses a four tiered positive behavior support system (progressive discipline) that incorporates evidenced based techniques to help reduce the use of restraints. The least intrusive methods will be used first prior to the use of restraints. These techniques teach alternative strategies to students in place of aggressive behaviors. Using school wide positive behavioral methods and individual positive behavior support plans, helps to reduce the use of restraints within the school system. The New Academy Charter School strives for a highly structured setting that is proactive with student behavior.

Prone restraints are prohibited by The New Academy Charter School as stated in their positive behavior support policy. This type of restraint is prohibited from being used.

In accordance with Section 615 of the Individuals with Disabilities Education Act, 20 U.S.C. §1415(k)(6), nothing in Section II of this Memorandum shall be construed to prohibit The New Academy Charter School from reporting a crime committed by a child with a disability to the Pittsburgh Police Department or will prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability. When an incident involves a child with a disability, The New Academy Charter School will ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the Pittsburgh Police and other appropriate authorities. The New Academy Charter School may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is

permitted by the Family Educational Rights and Privacy Act. When a student is referred to law enforcement, The New Academy Charter School follows the disciplinary removal of students and conducts a manifestation determination meeting. As part of this process, an IEP meeting is held and a functional behavior assessment is completed/updated as well as the positive behavior support plan. This process is further described in our positive behavior support policy.

The LEA uses a variety of professional development opportunities from outside sources. The NACS send our teachers to PATTAN and the AIU for training opportunities on School-wide Behavior Support Programs. Teachers then return to provide in service trainings on the material that they have learned at the outside trainings. In addition, we have a Teacher Induction Program through the AIU that often includes courses on positive behavior support management.

§ 711.46. Positive behavior support.

(a) Positive rather than negative measures shall form the basis of positive behavior support programs to ensure that all students shall be free from demeaning treatment, the use of aversive techniques and the unreasonable use of restraints. Behavior support programs must include research based practices and techniques to develop and maintain skills that will enhance an individual student's opportunity for learning and self-fulfillment. Behavior support programs and plans shall be based on a functional assessment of behavior and utilize positive behavior techniques. When an intervention is needed to address problem behavior, the types of intervention chosen for a particular student must be the least intrusive necessary. The use of restraints is considered a measure of last resort, only to be used after other less restrictive measures, including deescalation techniques in accordance with subsection (c)(2).

(b) Notwithstanding the requirements incorporated by reference in 34 CFR 300.34, 300.324, 300.530 (relating to related services; development, review, and revision of IEP; and authority of school personnel), with regard to a child's behavior, the following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

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

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

Restraints—

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

(ii) Excluded from this definition are hand-over-hand assistance with feeding or task completion and techniques prescribed by a qualified medical professional for reasons of safety or for therapeutic or medical treatment, as agreed to by the student's parents and specified in the IEP. Devices used for physical or occupational therapy, seatbelts in 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, and governed by subsection (d).

(c) 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.

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

(2) 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 the application of positive behavior support.

(3) 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.

(4) 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.

(5) Charter schools and cyber charter schools shall maintain and report data on the use of restraints as prescribed by the Secretary. The report will be reviewed during cyclical compliance monitoring conducted by the Department.

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

(e) The following aversive techniques of handling behavior are considered inappropriate and may not be used by charter schools or cyber charter schools 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.

(f) Charter schools and cyber charter schools have the primary responsibility for ensuring that behavior support programs are in accordance with this chapter, including the training of personnel for the use of specific procedures, methods and techniques, and for having a written policy and procedures on the use of behavior support techniques and obtaining parental consent prior to the use of restrictive or intrusive procedures or restraints.

(g) Charter schools and cyber charter schools may convene a review, including the use of human rights committees, to oversee the use of restrictive or intrusive procedures or restraints.

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

Authority

The provisions of this § 711.46 adopted under sections 1732-A(c)(2) and 1749-A(b)(8) of the Charter School Law (24 P.S. § § 17-1732-A(c)(2) and 17-1749-A(b)(8)).

Source

The provisions of this § 711.46 adopted June 27, 2008, effective July 1, 2008, 38 Pa.B. 3593.

Cross References

This section cited in 22 Pa. Code § 10.2 (relating to definitions); 22 Pa. Code § 10.23 (relating to response and handling of a student with a disability); and 22 Pa. Code Appendix A (relating to model memorandum of understanding).

