

Urban Pathways K-5 College 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, the Urban Pathways K-5 College 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 act in a timely manner to provide instructional materials required under 22 Pa. Code §711.45(a) if it takes 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, the School shall 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.

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.

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

ALTERNATE ASSESSMENT OF STUDENTS POLICY

The Board of Trustees of the Urban Pathways K-5 College Charter School (“Charter School”) approves that the CEO or 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 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 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.

August 2023

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Alternate Assessment of Students Policy

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.

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

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

The CEO or designee is directed to provide training opportunities to personnel regarding statewide assessment participation in PSSA, Keystone Exams and PASA requirements.

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

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

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

The CEO or 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 also 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.

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CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE
APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

2023-2024 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. 1400 *et. seq.* ("IDEA").

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

The 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 ("PDE") into the Board-approved Child Find Notice and Policies and Procedures described below.

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

Parents may contact the Charter School's **Chief Executive Officer or designee** 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 the Charter School once per school year or: (1) upon initial referral or parent request for evaluation; (2) upon receipt of the first State complaint under 34 CFR §§300.151 through 300.153 and upon receipt of the 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 the 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 the 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 Charter School's website [\(insert link\)](#).

Qualifying for Special Education Related Services

Under IDEA, 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 provides legal definitions of the disabilities that qualify a student for special education and related services. Such definitions 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 ("Section 504"), 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 and Section 504.

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

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

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 the Parents.

Depending on the nature and severity of the disability and least restrictive environment consideration, the Charter School could provide special education programs and services as determined appropriate by the Individualized Education Program (“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 the child’s 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 services; parent counseling or training; certain medical services for diagnostic or evaluation purposes; social work services; and recreation. 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 Charter 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. 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, there may be situations in which the 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 no 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. The 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

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

- A) Identification and provision of initial screening for students prior to referral for a special education evaluation.
- B) Provision of peer support for teachers and other staff members to assist them in working effectively with students in the general education curriculum.
- C) 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 that may also include, but are not limited to: review of data and student records; motor screening; and speech and language screening. The Charter 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.

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation should not be considered to be 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.

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

If parents need additional information regarding the purpose, time, and location of screening activities, they should call or write the Chief Executive Officer or designee, ADDRESS AND PHONE NUMBER.

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 conducting of screening or pre-referral intervention activities.

Disproportionality

In accordance with Chapter 711, in the event that the 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:

- A) 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.

- B) For students with academic concerns, an assessment of the student's performance in relation to State-approved grade-level standards.
- C) For students with behavioral concerns, a systematic observation of the student's behavior in the school environment where the student is displaying difficulty.
- D) A research-based intervention to increase the student's rate of learning or behavior change based on the results of the assessments above.
- E) Repeated assessments of achievement or behavior, or both, conducted at reasonable intervals, reflecting formal monitoring of student progress during the interventions.
- F) A determination as to whether the student's assessed difficulties are the result of a lack of instruction or limited English proficiency.
- G) 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.
- H) Documentation that information about the student's progress as identified in above was periodically provided to the student's parents.

Evaluation

An evaluation under IDEA 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. The 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 the 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 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. This is 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 Chief Executive Officer or designee at **PHONE NUMBER**.

The evaluation process is conducted by a Multi-Disciplinary Team (“MDT”), which is formed based on the student’s needs and 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 the Charter School conduct a Multi-Disciplinary Evaluation. **Requests for a Multi-Disciplinary Evaluation must be made in writing to the Chief Executive Officer or designee.**

If a parent makes an oral request for a Multi-Disciplinary Evaluation, the 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 the 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 the Charter School agree otherwise; and must occur at least once every 3 years, unless the parent and the Charter School agree that a reevaluation is unnecessary. Students with an intellectual disability must be reevaluated at least once every two years under State law.

Educational Placement

The determination of whether a student is eligible for special education is made by an 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 Charter 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 the 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 disability.

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, the 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, the 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.

PriorWrittenNotice

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.

1. Type of action taken:

- Proposes 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)
- Refusal to initiate an evaluation (Must issue *Procedural Safeguards Notice*)
- Proposes to change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education (FAPE)
- Refusal to change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education (FAPE)
- Change of placement for disciplinary reasons (Must issue *Procedural Safeguards Notice*)
- Due process hearing, or an expedited due process hearing, initiated by LEA
- Graduation from high school
- Exiting special education
- Exiting high school due to exceeding the age eligibility for a free appropriate public education (FAPE)
- Extended School Year (ESY) services
- Response to request for an independent educational evaluation (IEE) at public expense
- 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 the Charter School you may take appropriate action. Reasonable Notice means ten (10) days.

The prior written notice must:

- A) Describe the action that the Charter School proposes or refuses to take;
- B) Explain why the Charter School is proposing or refusing to take the action;
- C) Describe each evaluation procedure, assessment, record, or report the Charter School used in deciding to propose or refuse the action;
- D) Include a statement that you have protections under the procedural safeguards provisions in Part B of IDEA;
- E) Tell how you can obtain a description of the procedural safeguards if the

action that the Charter School is proposing or refusing is not an initial referral for evaluation;

F) Include resources for you to contact for help in understanding Part B of the IDEA;

G) Describe any other choices that your child's IEP Team considered and the reasons why those choices were rejected; and

H) Provide a description of other reasons why the Charter School proposed or refused the action.

The notice must be:

A) Written in language understandable to the general public; and

B) Provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so.

C) If your native language or other mode of communication is not a written language, the Charter School will ensure that:

D) The notice is translated for you orally or by other means in your native language or other mode of communication;

E) You understand the content of the notice; and

F) There is written evidence that A) and B) above have been met.

