

## **APPENDIX B NCAA INFORMATION**

This appendix includes the following:

- NCAA Approved Course List

# NCAA Approved Course List

## FOR 2023-24

The following courses, organized by subject area, have been approved by the NCAA Eligibility Center for use toward initial eligibility when delivered by Pearson Virtual School teachers using Pearson's EMS platform. Pennwood Cyber Charter School (Pennwood) will be included in the Pearson-affiliated school "district" for NCAA purposes, which will entitle students to receive access to high school courses that meet the NCAA Eligibility as long as Pennwood meets the Pearson NCAA criteria and delivers courses and instruction in compliance with the NCAA Guidelines for Pearson-affiliated Schools (both criteria and Guidelines found here: <https://www.connexus.com/library/launch.aspx?id=80237>).

Note that not all courses may be available at all locations, and there may be slight variations between your state's course naming convention and the name of the course listed on the [NCAA Eligibility Center High School Portal](#).

### English Courses

English 9	Honors English 9
English 10	Honors English 10
English 11	Honors English 11
English 12	Honors English 12

Journalism

Speech and Debate

AP English Language & Composition

AP English Literature & Composition

#### Available in Limited Locations

Advanced Composition

American Lit and Comp

British Lit & Comp

Composition

Dual Credit Honors English 11  
Dual Credit Honors English 12  
Honors American Lit and Comp  
Honors British Lit & Comp  
Honors World Literature  
Pre-AP English 1  
Pre-AP English 2  
Reading and Writing for Purpose  
World Literature

## **Social Science Courses**

American Government (year-long)  
Economics  
Geography and Society  
Honors American Government  
Honors US History  
Honors World History  
Psychology  
US History  
World Geography  
World History  
AP Human Geography  
AP Macroeconomics  
AP Microeconomics  
AP Psychology  
AP US Government  
AP US History  
**Available in Limited Locations**  
African American History  
African American Studies  
Arizona Government

Arizona United States History  
Careers in Criminal Justice  
Civics  
Cultural Geography  
Dual Credit US History  
Modern World History  
New Mexico History  
North Carolina American History I  
North Carolina American History II  
North Carolina Civics and Economics  
Personal Psychology  
Pre-AP World History  
Texas World History  
US Government (semester long)

## **Mathematics Courses**

Algebra 1  
Algebra 2  
Calculus  
Geometry  
Honors Algebra 1  
Honors Algebra 2  
Honors Geometry  
Honors Precalculus  
Precalculus  
Statistics  
AP Calculus AB  
AP Statistics

### **Available in Limited Locations**

Advanced Algebra with Financial Applications  
Advanced Quantitative Reasoning



Algebra I with Probability  
Algebra II with Statistics  
CCGPS Advanced Algebra  
CCGPS Analytic Geometry  
CCGPS Coordinate Algebra  
Dual Credit Honors Algebra 2  
Dual Credit Precalculus  
Dual Credit Trigonometry  
Geometry with Data Analysis  
Honors Algebra I with Probability  
Honors Algebra II with Statistics  
Honors Geometry with Data Analysis  
Linear Systems and Statistics  
Math 1  
Math 2  
Math 3  
Math IV  
North Carolina High School Math I  
North Carolina High School Math II  
North Carolina High School Math III  
Pre-AP Algebra 1  
Pre-AP Algebra 2  
Pre-AP Geometry  
Pre-AP Precalculus  
Probability and Statistics  
Quantitative Reasoning  
Secondary Math I  
Secondary Math II  
Secondary Math III  
Trigonometry  
AP Calculus BC

## Natural/Physical Science Courses

*An asterisk (\*) denotes a course with a lab requirement.*

Biology\*

Chemistry\*

Earth Science\*

Environmental Science\*

Honors Biology\*

Honors Chemistry\*

Honors Earth Science\*

Honors Physical Science\*

Honors Physics\*

Physical Science\*

Physics\*

AP Biology\*

AP Environmental Science\*

### **Available in Limited Locations**

Anatomy and Physiology

Conservation Science

Earth Space Science\*

Environmental Systems

Honors Earth Space Science\*

Integrated Chemistry and Physics\*

Introduction to Astronomy

Pre-AP Biology\*

Pre-AP Chemistry\*

Texas Biology\*

Texas Chemistry\*

Texas Honors Biology\*

Texas Honors Chemistry\*

## **Additional Courses**

French I

French II

French III

French IV

German I

German II

German III

Japanese I

Japanese II

Sign Language I

Sign Language II

Spanish I

Spanish II

Spanish III

Spanish IV

AP Spanish Language

### **Available in Limited Locations**

American Sign Language I

American Sign Language II

## **APPENDIX C**

### **DRAFT SPECIAL EDUCATION PROCEDURES, POLICIES, AND PROSPECTIVE PROVIDERS**

This appendix includes the following:

- Draft Special Education Procedures
- Draft Special Education Policies
- Prospective Providers

These are draft policies provided to the Board of Trustees by Board Counsel and our partner, Pearson. These will be used as the basis of school policies and are subject to modification by the Board of Trustees.

If the charter application is approved, these will be modified to reflect Pennwood Cyber Charter School's mission and vision and compliance with all Pennsylvania laws and regulations.

To the extent that anything in these policies could be construed to conflict with state and/or federal law, the applicable state and/or federal laws control. These policies are not intended to conflict with charter requirements.

# Procedures Table of Contents

Introduction .....	3
Chapter 711.....	3
§ 711.2. Purposes and Intent.....	3
§ 711.3. Incorporation of Federal Regulations .....	3
§ 711.4. Supervision.....	5
§ 711.5. Personnel .....	5
§ 711.6. Annual Report.....	7
§ 711.7. Enrollment .....	7
§ 711.8. Education Records .....	8
§ 711.9. Payments .....	10
§ 711.10. Complaint Procedure .....	11
IDENTIFICATION AND EVALUATION.....	11
§ 711.21. Child Find .....	11
§ 711.22. Reevaluation .....	12
§ 711.24. Evaluation .....	15
§ 711.25. Criteria for the Determination of Specific Learning Disabilities .....	16
IEP .....	17
§ 711.41. IEP.....	17
§ 711.42. Transportation .....	23
§ 711.43. Educational Placement .....	23
§ 711.44. Extended School Year (ESY) .....	23
§ 711.45. Access to Instructional Materials .....	25
§ 711.46. Positive Behavior Support.....	26
PROCEDURAL SAFEGUARDS.....	32
§ 711.61. Suspension and Expulsion.....	32
§ 711.62. Procedural Safeguards.....	33



## Introduction

Pennwood Cyber Charter School (Pennwood) is committed to creating an environment of learning while remaining compliant with Federal and Pennsylvania state special education procedures. As such, Pennwood has aligned the school's Special Education Procedures with Title 22 Pa. Code *Chapter 711: Charter School and Cyber Charter School Services and Programs for Children with Disabilities* and the Individuals with Disabilities Education Act. Some language in this document is taken directly from Chapter 711.

## Chapter 711

### *§ 711.2. Purposes and Intent*

Pennwood will meet its obligation to ensure the school complies with IDEA and its implementing regulations in 34 CFR Part 300 (relating to assistance to states for the education of children with disabilities), and Section 504 and its implementing regulations in 34 CFR Part 104 (relating to nondiscrimination on the basis of handicap in programs and activities receiving federal financial assistance). This chapter does not prevent Pennwood and a school district from entering into agreements regarding the provision of services and programs to comply with this chapter, whether or not the agreements involve payment for the services and programs by the cyber charter school. Pennwood is exempt from Chapter 14 (relating to special education services and programs). Children with disabilities will have access to the general curriculum, and participate in State and local assessments as established and described in Chapter 4 (relating to academic standards and assessment) at Pennwood. Pennwood will utilize prereferral intervention strategies, in accordance with 34 CFR 300.226 (relating to early intervening services) and as outlined in § 711.23(c) (relating to screening) to promote students' success in the general education environment.

### *§ 711.3. Incorporation of Federal Regulations*

Pennwood will assume the duty to ensure that a free and public education (FAPE) is available to a child with a disability in compliance with IDEA and its implementing regulations in 34 CFR Part 300 (relating to assistance to states for the education of children with disabilities) and section 504 and its implementing regulations in 34 CFR Part 104 (relating to nondiscrimination on the basis of handicap in programs and activities receiving federal financial assistance). The requirements of 34 CFR Part 300 as published at 71 FR 46540—46845 (August 14, 2006), amended at 73 FR 73006—73029 (December 1, 2008) are incorporated by reference, as follows:

- (1) 34 CFR 300.4—300.8(a) and (c) (relating to act; assistive technology device; assistive technology service; charter school; and child with a disability).
- (2) 34 CFR 300.9—300.15 (relating to consent; core academic subjects; day; business day; school day; educational service agency; elementary school; equipment; and evaluation).
- (3) 34 CFR 300.17—300.19 (relating to free appropriate public education; highly qualified special education teachers; and homeless children).
- (4) 34 CFR 300.22 and 300.23 (relating to individualized education program; and individualized education program team).
- (5) 34 CFR 300.27—300.30 (relating to limited English proficient; local educational agency; native language; and parent).

- (6) 34 CFR 300.32—300.37 (relating to personally identifiable; public agency; related services; scientifically based research; and secondary school).
- (7) 34 CFR 300.39 (relating to special education).
- (8) 34 CFR 300.41—300.45 (relating to State educational agency; supplementary aids and services; transition services; universal design; and ward of the state).
- (9) 34 CFR 300.101 and 34 CFR 300.102 (relating to free appropriate public education (FAPE); and limitation—exception to FAPE for certain ages).
- (10) 34 CFR 300.104—300.108 (relating to residential placement; assistive technology; extended school year services; nonacademic services; and physical education).
- (11) 34 CFR 300.113 and 300.114(a)(2) (relating to routine checking of hearing aids and external components of surgically implanted medical devices; and LRE requirements).
- (12) 34 CFR 300.115—300.117 (relating to continuum of alternative placements; placements; and nonacademic settings).
- (13) 34 CFR 300.122 (relating to evaluation).
- (14) 34 CFR 300.148 (relating to placement of children by parents when FAPE is at issue).
- (15) 34 CFR 300.160 (relating to participation in assessments).
- (16) 34 CFR 300.172 (relating to access to instructional materials).
- (17) 34 CFR 300.174 (relating to prohibition on mandatory medication).
- (18) 34 CFR 300.207 (relating to personnel development).
- (19) 34 CFR 300.210—300.213 (relating to purchase of instructional materials; information for SEA; public information; and records regarding migratory children with disabilities).
- (20) 34 CFR 300.226 (relating to early intervening services).
- (21) 34 CFR 300.300 and 300.301 (relating to parental consent; and initial evaluations).
- (22) 34 CFR 300.302—300.307(a)(1)(2) and (b) (relating to screening for instructional purposes is not evaluation; reevaluations; evaluation procedures; additional requirements for evaluations and reevaluations; determination of eligibility; and specific learning disabilities).
- (23) 34 CFR 300.308—300.311 (relating to additional group members; determining the existence of a specific learning disability; observation; and specific documentation for the eligibility determination).
- (24) 34 CFR 300.320—300.325 (relating to definition of individualized education program; IEP Team; parent participation; when IEPs must be in effect; development, review, and revision of IEP; and private school placement by public agencies).
- (25) 34 CFR 300.327 and 300.328 (relating to educational placements; and alternative means of meeting participation).
- (26) 34 CFR 300.501—300.508 (relating to opportunity to examine records; parent participation in meetings; independent education evaluation; prior notice by the public agency, content of notice; procedural safeguards notice; electronic mail; mediation; filing a due process complaint; and due process complaint).

- (27) 34 CFR 300.510—300.516 (relating to resolution process; impartial due process hearing; hearing rights; hearing decisions; finality of decision; appeal; partial review; timelines and convenience of hearings and reviews; and civil action).
  - (28) 34 CFR 300.518(a), (b) and (d) and 300.519 (relating to child’s status during proceedings; and surrogate parents).
  - (29) 34 CFR 300.530—300.537 (relating to authority of school personnel; determination of setting; appeal; placement during appeals; protections for children not determined eligible for special education and related services; referral to and action by law enforcement and judicial authorities; change of placement because of disciplinary removals; and state enforcement mechanisms).
  - (30) 34 CFR 300.610—300.625 (relating to confidentiality; definitions; notice to parents; access rights; record of access; records on more than one child; list of types and locations of information; fees; amendment of records at parent request; opportunity for a hearing; result of hearing; hearing procedures; consent; safeguards; destruction of information; and children’s rights).
- (c) The requirements of 34 CFR Part 104 are incorporated by reference as follows:
- (1) 104.3(f), (h)—(j), (k)(2) and (1) (relating to definitions).
  - (2) 104.4—104.8, regarding discrimination prohibited; assurances required; remedial action; designation of responsible employee; and notice.
  - (3) 104.10 (relating to effect of state or local law or other requirements and effect of employment opportunities).
  - (4) 104.11 and 104.12 (relating to discrimination prohibited; and reasonable accommodation).
  - (5) 104.21—104.37, regarding accessibility.

#### ***§ 711.4. Supervision***

Pennwood will provide general supervision of special education services and programs to ensure compliance with § 711.3 (relating to incorporation of Federal regulations). Pennwood will comply with IDEA in accordance with the policies and procedures in the Department’s IDEA grant application under 34 CFR 300.100 (relating to eligibility for assistance) and as approved by the United States Department of Education. Pennwood will:

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

#### ***§ 711.5. Personnel***

Pennwood will ensure the following appropriate certifications are required:

- Persons who provide special education or related services to children with disabilities at Pennwood will have appropriate certification, notwithstanding section 1724-A of the act (24 P. S. § 17-1724-A).



## Educational Interpreters

An educational interpreter is an individual who provides students who are deaf or hard of hearing with interpreting or transliterating services in an educational setting. To serve as an educational interpreter at Pennwood, consistent with the Sign Language Interpreter/Transliterators State Registration Act (63 P. S. §

§ 1725.1—1725.12), an individual will meet the following qualifications:

- Achieve and provide evidence of a score of 3.5 on the Educational Interpreter Performance Assessment (EIPA) for the appropriate grade level to which the person has been assigned.
- Be a qualified sign language interpreter or qualified transliterator under the Sign Language Interpreter or Transliterators State Registration Act and its implementing regulations.
- Provide evidence of a minimum of 20 hours of staff development activities relating to interpreting or transliterating services annually.

(c) *Review of EIPA score.* The Department, in consultation with the State Board of Education will review the EIPA score requirement every two years.

## Paraprofessionals

(1) An instructional paraprofessional employed by Pennwood will be a school employee who works under the direction of a certificated staff member to support and assist in providing instructional programs and services to students with disabilities. This support and assistance includes one-on-one or group review of material taught by certificated staff, classroom management and implementation of positive behavior support plans. Services may be provided in a special education class, regular education class or other instructional setting as provided in the student's IEP. Special education instructional paraprofessionals will meet one of the following qualifications:

- Have completed at least 2 years of postsecondary study.
- Possess an associate degree or higher.
- Meet a rigorous standard of quality as demonstrated through a State or local assessment.

(2) Nothing in subsection (a) should be construed to supersede the terms of a collective bargaining agreement in effect on July 1, 2008.

(3) Each school year, instructional paraprofessionals will provide evidence of 20 hours of staff development activities related to their assignment.

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

## ***§ 711.6. Annual Report***

### ***Data Collection and Reporting for Special Education***

Pennwood will follow the Pennsylvania Information Management System (PIMS) requirements and specifications and comply with Special Education Data Collection protocol. Templates will be submitted in the Special Education Domain as students enrolled in charter schools are reported by the charter school. The December Special Education Submission (Student template and special education snapshot) will include all special education students with a valid IEP as of 12/1 of the school year. The July Special Education submission (Student template and special education snapshot) will include all students that received special education services from July 1 through June 30 who exited at any time during the current school year.

The annual report required under section 1728-A(b) of the act (24 P. S. § 17-1728-A(b)) will include:

- The number of children with disabilities in special education.
- The services, programs, and resources being implemented by Pennwood.
- The services and programs utilized by Pennwood through contracting with another public agency, other organizations or individuals.
- The services and programs utilized by Pennwood through the assistance of an intermediate unit as prescribed under sections 1725-A(a)(4) and 1744-A(3) of the act (24 P. S. § § 17-1725-A(a)(4) and 1744-A(3)).
- Staff training in special education utilized by Pennwood through the PDE's training and technical assistance network and intermediate unit.

The annual report must include an assurance that Pennwood is in compliance with Federal laws and regulations governing children with disabilities and the requirements of this chapter.

The annual report must include the age and type of exceptionality for each enrolled child with a disability; the level of intervention provided to each child with a disability; certification of staff providing services to each child with a disability; and programs and services available to children with a disability.

## ***§ 711.7. Enrollment***

Pennwood will have an open enrollment policy: any eligible public school student in the Commonwealth of Pennsylvania can attend. The school will not discriminate in its admissions policies or practices on the basis of geography, intellectual or athletic ability, measures of achievement or aptitude, status as a student with a disability, test scores, disabilities, etc.

Pennwood will not deny enrollment or otherwise discriminate in its admission policies or practices on the basis of a child's disability or the child's need for special education or supplementary aids or services.

Pennwood will not discriminate in its admission policies or practices on the basis of intellectual ability. Admission criteria may not include measures of achievement or aptitude.

## **§ 711.8. Education Records**

### **Confidentiality-The Family Educational Rights and Privacy Act (FERPA)**

Pennwood recognizes the need to protect the confidentiality of personally identifiable information in the education records of children. Pennwood is prepared to ensure the privacy rights of eligible children in the collection, maintenance, release, and destruction of records. Pennwood will follow the provisions of the Regulations of the State Board of Education on Pupil Records (PA Code 22, Ch.12), the Family Educational Rights and Privacy Act of 1974 (FERPA), the Confidentiality Section of IDEA, and the Confidentiality Section of Pennsylvania Special Education Regulations and Standards.