Child Find

Legal

- [1. 22 PA Code 4.28](#)
- [2. 22 PA Code 12.1](#)
- [3. 22 PA Code 12.4](#)
- [4. 22 PA Code 14.102](#)
- [5. 22 PA Code 14.101](#)
- [7. 24 P.S. 1372](#)
- [8. 20 U.S.C. 1400 et seq](#)
- [9. 29 U.S.C. 794](#)
- [10. 42 U.S.C. 12101 et seq](#)
- [11. 22 PA Code 12.41](#)
- [13. 22 PA Code 14.104](#)
- 14. Pol. 100
- 15. 34 CFR 300.550
- 17. Pol. 103
- [18. 22 PA Code 14.101 et seq](#)
- [19. 34 CFR 300.7](#)
- [20. 34 CFR Part 300](#)

Purpose

Each student with a disability who is enrolled at The New Academy Charter School shall be provided quality education services that meet the student's needs for educational, instructional, transitional and related services. The special education program shall be designed to comply with law; conform to The New Academy Charter Schools goals; and integrate programs of special education with the regular instructional program of the schools, consistent with the interests of the student with a disability and other students.[\[1\]\[2\]\[3\]\[4\]](#)

Definition

Students with disabilities who are provided special education programs by The New Academy Charter School shall include all resident children who meet the criteria defined by law.[\[5\]\[19\]](#)

Authority

The Board directs that all enrolled students with disabilities shall be identified, evaluated, and provided with appropriate educational services, in accordance with federal and state laws and regulations. The New Academy Charter School shall establish and implement a system of procedural safeguards and parental notification.[\[7\]\[8\]\[9\]\[10\]\[2\]\[11\]\[18\]](#)

The New Academy Charter School's special education services include procedures for identifying and educating students with disabilities and shall be aligned with the Strategic Plan adopted by the Board.[\[13\]](#)[\[14\]](#)

The Board shall determine the facilities, programs, services and staff that will be provided by the district for the instruction of students with disabilities.

In order to maintain an effective special education plan, the Board may participate in special education programs of Allegheny Intermediate Unit No. 2.[\[13\]](#)

Delegation of Responsibility

The New Academy Charter School's Executive Director or designee is directed to annually recommend to the Board the employment and retention of necessary staff and provision of required facilities, programs and services to provide for the needs of students with disabilities.

The New Academy Charter School's Executive Director or designee shall develop procedures for evaluating the effectiveness of the district's special education plan and shall periodically report to the Board the criteria and results of such evaluation.

Guidelines

The program to which each student with a disability is assigned shall be one that provides an appropriate education, seeks to assure success in learning, and offers the least restrictive environment, in accordance with federal and state regulations. [\[15\]](#)

Parents and guardians have access to the Annual Public Notice through The New Academy Charter School website, newspaper, and the student handbook given to the guardian/student on their enrollment day.

The New Academy Charter School Special Education Director ensures that all procedures for implementing an individualized education program be designed to guard the privacy of the student and family.

No student with a disability shall be denied, because of handicap/disability, participation in activities, or services offered or recognitions rendered to district students, unless participation is not possible because of the handicap/disability.[\[10\]](#)[\[9\]](#)[\[17\]](#)

The New Academy Charter School's Special Education Director shall maintain procedures and processes that implement special education services, in accordance with federal and state laws and regulations.[\[18\]](#)[\[20\]](#)

1. Educational Plans.
2. Child find.
3. Assessments.
4. Screening.
5. Evaluation.
6. Re-evaluation.
7. Individualized Education Program (IEP).

8. Extended school year services (ESY).

113.4. CONFIDENTIALITY OF SPECIAL EDUCATION STUDENT INFORMATION

The Board recognizes the need to protect the confidentiality of personally identifiable information in the education records of students with disabilities. The New Academy Charter School shall maintain a system of safeguards to protect the confidentiality of students' educational records and personally identifiable information when collecting, retaining, disclosing and destroying student special education records, in accordance with charter's policy, state requirements, and federal and state law and regulations. The rights provided by this policy apply to parents/guardians of students who receive special education services from the district or an outside program provided through The New Academy Charter School.