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

A) The language normally used by that person, or, in the case of a child, the language normally used by the child's parents;

B) 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 the parent's 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 the parent's 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

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

The Charter School will make reasonable efforts to obtain parents informed consent for an initial evaluation to decide whether the child is a child with a disability. Parental consent for initial evaluation does not mean that parent has also given consent to start providing special education and related services to the child. If parent has refused to provide consent or failed to respond to a request to provide consent for an initial evaluation, the Charter School may, but is not required to, seek to conduct an initial evaluation of the 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 the child if an evaluation of the child is not pursued in these circumstances.

Initial Placement in Special Education

The Charter School must obtain informed parental consent before providing special education and related services to a child for the first time. The Charter School must make reasonable efforts to obtain informed parental consent before providing special education and related services to a child for the first time.

If parents do not respond to a request to provide consent for their child to receive special education and related services for the first time, or if parents refuse to give such consent, the Charter School 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 the child's IEP Team may be provided to the child without parental consent.

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

- A) Is not in violation of the requirement to make FAPE available to the child for its failure to provide those services to the child; and
- B) Is not required to have an IEP meeting or develop an IEP for the child for the special education and related services for which consent was requested.

Reevaluations

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 EFFORTS WILL THE CHARTER SCHOOL MAKE TO OBTAIN PARENTAL CONSENT?

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.

Disagreements with an Evaluation

A) General

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

B) Definitions

- 1) **Independent educational evaluation** means an evaluation conducted by a qualified examiner who is not employed by the Charter School and responsible for the education of the child in question.
- 2) **Public expense** means that the Charter School either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to parent, 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.

C) Parent right to evaluation at public expense

- 1) A parent has the right to an IEE at the public expense if the parent disagrees with an evaluation obtained by the Charter School, subject to the following conditions:
- 2) If a parent requests an IEE at public expense, the public agency must, without unnecessary delay, either:
 - a) File a due process complaint to request a hearing to show that its evaluation is appropriate; or

- b) Provide an IEE is provided at public expense, unless the Charter School demonstrates in a hearing that the evaluation obtained by the parent did not meet the Charter School criteria.
- c) If the Charter School files a due process complaint notice to request a hearing and the final decision is that the Charter School's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

If a parent requests an IEE, the Charter School may ask for the parent's reason why the parent objects to the public evaluation. However, the Charter School may not require the parent to provide an explanation and may not unreasonably delay either providing the IEE at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation. A parent is entitled to only one IEE at public expense each time the Charter School conducts an evaluation with which the parent disagrees.

D) Parent-Initiated Evaluations

- 1) If a parent obtains an IEE at public expense or shares an evaluation with the Charter School that was obtained at private expense, the results of the evaluation:
 - a) Must be considered by the Charter School, if it meets the Charter School criteria, in any decision made with respect to the provision of FAPE to the child; and
 - b) May be presented by any party as evidence at a due process hearing regarding the child.

E) Charter School Criteria

- 1) If an IEE is conducted 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 the Charter School uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an IEE.
- 2) Except for the criteria described above, the Charter School may not impose conditions or timelines related to obtaining an IEE at public expense.

F) Requests for evaluations by hearing officers

- 1) 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 (34CFR§300.622)

Unless the information is contained in education records, and the disclosure is authorized

without parental consent under the Family Educational Rights and Privacy Act (“FERPA”), parental consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies. Except under the circumstances specified below, parental consent is not required before personally identifiable Part B of the IDEA.

Parental 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 (34CFR§300.611)

- A) Related to the confidentiality of information, the following definitions apply:
- 1) *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
 - 2) *Education records* means the type of records covered under the definition of “education records” in 34 CFR Part 99 (the regulations implementing FERPA).
 - 3) *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.
 - 4) *Personally identifiable* (34 CFR § 300.32) means information that has:
 - a) The name of the child, the child’s parent, or other family member;
 - b) The address of the child;
 - c) A personal identifier, such as the child’s social security number or student number; or
 - d) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.
- B) Parent Access Rights (34 CFR §300.613)
- 1) The Charter School must permit parents to inspect and review any education records relating to their child that is collected, maintained, or used by the Charter School under Part B of the IDEA. The Charter School must comply with such parental request without unnecessary delay and before any meeting regarding an IEP, or hearing pursuant to 34 CFR § 507 (relating to due process complaints); 34 CFR § 530 (relating to discipline); 34 CFR § 531 (relating to an interim alternative educational setting for services); 34 CFR § 532 (relating to Appeals); or a resolution session pursuant to 34 CFR § 300.510, and in no case more than 45 calendar days after a parental request has been made.
 - 2) The parental right to inspect and review education records includes:

- a) The right to a response from the Charter School to reasonable requests for explanations and interpretations of the records;
 - b) The right to request that the Charter School provide copies of the records containing the information if failure to provide those copies would review the records; and
 - c) The right to have a representative of the parent inspect and review the records.
- C) The Charter School may presume that parent has authority to inspect and review records relating to their child unless advised that the parent does not have the authority under applicable State law governing such matters as guardianship, or separation and divorce.
- 1) 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.
 - 2) On request, the Charter School must provide parent with a list of the types and locations of education records collected, maintained, or used by the Charter School.
- D) Other Authorized Access (34 CFR §300.614)
- 1) The 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.
- E) Fees (34 CFR §300.617)
- 1) The Charter School may charge a fee for copies of records that are made for parents under Part B of the IDEA, if the fee does not effectively prevent parents from exercising their right to inspect and review those records. The Charter School may not charge a fee to search for or to retrieve information under Part B of the IDEA.
- F) Amendment of Records at Parent's Request (34 CFR §300.618)
- 1) A parent who believes that information in the education records regarding their child collected, maintained, or used under Part B of the IDEA is inaccurate, misleading, or violates the privacy or other rights of the child, may request the Charter School to amend the information. The Charter School must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the Charter School refuses to amend the information in accordance with the request, it must inform the parent of the refusal and advise the parent of the right to a hearing for this purpose.