### **Requests to View Files**

A parent/guardian has the right to review the files of their child. The parent may also request and receive the following:

- An explanation of information in the student's education records.
- A copy of all or part of the student's education record (the cost of which will not exceed the costs of duplication).
- A list of the types and location of the student's education record collected, maintained, or utilized by the LEA.

### **Student Access Rights**

When a student is 18 years of age or attending a postsecondary education institution, the right accorded to and consent required of a student's parent/guardian by law will only be accorded to and required of the student to the extent consistent with applicable federal and state laws and regulations.

### **Parent Access Rights**

#### **Surrogate Parent**

**As part of the IEP process**, Pennwood recognizes a qualified adult must participate as the "parent" (34 CFR 300.30) for the student. A surrogate parent is someone who acts on the child's behalf in matters relating to the identification, evaluation, educational placement, and provision of FAPE to the child. A surrogate will be appointed and trained on how to participate and make decisions on the child's behalf in the following situations: a biological, adoptive, foster, parent, or guardian are not available; a grandparent or step parent with whom the child lives or a person who is legally responsible for the child is not available; the child is an unaccompanied homeless youth. See Surrogate Parent Board Policy.

Pennwood has a method in place to secure a surrogate when needed. When it is determined that a student is in need of a surrogate parent, the surrogate will be appointed within 30 calendar days. Pennwood will maintain a pool of trained parent surrogates and may collaborate with Intermediate Units (IUs) when additional surrogates are needed.

Pennwood will not allow the following persons to be appointed as a surrogate parent: employees of an agency already involved in the care or education of the student; school employees; persons with a potential conflict of interest.

A parent/guardian, eligible student, or designated representative will have access to the student's education records within 45 days of receipt of written request in order to inspect, review or copy education records. A parent/guardian also has the right to request and receive the following:

- An explanation of information in the student's education records.
- A copy of all or part of the student's education record. If copies are to be released to anyone other than the parent/guardian, the Consent to Release Information form must be completed by the parent/guardian.
- A list of the types and location of the student's education record collected, maintained, or utilized by the LEA.

### Accessing Records

Pennwood will maintain a record indicating the names of those persons who have obtained access, the date of access, and the purpose of access. Administrators, teachers, instructional aides and the administrative assistant are authorized to have access to personally identifiable information.

The parent/guardian has the right to inspect the access record of their child's records.

### Maintenance Records

The Director of Special Education will be responsible for ensuring that the education records, confidentiality rules, and education records policy for eligible children are enforced and administered. This official will:

- Annually notify parents/guardians and eligible students of this policy, its procedures, and their rights. The notification will be in their primary language unless it is not feasible to do so.
- Develop system of safeguards which will protect the confidentiality of personally identifiable information at the point of collection, storage, release and destruction.
- Be responsible for ensuring that all Pennwood faculty and subcontracted agency employees, who collect or use personally identifiable information, receive in-service training regarding the implementation of this policy. In-servicing will consist of providing, at the least, yearly presentation of the information to staff and subcontractors.

### Third Party Access to Student Information

FERPA provisions allow the school to disclose certain student information to third parties, such as other schools, *without the prior written consent of the parent/legal guardian or Eligible Student*. This occurs in two situations: Directory Information and situations in which FERPA permits the school to release educational records without consent. All other disclosure of student information to third parties requires the written consent of the Caretaker or Eligible Student.

### Release of Educational Records without Consent: Directory Information

The school may release Directory Information (defined by Pennwood as *student name, student WebMail address, state of residence, student telephone number, and student grade level*) to third parties as permitted by FERPA.

If the Caretaker or Eligible Student does **not** wish to have Directory Information released to third parties, s/he may prevent the release of this information by indicating so in the FERPA Directory Information section of the Student Information Form. If families do not make a selection, then the school may, without additional permission, disclose the Directory Information to third parties as permitted by FERPA.

### Release of Educational records without Consent: Legitimate Educational Interest

Pennwood may provide a student's educational records to third parties in certain situations listed under FERPA. Examples include the transfer of educational records to the student's new school upon request from the new school, and the provision of educational records to school officials who possess a 'legitimate educational interest' in the student's records, and the provision of educational records to contracted parties providing special education related services.

### Release of Student Records with Consent

With the exception of that information which FERPA and/or applicable state law or court order allows the school to release without consent, as noted above, Pennwood will obtain written consent from the Caretaker or Eligible Student prior to releasing any educational record or personally identifiable information to any third party. Consent to release this information must be made in writing, be signed by the Caretaker or Eligible Student, and include the following information:

- A specific description of the information or record(s) to be released.
- The party or agency to which the information will be released and their address.
- The signature of the requestor, and the date of the request.

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

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

Pennwood will maintain educational records for children with disabilities consistent with the regulations for FERPA (20 U.S.C.A. § § 1221 note and 1232g) in 34 CFR Part 99 (relating to family educational rights and privacy).

### ***§ 711.9. Payments***

As a public school, Pennwood will comply with 22 PA. Code Chapter 711-Charter School and Cyber Charter School Services and Programs for Children with Disabilities and with the Individuals with Disabilities Education Improvement Act (IDEA), 20 U.S.C.A. §§ 1400 et.seq. and implementing regulations, including Section 300.209 of Title 34 of the Code of Federal Regulations, and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (sec. 504). Pennwood will provide a free appropriate public education (FAPE) to children with disabilities, including, but not limited to, identifying, evaluating, and planning educational

programs, and implementing placements in accordance with those Acts. Pennwood is prepared to serve as a Local Education Agency (LEA).

The child's school district of residence will provide the special education payments required by section 1725-A(a)(3) of the act (24 P. S. § 17-1725-A(a)(3)) to Pennwood either when:

- (1) A child with an IEP begins attending Pennwood.
- (2) Pennwood has identified an enrolled child as a child with a disability under IDEA, has developed an IEP for the child and notifies the district of residence of the identification.

When a child for whom Pennwood received the special education payment required under section 1725- A(a)(3) of the act enrolls in another public agency, private school or private agency, Pennwood will immediately inform the child's school district of residence that its payment responsibilities to Pennwood under section 1725-A(a)(3) of the act have ceased.

### **§ 711.10. Complaint Procedure**

#### **Procedural Safeguards Notice**

Parents of children who receive or who may be eligible for special education services have rights under the IDEA. The Procedural Safeguards Notice provides a detailed explanation of those rights. Pennwood Cyber Charter School will give parents a copy of the Procedural Safeguards Notice and the explanatory Procedural Safeguards Letter at least once each school year. Parents can also obtain a copy of the Procedural Safeguards Notice from Pennwood Cyber Charter School at any time. An additional document is available to help parents to better understand the Notice document, *The Parents' Rights: Understanding the Procedural Safeguards Notice* provides a summary of those rights. Parents will also receive the Parents' Rights documents upon initial referral or upon the parents request for an evaluation and in accordance with discipline procedures when a change in placement occurs.

Pennwood Cyber Charter School will establish a complaint procedure consistent with 34 CFR 300.151—300.153 (relating to adoption of State complaint procedures; minimum State complaint procedures; and filing a complaint) and disseminate notice of that procedure.

## **IDENTIFICATION AND EVALUATION**

### **§ 711.21. Child Find**

#### **Identifying Students and Child Find**

As a cyber school in Pennsylvania, Pennwood is bound by the Child Find requirements of Chapter 711 of the Pennsylvania School Code, "Charter School and Cyber Charter School Services and Programs for Children with Disabilities," as well as the requirements of the Individuals with Disabilities Education Improvement Act (IDEA 2004), Section 504 of the Rehabilitation Act of 1973, and the Family Educational Rights and Privacy Act (FERPA). Pennwood's Director of Special Education will serve as the Child Find Coordinator and provide Child Find information to school staff, parents, and state and local organizations and agencies. These efforts will include compliance with the special education referral process, providing professional development to Pennwood staff and Student Support Team (SST), participating in the Multi-Tiered Systems of Support/Response to Intervention (MTSS/RTI) process, including universal screening procedures, creating and maintaining written policies, and procedures related to Child Find, and involvement in public awareness activities related to Child Find of implementation of students enrolled in Pennwood. See Child Find Board Policy.



## School Professional Development Related to Child Find

The Director of Special Education and Student Support Team leader will provide the entire Pennwood staff with Child Find training and compliance progress updates. At the start of the school year, the staff will be provided information on documenting information received by parents regarding special education evaluation requests, including timelines and the importance of timeliness in responding and alerting the Pennwood special education team. Subsequent professional development for school staff will include how to interpret universal screening results, intervention processes and results, as well as measures of compliance with Pennsylvania Special Education Evaluation Timelines.

## Written Policies and Public Awareness Related to Child Find

Pennwood's statement about Child Find will be accessible to the general public can be located on the general school public website as well as through banner messages on Caretaker homepages within Connexus. In addition, all families enrolled in Pennwood will receive Child Find information within the school newsletter, published on a semester basis. A link to the *Pennsylvania Parent Guide to Special Education for School-Age Children* will also be provided in all locations.

To enable the Commonwealth to meet its obligations under 34 CFR 300.111 (relating to child find), Pennwood will establish written policies and procedures to ensure that all children with disabilities who are enrolled in Pennwood, and who are in need of special education and related services, are identified, located and evaluated. Pennwood's written policy will include:

- (1) Public awareness activities sufficient to inform parents of children applying to or enrolled in the charter school or cyber charter school of available special education services and programs and how to request those services and programs. Written information will be published in the Pennwood handbook and web site.
- (2) Systematic screening activities that lead to the identification, location and evaluation of children with disabilities enrolled in Pennwood.

## § 711.22. Reevaluation

### Reevaluation

Pennwood will remain in full compliance with regulations requiring triennial special education reevaluations to determine continued eligibility and need for special education services. Prior to conducting the reevaluation, the Pennwood IEP Team and other qualified professionals, as appropriate, will meet to discuss the need for reevaluation, review existing data, and determine additional data needed to best meet the needs of the student. The review of existing data will be documented in the Reevaluation Report (RR) form. If the team agrees that a reevaluation is needed, the school will then issue a Permission to Reevaluate-Consent (PTR-Consent) form to obtain signed parental consent for reevaluation. Pennwood will obtain parental consent to proceed with the reevaluation. Multiple attempts using varied communication methods will be used to receive parental consent.

Pennwood will complete all reevaluations within the 60 days of the receipt of signed parental consent, as required by Pennsylvania statute. Reevaluations will be conducted by a qualified examiner at a location proximate to the child. All evaluations conducted by Pennwood will take a child's English Language ability and disability into consideration. Once the evaluation is complete, Pennwood will provide parents with a copy of the report. A multidisciplinary team will then review the report to determine continued eligibility. Once a child is found to continue to need special education services, and the RR form is completed and provided to parents, an IEP team meeting is scheduled to develop the IEP.

If the team, including the parent, agrees that reevaluation is not necessary, the school provides the *Agreement to Waive Reevaluation* form to the parents, with reasons the reevaluation was waived. Parents must sign this form as an agreement to waive the evaluation. If parents disagree, the reevaluation must proceed. If at any time, the parent or school believes they need an assessment to benefit the child, the team can convene to discuss conducting a reevaluation. The only exception to the three-year reevaluation requirement involves students that have been identified as intellectually disabled, who must be reevaluated every two years.

If at any time, a parent believes that Pennwood's evaluation was not conducted properly, the parent has the right to request an Independent Education Evaluation (IEE). Pennwood will provide the IEE by an approved evaluator to the parent at Pennwood's expense. The IEE results will be taken into consideration when considering eligibility for special education. See Evaluation and Reevaluation Board Policy and IEE Board Policy and IEE Administrative Procedures.

### Students who Enroll in Pennwood with an IEP

During enrollment families will be asked if their child has an IEP or 504 plan. Student enrollment will not be delayed during this inquiry. Parents may, but are not required to as a condition of enrollment, provide a copy of the documents or Pennwood will obtain the documents from the student's prior school. Pennwood will conduct IEP meetings within 30 days of enrollment for all new students to adopt the IEP, amend the IEP, or conduct an annual review. In addition to being active participants in the IEP team meetings, parents will be provided with Prior Written Notice detailing the decisions of the IEP team. See IEP Board Policy and Section 504 Board Policy.

The parent or teacher of a child with a disability has the right under 34 CFR Part 300.303(b) (relating to reevaluations) to request a reevaluation annually. More frequent reevaluations may only occur if the parent and Pennwood agree. In addition to the requirements incorporated by reference in 34 CFR 300.303 (relating to reevaluation), reevaluation time line will be 60 calendar days, except that the calendar days from the day after the last day of the spring school term up to and including the day before the first day of the subsequent fall school term will not be counted. Pennwood will reevaluate students with disabilities at least once every three years. Children with disabilities who are identified as intellectually disabled will be reevaluated at least once every two years.

### § 711.23. Screening

#### **Participation in the Multi-Tiered Systems of Support/Response to Intervention (MTSS/RTI) Team**

Special education will be represented in Pennwood's MTSS/RTI process, providing guidance to the team on specific instructional and behavioral approaches for students. The special education team will ensure that students are referred for special education in a timely manner, engaging parents in the process. The team will verify that the struggling student has received appropriate instruction and that the student's difficulties are not related to Limited English Proficiency. Data related to academic achievement, behavior concerns, intervention results, and academic progress will also be reviewed.

#### **Universal Screening**

Pennwood will administer universal screening instruments that include the Pennsylvania Classroom Diagnostic Tools (CDT), which are online assessments designed to provide teachers with valuable diagnostic information to guide and differentiate instruction. The CDT reports provide a snapshot of how students are performing in relation to the Standards Aligned System (SAS) and help identify student academic strengths and areas in need of improvement. Educators receive links to curricular resources and materials that align to the Learning Progression Map. Data yielded from the Universal Screenings will inform academic methodology and pedagogy (or instructional practices) in conjunction with



relevant behavioral, attendance (or participation), and course performance data. Collected data will support all students, especially our most vulnerable students. Universal Screening data is factored into MTSS/RTI and supports identification of students in need of instructional interventions and, potentially, special education evaluation.

### **Pre-referral/Referral/Initial Evaluation**

Students may be referred for special education evaluation by their parents, teacher, or the SST. The SST, consisting of general education teachers, intervention specialists, and school administrators will regularly review struggling students. The SST will consult with the parents and address struggling students' needs through the MTSS/RTI process. With parental consent, the teacher will implement and document interventions and the student's response to interventions. The students' response to MTSS/RTI efforts are used as one data metric in the determination of special education eligibility. These interventions will not be used to delay or deny a parent-requested special education evaluation.

Pennwood will establish a system of screening which may include prereferral intervention services to accomplish the following:

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

The screening process must include:

- (1) Hearing and vision screening in accordance with section 1402 of the Public School Code of 1949 (24 P. S. § 14-1402) for the purpose of identifying students with hearing or vision difficulty so that they can be referred for assistance or recommended for evaluation for special education.
- (2) Screening at reasonable intervals to determine whether all students are performing based on grade-appropriate standards in core academic subjects.

Pennwood will develop a program of prereferral intervention services. In the case of Pennwood meeting the criteria in 34 CFR 300.646(b)(2) (relating to disproportionality), as established by the PDE, the services are required and include:

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

- (7) A determination as to whether the student's needs exceed the functional ability of the regular education program to maintain the student at an appropriate instructional level.
- (8) Documentation that information about the student's progress as identified in paragraph (5) was periodically provided to the student's parents.
- (9) Screening or prereferral intervention activities may not serve as a bar to the right of a parent to request an evaluation, at any time, including prior to or during the conduct of screening or prereferral intervention activities.

## **§ 711.24. Evaluation**

### **Initial Evaluation**

Students may be referred for special education evaluation by their parents, teacher, or the SST. The SST, consisting of general education teachers, intervention specialists, and school administrators will regularly review struggling students. When a parent requests a special education evaluation, the process occurs *concurrently* with the MTSS/RTI process if the student is in need of academic intervention. Pennwood will respond to the parent within 10 days with the Permission to Evaluate-Request (PTE-Request) form and send Permission to Evaluate-Consent (PTE-Consent) form to gain the parent's permission to evaluate. This form outlines the reason for the special education evaluation referral and lists the assessments that will be used. Parental input and any outside evaluations will also be collected during the evaluation process. Parental rights will also be provided during this process by providing the parents with *Parents' Rights: Understanding the Procedural Safeguards Notice, the Procedural Safeguards Notice* and the explanatory *Procedural Safeguards Letter*.

The special education evaluation will be coordinated with the parent and an evaluator in close proximity to the student and completed within 60 days of Pennwood's receipt of signed PTE-Consent form. Once the evaluation is complete, the parents will join an interdisciplinary team meeting to review the assessment results and determine the student's eligibility for special education, completing an Evaluation Report (ER). If the student is found eligible for special education, Pennwood will convene the IEP meeting within 30 days after the completion of an *Evaluation Report (ER)*.

### **Allowing for Differences in English Language Skills and Ethnic Background**

Evaluations must take into account the child's English language skills and ethnic background to ensure that the testing and evaluation will not be unfair for children of any race or culture. Tests must be given in the native language or mode of communication that is most likely to give accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible. Evaluations also must take into account the child's disability to make certain the test measures what it is supposed to measure. For example, a child with a severe visual impairment should be provided with appropriately sized testing materials to accommodate for his disability.