Authority Pol. 113

34 CFR Sec. 300.520- 300. 627, 34 CFR Sec. 99.3, 300.32

Destruction shall mean the physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

Disclosure shall mean to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

Education Records, for purposes of this policy, shall include the records and information covered under the definition of education records in the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations.

Definitions 34 CFR Sec. 300.611 34 CFR Sec. 99.3 20 U.S.C. Sec. 1232g 34 CFR Sec. 99.3 Pol. 216

Personally identifiable information includes, but is not limited to:

1. The name of a student, the student's parents/guardians or other family members.
2. The address of the student or student's family.
3. A personal identifier, such as the student's social security number, student number, or biometric record.
4. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.
5. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
6. Information requested by a person who the Board reasonably believes knows the identity of the student to whom the education record relates.

Parental Access Right

34 CFR Sec. 99.10, 300.613

The district shall permit parents/guardians to inspect and review any education records relating to their child(ren) that are collected, retained, or used by the district in connection with providing special education services to the student.

34 CFR Sec. 99.4, 300.613

The New Academy Charter School shall comply with a parental request to inspect and review education records without unnecessary delay and before any meeting regarding an Individualized Education Program (IEP); any impartial due process hearing relating to the identification, evaluation, educational placement, or the provision of a free and appropriate public education (FAPE) to a student; a hearing related to the discipline of the student; and a resolution meeting.

The New Academy Charter School shall presume a parent/guardian has authority to inspect and review records relating to his/her child unless it has been provided documentation that the requesting parent/guardian does not have this authority under applicable state law.

34 CFR Sec. 99.10, 300.613

The New Academy Charter School shall comply with a parental request for review within forty-five (45) days following receipt of the request.

A parent's/guardian's right to inspect and review education records includes the right to:

1. A response from the district to reasonable requests for explanations and interpretations of the records;
2. Request that The New Academy Charter School provide copies of the records if failure to provide copies would effectively prevent the parent/guardian from exercising the right to inspect and review the records; and
3. Have a representative inspect and review the records.

34 CFR Sec. 99.12, 300.615

If an education record includes information on more than one (1) student, the parents/guardians shall have access only to the information relating to their child or shall be informed of the information in the record.

34 CFR Sec. 300.616

The New Academy Charter School shall provide parents/guardians, upon request, a list of the types and locations of education records collected, maintained, or used by the district.

Fees

34 CFR Sec. 99.11, 300.617

The New Academy Charter School may charge a fee for copies of records that are made for parents/guardians so long as the fee does not effectively prevent parents/guardians from exercising their right to inspect and review those records. The New Academy Charter School does not charge a fee to search for or to retrieve information in response to a parental request.

Record of Access

34 CFR Sec. 300.614

The New Academy Charter School shall keep a record of parties obtaining access to education records collected, maintained, or used in providing special education to students with disabilities, except access by parents/guardians and authorized district employees. The New Academy Charter School record of access shall include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

Amendment of Records Upon Parental Request

34 CFR Sec. 99.20, 300.618

If a parent/guardian believes that information in the student's education records is inaccurate, misleading or violates the privacy or other rights of the student, the parent/guardian may request that the district amend the information. The New Academy Charter School shall decide whether to amend the information within a reasonable period of time from receipt of the request. If the district declines to amend the information in accordance with a parental request, the district shall inform the parent/guardian of the refusal and advise the parent/guardian of the right to a hearing.

Records Hearing

34 CFR Sec. 99.21, 300.510- 300.516, 300.619

The New Academy Charter School shall, on request, provide parents/guardians with an opportunity for a hearing to challenge information in the student's education records to ensure that the information is not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. The New Academy Charter School recognizes that parents/guardians who believe that there is a due process violation relating to an alleged violation of confidentiality may also request a special education due process hearing.

Hearing Procedures

34 CFR Sec. 99.22, 300.621, 34 CFR Sec. 99.21, 300.510- 300.516, 300.619

A hearing to challenge information in education records must meet the following requirements:

1. The New Academy Charter School shall hold the hearing within a reasonable time after receiving the request for a hearing.
2. The New Academy Charter School shall give the parent/guardian reasonable advanced written notice of the date, time, and place of the hearing.
3. The hearing may be conducted by any individual, including a district official, who does not have a direct interest in the outcome of the hearing.
4. The New Academy Charter School shall give the parent/guardian a full and fair opportunity to present relevant evidence. The parent/guardian may, at his/her own expense, be assisted or represented by one (1) or more individuals of his/her choice, including an attorney.
5. The New Academy Charter School shall inform parents/guardians of 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.