- G) Opportunity for a Records Hearing (34 CFR §300.619) the Charter School must, on request, provide parents an opportunity for to challenge information in education records regarding their child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.
- 1) 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 FERPA, 34 CFR § 99.22:
 - a) 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.
 - b) The educational agency or institution shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.
 - c) 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.
 - d) 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.
 - e) The educational agency or institution shall make its decision in writing within a reasonable period of time after the hearing.
 - f) 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.

H) Result of Hearing (34 CFR §300.620) If, as a result of the hearing, the 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 the parent in writing. If, as a result of the hearing, the Charter School decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the Charter School must inform parent of their right to place in the records a statement commenting on the information or providing any reasons for disagreeing with the decision of the participating charter school. Such an explanation placed in the child's records must:

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

- I) Safeguards (34 CFR §300.623)
 - 1) Charter School must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. One official at the 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. The Charter School must maintain, for public inspection, a current listing of the names and positions of those employees within the Charter School who may have access to personally identifiable information.

- J) Destruction of Information (34 CFR §300.624)
 - 1) The Charter School must inform parents when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child, and the information must be destroyed at the request of parents. However, a permanent record of the child’s name, address, and phone number, the child’s grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

 - 2) In addition, as of July 2018, PDE advises that the following will occur:
 - a) one year from the date on which student results are delivered for the Pennsylvania System of School Assessment (“PSSA”), Keystone Exams, and Pennsylvania Alternative System of Assessment (“PASA”) – PDE will destroy or have destroyed all test booklets; and,

 - b) three years from the date on which the assessment is completed for the PSSA and Keystone exams, PDE will also destroy or have destroyed all answer booklets, and, for the PASA, PDE will also destroy or have destroyed all media recordings.

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)

Case-by-Case Determination

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.

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 who violates a code of student conduct from the child's 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 fifteen (15) cumulative school days in a school year**. Once a child with a disability has been removed from the child's current placement for a total of **10 school days** in the same school year, the Charter School must, during any subsequent days of removal in that school year, provide services to the extent required below under the sub-heading *Services*.

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**, the 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 may determine 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*). The 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 15 cumulative days).

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. The Charter School is only required to provide services to a child with a disability who has been removed from the child's 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 the 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 the child's current placement for 10 school days during one school year, if the current removal is for not more than 10 consecutive school days and 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 will determine 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.

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, the Charter School, the parent, and relevant members of the IEP Team (as determined by the parent and the 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 the Charter School's failure to implement the child's IEP.

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

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

If the 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 the 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 the Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

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 possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the Charter School;
- B) Knowingly possesses 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 the 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 Charter School.

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.

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, the 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:

- A) The removal is for more than 10 consecutive school days; **or**
- B) The removal is for 15 cumulative school days total in any one school year;
- C) The child has been subjected to a series of removals that constitute a pattern because:
 - 1) The series of removals total more than 10 school days in a school year;
 - 2) The child's behavior is substantially similar to the child's behavior in previous incidents that resulted in a series of removals; **and**
 - 3) 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 the Charter School and, if challenged, is subject to review through due process and judicial proceedings.

Determination of Setting (34 CFR §300.531)

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

Appeal (34 CFR §300.532)

- A) The parent of a child with a disability may file a due process complaint to request a due process hearing if the parent disagrees with:
 - 1) Any decision regarding placement made under the discipline provisions;
or
 - 2) The manifestation determination described above.

The Charter School may file a due process complaint 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.

Authority of Hearing Officer

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

- A) The 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.
- B) 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 the Charter School has filed a due process complaint related to disciplinary matters, the child must (unless the parent and the 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 the Charter School for any amount of time is considered a change in placement under 22 Pa. Code §14.143 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 the 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)

A child who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for a child with a disability if the Charter School had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action.

Basis of Knowledge for Disciplinary Matters

The 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 the 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 the Charter School's Chief Executive Officer or designee or to other supervisory personnel of the Charter School.

Exception

The Charter School would not be deemed to have such knowledge if:
The child's parent has not allowed an evaluation of the child or refused special education services; or the child has been evaluated and determined to not be a child with a disability under Part B of the IDEA.

Conditions that apply if there is no basis of knowledge

If, prior to taking disciplinary measures against the child, the 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 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 the Charter School and information provided by the parents, the 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)

- A) The state and federal regulations do not:
- 1) Prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities; or
 - 2) 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.

Transmittal of records

If the 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 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, THE PERSON 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, CHARTER SCHOOL WILL ARRANGE FOR OTHER COMMUNICATION (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 THE CHIEF EXECUTIVE OFFICER OF THE CHARTER SCHOOL AT OR DESIGNEE **ADDRESS AND PHONE NUMBER**

NOTHING IN THIS NOTICE IS INTENDED TO CONFLICT WITH OR SUPPLANT THE INFORMATION CONTAINED IN PDE'S CURRENT "PROCEDURAL SAFEGUARDS NOTICE" WHICH IS AVAILABLE THROUGH THE CHARTER SCHOOL FOR PARENTS/GUARDIANS TO REVIEW. NOTHING IN THIS NOTICE IS INTENDED TO CONFLICT WITH OR SUPPLANT APPLICABLE STATE AND/OR FEDERAL LAWS.

Urban Pathways K-5 College Charter School

Board of Trustees Policy

ASSISTIVE TECHNOLOGY (AT) POLICY AND PROCEDURES

The Board of Trustees of Urban Pathways K-5 College 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.