The group of qualified professionals, which reviews the evaluation materials to determine whether the child is a child with a disability under 34 CFR 300.306 (relating to determination of eligibility), will include a certified school psychologist when evaluating a child for autism, emotional disturbance, intellectual disability, multiple disabilities, other health impairments, specific learning disability or traumatic brain injury. In addition to the requirements incorporated by reference in 34 CFR 300.301 (relating to initial evaluations), the initial evaluation will be completed and a copy of the evaluation report presented to the parents no later than 60 calendar days after the agency receives written parental consent for evaluation, except that the calendar days from the day of the last day of the spring school term up to

and including the day before the first day of the subsequent fall school term will not be counted. Parents may request an evaluation at any time, and the request must be in writing. Pennwood will make the permission to evaluate form readily available for that purpose. If a request is made orally to any professional employee or administrator of Pennwood, that individual will provide a copy of the permission to evaluate form to the parents within 10 calendar days of the oral request. Copies of the evaluation report will be disseminated to the parents at least 10 school days prior to the meeting of the IEP team unless this requirement is waived by a parent in writing.

### **Disproportionality**

Pennwood will collect and examine data regularly to ensure disproportionality is not evident in the areas of identification, academic settings and placements, and disciplinary measures. In addition to cultural sensitivity and awareness training, the following practices will be implemented to ensure students are found eligible for special education services without unjust bias:

- Evaluations will be administered by trained and licensed personnel
- More than one single measure or assessment will be used to determine a disability
- Evaluations that are not discriminatory or racially/culturally biased
- Evaluations will take into consideration the child's English language skills, including ethnic background
- Evaluations will be administered in the child's native language, or mode of communication

If there is any evidence of disproportionality, the school will review, and revise if needed, all procedures and policies that may be contributing.

### ***§ 711.25. Criteria for the Determination of Specific Learning Disabilities***

Following are State-level criteria for determining the existence of a specific learning disability. Pennwood will develop procedures for the determination of specific learning disabilities that conform to criteria in this section. These procedures will be included in the school's charter application and annual report. To determine that a child has a specific learning disability, Pennwood will:

- (1) Address whether the child does not achieve adequately for the child's age or meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and scientifically based instruction appropriate for the child's age or State-approved grade-level standards:
  - a. Oral expression.
  - b. Listening comprehension.
  - c. Written expression.
  - d. Basic reading skill.
  - e. Reading fluency skills.
  - f. Reading comprehension.
  - g. Mathematics calculation.
  - h. Mathematics problem solving.

- (2) Use one of the following procedures:
  - a. A process based on the child's response to scientific, research-based intervention, which includes documentation that:
    - i. The student received high quality instruction in the general education setting.
    - ii. Research-based interventions were provided to the student.
    - iii. Student progress was regularly monitored.
  - b. A process that examines whether a child exhibits a pattern of strengths and weaknesses, relative to intellectual ability as defined by a severe discrepancy between intellectual ability and achievement, or relative to age or grade.
- (3) Have determined that its findings under this section are not primarily the result of any of the following:
  - a. A visual, hearing or orthopedic disability.
  - b. Intellectual Disability.
  - c. Emotional disturbance.
  - d. Cultural factors.
  - e. Environmental or economic disadvantage.
  - f. Limited English proficiency.
- (4) Ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or mathematics by considering documentation that:
  - a. Prior to, or as a part of, the referral process, the child was provided scientifically-based instruction in regular education settings, delivered by qualified personnel, as indicated by observations of routine classroom instruction.
  - b. Repeated assessments of achievement were conducted at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents. See Students with Specific Learning Disabilities Board Policy.

## **Acceleration and Enrichment**

Pennwood will provide opportunities for acceleration or enrichment to students consistent as appropriate consistent with 22 Pa Code § 4.28. Special education: (b) Students who are identified and referred shall be provided an education that enables them to participate in acceleration or enrichment, or both, as appropriate.

## **IEP**

### ***§ 711.41. IEP***

#### **IEP Team Process**

Once the evaluation team has determined a child has a disability and requires special education and related services, an IEP is developed within 30 days of the eligibility determination. From that point on, the IEP will be reviewed yearly unless a meeting prior to the annual due date is necessary. The annual IEP will be implemented within 10 school days of the IEP meeting. Special Education reevaluations will be conducted every three years or more frequently if needed. An IEP meeting takes place within 30 days

of the completion of the reevaluation report. The report will be provided to the parent at least ten days prior to the reevaluation IEP meeting. If a student has an intellectual disability, the reevaluation will take place every two years or more frequently if needed. If a student comes from out of state, and the disability is not recognized in the state of Pennsylvania, the school will still provide FAPE and comparable services while offering to conduct a new evaluation. The IEP team will include all required members including the parents, a minimum of one general education teacher, a minimum of one special education teacher, any related service providers, a designated school representative knowledgeable about the special education programs, curriculum and resources (LEA), the student, if turning 14 years or older during the duration of the annual IEP (or if the parent wants the student to participate prior to age 14), a qualified person that can interpret the evaluation findings, and lastly, anyone else the parent would like present at the meeting that is familiar with the child and their education. Parents are IEP team members and Pennwood will take all steps needed to ensure that one or both of the parents are present at each IEP team.

The IEP developed will address any new evaluation reports, student strengths, parent input, both present level academic and functional performance, measurable yearly goals (and objectives if the student is alternatively assessed), how the disability affects progress in the general education curriculum, services and programs with dates (including transportation needs), progress reporting (at least quarterly during the school year ) and how the progress will be evaluated, participation in general education classes (and other activities) with children without disabilities, accommodations (including supplementary aids and services), and participation in Pennsylvania statewide testing. The IEP team will also examine behaviors, including how they may interfere with learning (or that of peers) and if a behavioral management plan should be created. The team will take into account if the student has limited English proficiency, communication and assistive technology (AT) needs, as well as if eligibility for Extended School Year (ESY) services. If the student is transition age (14 years or older), transition assessments, annual goals, activities, and courses of study will be developed to support postsecondary goals.

In addition to evidence-based general education curricula, Pennwood will offer alternative supplemental and/or replacement curriculum and/or intervention programs, as applicable, for IDEA eligible students.

### **IEP Progress Reporting**

Student progress on annual goals and objectives will be monitored regularly using a variety of tools. The data will be summarized and provided to the parents quarterly throughout the school year, unless the IEP team agrees upon more frequent updates. Data collection tools may include rubric scores, curriculum-based assessments, tests, portfolios or fluency probes. Data may also be accumulated during small group or one on one instruction. Teachers will chart the data collected and analyze the data points weekly to ensure the student is on track to meet the goal by the annual IEP due date. If the student is not making expected progress on the annual goals or objectives, instructional adjustments will be made accordingly in an effort to increase progress, such as increased repetition opportunities or the re-teaching of critical skills. Related service goals will also be regularly monitored, and a summary included in the quarterly report provided to parents.

### **Assistive Technology**

Pennwood will provide students with Assistive Technology as defined by IDEA 2004, 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 a child with a disability. Consistent with Pennsylvania Chapter 711, IEP teams will consider assistive technology needs for every student with an IEP. Students attending schools supported by Pearson have ready access to closed captioning and American Sign Language interpreting. Students also have access to screen readers, text readers, dictation and word prediction software, large monitors, alternative keyboards and mice, and other AT as specified in the students' IEP. See Assistive Technology Board Policy.

## **Transition**

Students turning age 14 or older (or younger if appropriate) during the duration of the annual IEP will have a transition plan developed by the IEP team. The transition plan will prepare the student to move from school to post-school activities including post-secondary education, vocational education or adult education independent or supported employment and, when appropriate, independent living skills or community participation. The student will be invited to join and participate in the IEP meeting. The transition plan developed will include the following: Present Level of Academic Achievement and Functional Performance, Courses of Study and Transition Activities, agency linkages, measurable annual goals/objectives, and services that the student needs to reach the goals listed in the transition plan.

The following steps will occur to engage students in the transition process:

- The IEP Team Meeting Invitation will be addressed to the student.
- The Present Level of Academic Achievement and Functional Performance will include formal and/or informal transition assessments. The assessments will be both age-appropriate and student-focused to determine the students' strengths, needs, goals and interests. The assessments selected may include, but are not limited to, the Casey Life Skills assessment, the Myers Briggs, Keys2Work, and/or PACareerzone.org.
- Courses of Study will be addressed by the IEP team to ensure the student is taking courses and making sufficient progress to meet their post-secondary goals by the time the student graduates or transitions to adult services.
- Transition activities will be tied to transition goals. Depending on the student's post-secondary goals, activities may include college visitations and participation in state-wide Career Days. A vast number of agencies are available to support a student's transition plan and activities throughout the Commonwealth.
- Goals and objectives will be developed as an IEP team and areas of focus will include education, employment, and independent living. Goals will be developed based on the transition assessment results.
- A transition specialist will monitor and support student internships and job shadow opportunities across the state by collaborating with local businesses, colleges and universities, and the PA Office of Vocational Rehabilitation (OVR). These opportunities will be based on the student's interests and transition plan. Monitoring will include observing the student in the vocational setting, providing ongoing and frequent feedback and support and, when needed, modeling skills.

For students who are graduating or reaching maximum age, a Summary of Performance (SOP) document will be created to ensure the student has personal summary information that includes all of the student's abilities and limitations summarized, recommendations for continued supports for a successful transition, and input from both the student and individuals supporting the student. See Transition Board Policy.

## **Interagency Collaboration**

Pennwood will work with students' resident districts and intermediate units to benefit enrolled students with IEPs. Interagency collaboration is a critical element of Pennwood's continuum of special education services. This collaboration will be necessary when considering related services, mental health and welfare support, postsecondary transition planning, bridging to adult services, and placement

considerations. This system will not replace the Pennwood's responsibilities to serve enrolled students with IEPs; rather, this intensive interagency collaboration is designed to provide additional placement considerations to students' IEP teams when students need full-time support. Pennwood will contract with resident districts and intermediate units to establish these relationships. The interagency coordinator, a member of the Pennwood special education team, will serve as a resource for families and as the liaison between Pennwood and local districts and intermediate units. See Intensive Interagency Board Policy.

### **Related Services**

Cyber schools offer a vast range of options for the delivery of related services. Pennwood will contract with Pearson to support the delivery of related services. Related services provided to students will include, but are not limited to:

- Speech-language services
- Occupational therapy
- Counseling services
- Social work services
- Behavior therapy
- Special transportation
- Physical therapy
- Audiology services
- Social Skills
- Autism support
- Parent training
- Orientation and mobility
- Closed-captioning
- American Sign Language

Related services will be equally accessible to all students in the Commonwealth and may include any combination of speech-language services, occupational therapy services, physical therapy, counseling services and other services as identified in the IDEA. As determined by the IEP team the student may receive these services in a cyber-setting and/or face to face. Students attending cyber schools in Pennsylvania have been receiving services in both settings for many years. When the IEP team determines that the services will be provided face to face, the services are provided at a mutually convenient location for both the family and the provider. Options for locations include: the student's home, the therapist's business location, libraries, community centers, etc. For services provided outside of the home, special transportation will be provided, or the parent may choose to receive mileage reimbursement from Pennwood for transporting their child. Pennwood provides related services by engaging IUs, private businesses, agencies, hospitals, adult service providers, etc. For each provider serving enrolled students, Pennwood maintains copies of licensure and certification, background checks, etc. consistent with Pennsylvania law. See Related Services Board Policy.

### **Least Restrictive Environment (LRE)**

Pennwood provides special education and related services within the LRE for all students. This includes taking into consideration supplementary aids and services, accommodations, and ESY while ensuring the student is educated with nondisabled peers, to the maximum extent possible, and making expected gains on IEP goals. The Director of Special Education works closely with the general education teachers to ensure that every student receives accommodations, modifications, and all needed services to access and progress in the general education curriculum. Assistive technology may include collaboration with PaTTAN AT consultants and Intermediate Unit (IU) staff, collaboration with Pearson AT support staff, access to PaTTAN's short term AT loan library and AIM Center (Accessible Instructional Materials), closed captioning, speech to text, and text to speech. ESY will be considered by the IEP team, at each IEP meeting, determining if potential regression over school interruptions or other relevant factors may interfere with the student's access to FAPE. See Least Restrictive Environment Board Policy.

### **Continuum of Services and Placement**

Pennwood will have a continuum of special education and alternative placements available to ensure FAPE is being provided in the LRE.

- Consultative support for the general education teachers to provide modifications and accommodations to the general education curriculum
- Itinerant, supplementary or full-time special education support will be provided via the telephone, Internet, LiveLesson sessions, as well as in person depending on the needs of the student
- Direct related service support (for example: speech-language, occupational, or physical therapy, psychological counseling,) provided face-to-face, via computer, in homes, community sites, and therapist offices
- Related services will include: parent training, autism support, parent groups, student support groups, and itinerant hearing or vision support consistent with the student's IEP
- Ongoing progress monitoring for every student: including frequent and thorough review of student performance, attendance or non-attendance, and participation data as reported to the student, parent and teacher through their respective home pages
- Specific tracking and reporting for providers of direct/related services, with close scrutiny by the special education staff of any missed appointments or incomplete services
- Intermediate Unit classrooms
- Private placements

### **Program for Alternately Assessed Students**

Pennwood will provide a comprehensive program for students qualified to take Pennsylvania's alternative state assessment, PASA. To the greatest extent possible, these students will be included with their same age classmates so they may enjoy age-appropriate communication and socialization. Students participating in the alternative curriculum program may or may not have classes with their general



education peers. For example, some alternative curriculum students will participate in only alternative courses, while others may participate in electives with their general education peers, in addition to their alternative core coursework. The Least Restrictive Environment will differ for these two groups of students and is determined by each student's IEP team. The Alternative Education Program includes specially designed instruction to address each student's IEP goals as well as alternative curriculum resources. Pearson will provide support for teachers and special education leaders related to data analysis and related service provision for these students. See Alternate Assessments Board Policy.

### **Alternative Curriculum Resources**

In addition to evidence-based general education curricula, Pennwood will offer alternative supplemental and/or replacement curriculum and/or intervention programs, as applicable, for IDEA eligible students, which will include, but will not be limited to the following:

N2Y is a third-party web-based curriculum that is offered to students identified for an alternative curriculum path. There are three components of N2Y: Unique Learning System, Symbolstix, and News2You. Unique Learning System is an online, dynamic, standards-based curriculum specifically designed for students with special needs. Pennwood special education teachers will download monthly instructional thematic units of study. Themes center on Science and Social Studies topics lessons cover all core content areas. Each unit contains 30 special education lesson plans and downloadable materials that teachers can readily implement into special education classroom learning activities. All materials are created using SymbolStix graphics. Each lesson plan defines three levels of differentiated tasks to accommodate the diversity of learners with significant disabilities. Lesson plans are organized by chronological grade band; the high school level grade band lesson plans include postsecondary transition activities. Symbolstix is a visual support program for students with communication challenges. It is a tool allowing teachers to create visual supports and communication boards and learning materials for students using templates. Finally, News2You is a weekly online newspaper, offering multiple differentiated levels enabling students access to information about current events.

Pennwood special education teachers will be supported by Pearson staff with the delivery of the alternative curriculum. This support will assist teachers in data analysis of student progress through the alternative curriculum as well as planning direct special education services to best meet students' needs. Pennwood special educators will also work closely with parents and Learning Coaches to design the best learning environment for alternatively assessed students and coordinate any related services provided virtually or in the community.

### **Independent Living and Life Skills**

As part of Pennwood's postsecondary transition planning and alternative curriculum program, Pennwood will implement independent living and life skills programming for students with IEPs. Designed to provide life skills support, this program will provide the instruction necessary for students to function independently as adults to the fullest extent possible. Independent living and life skills will be addressed in students' IEPs with appropriate transition activities and goals clearly determined and outlined after conducting thorough transition interviews and assessments with the students and their families. All goals and associated activities will be directly aligned with students' present levels.

Activities may range from self-care to money management to community navigation. Frequent, regular progress monitoring and documentation of goal progress is an integral part of Pennwood's life skills and

independent living programming. As appropriate, the team may determine that intensive interagency collaboration is needed to best meet the independent living and life skills goals.

Pennwood will hold annual reviews of the IEP, including reviewing student progress within the existing IEP, reevaluating whether the student is benefitting from the program, creating new IEP goals. If the student is not benefitting from the program, a new IEP will be developed, and changes will be recommended regarding the student's placement.

### ***§ 711.42. Transportation***

For services provided outside of the home, special transportation will be provided, or the parent may choose to receive mileage reimbursement from Pennwood for transporting their child.

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

### ***§ 711.43. Educational Placement***

When the IEP team at a charter school or cyber charter school places a child in another public agency, private school or private agency, and the parents choose to keep their child enrolled in the charter school or cyber charter school, the charter school or cyber charter school is obligated to pay for that placement.

Alternative placements will be considered when the virtual environment, including the use of supplementary aids and services, accommodations, and ESY are no longer meeting the needs of the student. Alternative placements include special classes, special schools, approved private placements and home and hospital instruction. Pearson has prior experience supporting cyber schools in facilitating placements in both IU schools and in private placements. Resources to support alternative placement options may include collaboration with the student's resident school district, IUs, private schools, and approved private schools (APS Directory 2022, Approved Private Schools, School Districts, PA IUs). A Prior Written Notice (PWN) and Procedural Safeguards will be issued to Parent to document the team decision after meeting held in accordance with Chapter 711.