Result of Hearing

34 CFR Sec. 99.21, 300.620

If, as a result of the hearing, The New Academy Charter School decides that the information is inaccurate, misleading, or otherwise in violation of the student's privacy or other rights, The New

Academy Charter School shall amend the information accordingly and inform the parent/guardian in writing.

If, as a result of the hearing, The New Academy Charter School decides that the information is not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights, The New Academy Charter School shall inform the parent/guardian of the parent's/guardian's right to place in the student's records a statement commenting on the information and/or providing any reasons for disagreeing with the district's decision.

Any explanation placed in the student's records shall be:

1. Maintained by the district as part of the student's records as long as the record or contested portion is maintained by the district; and
2. Included with the record or contested portion if the record or contested portion are disclosed to any party.

Storage, Retention and Destruction of Information

34 CFR Sec. 300.623

The New Academy Charter School shall store all education records and personally identifiable information of students receiving special education services in such a way as to protect the confidentiality and integrity of the records and information, prevent unauthorized access to and disclosure of records and information, and ensure compliance with other legal and regulatory requirements regarding records retention.

34 CFR Sec. 300.623

The New Academy Charter School shall maintain, for public inspection, a current listing of the names and positions of those district employees who have access to personally identifiable information.

Pol. 216

In order to comply with state compliance monitoring requirements, The New Academy Charter School shall maintain education records for students receiving special education services for at least six (6) years.

34 CFR Sec. 300.624

The New Academy Charter School shall inform parents/guardians when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the student. After notice, such information shall be destroyed upon parental request.

34 CFR Sec. 99.10

No education record shall be destroyed if there is an outstanding request to inspect or review the record or if a litigation hold exists.

34 CFR Sec. 300.624

The New Academy Charter School shall maintain a permanent record of the student's name, address, and phone number, his/her grades, attendance record, classes attended, grade level completed, and year completed.

34 CFR Sec. 300.623

The New Academy Charter School shall ensure the destruction of education records in a manner that protects the confidentiality and privacy rights of the student and his/her family.

Disclosure to Third Parties

34 CFR Sec. 99.30, 99.31, 300.622 Pol. 113.1, 113.2, 216

The New Academy Charter School shall obtain parental consent before disclosing personally identifiable information to parties other than school district officials with a legitimate educational interest or other educational institutions that provide special education services to the student for the purposes of meeting a requirement of law or regulation unless the information is contained in education records and the disclosure is permitted without parental consent under law and regulations.

34 CFR Sec. 300.622

Parental consent must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

34 CFR Sec. 300.622

If a student is enrolled, or is going to enroll in a private school that is not located in the district of the parent's/guardian's residence, parental consent must be obtained before any personally identifiable information about the student is released between officials in the district where the private school is located and officials in the district of the parent's/guardian's residence.

Delegation of Responsibility 34 CFR Sec. 300.623

In order to maintain the confidentiality of the educational records and personally identifiable information of students with disabilities, the Board designates the Assistant Principal to coordinate the Charter School's efforts to comply with this policy and applicable laws and regulations.

34 CFR Sec. 300.623

All of The New Academy Charter School employees collecting or using personally identifiable information shall receive training or instruction regarding Board policy, administrative regulations, and state and federal law and regulations regarding confidentiality of education records and personally identifiable information.

References:

- Family Educational Rights and Privacy Act – 20 U.S.C. Sec. 1232g
- Individuals with Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.
- Family Educational Rights and Privacy, Title 34, Code of Federal Regulations – 34 CFR Part 99
- Individuals with Disabilities Education, Title 34, Code of Federal Regulations – 34 CFR Part 300
- Pennsylvania Department of Education Individuals with Disabilities Education Act Part B LEA Policies and Procedures under 34 C.F.R. §§300.101 - 300.176 (2009)
- Bureau of Special Education Letter to School Entities on Retention of Records, Dated November 9, 2009 Board Policy – 113, 113.1, 113.2, 113.3, 216