The Board further recognizes that 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 always enough by 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.

Definitions

Assistive Technology device

As defined in both federal and state law, this 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. The term does not include a medical device that is surgically implanted, or the replacement of such device.

Assistive Technology service

As defined in both federal and state law, this 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 specified 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 does not exist.

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.

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). When describing the Assistive Technology needed by the student, it is considered best practice to describe the features rather than the brand name, because most devices and software have multiple features, not all of which may be required by the student to have FAPE. 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.

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 CEO or designee is directed to seek any necessary assistance from the Commonwealth regarding the purchase and payment for Assistive Technology. According to PDE, the CEO or 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 or 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 or 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 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 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 or 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 or designee is further directed to have a plan in place to provide AT services without interruption.

The CEO or 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.

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

CHILD FIND NOTICE

Services for School-Age Students with Disabilities

Urban Pathways K-5 College 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 regarding potential signs of developmental delays and other risk factors that could indicate disabilities. 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.

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 may request an independent education evaluation ("IEE") at public expense. (See IEE Policy and IEE Administrative Procedures attachment).

Once the evaluation process determines eligibility, an Individualized Education Plan (“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 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.

See the School’s Child Find Policy, Special Education Policy, and Section 504 Plan Policy for more information regarding Child Find, and regulations, definitions, and education programs for students with disabilities.

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 a free appropriate public education to qualified students with disabilities. Section 504 is applicable to charter schools that receive Federal financial assistance from the U.S. Department of Education for programs and activities. The Charter School is under an affirmative duty to locate all students who are eligible for Section 504 accommodations pursuant to its Child Find duties. (34 C.F.R. §104.32(a)). The school program consists of regular or special education and related aids and services designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met. The school program also includes extra-curricular activities to the extent that same are offered by the Charter School to students without disabilities. These related services or accommodations are provided without discrimination or cost to the student or family. In order to qualify as a Section 504 protected 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 Section 504 students are distinct from those applicable to IDEA exceptional students enrolled or seeking enrollment in special education programs. Parents may request screening and evaluation for services under Section 504 by making such requests in writing to the Charter School to the attention of the CEO, or the CEO’s designee. The CEO shall appoint a Section 504 Coordinator (34 C.F.R. §300.104.7(a)), to

establish standards and procedures for initial and continuing evaluations and placement decisions regarding persons who, because of a disability, need or are believed to need special education or related services.

See the School's Child Find Policy, Special Education Policy, and Section 504 Plan Policy for more information regarding Child Find, and regulations, definitions, and education programs for students with disabilities.

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 child find, special education or Section 504 issues, please contact the Charter School Coordinator of Special Education or CEO.

Urban Pathways K-5 College Charter School

Board of Trustees Policy

SUSPENSIONS AND EXPULSIONS POLICY- STUDENTS WITH DISABILITIES

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 of the Urban Pathways K-5 College Charter School (“Charter School”) directs compliance with these requirements and directs the CEO or designee to implement procedures necessary to effectuate the following:

AUTHORITY OF SCHOOL PERSONNEL (34 CFR §300.530)

1. Case-by-case determination

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 mental disability) who violates a code of student conduct from the child’s 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 the child’s current placement for a total of 10 school days in the same school year, the Charter School must, during any subsequent days of removal in that school year, provide services to the extent required 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). The 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 the child's 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 the child's 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), the Charter School, the parent, and relevant members of the IEP Team (as determined by the parent and the 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 the Charter School's failure to implement the child's IEP.

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

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

If the 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 the 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 the 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 the 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 the 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, the 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 the 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 the parent disagrees with:

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

the 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 the 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 the Charter School has filed a due process complaint related to disciplinary matters, the child must (unless the parent and the State Educational Agency or the 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 Intellectual Disability

The disciplinary removal of a child with an intellectual disability 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, the 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 the 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 the 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 the Charter School, and information provided by the parents, the 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

The 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 or 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.

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

DISPUTE RESOLUTION AND ALTERNATIVE DISPUTE RESOLUTION POLICY

It is the policy of the Urban Pathways K-5 College 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 IEP team level if possible. The CEO or 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.

When alternative dispute resolution is not practical or otherwise appropriate, or when a due process complaint is filed, the CEO or 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 or 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 and students considered gifted receive a free and appropriate public education (FAPE).

Individualized Education Program (IEP) Facilitation

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Dispute Resolution and Alternative Dispute Resolution Policy

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.

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Dispute Resolution and Alternative Dispute Resolution Policy

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.

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Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

SPECIAL EDUCATION STUDENT ENROLLMENT POLICY

The Board of Trustees of the Urban Pathways K-5 College Charter School (“Charter School”) recognizes that the Charter School must not deny enrollment or otherwise discriminate in admission practices on the basis of a child’s need for special education or supplementary aids or services.

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

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

Guidelines

Entitlement to Education

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

Required Enrollment Documentation

Except when a child is homeless, whenever a child of school age is presented for enrollment by a parent(s), a Pennsylvania school district resident, or any other person

having charge or care of the child, the Charter School shall require that the following information be documented before enrolling the child and allowing the child to attend school:

1. Proof of the child's age

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

2. Immunizations required by law

Acceptable documentation includes: either the child's immunization record, a written statement from the former school district or from a medical office that the required immunizations have been administered, or that a required series is in progress, or verbal assurances from the former school district or a medical office that the required immunizations have been completed, with records to follow.