### ***§ 711.44. Extended School Year (ESY)***

ESY will be considered by the IEP team, at each IEP meeting, determining if potential regression over school interruptions or other relevant factors may interfere with the student's access to FAPE. In addition to the requirements incorporated by reference in 34 CFR 300.106 (relating to extended school year services), Pennwood will use the following standards for determining whether a student with disabilities requires ESY as part of the student's program:

- (1) At each IEP meeting for a student with disabilities, Pennwood will determine whether the student is eligible for ESY services and if so, make subsequent determinations about the services to be provided.
- (2) In considering whether a student is eligible for ESY services, the IEP team will consider the following factors, however, no single factor will be considered determinative:
  - Whether the student reverts to a lower level of functioning as evidenced by a measurable decrease in skills or behaviors which occurs as a result of an interruption in educational programming (Regression).
  - Whether the student has the capacity to recover the skills or behavior patterns in

- which regression occurred to a level demonstrated prior to the interruption of educational programming (Recoupment).
- Whether the student's difficulties with regression and recoupment make it unlikely that the student will maintain the skills and behaviors relevant to IEP goals and objectives.
  - The extent to which the student has mastered and consolidated an important skill or behavior at the point when educational programming would be interrupted.
  - The extent to which a skill or behavior is particularly crucial for the student to meet the IEP goals of self-sufficiency and independence from caretakers.
  - The extent to which successive interruptions in educational programming result in a student's withdrawal from the learning process.
  - Whether the student's disability is severe, such as autism/pervasive developmental disorder, serious emotional disturbance, intellectual disability, degenerative impairments with mental involvement and severe multiple disabilities.
- (3) Reliable sources of information regarding a student's educational needs, propensity to progress, recoupment potential and year to year progress may include the following:
- Progress on goals in consecutive IEPs.
  - Progress reports maintained by educators, therapists and others having direct contact with the student before and after interruptions in the education program.
  - Reports by parents of negative changes in adaptive behaviors or in other skill areas.
  - Medical or other agency reports indicating degenerative-type difficulties, which become exacerbated during breaks in educational services.
  - Observations and opinions by educators, parents and others.
  - Results of tests, including criterion-referenced tests, curriculum-based assessments, ecological life skills assessments and other equivalent measures.
- (4) The need for ESY services will not be based on any of the following:
- The desire or need for day care or respite care services.
  - The desire or need for a summer recreation program.
  - The desire or need for other programs or services that while they may provide educational benefit, are not required to ensure the provision of a FAPE.
- (5) Students with severe disabilities such as autism/pervasive developmental disorder, serious emotional disturbance; severe intellectual disability; degenerative impairments with mental involvement; and severe multiple disabilities require expeditious determinations of eligibility for ESY services to be provided as follows:
- Parents of students with severe disabilities will be notified by the charter school or cyber charter school of the annual review meeting to ensure their participation.
  - An IEP review meeting must occur no later than February 28 of each school year for students with severe disabilities.
  - The notice of recommended educational placement (NOREP) will be issued to the parent no later than March 31 of the school year for students with severe disabilities.

- If a student with a severe disability transfers into Pennwood after the dates in paragraphs (2) and (3), and the ESY eligibility decision has not been made, the eligibility and program content must be determined at the IEP meeting.
- Pennwood will consider the eligibility for ESY services of all students with disabilities at the IEP meeting. ESY determinations for students other than those described in subsection (d) are not subject to the time lines in subsection (d). However, these determinations will still be made in a timely manner. If the parents disagree with Pennwood's recommendation on ESY, the parents will be afforded an expedited due process hearing. See Extended School Year Board Policy.

### ***§ 711.45. Access to Instructional Materials***

#### **National Instructional Materials Accessibility Standard (NIMAS)**

Pennwood will ensure timely delivery of print instructional materials in accessible formats to blind or other enrolled students with print disabilities. Pennwood will work with Accessible Media Providers (AMPs), such as Bookshare, to provide eligible students files in the NIMAS standard. These files are based on the international DAISY (Digital Accessible Information System) standard, essentially the DAISY/NISO (National Information Standards Organization) Z39.86 2005 standard and is required by federal IDEA regulation. DAISY is an internationally recognized technical standard used to facilitate the creation of accessible content. These files are electronic documents created by textbook providers, submitted to AMPs, and then requested by public schools. These files will be provided to eligible students as part of its accessibility provision and assistive technology considerations of the students' IEP teams.

To ensure the timely provision of high quality, accessible instructional materials to children who are blind or other persons with print disabilities, Pennwood will adopt the National Instructional Materials Accessibility Standard (NIMAS). The NIMAS refers to a standard for source files of print instructional materials created by publishers that may be converted into accessible instructional materials.

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

Pennwood will act in a timely manner in providing instructional materials under subsection (a) if they take all reasonable steps to ensure that children who are blind or other persons with print disabilities have access to their accessible format instructional materials at the same time that students without disabilities have access to instructional materials. Pennwood will not withhold instructional materials from other students until instructional materials in accessible formats are available.

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

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

Pennwood may coordinate with the National Instructional Materials Access Center (NIMAC) to facilitate the production of and delivery of accessible materials to children who are blind or other persons with print disabilities. The NIMAC refers to the central repository, established under section 674(e) of IDEA (20 U.S.C.A. § 1474(e)), which is responsible for processing, storing and distributing NIMAS files of textbooks and core instructional materials.

Pennwood coordinating with NIMAC will require textbook publishers to deliver the contents of print instructional materials to the NIMAC in NIMAS format files on or before delivery of the print instructional materials to the Pennwood may on occasion choose not to coordinate with NIMAC may require that publishers deliver the contents of print instructional materials to the NIMAC in NIMAS format files on or before delivery of the print instructional materials to the charter schools or cyber charter schools. See Access to Instructional Materials Board Policy.

### ***§ 711.46. Positive Behavior Support***

#### ***Positive Behavior Interventions and Support***

Pennwood believes that every student must be treated with respect and will implement an evidenced-based, data-driven, school wide program of positive behavioral supports to improve the academic and social outcomes of all students. This framework of positive behavior interventions and supports (PBIS) includes a variety of school wide as well as individual strategies focused on teaching and reinforcing positive school engagement and behaviors. Every student will receive positive reinforcement through frequent teacher feedback and interaction.

Components of Pennwood's PBIS program include all-staff professional development related to understanding students' interfering behaviors and their antecedents as well as how to use preventative measures to promote appropriate behavior. When a behavioral concern arises, trained personnel will conduct a Functional Behavior Assessment. This process will include direct observations conducted in the virtual classroom and at the home, if necessary. It will also include indirect observation methods, such as interviews with family and staff, a review of disciplinary, academic, and attendance records, and review of outside evaluation reports, if applicable. Data is analyzed to determine the hypothesized function of behavior and a summary of the findings and recommendations are provided to the Student Support Team.

If it is determined that a student's behavior is impacting their learning and the student would benefit from behavior interventions, the IEP team will create a positive behavior support plan. The plan will include a summary of findings from the Functional Behavior Assessment, behavioral goals and instructional strategies for teaching and reinforcing replacement behaviors. In the event that interfering behavior occurs, the plan will outline de-escalation strategies for addressing the behavior. Teachers and Learning Coaches will work together to implement the plan to reduce the occurrence of interfering behavior, and promote engagement in appropriate behaviors.

Pennwood's PBIS framework will also include efforts related to dropout prevention. School general and special education staff will work collaboratively to monitor students at risk for dropout. These students will be targeted for additional intervention, IEPs may be updated, and families will be engaged. Of particular focus will be engagement with the Pennwood community, the local neighborhood, and opportunities for service learning. Pennwood will have staff members dedicated to facilitating service-learning, aligning efforts with students' transition plans and postsecondary goals.

The family is a critical part of Pennwood's PBIS framework. As part of Pennwood's Learning Coach Instructional Support Initiatives, all parents and Learning Coaches will receive support and training on creating a positive learning environment to minimize interfering behaviors and reinforcing positive behaviors. Pennwood's PBIS framework is a tiered system. Therefore, when tiered interventions have been attempted for a period of time, and data reveals that behaviors have not improved, upon agreement of the parent, the student is referred to the Special Education Team for evaluation that may include a Functional Behavior Assessment and a Behavior Support Plan.

### Use of Seclusion or Restraint

Pennwood does not have physical contact with students on a regular basis; however, it will maintain Student's IEP which may include a Seclusion and Restraint plan to implement if necessary during occasions when staff has contact with students during field trips, state testing, or visits to the school offices. A copy of the IEP will be available to students and their families in the school handbook.

Every effort will be made to avoid the need for the use of restraint or seclusion of a student. Physical seclusion or restraint will not be used except when used as a last resort and only when:

- the student's behavior poses imminent risk of injury to self or others; and,
- other less restrictive interventions are ineffective.

A student will never be secluded or physically restrained by a school employee who has not received extensive training by the school in the use of seclusion and restraint procedures. These strategies may be used in rare and clearly unavoidable emergency circumstances when fully trained school personnel are not immediately available. Untrained staff will request assistance from trained staff as soon as possible.

Physical restraint or seclusion of a student may only be used for a short period of time and will be ended as soon as the imminent risk of injury to self or others has dissipated, usually a matter of minutes. The use of any drug, medication, or other chemical to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health care professional) is prohibited. An Pennwood employee will never give a student any drug or medication that is not a standard treatment or dosage, or both, for the student's medical or psychiatric condition unless otherwise prescribed by a physician.

Every instance in which seclusion or restraint is used will be carefully, continuously, and visually monitored to ensure the safety of the student, other students and school employees. Immediately after the imminent risk of injury to self or others has ended, the student should no longer be physically restrained or secluded and a school employee, not involved with the seclusion or restraint, will examine the student to ascertain if any injury has been sustained during the seclusion or restraint of the student.

After each incident a debriefing procedure is followed, and the incident is documented. Pennwood will annually review this seclusion and restraint policy. Regular professional development and training on these procedures will be provided to school staff.

### When Seclusion and Restraint Procedures Will Not Be Employed

Physical restraint and seclusion will not be used unless the student's behavior poses imminent risk of injury to self or others and other less restrictive interventions are ineffective. A verbal threat or verbally aggressive behavior does not itself indicate an imminent risk of injury, and will not result in seclusion or restraint. Unless a student's destruction or damage to property creates an imminent risk of injury to the student or others, the destruction or damage of property does not itself indicate an imminent risk of injury and will not be the justification for seclusion or restraint of a student.

## Time-Out

Time-out is a behavior reduction procedure in which access to reinforcement is withdrawn for a certain period of time. Time-out occurs when the ability of a student to receive normal reinforcement in the school environment is restricted. Short time-out sessions will be both developmentally and behaviorally appropriate.

## Debriefing

As soon as practical and after every instance in which seclusion or restraint is used on a student, the school administrator or designee will do the following:

- meet with at least one school employee who participated in the implementation, monitoring, and supervision of the seclusion or restraint to discuss whether proper seclusion or restraint procedures were followed, including the use of proper procedures to prevent the need for restraint or seclusion;
- direct a staff person, who was not part of the seclusion or restraint of the student, to debrief the incident with the student in a manner appropriate to the student's age and developmental ability and to discuss the behavior(s), if any, that precipitated the use of restraint or seclusion; and,
- provide a copy of an incident report to the parent(s) or guardian(s) and offer the opportunity to request a meeting regarding the incident of restraint or seclusion.

## Incident Documentation and Reporting

Every instance in which seclusion or restraint is used on a student will be documented in order to memorialize the events that led up to the use of either seclusion or restraint. Documentation must be made on the form prescribed by the school and will include the following:

- The student's name;
- The date and time of the incident;
- The duration of any seclusion or restraint or the beginning and ending times of the restraint or seclusion, or both;
- A description of any relevant events leading up to the incident;
- A description of the incident or student behavior that resulted in implementation of seclusion or restraint including a description of the danger of injury which resulted in the seclusion or restraint;
- A description of relevant interventions used immediately prior to the implementation of seclusion or restraint;
- A summary of the student's behavior during seclusion or restraint, including a description of the restraint technique or techniques used and any other interaction between the student and staff;
- A description of any injuries to students, staff, or others or property damage;
- A list of school employees who participated in the implementation, monitoring and supervision of the seclusion or restraint; and,



- If applicable, a statement that intervention used was consistent with the student's most current behavioral intervention plan or IEP.

The Principal or designee will attempt to verbally report every instance in which seclusion or restraint is used on a student to the student's parent or guardian no later than the end of the school day or as soon as practical. The building administrator or designee will also send written notification, as soon as practical, to the student's parent or guardian after every instance in which seclusion or restraint is used on a student.

Administration will comply with PDE guidelines regarding the reporting of the use of restraints. Specifically, any restraint that results in an injury to a student and/or staff person must be reported to the Principal or designee who will comply with any requirement to report the injury to the PDE Bureau of Special Education and any other reporting requirements.

## Training

Pennwood will provide all school employees with training on:

- Appropriate use of effective alternatives to physical seclusion and restraint,
- Conflict de-escalation procedures,
- Positive supports and behavioral interventions techniques,
- The dangers of seclusion and restraint,
- Procedures for contacting fully trained and certified staff when behavioral crises occur
- The safe use of seclusion and restraint.
- Steps to avoid the use of seclusion or restraint.
- Debriefing practices and procedures.

This training will be recurrent and will be provided to new school employees.

A core group of appropriate personnel will be trained in each building in crisis intervention techniques, which will include the use of seclusion and restraint procedures. Any member of the core group, trained in crisis intervention techniques, including the safe use of seclusion or restraint procedures, may provide training to other school employees under this plan.

Recurrent training will be provided to school employees on a regular basis at least annually.

## Annual Review, Planning Process, and Oversight

The Principal will be designated as the coordinator of data, planning and oversight of the use of seclusion or restraint procedures. Pennwood will establish a team to conduct an annual review of all individual and program-wide data associated with this policy. The Committee will review the following components related to the use of restraint:

- incident reports;
- procedures used during restraint, including the proper administration of specific Pennwood- approved restraint techniques;
- preventative measures or alternatives tried, techniques or accommodations used to avoid or eliminate the need of the future use of restraint;
- documentation and follow up of procedural adjustments made to eliminate the need for



- future use of restraint
- injuries incurred during a restraint;
- notification procedures;
- staff training needs;
- specific patterns related to staff or student incidents;
- environmental considerations, including physical space, student seating arrangements, and noise levels.

Upon review of the data, the Committee will identify any issues and/or practices that require further attention and provide written recommendations to the Superintendent of Schools for changes in policies or practices. The Committee may recommend review of the training program to ensure the most current knowledge and techniques are reflected in Pennwood training curriculum.

Positive rather than negative measures will form the basis of positive behavior support programs to ensure that all students will 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 will 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). 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 will 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:**

- 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.
- 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).

- 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.
- The use of restraints to control the aggressive behavior of an individual student will cause the charter school or cyber charter school to notify the parent of the use of restraint and will 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 will 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.
- The use of restraints may only be included in a student's IEP when:
  - Utilized with specific component elements of positive behavior support.
  - Used in conjunction with the teaching of socially acceptable alternative skills to replace problem behavior.
  - Staff are authorized to use the procedure and have received the staff training required.
  - There is a plan in place for eliminating the use of restraint through the application of positive behavior support.
- 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.
- 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.
- Pennwood will 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 PDE.
- 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.

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

- Corporal punishment.
- Punishment for a manifestation of a student's disability.

- Locked rooms, locked boxes or other locked structures or spaces from which the student cannot readily exit.
- Noxious substances.
- Deprivation of basic human rights, such as withholding meals, water or fresh air.
- Suspensions constituting a pattern.
- Treatment of a demeaning nature.
- Electric shock.

CEO or designee will 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.

CEO or designee may convene a review, including the use of human rights committees, to oversee the use of restrictive or intrusive procedures or restraints.

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 will be required. For a student with a disability who does not have a positive behavior support plan, subsequent to notification to law enforcement, Pennwood shall convene the student's IEP Team to consider whether a behavior support plan should be developed to address the student's behavior, in accordance with law, regulations and Board policy. See Positive Behavior Support Plan Board Policy.

## **PROCEDURAL SAFEGUARDS**

### ***§ 711.61. Suspension and Expulsion***

#### ***Discipline Procedures for Students with Disabilities (Suspension and Expulsion)***

Reflected in the Pennwood handbook is careful protection of the rights of disabled students through the fair application of due process. Given the nature of the cyber school and limited face to face contacts with students, suspensions and expulsions are extremely rare.

Pennwood staff may order the removal of a student from school for disciplinary reasons to the extent the removal is applied to non-disabled students, as long as the removals do not constitute a change of placement. A change in placement occurs if the student is removed from school for disciplinary reasons for more than ten consecutive school days or if the student is subjected to a series of removals (15 cumulative school days in a school year) that constitute a pattern of removal.

If a student with a disability is removed from his/her current placement for more than ten days during a school year, the school staff will provide services to the student to the extent necessary for the student to appropriately progress in the general curriculum and appropriately Pennwood toward achieving the goals in his/her IEP. School staff may order a change of placement to an appropriate alternative setting for no more than 45 days. The extent of the student's removal for disciplinary reasons is applied to non-disabled students if a student carries a weapon to a school function, knowingly possesses or uses illegal drugs, sells or solicits the sale of a controlled substance, or causes serious bodily injury to another person while at a school function. The interim alternative setting must enable the student to continue to progress in the general curriculum and to receive those services and modifications to enable the student to progress on the goals set out in his/her IEP.

If the school staff is considering a disciplinary action that involves changing a student's placement, a manifestation determination must be completed within ten school days of any decision to change the placement of the child with a disability. The parent and relevant members of the child's IEP team must review all relevant information, including the IEP, teacher observations, information provided by the parent to determine if the behavior in question was a result of or had a direct substantial relationship to the child's disability or failure to implement the IEP. If the result of the IEP team is that the behavior was not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities. However, Pennwood will provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately Pennwood toward achieving the goals set out in his/her IEP.

After changing a student's placement for disciplinary reasons, school staff will conduct a functional behavioral assessment and convene the IEP team to develop a behavioral support plan; or if a behavior plan was in place it must be reviewed and modified as necessary by the IEP team.

Pennwood will comply with Chapter 12 (relating to students) and 34 CFR 300.530—300.537, regarding discipline procedures. Any removal from the current educational placement is a change of placement for a student who is identified with intellectual disability. When a child with a disability has been expelled from Pennwood, the school will provide the child with a disability with the education required pursuant to the IDEA, 22 Pa Code §711 and §12.6, until Pennwood is notified in writing that the child is enrolled in another public agency, private school, approved private school or private agency. Notwithstanding the requirements incorporated by reference in 34 CFR 300.530(b) and 300.536 (relating to authority of school personnel; and change of placement because of disciplinary removals), a disciplinary exclusion of a student with a disability for more than 15 cumulative school days in a school year will be considered a pattern so as to be deemed a change in educational placement. See Disciplinary Exclusions for Special Educational Students Board Policy.

## **§ 711.62. Procedural Safeguards**

### **Procedural Safeguards Notice**

Parents of children who receive or who may be eligible for special education services have rights under the IDEA. The Procedural Safeguards Notice provides a detailed explanation of those rights. Pennwood will give parents a copy of the Procedural Safeguards Notice and the explanatory Procedural Safeguards Letter at least once each school year. Parents can also obtain a copy of the Procedural Safeguards Notice from Pennwood at any time. An additional document is available to help parents to better understand the Notice document, *The Parents' Rights: Understanding the Procedural Safeguards Notice* provides a summary of those rights. Parents will also receive the Parents' Rights documents upon initial referral or upon the parents request for an evaluation and in accordance with discipline procedures when a change in placement occurs.

Pennwood will ensure that procedures are established and implemented to allow parties to disputes regarding any matter described in 34 CFR 300.503(a)(1) (relating to prior notice by the public agency, content of notice), to resolve the dispute through a mediation process that, at a minimum, must be available whenever a hearing is requested under 34 CFR 300.507 (relating to filing a due process complaint) or 34 CFR 300.530—300.537, regarding discipline procedures. The following apply to coordination services for special education and Section 504 hearings and to hearing officers:

- The Secretary may contract for coordination services in support of hearings conducted by Pennwood. The coordination services will be provided on behalf of charter schools or cyber charter schools and may include arrangements for stenographic services, arrangements for hearing officer services, scheduling of hearings and other functions in support of procedural consistency and the rights of the parties to hearings.
- A hearing officer may not be an employee or agent of Pennwood which is responsible for the education of the student, or of the school district in which the parents or student reside or of any other agency which is responsible for the education or care of the student. A hearing officer will promptly inform the parties of a personal or professional relationship the officer has or has had with any of the parties.
- Pennwood may request a hearing to proceed with an initial evaluation or a reevaluation when a parent fails to respond to Pennwood's evaluation or reevaluation. When a parent rejects Pennwood's proposed identification of a child, proposed evaluation, proposed provision of a FAPE or proposed educational placement, other than the initial placement, Pennwood may request an impartial due process hearing. If the parent fails to respond or refuses to consent to the initial provision of special education services, neither due process nor mediation may be used to obtain agreement or a ruling that the services may be provided.

The following time line applies to due process hearings:

- A hearing will be held after the conclusion of the resolution session under 34 CFR 300.510 (relating to resolution process) or after one of the parties withdraws from mediation or the parties agree to waive or end the resolution session.
- The hearing officer's decision will be issued within 45 days after the resolution or mediation session ends without resolution or agreement date.

Except as provided by 34 CFR 300.533 (relating to placement during appeals), during the pendency of any mediation proceeding conducted in accordance with 34 CFR 300.506 (relating to mediation), unless Pennwood and the parents of the child agree otherwise, the child that is the subject of the mediation will remain in the child's then current education placement until the mediation process is concluded.

The resolution session required by 34 CFR 300.510 will be available to parents of both school age and eligible young children with disabilities. Parent advocates may attend the sessions.

## DRAFT SPECIAL EDUCATION POLICIES

These are draft policies provided to the Board of Trustees by Board Counsel. These will be used as the basis of school policies and are subject to modification by the Board of Trustees.

If the charter application is approved, these will be modified to reflect Pennwood Cyber Charter School's mission and vision and compliance with all Pennsylvania laws and regulations.

To the extent that anything in these policies could be construed to conflict with state and/or federal law, the applicable state and/or federal laws control. These policies are not intended to conflict with charter requirements.

1. Special Education Access to Instructional Materials
2. Special Education Alternate Assessments
3. Special Education Annual Notice
4. Special Education Anti-Bullying & Anti-Hazing
5. Special Education Assistive Technology
6. Special Education Child Find
7. Special Education Child Find (Philadelphia)
8. Special Education Homebound Instruction
9. Special Education Disciplinary Exclusions for Special Education Students
10. Special Education Dispute Resolution
11. Special Education Extended School Year (ESY)
12. Special Education Exceptional Student Records
13. Special Education Evaluation and Reevaluation
14. Special Education Free and Appropriate Public Education (FAPE)
15. Special Education Family Educational Rights and Privacy Act (FERPA)
16. Special Education IEP Development & Voter Registration
17. Special Education Independent Evaluations
18. Special Education Independent Educational Evaluations (IEE) Administrative
19. Special Education Individualized Education Program (IEP)
20. Special Education Inclusion
21. Special Education Instruction in the Home
22. Special Education Intensive Interagency
23. Special Education Least Restrictive Environment
24. Special Education Nonacademic Services and Settings
25. Special Education Physical Education
26. Special Education Positive Behavioral Support
27. Special Education Program Options
28. Special Education Psychological Services
29. Special Education Related Services
30. Special Education Section 504
31. Special Education Service Animals in School
32. Special Education Students with Specific Learning Disabilities (SLD)
33. Special Education Student Enrollment
34. Special Education Procedural Safeguard Requirements
35. Special Education Surrogate Parent
36. Special Education Training
37. Special Education Transition Services
38. Special Education
39. Special Education Transition from Early Intervention

**Pennwood Cyber Charter**

**School Board of Trustees**

**Policy**

**Access to Instructional Materials Policy**

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

In accordance with 22 Pa. Code §711.45, the Charter School, shall, in a timely manner, provide print instructional materials in specialized, accessible formats (that is, Braille, audio, digital, large-print, and the like) to children who are blind or other persons with print disabilities, as defined in 2 U.S.C.A. § 135a (regarding books and sound-reproduction records for blind and other physically handicapped residents; annual appropriations; and purchases).

The Charter School, shall, in a timely manner, provide instructional materials required under 22 Pa. Code §711.45(a), if they take steps to ensure that children who are blind or other persons with print disabilities have access to their accessible format instructional materials at the same time that students without disabilities have access to instructional materials. The Charter School will not withhold instructional materials from other students until instructional materials in accessible formats are available.

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

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

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

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

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

DRAFT



## **Pennwood Cyber Charter School**

### **Board of Trustees Policy**

#### **Alternate Assessment of Students Policy**

The Board of Trustees of the Charter School ("Charter School") approves that the CEO or their designee shall ensure that all children with disabilities are included in all general state and district-wide assessment programs, including the Pennsylvania System of School Assessment ("PSSA"), with appropriate accommodations or alternate assessments where necessary and as indicated in their respective IEPs.

An assessment is a valid and reliable measurement of a student's performance on a set of academic standards in a subject area that captures the students understanding of the set as a whole and the central concepts, knowledge and skills of each content area. As part of the new regulations in place since March 1, 2014, Pennsylvania's Core Standards offer a set of rigorous, high-quality academic expectations in English Language Arts and Mathematics that all students should master by the end of each grade level.

In compliance with Chapter 4 (22 Pa Code §4.11), the PA Core State Standards are a set of identified learning skills in English Language Arts and Mathematics written by Pennsylvania educators to meet the needs of Pennsylvania's students. They set the benchmarks and guidelines for what a student should learn and master at the end of each grade level. The PA Core Standards are similar to the Common Core State Standards (CCSS). Students in grades 3 through 8 will continue to be assessed through the PSSA, which will include material aligned to the PA Core Standards only as of 2015.

The Keystone Exams are given in Algebra 1, Literature and Biology and replace the grade 11 PSSA for accountability purposes. The Keystones have also been aligned to the PA Core Standards. Therefore, all students with disabilities, except those students taking the PASA, are required to take the Keystone Exams no later than 11th grade. Pennsylvania has developed an alternative means for some students to demonstrate proficiency on the PA Core Standards, if needed.

The Pennsylvania Alternate System of Assessment (PASA) is a statewide alternate assessment designed for students with the most significant cognitive disabilities. Specifically, it is intended for those who are unable to participate meaningfully in the PSSA even with accommodations. By administering the PASA to students with severe disabilities, schools achieve compliance with federal laws and the Pennsylvania School Code that require that all students participate in the statewide accountability system.

Students who meet the eligibility criteria for the alternate assessment as determined annually by the IEP team take PASA in grades 3, 4, 5, 6, 7, 8, and 11. The PASA is an individually administered test given each spring to students by their teacher or another certified Test Administrator who knows the student well. Test administration can be adapted so that even students with the most severe disabilities can participate in the assessment and receive a score. Like the PSSA, the PASA is designed to take a snapshot of student's typical performance on a small sample of academic skills derived from the PA Core Standards.

The PASA will only include items related to the Alternate Eligible Content. The educational decisions about content rests with the Charter School IEP team and the decisions are based on individual educational needs and involvement and progress in the general education curriculum. The Alternate Eligible Content is located on the PaTTAN website under Initiatives – Students with Significant Cognitive Disabilities.

Pennwood Cyber Charter School (“Charter School”) must maintain information regarding the number of children who: participate in regular assessments; were provided accommodations in order to participate in those assessments; and participate in alternate assessments.

The CEO or their designee is directed to develop procedures to ensure that students with disabilities participate in the PSSA or PASA and the Keystone Exam to the extent consistent with applicable law.

The CEO or their designee is directed to monitor student participation in statewide assessment to foster participation.

The CEO or their designee is directed to provide training opportunities to personnel regarding statewide assessment participation and PSSA and PASA and the Keystone Exam requirements.

The CEO or their or her designee is directed to make Pennsylvania’s guidelines regarding statewide assessments available to personnel.

The CEO or their designee is directed to develop procedures to prepare students in test-taking techniques prior to test administration.

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

The CEO/ or their designee must maintain information regarding the performance of children with disabilities on regular assessments and on alternate assessments.

IEPs must include a description of benchmarks or short-term objectives for children who take alternate assessments aligned to alternate achievement standards. IEPs must, if the IEP team determines that the child shall take an alternate assessment on a particular statewide or school-wide assessment of student achievement, provide a statement of why the child cannot participate in the regular assessment, and why the particular alternate assessment selected is appropriate for the child.

IEPs must include a statement of any accommodations that are necessary to measure the academic achievement and functional performance of the child on statewide and district-wide assessments consistent with law. Under Chapter 4, IEP Teams will determine successful completion of graduation requirements for students with disabilities. Students with disabilities may attain the academic standards by completion of their IEPs under the IDEA and/or Chapter 4.

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

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

DRAFT

## Pennwood Cyber Charter School

2024-2025 School Year

*Annual Public Notice of Special Education Services and Programs and  
Rights for Students with Disabilities  
And  
Notification of Rights under the Family Educational Rights and Privacy Act*

All children with disabilities residing in the Commonwealth, regardless of the severity of their disabilities, and who are in need of special education and related services, are to be located, identified and evaluated. This responsibility is required by a federal law called the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1200 *et. seq.* ("IDEA 2004").

Chapter 711 of Title 22 of the Pennsylvania Code requires the publication of a notice to parents regarding public awareness activities sufficient to inform parents of Pennwood Cyber Charter School ("Charter School") children of available special education services and programs and how to request those services and programs, and of systematic screening activities that lead to the identification, location and evaluation of children with disabilities enrolled in Charter School.

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

Charter School fulfills its duties with this Annual Notice and has incorporated several sections of the PaTTAN Procedural Safeguards Notice and other applicable guidelines from the Pennsylvania Department of Education into the Board-approved Child Find Notice and Policies and Procedures described below.

**The Charter School also directs parents to the procedural safeguards notice from PaTTAN available at the School's main office for additional information regarding rights and services.**

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

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

A copy of this Annual Notice is also available on the School's website at:  
<https://www.connectionsacademy.com/pennwood-cyber-charter-school/>

## **Qualifying for special education and related services**

Under the federal Individuals with Disabilities Education Improvement Act of 2004, or “IDEA 2004,” children qualify for special education and related services if they have one or more of the following disabilities and, as a result, need special education and related services: intellectual disability; hearing impairment, including deafness; speech or language impairment; visual impairment, including blindness; emotional disturbance; orthopedic impairment; autism; traumatic brain injury; other health impairment; specific learning disability; deaf-blindness; or multiple disabilities. To the extent applicable in a Local Education Agency (“LEA”), children from 3 years through school age can receive early intervention services if: the student has a developmental delay or disability as defined by the IDEA; and, because of this delay/disability, the student requires special education. Developmental delays can include one or more of the areas of cognitive, physical, communication, social, emotional, or adaptive development. For more information about early intervention and special education services, parents should contact the school.

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

### **Section 504 Services**

Under Section 504 of the federal Rehabilitation Act of 1973, some school-age children with disabilities who do not meet the eligibility criteria outlined above might be eligible for special protections and for adaptations and accommodations in instruction, facilities, and activities. Children are entitled to such protections, adaptations, and accommodations if they have a mental or physical disability that substantially limits or prohibits participation in or access to an aspect of the school program and otherwise qualify under the applicable state and federal laws, including Chapter 711 of Title 22 of the Pennsylvania Code and Section 504.

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, Charter School provides to each qualifying protected handicapped student without discrimination or cost to the student or family, those related aids, services or accommodations which are needed to provide equal opportunity to participate in and obtain the benefits of the school program and activities to the maximum extent appropriate to the student’s abilities and to the extent required by the laws.

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

### **Least Restrictive Environment (“LRE”)**

The Charter School ensures that children with disabilities are educated to the maximum extent possible in the regular education environment or “least restrictive environment”. To the maximum extent appropriate, students with disabilities are educated with students who are not disabled. Special classes, separate schooling, or other removal of students with disabilities from the general educational environment occurs only when the nature or severity of the disability is such that education in general education classes, even with the use of supplementary aids and services, cannot be achieved satisfactorily. Programs and services available to students with disabilities might include: (1) regular class placement with supplementary aides and services provided as needed in that environment; (2)

regular class placement for most of the school day with itinerant services by a special education teacher either in or out of the regular classroom; (3) regular class placement for most of the school day with instruction provided by a special education teacher in a resource classroom; (4) part time special education class placement in a regular public school or alternative setting; and (5) special education class placement or special education services provided outside the regular class for most or all of the school day, either in a regular public school or alternative setting. This is a team decision which includes the Charter School and Parents.

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

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

Related services are designed to enable the child to participate in or access his or her program of special education. Examples of related services that a child may require include, but are not limited to: speech and language therapy; transportation; occupational therapy; physical therapy; school nursing services; audiology counseling services; parent counseling or training; certain medical services for diagnostic or evaluation purposes; social work; recreation; and transition. Some students may also be eligible for extended school year services if determined needed by their IEP teams in accordance with Chapter 711 regulations.

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

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

location, and duration of those services or modifications.

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

Beginning no later than one year before the child reaches the age of majority under State law, the IEP must include a statement that the child has been informed of the child's rights, if any, that will transfer to the child on reaching the age of majority.

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

### **Screening**

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

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

The screening process includes:

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

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

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

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

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not to be considered an evaluation for eligibility for special education and related services. Parents have the right to request a multidisciplinary team evaluation at any time, regardless of the outcome of the screening process.

If parents need additional information regarding the purpose, time, and location of screening activities, they should call or write the Director of Special Education of Charter School at:

Pennwood Cyber Charter School  
221 W. Philadelphia Street  
York, PA 17404<sup>1</sup>

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

### **Disproportionality**

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

(1) A verification that the student was provided with appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the Elementary and Secondary Education Act (ESEA) (20 U.S.C.A. § 6368(3)), and appropriate instruction in math.

(2) For students with academic concerns, an assessment of the student's performance in relation to State-approved grade-level standards.

(3) For students with behavioral concerns, a systematic observation of the student's behavior in the school environment where the student is displaying difficulty.

(4) A research-based intervention to increase the student's rate of learning or behavior change based on the results of the assessments under paragraph (2) or (3), or both.

(5) Repeated assessments of achievement or behavior, or both, conducted at reasonable intervals, reflecting formal monitoring of student progress during the interventions.

(6) A determination as to whether the student's assessed difficulties are the result of a lack of instruction or limited English proficiency.

(7) A determination as to whether the student's needs exceed the functional ability of the regular education program to maintain the student at an appropriate instructional level.

(8) Documentation that information about the student's progress as identified in paragraph (5) was periodically provided to the student's parents.

### **Evaluation**

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

Parental consent must be obtained by Charter School prior to conducting an initial evaluation to determine if the child qualifies as a child with a disability, and before providing special education and related services to the child. Parental consent for an evaluation shall not be construed as consent for

---

<sup>1</sup> School office phone number will be provided upon authorization of charter and administrative facility.



their child to receive special education and related services. The screening of a child by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not considered to be an evaluation for eligibility for special education and related services; therefore, parental consent is not required in this instance.