3. Proof of residency

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

4. Parent Registration Statement

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

5. Home Language Survey

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

Act 110 Requirement

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Special Education Student Enrollment Policy

In Pennsylvania, K-12 public schools are required to remove, transfer or reassign students who are adjudicated delinquent or convicted of sexual assault when the offending student and the victim are enrolled in the same school. With regard to enrollment of students, this amended section of the Public School Code requires:

(g) Prior to admission to a public school entity, the parent, guardian or other person having control or charge of a student shall, upon registration, provide a sworn statement or affirmation stating whether the student was previously or is presently expelled under the provisions of this section. The registration shall include the name of the school from which the student was expelled with the dates of expulsion and shall be maintained as part of the student's disciplinary record. Any willful false statement made under this subsection shall be subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). See Act 110 Statement below.

Sexual assault includes any of the offenses specified under the following provisions of 18 Pa.C.S. (relating to crimes and offenses) relating to rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, and indecent assault.

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

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

Registration Form

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

Documentation Required From Other Sources

The Charter School is also entitled by law to receive information on an enrolling student from the previous school, public, charter, nonpublic or private, which the student attended. However, the provision of this information rests with the educational entity

and not the family, and so, the Charter School, as the receiving local educational agency, will not require this information as a precondition to enrollment and will not delay a student's admission for lack of this information.

Student Education Records

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

Disciplinary Records

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

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

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

Student Classifications for Education Entitlement

Resident Students and Court Orders or Custody Agreements

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

Students Living With a Resident Adult other than a Parent

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Special Education Student Enrollment Policy

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

1. A sworn and notarized statement from the resident of the school district indicating that the signer is a resident of the school district, is supporting the child without receiving personal compensation, that the child is living with the resident continuously and not just for the school year, and that the resident will accept all responsibilities relating to the child's schooling (See Attachment B for a model statement), or
2. Appropriate legal documentation to show dependency or guardianship, which may include a custody order. The Charter School may require other information to be submitted by the resident to substantiate the sworn statement. The natural parent(s) or former guardian(s) of the student may not be required to provide information. Once the requested information is provided, the Charter School will enroll the child and permit the child to begin to attend school without delay, but in no case more than 5 days. (See attached Affidavit of Support), if a space exists pursuant to the school's Admission/Lottery Policy.

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

Foster Children

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

Nonresident Children Living in Facilities or Institutions

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

attend the public schools of the district. This includes a child placed by the child's resident parents or guardians at a facility or institution and subsequently abandoned or deserted.

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

Emancipated Minors

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

Homeless Students

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

Unaccompanied homeless youth may enroll without documents and without the help of an adult. Unaccompanied homeless youth includes any child who is "not in the physical custody of a parent or guardian." Falling within this definition are students who have run away from home, been thrown out of their home, or been abandoned or separated from their parents or guardians.

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

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

Pre-Adoptive and Adoptive Students

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

School-Age Children of Military Personnel

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

Other Issues Related To Enrollment

Address Confidentiality Program (ACP)

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

Age

Children are considered school age from the time they are admitted to the public school educational program until graduation from high school or the age of 21 if identified pursuant to the Individuals with Disabilities Education Act of 2004. The Charter School will not refuse admission to a child who meets the age requirement. Students who turn 21 during the school term are entitled to finish that school term. If a student is under age 21 and has a Graduation Equivalency Diploma ("GED"), the student can enroll in school and work towards a diploma. For subsidy purposes, students who reach age 21

after the school term begins are eligible to be counted for the entire school term. The Department of Education will accept requests to allow students to be counted in membership for subsidy purposes for an extended school program beyond age 21 if the request includes a hearing officer decision or court order.

Children and Families with Limited English Proficiency

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

Twins and Multiple Siblings

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

Submitting Enrollment Complaints to the Department Of Education

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

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

Written Policies

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

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Special Education Student Enrollment Policy

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

ADOPTED this _____ day of _____, 2023

President

Secretary

**Attachment A –Parental Registration Statement
(Charter School Letterhead)**

Student Name _____

Date of Birth _____

Grade _____

Parent or Guardian Name _____

Address _____

Telephone Number _____

Pennsylvania School Code §13-1304-A states in part “Prior to admission to any school entity, the parent, guardian or other person having control or charge of a student shall, upon registration provide a sworn statement or affirmation stating whether the pupil was previously or is presently suspended or expelled from any public or private school of this Commonwealth or any other state for an action of offense involving a weapon, alcohol or drugs, or for the willful infliction of injury to another person or for any act of violence committed on school property.”

Please complete the following:

I hereby swear or affirm that my child was _____ was not _____ previously suspended or expelled, or is _____ is not _____ presently suspended or expelled from any public or private school of this Commonwealth or any other state for an act or offense involving weapons, alcohol or drugs, or for the willful infliction of injury to another person or for any act of violence committed on school property. I make this statement subject to the penalties of 24 P.S. §13-1304-A(b) and 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities, and the facts contained herein are true and correct to the best of my knowledge, information and belief.

If this student has been or is presently suspended or expelled from another school, please complete:

Name of the school from which student was suspended or expelled:

Dates of suspension or expulsion:

(Please provide additional schools and dates of expulsion or suspension on back of this sheet.)

Reason for suspension/expulsion (optional)

(Signature of Parent or Guardian)

(Date)

Any willful false statement made above shall be a misdemeanor of the third degree. This form shall be maintained as part of the student's disciplinary record.

Attachment B - SWORN STATEMENT BY RESIDENT UNDER §13-1302 TO BE COMPLETED BY RESIDENT ONLY

Instructions: Please complete the following statement. If the potential student is living, or will be living, in a household with more than one resident adult who will assume responsibility for the student, all such adult residents must complete and sign this statement. This is a legal document. You may ask to see a copy of 24 P.S. §13-1302 prior to signing this document, and consult with an attorney if you have any questions or do not understand any portion of this document.