The law contains additional provisions and due process protections regarding situations in which parental consent for an initial evaluation is absent or refused discussed more fully below and in the PaTTAN Procedural Safeguards Notice. If you have any questions about where to obtain a copy of the PaTTAN Procedural Safeguards Notice, kindly contact the **Director of Special Education, at 221 W. Philadelphia Street, York, PA 17404<sup>2</sup>.**

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

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

Parents who think their child is eligible for special education may request, at any time, that Charter School conduct a Multi-Disciplinary Evaluation. **Requests for a Multi-Disciplinary Evaluation must be made in writing to the Director of Special Education, at 221 W. Philadelphia Street, York, PA 17404.**

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

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

### **Educational Placement**

The determination of whether a student is eligible for special education is made by an Individualized Education Program (IEP) team. The IEP team includes: the parents of a child with a disability; not less than one regular education teacher, if the child is, or may be, participating in the regular education environment; not less than one special education teacher, or when appropriate, not less than one special education provider; a representative of the School who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities, is knowledgeable about the general education curriculum, and is knowledgeable about the availability of resources of Charter School; an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described above; other individuals, at the discretion of the parent or the agency, who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and whenever appropriate, a child with a

---

<sup>2</sup> School office phone number will be provided upon authorization of charter and administrative facility.

disability. IEP team participation is directly addressed by the regulations. Additionally, the Charter School must invite the child with a disability to attend the child's IEP Team meeting if a purpose of the meeting includes the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. If the child does not attend the IEP Team meeting, the Charter School must take other steps to ensure that the child's preferences and interests are considered. IEP team participation is directly addressed by IDEA regulations.

If the student is determined to be eligible for special education, the IEP team develops a written education plan called an IEP. The IEP shall be based in part on the results of the Multi-Disciplinary Evaluation. When the IEP team decides that a student is not eligible for special education, recommendations for educational programming in regular education may be developed from the Evaluation Report (ER).

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

### **Parents and Surrogate Parents**

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

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

### **Prior Written Notice**

The Charter School will notify the parent within a reasonable time before the Charter School before the Charter School takes the following action(s), pursuant to the Notice of Recommended Educational Placement/Prior Written Notice ("NOREP/PWN") regarding the child's educational program. For more information, see the annotated NOREP/PWN on the PaTTAN website or available at the Charter School office.

- a. Proposes to initiate or to change the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education ("FAPE") to the child; or
- b. Refuses to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of FAPE to the child.
- c. Change of placement for disciplinary reasons. (Must issue *Procedural Safeguards Notice*)
- d. Due process hearing, or an expedited due process hearing, initiated by Charter School.
- e. Refusal of Charter School to agree to an independent educational evaluation ("IEE")

- at public expense.
- f. Propose initial provision of special education and related services (For this action, the school may not proceed without your written consent in Section 8 of this document)
- g. Graduation from high school
- h. Exiting special education
- i. Exiting high school due to exceeding the age eligibility for a free appropriate public education (FAPE)
- j. Extended School Year (ESY) services
- k. Other [to be determined by the IEP Team]

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

The prior written notice must:

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

1. Describe the action that the Charter School proposes or refuses to take;
2. Explain why Charter School is proposing or refusing to take the action;
3. Describe each evaluation procedure, assessment, record, or report Charter School used in deciding to propose or refuse the action;
4. Include a statement that you have protections under the procedural safeguards provisions in Part B of IDEA;
5. Tell how you can obtain a description of the procedural safeguards if the action that Charter School is proposing or refusing is not an initial referral for evaluation;
6. Include resources for you to contact for help in understanding Part B of the IDEA;
7. Describe any other choices that your child’s IEP Team considered and the reasons why those choices were rejected; and
8. Provide a description of other reasons why Charter School proposed or refused the action.

The notice must be:

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

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

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

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

### **Parental Consent**

Consent means (34 CFR §300.9):

- A) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or through another mode of communication;
- B) The parent understands and agrees, in writing, to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the record (if any) that will be released and to whom; and
- C) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

If a parent revokes consent, that revocation is not retroactive (i.e., it does **not** negate an action that has occurred after the consent was given and before the consent was revoked).

If the parent revokes consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the Charter School is **not** required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

### **WHEN IS PARENTAL CONSENT NEEDED?**

Parental consent is needed in the following instances:

1. When the Charter School proposes to initiate the provision of special education services to the child; and,
2. When the Charter School seeks to evaluate or re-evaluate the child.

### **Initial Evaluations (34 CFR §300.300)**

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

The Charter School make reasonable efforts to obtain your informed consent for an initial evaluation to decide whether your child is a child with a disability. Your consent for initial evaluation does not mean that you have also given your consent to start providing special education and related services to your child. If you have refused to provide consent or failed to respond to a request to provide

consent for an initial evaluation, the Charter School may, but are not required to, seek to conduct an initial evaluation of your child by utilizing mediation or due process complaint, resolution meeting, and impartial due process hearing procedures. The Charter School will not violate obligations to locate, identify and evaluate your child if we do not pursue an evaluation of your child in these circumstances.

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

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

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

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

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

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

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

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

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

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

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

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

education and related services for which your consent was requested.

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

The Charter School must obtain informed parental consent before a child is reevaluated, unless:

- A) The Charter School took reasonable steps to obtain parental consent of a child's reevaluation; and
- B) Parent did not respond.

Parental consent is not required before:

- A) Reviewing existing data as part of an evaluation or a reevaluation; or
- B) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

If parents refuse to consent to their child's reevaluation, the Charter School may, but is not required to, pursue the child's reevaluation by using the mediation, due process complaint, resolution meeting, and impartial due process hearing procedures to seek to override parental refusal to consent to a child's reevaluation. As with initial evaluations, the Charter School will not violate obligations under Part B of the IDEA if it declines to pursue the reevaluation in this manner.

The Charter School may not use parental refusal to consent to one service or activity in order to deny parents or their children any other service, benefit, or activity.

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

The Charter School will take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including:

- A) Notifying parents of the meeting early enough to ensure that they will have the opportunity to attend; and
- B) Scheduling the meeting at a mutually agreed upon time and place.

If the Charter School is unable to convince parents to attend an IEP Team meeting, the meeting may still be conducted; however, the Charter School must maintain documentation of reasonable efforts to obtain parental consent for initial evaluations, to provide special education and related services for the first time, for reevaluation and to locate parents of wards of the State for initial evaluations. The documentation will include a record of attempts in these areas, such as:

- A) Detailed records of telephone calls made or attempted and the results of those calls;
- B) Copies of correspondence sent to the parents and any responses received; and
- C) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

### **When is Consent Not Required Related to Evaluate?**

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

## **When there is Refusal to Consent to a Reevaluation?**

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

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

## **Disagreements with an Evaluation**

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

#### **1) General**

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

#### **2) Definitions**

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

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

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

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

- d) You are entitled to only one IEE of your child at public expense each time Charter School conducts an evaluation of your child with which you disagree.

#### Charter School criteria

If an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that Charter School uses when it initiates an evaluation (to the extent those criteria are consistent with your right to an IEE).

Except for the criteria described above, Charter School may not impose conditions or timelines related to obtaining an IEE at public expense.

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

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

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

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

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

### **ANNUAL NOTICE OF RIGHTS REGARDING STUDENT RECORDS: CONSENT FOR DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION (34 CFR §300.622)**

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

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

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

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

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



d. **Personally identifiable (34 CFR § 300.32)** means information that has:

- 1) Your child's name, your name as the parent, or the name of another family member;
- 2) Your child's address;
- 3) A personal identifier, such as your child's social security number or student number;
- or**
- 4) A list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

## 2. Access Rights (34 CFR §300.613)

### a. Parent Access

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

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

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

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

## 2. Fees

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

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

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

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

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

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

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

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

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

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

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

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

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

##### **c. Safeguards (34 CFR §300.623)**

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

One official at Charter School must assume responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information must receive training or instruction regarding State policies and procedures regarding confidentiality under Part B of the IDEA and

FERPA.

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 4. Services

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

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

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

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

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

#### 5. Manifestation Determination

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

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

If Charter School, the parent, and relevant members of the child's IEP Team determine that either of those conditions was met, the conduct must be determined to be a manifestation of the child's disability.

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

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

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

- a. Conduct a functional behavioral assessment, unless Charter School had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; **or**
- b. If a behavioral intervention plan already has been developed, review the

behavioral intervention plan, and modify it, as necessary, to address the behavior.

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

### **7. Special circumstances**

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

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

### **8. Definitions**

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

### **9. Notification**

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

### **Change Of Placement Because Of Disciplinary Removals (34 CFR §300.536)**

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

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

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

### **Determination of Setting (34 CFR §300.531)**

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

### **Appeal (34 CFR §300.532)**

#### **1.**

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

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

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

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

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

must conduct the due process hearing and make a decision. The hearing officer may:

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

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

Whenever a parent or a Charter School files a due process complaint to request such a hearing, a hearing must be held in accordance with the following:

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

A party may appeal the decision in an expedited due process hearing in the same way as they may for decisions in other due process hearings.

### **Placement During Appeals (34 CFR §300.533)**

When the parent or Charter School has filed a due process complaint related to disciplinary matters, the child must (unless the parent and Charter School agree otherwise) remain in the interim alternative educational setting pending the decision of the hearing officer, or until the expiration of the time period specified in 34 CFR §300.530(c) or (g) 1, whichever occurs first, unless the parent and the Charter School agree otherwise.

### **Special Rules for Students with an Intellectual Disability**

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

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

### **Protections For Children Not Yet Eligible For Special Education and Related Services (34 CFR §300.534)**

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

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

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

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

#### **2. Exception**

**A Charter School would not be deemed to have such knowledge if:**

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

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

If prior to taking disciplinary measures against the child, Charter School does not have knowledge that a child is a child with a disability, as described above under the sub-headings *Basis of knowledge for disciplinary matters* and *Exception*, the child may be subjected to the disciplinary measures that are applied to children without disabilities who engaged in comparable behaviors. However, if a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the child remains in the educational placement determined by School authorities, which can include suspension or expulsion without educational services. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by Charter School and information provided by the parents, Charter School must provide special education and related services in accordance with Part B of the IDEA, including the disciplinary requirements described above.

**REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES (34 CFR §300.535)**

- 1. The state and federal regulations do not:**
  - a. Prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities; **or**
  - b. Prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.
- 2. Transmittal of records**

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

**THIS ANNUAL NOTICE AND STATEMENT OF POLICY AND PROCEDURES HAS BEEN WRITTEN IN ACCORDANCE WITH CHAPTER 711 OF TITLE 22 OF THE PA CODE AND INCORPORATED INFORMATION FROM APPLICABLE PDE AND STATE FORMS AND SOURCES INCLUDING THE PATTAN PROCEDURAL SAFEGUARDS NOTICE.**

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

**THIS NOTICE IS ONLY A SUMMARY OF THE SPECIAL EDUCATION SERVICES, EVALUATION AND SCREENING ACTIVITIES, AND RIGHTS AND PROTECTIONS PERTAINING TO CHILDREN WITH DISABILITIES, CHILDREN THOUGHT TO BE DISABLED, AND THEIR PARENTS AND IS ONLY A SUMMARY OF THE CONFIDENTIALITY RIGHTS REGARDING STUDENT INFORMATION.**

FOR MORE INFORMATION OR TO REQUEST EVALUATION OR SCREENING OF A CHARTER SCHOOL STUDENT CONTACT DIRECTOR OF SPECIAL EDUCATION OF CHARTER SCHOOL AT PENNWOOD CYBER CHARTER SCHOOL, **221 W. Philadelphia Street, York, PA 17404.**<sup>3</sup>

**NOTHING IN THIS NOTICE IS INTENDED TO CONFLICT WITH OR SUPPLANT THE INFORMATION CONTAINED IN THE PENNSYLVANIA DEPARTMENT OF EDUCATION'S CURRENT "PROCEDURAL SAFEGUARDS NOTICE" WHICH IS AVAILABLE THROUGH THE SCHOOL FOR YOUR REVIEW OR WITH APPLICABLE STATE AND/OR FEDERAL LAWS.**

---

<sup>3</sup> School office phone number will be provided upon authorization of charter and administrative facility.



# Pennwood Cyber Charter School

## Board of Trustees Policy

### ANTI-BULLYING & ANTI-HAZING POLICY

The Board of Trustees (“Board”) of the Pennwood Cyber Charter School (“Charter School”) recognizes the importance of providing all students and employees with a safe school and learning environment in order to promote the educational process. The Board has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards as well as to promote positive interaction among students through participation in Charter School sponsored groups or organizations. Bullying, cyberbullying and hazing like other disruptive or violent behaviors, is conduct that disrupts both a student’s ability to learn and participate in the School community and the Charter School’s ability to educate its students in a safe environment. Therefore, in order to ensure and promote a safe learning environment, it shall be the policy of the Charter School to maintain an educational environment that is intolerant of bullying, cyberbullying or hazing in any form.

Since students learn by example, school administrators, faculty, staff and volunteers are directed to demonstrate appropriate behavior, treat others with civility and respect and to refuse to tolerate bullying, cyberbullying or hazing. This policy pertains to all students and staff, regardless of their status. This policy also applies to all students and staff whose conduct out of school materially and substantially interferes with the educational process at the Charter School.

Teachers should discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of bullying. Students who bully are in violation of this policy and are subject to disciplinary action up to and including expulsion. Training will be provided to teachers, administrators, and staff on a quarterly basis. Trainings will be conducted by the building designee “bullying response specialist” as well as outside providers to address needs communicated by the school around this issue.

#### Definitions

**Bullying** and **Cyber-bullying** are defined as an intentional electronic, written, verbal or physical act, or a series of acts:

1. directed at another student or students;
2. which occurs in a “school setting”, or occurs outside of school and the Charter School reasonably forecasted that the outside-of-school conduct would materially interfere with or substantially disrupt the educational process or program in the school, and the outside-of-school conduct does in fact materially interfere with or substantially disrupt the educational process or program in the school;
3. that is severe, persistent or pervasive; and
4. that has the effect of doing any of the following:

- substantially interfering with a student's education;
- creating a threatening environment; or
- substantially disrupting the orderly operation of the school.

Bullying and cyber-bullying shall encompass acts that occur outside a school setting if those acts meet the requirements found in (1), (3) and (4) listed above.

**School Setting** shall mean in the Charter School, on Charter School grounds, on Charter School property, using Charter School equipment and technology, on a Charter School server or electronic, web-based, Internet or online programs, in Charter School vehicles, at designated bus stops or at any activity sponsored, supervised or sanctioned by the Charter School and any time spent necessarily traveling to and from these locations. Additionally, any student whose out of school conduct materially interferes with or substantially disrupts the educational process in the school is also subject to this policy.

### **Cyberbullying**

Cyber-bullying is often seen by sending harmful or cruel material, text messages and/or images or engaging in other forms of social aggression and bullying using the Internet, cell phones, personal digital assistants ("PDAs") or other technology resources.

All students, staff, volunteers and contractors shall comply with the Charter School's Acceptable Use and Internet Safety Policy, which is required under the Children's Internet Protection Act ("CIPA"), and review the Charter School's Social Media and Networking Guidelines Policy when using any technology resources.

Cyber-bullying via the Internet is seen through the use of any one or more of a number of methods, including, but not limited to:

- Email sent to the intended victim;
- Blog entries regarding the intended victim;
- Posts on social networking websites;
- Posting victim's pictures on the Internet or networking websites with derogatory phrases or questions attached to them;
- Using instant messaging tools to harass victims;
- Creating an Internet parody of the intended victim;
- Creating fake Internet profiles for the victim on a public website;
- Creating or accessing an unauthorized website which harasses or bullies the victim;
- Using camera phones and/or digital cameras to take embarrassing photographs of students and/or staff and posting them online;
- Excluding others from an online group by falsely reporting them for inappropriate language to Internet service providers.

Cell phones are also often used for cyber-bullying for things such as calling or text messaging the victim and/or using a victim's cell phone to text or call another victim using harassing language.

The use of the Internet or Charter School email does not necessarily have to involve the creation of the offensive materials. Rather, the person creating the offensive material may do it on a home computer and then use the Charter School's computers to take such actions as accessing

it, viewing it, displaying it for others to see, disseminating copies of it to others or otherwise publicizing the contents.

## Hazing

Title 18 - Chapter 28 was added October 19, 2018, P.L.535, No.80, also known as the "Timothy J. Piazza Antihazing Law." Chapter 28 defines the following:

- **§ 2802. Hazing.**
  - (a) Offense defined.--**A person commits the offense of hazing if the person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a minor or student into or with an organization, or for the purpose of continuing or enhancing a minor or student's membership or status in an organization, causes, coerces or forces a minor or student to do any of the following:
    - (1) Violate Federal or State criminal law.
    - (2) Consume any food, liquid, alcoholic liquid, drug or other substance which subjects the minor or student to a risk of emotional or physical harm.
    - (3) Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements.
    - (4) Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment.
    - (5) Endure brutality of a sexual nature.
    - (6) Endure any other activity that creates a reasonable likelihood of bodily injury to the minor or student.
  - (b) Grading.--**
    - (1) Except as provided under paragraph (2), hazing is a summary offense.
    - (2) Hazing shall be a misdemeanor of the third degree if it results in or creates a reasonable likelihood of bodily injury to the minor or student.
  - (c) Limitation.--**Hazing shall not include reasonable and customary athletic, law enforcement or military training, contests, competitions or events.
  
- **Secondary school:** Any public or private school within this Commonwealth providing instruction in grades 7 through 12 or any combination of those grades.

The CEO or designee shall ensure that students are informed of the secondary school's policy, including the secondary school's rules, penalties and program of enforcement. This policy must be posted on the Charter School's publicly accessible Internet website.

The CEO or designee will provide a program for the enforcement of this policy required under 18 Pa. C.S.A. 2801 *et seq.* and shall adopt appropriate penalties for violations of the policy to be administered by the Charter School's Principals or their designees responsible for the sanctioning or recognition of the organizations covered by this policy.

## Guidelines

Students shall conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students, school staff, volunteers, and contractors.

The Board believes that standards for student behavior must be set cooperatively through interaction among the students, parents and guardians, staff, and community members of the Charter School, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school and community property on the part of students, staff, and community members.

Since bystander support of bullying, cyberbullying and hazing can bolster these types of behaviors, the Charter School prohibits both active and passive support for acts of bullying, cyberbullying and hazing. The staff should encourage all students to refuse to engage in these acts and to report them immediately to the CEO of the Charter School.

### **Reporting Procedures**

Any student who feels he or she has been bullied or cyber-bullied shall have the right to file a complaint of such bullying. Complaints should be reported to the school principal. Complaints may also be reported directly to a teacher, guidance counselor, or other administrator who shall immediately report the incident to the school principal in order to protect the alleged victim and for prompt investigation.

Any staff member who sees any incidents of bullying or cyber-bullying must immediately report the incident(s) to the school principal. All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. It shall be the responsibility of the school principal or his/her designee to investigate promptly and thoroughly any and all bullying and cyber-bullying complaints received or referred by other individuals and to make recommendations based upon the investigation. The investigation is to be commenced within three (3) school days after a report of any bullying is received.

The Board of Trustees requires the school principal to be responsible for determining whether an alleged act constitutes a violation of this policy. In determining whether alleged conduct constitutes bullying or cyber-bullying, the totality of circumstances, nature of the conduct, and context in which the alleged conduct occurred shall be investigated. If the investigation results in a substantiated charge of the bullying, the Charter School shall take prompt corrective action to ensure the bullying and/or cyber-bullying ceases and will not reoccur.

Reports to the school principal may be made anonymously, but formal disciplinary action *may not* be based solely on the basis of an anonymous report.

The school principal or his/her designee shall immediately notify the parent or guardian of the perpetrator of the bullying and the parent or guardian of the victim of the bullying of the alleged incident.

### **Consequences for Violations**

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of bullying or cyber-bullying may range from positive behavioral

interventions up to and including in school or out of school suspension from the Charter School or expulsion or other disciplinary removal from the Charter School, in the case of a student, or suspension or termination in the case of an employee, as set forth in the Charter School's student Code of Conduct or Employee Handbook.

In some cases, bullying and/or cyber-bullying may constitute criminal activity and the Police Department will be notified. This may lead to a criminal investigation and criminal charges against the student or staff.

Consequences for a student who commits an act of bullying and/or cyber-bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the Charter School's student code of conduct. Remedial measures shall be designed to: correct the problem behavior; prevent another occurrence of the behavior; and protect the victim of the act.

The following intervention strategies for protecting victims may be followed as needed:

- Supervise and discipline offending students fairly and consistently;
- Provide adult supervision at Charter School testing sites or other sites used by the Charter School, at any activity sponsored, supervised or sanctioned by the Charter School during any breaks, lunch times, bathroom breaks and in the hallways during times of transition;
- Maintain contact with parents and guardians of all involved parties;
- Provide counseling for the victim if assessed that it is needed;
- Inform school personnel of the incident and instruct them to monitor the victim and the offending party for indications of harassing, intimidating and bullying and/or cyber-bullying behavior. Personnel are to intervene when prohibited behaviors are witnessed; and
- Check with the victim daily to ensure that there have been no incidents of retaliation from the offender or other parties.

### **Retaliation Prohibited**

The Board of Trustees strictly prohibits retaliation or reprisal against any person who reports bullying and/or cyber-bullying incidents. Retaliation includes, but it is not limited to, any form of intimidation, reprisal or harassment used against a person who reports, in good faith, incident(s) of bullying and/or cyber-bullying. Disciplinary action against any person who retaliates or engages in reprisals for reporting such behavior(s) may include sanctions up to and including expulsion or suspension for students and termination for staff engaging in such prohibited conduct. The consequences and appropriate remedial action shall be determined after consideration of the nature, severity, and circumstances of the act.

### **False Accusations**

The Board of Trustees prohibits any person from falsely accusing another of bullying and/or cyber-bullying. The consequences and appropriate remedial action for a student found to have falsely accused another of bullying and/or cyber-bullying may range from positive behavioral interventions up to and including suspension or expulsion. Consequences and appropriate

remedial action for an employee found to have falsely accused another of bullying and/or cyber-bullying shall be disciplined in accordance with Charter School policies, procedures, and agreements.

### **Disabled Students**

For those students who meet the disability definitions of IDEA and/or Section 504, both Section 504 and Title II protect these disabled students from bullying or hazing by teachers, other school employees, and third parties. Such prohibited behavior can trigger a school's obligation to address disability-based harassment, remedy a denial of a free and appropriate public education ("FAPE"), or both. The U.S. Department of Education's Office of Civil Rights ("OCR") would find a disability-based harassment violation under Section 504 and Title II when: (1) a student is bullied or hazed based on a disability; (2) the bullying or hazing is sufficiently serious to create a hostile environment; (3) school officials know or should know about the bullying or hazing; and (4) the school does not respond appropriately.

### **Annual Distribution of Information**

The Board requires Charter School officials to annually disseminate the policy to all school staff, students, volunteers, independent contractors and parents along with a statement explaining that it applies to all applicable acts of bullying and cyberbullying and hazing that occur in the Charter School, on Charter School grounds, on Charter School property, using Charter School equipment and/or technology, on Charter School servers or Charter School electronic, web-based, Internet or online programs, in Charter School vehicles, at designated bus stops or at any activity or organization sponsored, supervised or sanctioned by the Charter School and any time spent necessarily traveling to and from these locations. Additionally, any student or staff's out of school conduct that materially and substantially interferes with the educational process in the Charter School is also subject to this policy.

The Charter School is required to post this policy on its website and make the policy available in every classroom. This policy shall also be posted at a prominent location within every Charter School building where such notices are usually posted. The Charter School shall ensure this policy and its procedures for reporting bullying, cyberbullying and hazing incidents are reviewed with students and staff within ninety (90) days after its adoption and, thereafter, a minimum of one (1) time per school year. \_\_\_\_\_

## Compliance

As required by the Federal Broadband Data Improvement Act of 2008, the Charter School shall educate elementary and secondary school aged students with computer access to the Internet about appropriate online behavior, including online interaction with other individuals on social networking websites, and in chat rooms and educate them regarding cyberbullying awareness and response.

The Board of Trustees directs the Administration to develop any procedures necessary to implement this policy and to develop appropriate prevention, intervention and education strategies related to bullying and cyberbullying.

Acts of bullying and cyberbullying are prohibited by and a violation of the Charter School's Acceptable Use and Internet Safety Policy and its Child Internet Protection Act (CIPA) Policy.

The Charter School will comply with all applicable federal and state laws relating to bullying and cyberbullying and hazing, including, but not limited to, the requirements delineated in the Pennsylvania Charter School Law, 24 P.S. § 1701-A, *et seq.*, the Federal Children's Internet Protection Act (CIPA), 47 U.S.C. § 254(h) and (l), and the Neighborhood Children's Internet Protection Act (N-CIPA) and any applicable implementing regulations and the PA Anti-Hazing Law (P.L. 1595, No.175).

The Charter School will also comply with Chapter 711 of Title 22 of the Pennsylvania Code, the Public School Code, the applicable House Bill 1067 Public School Code amendments relating to safe schools and bullying, and applicable provisions of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) and its applicable implementing regulations regarding the discipline of special education students and thought-to-be eligible students who engage in an act of bullying.

Specifically, with regard to the PA Safe Schools Act, Charter School administration shall annually provide the following information with the Safe School Report

1. Board's Anti-Bullying Policy.
  2. Report of bullying incidents.
  3. Information on the development and implementation of any bullying prevention, intervention or education programs.
-

## Training

To ensure bullying does not occur on school campuses, the Charter School will provide staff development training in bullying prevention and cultivate acceptance and understanding in all students and staff to build each school's capacity to maintain a safe and healthy learning environment.

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

DRAFT



# Pennwood Cyber Charter School

## Board of Trustees Policy

### Assistive Technology (AT) Policy and Procedures

The Board of Trustees of Charter School (“Charter School”) recognizes that Assistive Technology devices and/or services may be essential factors in meeting the educational needs of children with disabilities.

Both federal and state special education laws explicitly define Assistive Technology to include both Assistive Technology devices and/or services, the purpose of which are to improve the functional capabilities of a student with a disability. Such Assistive Technology must be provided for a child with a disability, at no cost to parents, if determined by the 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.

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

**Assistive technology service** means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Assistive technology services are those that are necessary to enable the student and/or IEP Team to use any Assistive Technology services specifies in the IEP. Such Services may include:

- A) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child’s customary environment;
- B) Purchasing, leasing, or otherwise providing for the acquisition of Assistive Technology devices by children with disabilities;
- C) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing Assistive Technology devices;
- D) Coordinating and using other therapies, interventions, or services with Assistive Technology devices, such as those associated with existing education and rehabilitation plans and programs;
- E) Training or technical assistance for a child with a disability or, if appropriate, that child’s family;
- F) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise involved in the major life functions of that child.

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

By way of example:

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

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

## Guidelines

Consideration of Assistive Technology, in the context of IEP development, review or revision, is intended to be a collaborative process in which team members determine whether AT devices or services are needed for the student to access the general education curriculum or meet IEP goals. Consideration may necessitate that the IEP team include (or have access to) someone who has knowledge about Assistive Technology or who can guide the Team in considering Assistive Technology in the context of what they know about the student. Team members who are considering Assistive Technology should examine available data and observations about the student and ask whether the student may need Assistive Technology:

- A) To be in the LRE;
- B) To meaningfully participate in the general education curriculum;
- C) To participate in activities;
- D) To access educational/print materials, including textbooks;
- E) To access auditory information;
- F) For written communication/computer access;
- G) For augmentative communication;
- H) To participate in state and local assessments.

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

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

## THEREFORE

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

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

It is the charter school's responsibility to provide assistive technology devices and services when included as part of a student's IEP. State and federal law do **not** require that the Charter School purchase Assistive Technology as needed in the IEP. However, it is appropriate for the Charter School to purchase, rent or borrow Assistive Technology or utilize Assistive Technology that is acquired through the student's insurance. The Charter School may not require the family to utilize insurance or any other funding source. The Charter School remains responsible for any costs related to repair, maintenance, or replacement of required Assistive Technology that is specified in the IEP.

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

The CEO or their designee is charged with implementing procedures to ensure that devices are properly maintained and functioning, including hearing aids and external components of surgically implanted medical devices.

Routine checks and tests of those devices will be administered and results logged or otherwise noted when necessary. The CEO or their designee is directed to implement a process to address: the need for AT, effective maintenance of all AT devices, the selection of age and developmentally appropriate AT devices, review of recommendations from qualified personnel including speech language pathologists regarding AT, and the maintenance of AT by the Charter School. All AT devices are to be maintained in a manner deemed appropriate for their intended use and purpose as directed by the manufacturer to the maximum extent possible.

#### **Hearing Aids/External Components of Surgically Implanted Medical Devices:**

Pennwood will adhere to Section 300.113 of IDEA Part B, Subpart B – State Eligibility. The CEO/Principal or their designee is directed to implement a process to address: the need for AT, effective maintenance of all AT devices, the selection of age and developmentally appropriate AT devices, review of recommendations from qualified personnel including speech language pathologists regarding AT, and the maintenance of AT by the charter school. All AT devices are to be maintained in a manner deemed appropriate for their intended use and purpose as directed by the manufacturer to the maximum extent possible.

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

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

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

The CEO/Principal or their designee is charged with making personnel aware of the

availability of AT resources.

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

DRAFT

## **Pennwood Cyber Charter School**

### **Board of Trustees Policy**

#### **Child Find Policy and Public Outreach Awareness System**

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

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

#### **Public Awareness**

The CEO/CAO/Principal or their designee shall ensure that the following public awareness activities occur concerning programs and services for children with disabilities who are enrolled at the Pennwood Cyber Charter School ("Charter School").

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

#### **Outreach Activities**

The CEO/CAO/Principal or their designee shall ensure that the following outreach activities occur concerning programs and services for children with disabilities who attend the Charter School:

- Offer parents and family (including foster and surrogate parents) information regarding training activities and publicize the availability of such activities to all parents (trainings in the areas of behavior support, response to intervention, inclusive practices, transition, assistive technology, autism, and interagency coordination are important and parents may also be directed to PaTTAN training opportunities). Parent input is to be sought to determine what parent trainings are needed/desired;
- Provide to interested health and mental health professionals, daycare providers, county agency personnel and other interested professionals, including: professionals and

agencies who work with homeless and migrant or other highly mobile youth, wards of the state, as well as to students attending private schools (where applicable), information concerning the types of special education programs and services available in and through the Charter School and information regarding the manner in which parents can request and access those services.

- Provide or obtain periodic training for the Charter School's regular education staff and special education staff concerning the identification and evaluation of, and provision of special education programs and services to students with disabilities.
- The public outreach awareness system utilized by the Charter School shall include methods for reaching homeless children, wards of the state, and highly mobile children, including migrant children.
- The Charter School shall conduct child find activities to inform the public of its special education services and programs and the manner in which to request them.
- The Charter School's child find effort must include information regarding potential signs of developmental delays and other risk factors that could indicate disabilities.
- Efforts must be made to identify enrolled students who have a native language other than English and to ensure that notices and other outreach efforts are available to them in their native language as required by law and unless it is clearly and absolutely not feasible to do so.

### **Screening**

The CEO/CAO or their designee shall establish a system of screening in order to:

- Identify and provide screening for students prior to referral for an initial special education multidisciplinary team evaluation;
- Provide peer support for teachers and other staff members to assist them in working effectively with students in the general education curriculum;
- Conduct hearing and vision screening in accordance with the Public School Code of 1949 for the purpose of identifying students with hearing or vision difficulty so that they can be referred for assistance or recommended for evaluation for special education if necessary;
- Identify students who may need special education services and programs.
- Maintain the confidentiality of information in accordance with applicable state and federal regulations.

### **Pre-Evaluation Screening**

The pre-evaluation screening process shall include:

- For students with academic concerns, an assessment of the student's functioning in the curriculum including curriculum-based or performance-based assessments;

- For students with behavioral concerns, a systematic observation of the student's behavior in the classroom or area in which the student is displaying difficulty ("FBA" or functional behavior assessment);
- An intervention based on the results of the assessments conducted;
- An assessment of the student's response to the intervention, if applicable;
- A determination of whether or not the assessed difficulties of the student are the result of a lack of instruction or limited English proficiency;
- A determination of whether or not the student's needs exceed the functional capacity of the regular education program, without special education programs and services, to maintain the student at an instructional level appropriate to the level and pace of instruction provided in that program;
- Activities designed to gain the participation of parents;
- Controls to ensure that if screening activities have produced little or no improvement within the specified timeframe after initiation, the student shall be referred for a multidisciplinary team evaluation.

The screening activities shall not serve as a bar to the right of a parent to request a multidisciplinary team evaluation at any time. When the completion of screening activities prior to referral for a multidisciplinary team evaluation will result in serious mental or physical harm, or significant educational regression, to the student or others, the Charter School may initiate a multidisciplinary team reevaluation without completion of the screening process in accordance with Chapter 711. Whenever an evaluation is conducted without a pre-evaluation screening, the activities described shall be completed as part of that evaluation whenever possible.

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

## CHILD FIND NOTICE PHILADELPHIA

### Services for School-Age Students with Disabilities

Pennwood Cyber Charter School (“Charter School”) provides a free, appropriate, public education (“FAPE”) to eligible students. To qualify as an eligible student, the child must be of school age, in need of specially designed instruction, and meet eligibility criteria for one or more physical or mental disabilities as set forth in the federal Individuals with Disabilities Education Act (“IDEA”) and Chapter 711 of the Pennsylvania State Regulations.

The Charter School uses identification procedures to determine eligibility of students and provide an appropriate educational program consisting of special education and related services, individualized to meet student needs at no cost to the parents. To identify students who may be eligible for special education, various screening activities are conducted on an on-going basis. These screening activities include: review of group-based data (cumulative records, enrollment records, health records, report cards, ability, and achievement test scores); hearing, vision, physical, and speech/language screening; and review of data by applicable Charter School Teams. When screening results suggest that the student may be eligible for special education services, the Charter School seeks written parental consent to conduct a multidisciplinary evaluation because the Charter School cannot conduct an evaluation or provide an initial provision of special education services without this written permission. For additional information related to consent, please refer the Procedural Safeguards Notice which can be found at the PaTTAN website, [www.Pattan.net](http://www.Pattan.net).

However, Parents who suspect that their child is eligible for special education services may request a multidisciplinary evaluation at any time through a written request to the Principal or Special Education Coordinator. If the parent disagrees with the Evaluation Report, the parent can request an independent education evaluation at public expense.

Once the evaluation process determines eligibility, an IEP Team of Charter School professionals and Parents meet to discuss and determine services to meet the needs of the student and include the annual development of an Individualized Education Program (IEP), bi-annual or tri-annual multidisciplinary re-evaluation, and a full continuum of services, which include Itinerant, Supplemental, or Full-Time Levels of Intervention. The extent of special education services and the location for the delivery of such services are determined by the IEP team and are based on the student’s identified needs and abilities, chronological age, and the level of intensity of the specified intervention. The Charter School also provides related services, such as transportation, speech and language therapy, physical therapy, and occupational therapy, required for the student to benefit from the special education program.