1. Your Name _____
Home Address _____
Home Telephone Number _____ Work Number _____

2. Do you live in the charter school and does the child live with you?
Yes _____ No _____

3. Child's Full Name _____
Birth Date _____ Grade _____
Name & Address of Last School Attended _____
Date child began/will begin to reside in your home _____

4. Are you supporting this child gratis (without personal compensation or gain)?
Yes _____ No _____

5. Will you assume all personal obligations related to school requirements for this child that may include providing for required immunizations, uniforms, fees/fines, citations/fines for truancy, attending parent-teacher conferences, or attending meetings/hearings concerning discipline?
Yes _____ No _____

6. Do you intend to keep and support the child continuously and not merely through the school term? Yes _____ No _____

Through my notarized signature, I/We understand that the Charter School, pursuant to guidelines issued by the Department of Education and their own written policy, may require other reasonable information to be submitted to confirm this sworn statement.

Signed by resident(s) and notarized _____

Per 24 P.S. §13-1302, a person who knowingly provides false information in the above statement for the purpose of enrolling a child in a charter school for which the child is not eligible commits a summary offense and shall, upon conviction for such violation, be sentenced to pay a fine of no more than three hundred dollars (\$300) for the benefit of the charter school or to perform up to two hundred forty (240) hours of community service, or both. In addition, the person shall pay all court costs and shall be liable to the charter school for an amount equal to the cost of tuition calculated in accordance with §2561 during the period of enrollment.

Attachment C - GUIDELINES FOR REASONABLE INFORMATION TO SUBSTANTIATE SWORN STATEMENT BY RESIDENT UNDER 24 P.S. §13-1302

Pursuant to Act 35 of 2001 (24 P.S. §13-1302(a)(2)), charter schools may request information from the resident to substantiate the assertions made in the sworn statement of the resident, provided that the charter school has adopted a policy regarding this additional substantiating information and that the policy conforms with this Basic Education Circular. If the charter school has elected to require substantiating information and advised the resident thereof, then the resident must submit the information before the charter school is required to accept the child as a student.

A charter school may require that more than one form of residency confirmation be provided. However, school districts and charter schools should be flexible in verifying residency, and should consider what information is reasonable in light of the family's situation. Examples of documentation that can support the factors in §1302 include:

Signer is a Resident of the District Granting Charter to Charter School and/or Preferential District Pursuant to Charter School's Charter

- Current Utility bill, or
- Deed, or
- Lease, or
- Department of Transportation identification or driver's license, or
- Pennsylvania Department of Transportation vehicle registration, or
- Property tax bill, or
- Copy of State/Federal program enrollment, (examples include, but not limited to, TANF or CHIP), or
- Current credit card bill.

Signer is Supporting the Child Gratis

- Copy of completed county form or court order transferring child support payments to resident, if applicable, or
- Copy of completed State form notifying Department of Welfare of child's new residence, if applicable,
 - Copy of lease/rental agreement identifying the child as a tenant, if applicable, or
 - Sworn statement by the resident. A resident's receipt of payments, such as Supplemental Security Income (SSI), Transitional Assistance for Needy Families (TANF), pre-adoptive support, child support, maintenance on public or private health insurance, support from the military or military personnel or other payments for or on account of the child shall not be deemed to be personal compensation or gain.

Signer will Assume All Personal Obligations for the Child Relative to School Requirements Sworn statement by resident shall be satisfactory evidence thereof.

Signer Intends to so Keep and Support the Child Continuously and Not Merely Through the School Term

Sworn statement by resident shall be satisfactory evidence thereof.

Urban Pathways K-5 College Charter School

Board of Trustees Policy

EXTENDED SCHOOL YEAR SERVICES ("ESY ") POLICY

The Board of Trustees directs that the Urban Pathways K-5 College 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 or 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 mental 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:

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Extended School Year Services Policy

- (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 mental 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.

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Extended School Year Services Policy

The CEO or 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.

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

EVALUATION AND REEVALUATION POLICY

In accordance with applicable state and federal regulations, the Board of Trustees of the Urban Pathways K-5 College Charter School (“Charter School”) recognizes that in order to properly identify a student as eligible for special education and related services, the Charter School must have a process and procedures in place and, therefore, directs as follows the Evaluation and Reevaluation Policy. The Charter School adopts this policy which sets forth the procedural requirements for Evaluations and Reevaluations pursuant to the IDEA and Chapter 711 concerning Charter Schools.

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

Initial evaluations

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

[\(a\)](#) General. Each public agency must conduct a full and individual initial evaluation, in accordance with §§300.304 through 300.306, before the initial provision of special education and related services to a child with a disability under this part.

[\(b\)](#) Request for initial evaluation. Consistent with the consent requirements in §300.300, either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.

[\(c\)](#) Procedures for initial evaluation. The initial evaluation –

[\(1\)](#)

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Evaluation & Reevaluation Policy

(i) Must be conducted within 60 days of receiving parental consent for the evaluation; or

(ii) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe; and

(2) Must consist of procedures –

(i) To determine if the child is a child with a disability under §300.8; and

(ii) To determine the educational needs of the child.

(d) Exception. The timeframe described in paragraph (c)(1) of this section does not apply to a public agency if –

(1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or

(2) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child’s previous public agency as to whether the child is a child with a disability under §300.8.

(e) The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed.

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

The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence,

academic performance, communicative status, and motor abilities, citing Sec. 300.304(c)(4).

Reevaluations

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

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

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

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

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

Additional requirements for evaluations and reevaluations

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

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

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

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

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

The Multi-Disciplinary Evaluation Process

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

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

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

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

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

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

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.

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

EXCEPTIONAL STUDENT RECORDS CONFIDENTIALITY POLICY

The Board of Trustees ("Board") of the Urban Pathways K-5 College Charter School ("Charter School") recognizes the need to protect the privacy rights of the Charter School's exceptional students and their parents. The classification, collection, use, maintenance and dissemination of any information about a student or a student's family raises issues regarding the privacy of that information. Thus, the Charter School shall adhere to the provisions of federal and state laws pertaining to those privacy rights, including but not limited to the Family Educational Rights and Privacy Act of 1974 ("FERPA"), as amended, and its accompanying regulations; the applicable provisions of the Individuals with Disabilities Education Improvement Act (2004) ("IDEA"), as amended, and its implementing regulations; the applicable provisions of the Pennsylvania Public School Code of 1949, and the applicable provisions of Chapters 12 and 711 of the Pennsylvania Administrative Code containing the regulations of the Pennsylvania State Board of Education and other provisions applicable to charter schools. The CEO or designee is designated as the administrator responsible for the maintenance, access, use and release of exceptional student records. This policy is to be used in combination with the Charter School's Student Records Policy.

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

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

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

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

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

1. **Related to the confidentiality of information, the following definitions apply:**
 - a. *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
 - b. *Education records* means the type of records covered under the definition of “education records” in 34 CFR Part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §1232g (FERPA)).
 - c. *Participating agency* means any charter school, agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.
 - d. *Personally identifiable (34 CFR §300.32)* means information that has:
 - 1) A child’s name, a parent’s name, or the name of another family member;
 - 2) A child’s address;
 - 3) A personal identifier, such as a child’s social security number or student number; **or**
 - 4) A list of personal characteristics or other information that would make it possible to identify a child with reasonable certainty.

2. **Access Rights (34 CFR §300.613)**

a. **Parent Access**

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

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

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

- c) On request, each charter school must provide the parent with a list of the types and locations of education records collected, maintained, or used by the Charter School.

b. Other Authorized Access (34 CFR §300.614)

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

2. Fees

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

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

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

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

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

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

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

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

a. Hearing Procedures (34 CFR §300.621)

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

- 1) The educational agency or institution shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.

- 2) The educational agency or institution shall give the parent or eligible student notice of the date, time, and place, reasonably in advance 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 the parent or eligible student's 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, the Charter School decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must change the information accordingly and inform the parent in writing. If, as a result of the hearing, the Charter School decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the parent's child, the parent may place in the records that it maintains on the parent's child a statement commenting on the information or providing any reasons the parent disagrees with the decision of the participating agency.

Such an explanation placed in the records of the parent's child must:

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

c. Safeguards (34 CFR §300.623)

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

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

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

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

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

5. Destruction of Information (34 CFR §300.624)

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

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

The Charter School must comply with record maintenance requirements in accordance with FERPA and Chapters 711 and 12 of Title 22 of the Pennsylvania Code, together with directives of PDE with regard to record maintenance. Special Education records must also be maintained in accordance with PDE 6-year cyclical monitoring period guidelines established by PDE.

TRANSFER OF RECORDS BETWEEN SCHOOLS

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

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

child is enrolled at another public agency, private school, approved private school or private agency.

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

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

ELECTRONIC TRANSMISSIONS

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

CONFIDENTIALITY NOTICE

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

ADMINISTRATIVE PROCEDURES:

The CEO or designee shall be responsible for ensuring that the education records, confidentiality policies and procedures established under IDEA 2004 (relating to confidentiality of education records of exceptional students) are enforced and administered. This official shall:

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

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

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

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

An education record shall not be destroyed by the Charter School if there is an outstanding request to inspect and review it by the parent or eligible student.

The Charter School will inform the parents of an exceptional student when personally identifiable information collected, maintained, or used in the records of the exceptional student is no longer needed to provide educational services to the exceptional student. (See Student Educational Records Policy for more information).

Upon request of the parents, information no longer relevant to and necessary for the provision of educational services to the exceptional student must be destroyed by the Charter School. However, a written record of an exceptional student's name, address, phone numbers, grades, attendance records, classes attended, grade level completed, and year completed will be maintained for six (6) years beyond the school year during which the student to whom such data pertains attains age twenty-one (21).

Prior to the destruction of the information referred to in the above paragraph, the Charter School shall send written notification to the parents which shall inform the parents of their right to receive a copy of the material to be destroyed. (See Student Educational Records Policy for more information.).

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

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

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE

**AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS
AND/OR CHARTER CONTROL.**

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

FREE APPROPRIATE PUBLIC EDUCATION (FAPE) POLICY

The Board of Trustees of the Urban Pathways K-5 College Charter School (“Charter School”) must ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade.

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

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.

ADOPTED this _____ day of _____, 2023

President

Secretary

INDEPENDENT EDUCATION EVALUATIONS (IEE) ADMINISTRATIVE PROCEDURES

A parent who disagrees with an evaluation performed or obtained by the Urban Pathways K-5 College Charter School (“Charter School”) may request an independent educational evaluation (IEE) at public expense to the extent allowed by applicable state and federal regulations. If the request is received verbally, the staff member who receives the IEE request shall inform the parent that the staff member is forwarding the request to the Chief Executive Officer (“CEO”) or designee. The staff member is to forward the request to the CEO or designee without delay.