### Services for Protected Handicapped Students

In compliance with the state and federal law, namely Section 504 of the Rehabilitation Act of 1973, the Charter School will provide to protected handicapped students services or accommodations that are needed to provide equal opportunity to participate in and obtain the benefits of the school program and extra-curricular activities to the maximum extent appropriate to the student’s abilities. These related



services or accommodations are provided without discrimination or cost to the student or family. In order to qualify as a protected handicapped student, the child must be of school age with a physical or mental disability, which substantially limits or prohibits participation in or access to an aspect of the school program. Services and safeguards for protected handicapped students are distinct from those applicable to exceptional students enrolled or seeking enrollment in special education programs.

### **Confidentiality of Student Records**

The Charter School protects the confidentiality of personally identifiable information for all students in accordance with the Family Educational Rights and Privacy Act ("FERPA"), state law and the Charter School's student records policy.

### **Contacts**

For additional information regarding any special education or Section 504 issues, please contact the Coordinator of Special Education or CEO/Principal at:

Pennwood Cyber Charter School  
221 W. Philadelphia Street  
York, PA 17404<sup>4</sup>

### **Other**

For preschool age children, information, screenings and evaluations requested, contact Elwyn SEEDS at (215) 222-8054.

---

<sup>4</sup> School office phone number will be provided upon authorization of charter and administrative facility.

## **PENNWOOD CYBER CHARTER SCHOOL ADDRESS**

### **Board of Trustees Policy**

#### **Homebound Instruction Cyber Charter Policy**

In accordance with 22 Pa Code § 11.25, the Board of Trustees of Pennwood Cyber Charter School ("Charter School"), sets forth the following policy:

"(a) A school district, area vocational technical school, charter school, independent school, private school or non-public school may temporarily excuse a student from compulsory attendance on account of illness or other urgent reasons and provide that student homebound instruction while he or she is excused from school. Regulations require that the term "urgent reasons" be strictly construed not to permit irregular attendance at school."

(b) A school district, area vocational technical school, charter or independent school may provide students temporarily excused under this section with homebound instruction for a period not to exceed 3 months. A school district, area vocational technical school, charter or independent school may request approval from the Department to extend the provision of homebound instruction, which shall be reevaluated every 3 months. When a student receives homebound instruction, the student may be counted for attendance purposes as if in school. A school district shall be reimbursed for homebound instruction provided to a student under section 2510.1 of the Public School Code of 1949 (24 P. S. § 25-2510.1).

(c) A school district shall adopt policies that describe the instructional services that are available to students who have been excused under this section. The policies must include statements that define the responsibilities of both the district and the student with regard to these instructional services."

While the nature of cyber charter school education and the Charter School's educational delivery model, does not present the usual logistical issues around the method of instruction to the Student, homebound instruction is still applicable with regard to the compulsory attendance component. The cyber Charter School student continues to be able to access teachers, lessons, and all course work from their homes prior to homebound instruction being approved but once on homebound instruction, compulsory attendance is not required for the length of time that student is permitted to be on homebound instruction.

#### **Purpose of Homebound Instruction**

The purpose of homebound instruction is to keep students on track academically while the student is temporarily out of school. Homebound instruction is defined in the PDE Basic Education Circular ("BEC") as school-supplied one-to-one tutoring for a limited time. However, because all of the Charter School's students already have full online access to the curriculum, teachers and all other aspects of the school's educational programming, including one to one time with instructors during virtual office hours, the BEC must be viewed differently by way of guidance than for brick and mortar charter schools. Regardless, the Charter School students are counted in both the school membership\* and school attendance\*\*. See 22 Pa Code § 11.25(b).

### **Certification of Teachers Providing Homebound Instruction**

Teachers employed for delivering homebound instruction are governed by the same certification regulations as all other teachers. Refer to Certification Staffing and Policy Guidelines (CSPG) #1, Appropriate Certification in Pennsylvania, Statement 7:

A "homebound instruction" teacher is governed by the same certification regulations as all other teachers. When regularly employed professional staff cannot be assigned to homebound instructions, persons on the substitute roster holding appropriate certification may be used. If no certified person is available, an emergency certificate may be issued to qualify a person to teach homebound students.

### **Documentation for Homebound Instruction Request**

Since the goal is to rehabilitate a student so that they can return to school, the Charter School may define what is acceptable as an appropriately licensed professional for a specific type of excusal. Accordingly, the Charter School requires written documentation from a physical or mental health provider at the doctoral level or above, who is licensed to practice in Pennsylvania and who is actively treating the student for the medical condition at issue for homebound instruction. PDE's guidance states that a doctor does not "order" homebound instruction but rather provides the diagnosis to enable the school district/charter school to make an informed decision on how to best provide for the student's education. Furthermore, PDE guidance allows the Charter School to require frequent updates on the student's progress, from this appropriately licensed professional, as a condition of continued excusal.

A Charter School may provide homebound instruction for an initial total of three months without consulting or notifying PDE.

Extension: After expiration of the initial three month period of homebound instruction, it is not necessary for the Charter School to send to PDE the licensed professional's documentation with the extension request; rather, the Charter School must ensure the excuse is reasonable for absence from school and that the student is being treated actively for the condition necessitating the absence.

NOTE: If the need for homebound instruction goes beyond the initial three months, the Charter School should determine whether the student should be evaluated or considered for either an IEP or a 504 Service Agreement.

## Pregnant and Parenting Students

Becoming pregnant or being a parent does not, in itself, necessitate that a student receive homebound instruction. Certification of a physician is required for any students, including pregnant or parenting students, who are requesting homebound instruction because of an illness or other urgent reason.

### Attendance

A student receiving homebound instruction is counted in both membership and attendance. If a student does not receive homebound instruction during the first three months of a school year, then the student is counted in membership but not in attendance.

PDE defines the following terms:

- **Membership:** student is on the attendance roles, whether or not he or she physically is present on any given day.
- **Attendance:** days when a "member" student is counted as present in school.
- **Inactive Roll:** student is not counted in either membership or attendance.

PDE's Child Accounting counts an hour of weekly instruction as equivalent to a day of school attendance. Therefore, five hours of weekly instruction are equivalent to five days of school attendance.

However, for every hour less than the total of five hours of homebound instruction provided (or 2.5 hours for half-day attendees), the student is marked as absent – one day for each hour missed. Hours are counted on a weekly basis; a student cannot be counted as present by combining hours from consecutive weeks. For example, three hours of homebound instruction one week and seven hours the next week cannot count as fulltime for the two weeks.

The Charter School may, at their discretion, provide more than five hours of instruction per week without requesting special permission from PDE.

### Part-time Attendance

A Charter School may structure homebound instruction for a student such that the student attends school part-time, as his or her condition allows; homebound instruction requests need not be restricted to students who are unable to attend school at all. If it is agreed by the Charter School that a student attends school for partial days, then homebound instruction would be prorated. For example, if a student attends school half-days, only 2.5 hours of homebound instruction is required for the equivalent of five days of instruction

### PSSA Testing

A homebound student is required to participate in the Pennsylvania System of School Assessment (PSSA). If the student is incapable of participating at the school, the individual who is providing the homebound instruction should be trained to administer the assessment and then administer the test to the student in his/her home.

### PDE Reporting

A charter school may provide homebound instruction for the initial three months of excusal without consulting Pennsylvania Department of Education ("PDE"). Following the initial three months, the charter school must obtain the approval of PDE to extend homebound instruction. Any excusal from compulsory attendance must be reevaluated, at minimum, every three months. The Charter School may have a policy that requires more frequent evaluations.

It is not necessary for the Charter School to send to PDE the licensed professional's documentation with the extension request; the Charter School simply must ensure the excuse is reasonable for absence from school and that the student is being treated actively for the condition necessitating the absence.

### **Non-attendance without the provision of homebound instruction**

If a condition exists which prevents a child from the ability to benefit from study, the student may be entered into the inactive roll with the PDE's approval until such a time as the student may benefit from study. ( 22 Pa Code § 11.34.)

School Initiated. A Charter School may excuse a school age child from compulsory school attendance upon recommendation of the school physician and a psychiatrist or public school psychologist, or both, and with the approval of PDE. Prior to seeking excusal and approval, the Charter School must provide the child's parents with written notice of both the proposed excusal, including the reasons for the excusal, and an opportunity to be heard. See 22 Pa Code § 11.34 and 24 P.S. § 13-1330(2). Children so excused are entered on the inactive roll.

### **Other in-home instruction that is not designated as homebound instruction**

There are a number of educational options that sometimes are referred to as "homebound instruction" although they do not fit the legal definition of homebound instruction. The following are NOT categorized as "homebound instruction" pursuant to the PDE BEC:

- **Instruction Conducted in the Home:** for special education students for whom an Individualized Educational Plan (IEP) team determines that the instruction of the student is to be conducted in the home; students are counted in both the school membership and school attendance; this is not homebound instruction. (See "Special Education Policy – Instruction in the Home").
- **Home Education Program (Homeschooling):** usually taught at home by a parent (referred to as the home education supervisor); students are not counted in either the membership or school attendance; this is not homebound instruction. Students enrolled in the Charter School cannot be simultaneously home-schooled as they would be in their school district of residence.
- **Home Study:** for expelled students or students awaiting placement; students are counted in the membership but not the school attendance; this is not homebound instruction.

### **Audits**

As the Charter School may be audited for their provision of homebound instruction, the following information will be maintained and made available for such an audit:

- The documentation from the appropriately licensed practitioner substantiating the need for homebound instruction.
- The listing of the students on homebound instruction and the total amount of time for each student in homebound instruction.

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

DRAFT

# Pennwood Cyber Charter School

## Board of Trustees Policy

### Disciplinary Exclusions of Special Education Students Policy

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

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

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

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

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

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

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

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

##### **4. Services**

The services that must be provided to a child with a disability who has been removed



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

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

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

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

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

##### **5. Manifestation determination**

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

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

If Charter School, the parent, and relevant members of the child's IEP Team determine that either of those conditions were met, the conduct must be determined to be a manifestation of the child's disability.

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



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

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

- a. Conduct a functional behavioral assessment, unless Charter School had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or
- b. If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

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

**7. Special circumstances**

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

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

**8. Definitions**

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

**9. Notification**

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

**Change Of Placement Because Of Disciplinary Removals**

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

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

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

### **Determination of Setting**

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

#### **1. General**

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

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

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

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

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

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

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

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

1. The LEA must arrange for an expedited due process hearing, which must

occur within 20 school days of the date the hearing is filed and must result in a determination within 10 school days after the hearing.

2. Unless the parents and the Charter School agree in writing to waive the meeting, or agree to use mediation, a resolution meeting must occur within 7 calendar days of receiving notice of the due process complaint. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 calendar days of receipt of the due process complaint.

A party may appeal the decision in an expedited due process hearing in the same way as they may for decisions in other due process hearings.

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

### **Special Rules for Students with an Intellectual Disability**

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

According to certain assurances the Commonwealth entered into related to the PARC consent decree, a charter school may suspend on a limited basis a student with an intellectual disability who presents a danger to himself or others upon application and approval by the Bureau of Special Education and only to the extent that a student with a disability other than an intellectual disability could be suspended.

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

### **1. General**

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

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

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

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

### 3. Exception

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

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

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

If prior to taking disciplinary measures against the child, a charter school does not have knowledge that a child is a child with a disability, as described above under the sub-headings **Basis of knowledge for disciplinary matters** and **Exception**, the child may be subjected to the disciplinary measures that are applied to children without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

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

## **B. REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES**

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

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

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

### 2. Transmittal of records

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

## **NON-DISCRIMINATION**

Charter School shall not discriminate in its discipline policies or practices on the basis of intellectual ability, status as a person with a disability, proficiency in the English language or any other basis that would be illegal under applicable state and/or federal laws.

The CEO/Principal or their designee is directed to develop procedures and practices

related to the use of positive behavioral interventions and supports, and procedural safeguards and to ensure that those policies and procedures are implemented.

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

DRAFT

## **Pennwood Cyber Charter School**

### **Board of Trustees Policy**

#### **Dispute Resolution and Alternative Dispute Resolution Policy**

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

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

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

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

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

Included in such resources for the CEO, the Charter School Team and Parents, is the PA Office of Dispute Resolution for information on the following:

ConsultLine at 800-879-2301 (Toll-free in Pennsylvania) or 717-901-2145, is a statewide toll-free help line:

- Serving families, advocates, and agencies that have questions about special education for students and young children with disabilities.
- Providing information about special education laws, parents’ rights, the formal complaint process, and other dispute resolution options to address concerns so that children with disabilities receive a free and appropriate public education (FAPE).

#### **Individualized Education Program (IEP) Facilitation**

This is a voluntary option that is available when both the Charter School and Parent(s) agree to have a neutral person – the IEP Facilitator – at the IEP meeting to assist in discussing concerns regarding the development of the IEP.

The IEP Facilitator:

- Is not a member of the IEP team, but assists the IEP team to resolve conflicts and disagreements that arise during the meeting.
- Helps to maintain open communication among all IEP team members, maintains impartiality, and does not write the IEP.
- Builds and improves relationships among the IEP team members, and provides opportunities to resolve conflicts as they arise.

IEP Facilitation is more cost-efficient and less stressful than due process.

#### Mediation

If both parties agree to mediation, the Office for Dispute Resolution will arrange for a neutral, specially-trained mediator to meet with them at a mutually convenient location. The following guidelines apply:

- ODR provides independently contracted mediators to families and school districts.
- The mediator will meet with both parties together (and separately if necessary) to listen to both points of view, in order to understand each side's position.
- Mediation can take place at any time before or during the due process cycle.
- Mediation is not a required process and may not delay or deny a parent the right to a due process hearing.

Neither school officials nor parents may include an attorney at the mediation session.

#### Resolution Meeting Facilitation

When a parent requests due process, the school and parents must hold a Resolution Meeting within 15 days unless both sides agree to waive the meeting or try mediation instead. If both parties agree to have a neutral person at the resolution meeting, ODR will send a facilitator to assist the parties in reaching agreement.

Benefits of Resolution Meeting Facilitation:

- Builds and improves relationships between parents and schools;
- Encourages parties to identify new options to address unresolved issues;
- Could be less stressful and less expensive than a due process hearing;
- If agreement is reached, the due process hearing might not be needed.

The CEO or designee is responsible for ensuring that any agreements entered into as a result of a Mediation or Resolution Session are implemented in accordance with the state regulations and is directed to maintain evidence of implementation.

#### Office of Dispute Resolution Hearing Officer Settlement Conference Program

A hearing officer settlement conference (HOSC) is a service from PDE's Office of Dispute Resolution where parties who are close to a resolution, but have identifiable sticking points or roadblocks, can work with a sitting hearing officer to see if those sticking points/roadblocks can be overcome so that the parties can avoid a hearing and can move to finalizing the resolution.

If both parties agree to participate in a HOSC, the ODR case manager will assign a settlement hearing officer who is an active hearing officer, but who is not the presiding hearing officer in the case, to assist the parties through a HOSC. There is no cost to either party and it is non-binding but provides a substantive opportunity for the parties to obtain valuable input from a hearing officer as to potential liability and valuation.

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

## **Pennwood Cyber Charter School**

### **Board of Trustees Policy**

#### **Extended School Year Services ("ESY ") Policy**

The Board of Trustees directs that the Pennwood Cyber Charter School ("Charter School") comply with the requirements incorporated by reference in 34 CFR §300.106 (relating to extended school year services). The Charter School must ensure that ESY services are available as necessary to provide FAPE.

ESY Services means special education and related services that are provided to a child with a disability, beyond the normal school year, in accordance with the child's IEP, and at no cost to the parents of the child.

The CEO/CAO/Principal or their designee is directed to ensure that the Charter School uses the following standards for determining whether a student with disabilities requires ESY as part of the student's program:

(1) At each IEP meeting for a student with disabilities, the charter school shall determine whether the student is eligible for ESY services and if so, make subsequent determinations about the services to be provided.

(2) In considering whether a student is eligible for ESY services, the IEP team shall consider the following factors, however, no single factor will be considered determinative:

(i) Whether the student reverts to a lower level of functioning as evidenced by a measurable decrease in skills or behaviors which occurs as a result of an interruption in educational programming (Regression).

(ii) Whether the student has the capacity to recover the skills or behavior patterns in which regression occurred to a level demonstrated prior to the interruption of educational programming (Recoupment).

(iii) Whether the student's difficulties with regression and recoupment make it unlikely that the student will maintain the skills and behaviors relevant to IEP goals and objectives.

(iv) The extent to which the student has mastered and consolidated an important skill or behavior at the point when educational programming would be interrupted.

(v) The extent to which a skill or behavior is particularly crucial for the student to meet the IEP goals of self-sufficiency and independence from caretakers.

(vi) The extent to which successive interruptions in educational programming result in a student's withdrawal from the learning process.

(vii) Whether the student's disability is severe, such as autism/pervasive developmental disorder, serious emotional disturbance, severe intellectual disability, degenerative impairments with mental involvement and severe multiple disabilities.

Reliable sources of information regarding a student's educational needs, propensity to



progress, recoupment potential and year to year progress may include the following:

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

The Charter School will not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of those services

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

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

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

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

The eligibility for ESY services of all students with disabilities shall be considered at the IEP meeting. ESY determinations for students other than those described above as having severe disabilities are not subject to the timelines for students with the severe disabilities described above. However, determinations for those other students shall still be made in a timely manner.

If the parents disagree with Charter School's recommendation on ESY, the parents will be afforded an expedited due process hearing in accordance with applicable laws. Parents are to be provided with the required procedural safeguards notice.

ESY programs are to be individualized with regard to the amount of services and

individually appropriate goals and related services.

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

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

TIMELINES CONTAINED IN THIS POLICY MAY BE CHANGED BY THE PENNSYLVANIA DEPARTMENT OF EDUCATION AND THE SCHOOL MUST FOLLOW.

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

DRAFT