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

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

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

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

If the CEO or designee consents to provide an IEE, the parent must receive written documentation from the CEO or designee with a Permission to Re-evaluate which should state what the Charter School is proposing by way of testing to serve as prior written notice to Parent of the Charter School’s intent, and also a Procedural Safeguards Notice. If the situation is one where, in addition to the request for an IEE, Parent has already disagreed with a NOREP as to all or part of the proposed programming by the Charter School, then another NOREP should also be issued to establish that Student’s

IEP programming will continue, in accordance with the prior IEP, if Parent has not filed for due process or with the currently recommended NOREP, if Parent has disagreed but not filed for due process. The written documentation must also include the following:

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

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

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

(4) A request that the parents consider accessing reimbursement for all or part of the evaluation from public or private sources of insurance or reimbursement, together with a clear assurance that the parent is not required to do so and that the Charter School would pay any cost not covered by such sources;

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

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

- Production of required current state and federal child abuse and criminal clearances;
- Confirmation and production, of required licensure/certification to perform the independent evaluation;
- Agreement to comply with FERPA given review and use of Student's Personally Protected Information in evaluation process;

- Production of professional liability and workers compensation insurance as evaluator is an independent evaluator and not an employee of the Charter School;
- Email of the IEE report to Parent(s) and Charter School simultaneously;
- Compliance with federal, state and local health directives given the continuing COVID pandemic.

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

Urban Pathways K-5 College Charter School

Board of Trustees Policy

INDIVIDUALIZED EDUCATION PROGRAM POLICY (IEP)

The Board of Trustees of the Urban Pathways K-5 College Charter School (“Charter School”) recognizes and directs that in addition to the federal requirements incorporated by reference, the state regulations require that the IEP of each student with a disability must include when appropriate:

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

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

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

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

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

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

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

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

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

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

(2) Supplementary aids and services

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

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

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

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

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

The Charter School ensures that the IEP team review the IEP periodically, but not less than annually, to determine whether the annual goals of the child are being achieved; and revise the IEP, as appropriate, to address any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate. In addition to the requirements incorporated by reference with regard to development, review, and revision of IEP, the Charter School shall designate persons responsible to coordinate transition activities.

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

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

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

INCLUSION POLICY

In accordance with applicable state and federal regulations regarding students with disabilities, the Board of Trustees of the Urban Pathways K-5 College Charter School ("Charter School") recognizes and directs as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

Per the Pennsylvania Department of Education, the presumption is that IEP teams begin placement discussions with a consideration of the regular education classroom and the supplementary aids and services that are needed to enable a student with a disability to benefit from educational services. Benefit from educational services is measured by progress toward the goals and objectives of the student's IEP, not by mastery of the general education curriculum, and is not limited to academic progress alone; therefore, Administration is directed to ensure that special education placement in a more restrictive environment is not justified solely on the basis that the child might make greater academic progress outside the regular education environment.

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

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

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

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

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

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

- . Be familiar with a wide array of supplementary aids and services.
- . Know the proper IEP decision making sequence.
- . Consider the whole range of supplementary aids and services when making placement decisions.
- . Understand that modifications to the regular curriculum may be an appropriate means of delivering educational benefit within the regular classroom.
- . Address services needed for a student in a single plan.
- . Be clear about the supports you need in order to implement any given student's IEP within your regular classroom.
- . Be familiar with the continuum of placement options.

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

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

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.

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

INDEPENDENT EDUCATIONAL EVALUATIONS POLICY

The Board of Trustees recognizes that in accordance with applicable state and federal laws, including Chapter 711 of Title 22 of the Pennsylvania Code, a parent has the right to obtain an independent educational evaluation (“IEE”) of the parent’s child if the parent disagrees with an evaluation by the Urban Pathways K-5 College Charter School (“Charter School”) to the extent permitted by law, including the right of the Charter School, to file a due process complaint to show that its evaluation is appropriate and to contest the need for an independent evaluation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Evaluation techniques must be consistent with the most up to date techniques commonly practiced in the evaluator's field. Evaluations must not be racially, culturally or otherwise biased or discriminatory. Recommendations must be based upon the child and must not be generalized.

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

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

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

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

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

INSTRUCTION IN THE HOME POLICY

The Board of Trustees directs the CEO or designee of Urban Pathways K-5 College Charter School ("Charter School") to implement procedures needed to comply with applicable state and federal requirements, including the following guidelines in the Pennsylvania Department of Education ("PDE") Basic Education Circular:

INSTRUCTION CONDUCTED IN THE HOME

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

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

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

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

In all circumstances involving the placement of a student on instruction conducted in the home, the Charter School must file any report or other documentation promulgated by the PDE within 5 days of the placement or as required by PDE. Charter School must

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

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

Although instruction conducted in the home is not ordinarily permitted when the student has no condition preventing the student from leaving the home, there are occasional, exceptional cases in which the parents and school agree to instruction conducted in the home as a short-term option. In these cases, the school must immediately file a report with the PDE utilizing the form required by PDE. As indicated on the form, the Charter School is also responsible for informing the PDE when the short-term placement has concluded. (The Charter School must report not less than weekly to PDE utilizing the web-based reporting system. As indicated on the SES@Home website, the charter school is also responsible for informing PDE when the short-term placement has concluded.)

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

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

concluded and the student has returned to school. In addition, the Charter School must document the physician's recommendation for homebound instruction.

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

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.

ADOPTED this day _____ of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

INTENSIVE INTERAGENCY APPROACH POLICY

The Board of Trustees of the Urban Pathways K-5 College Charter School (“Charter School”) recognizes the duty of the CEO or designee to identify, issue reports as to and provide a free and appropriate public education (“FAPE”) for all students with disabilities including those students needing intensive interagency approaches. FAPE must also be available to all children, including children with disabilities who have been suspended or expelled from the Charter School.

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

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

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

The Charter School shall ensure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and that special classes, separate schooling or other removal of children with disabilities from the regular education environment occurs only if the nature or severity of the disability is such that education

in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

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

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

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

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

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

Where appropriate, other child serving systems, such as mental health, mental disability, child protective services, juvenile probation, and drug-alcohol treatment services will be consulted by the Charter School Team for difficult to place students.

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

ADOPTED this _____ day of _____, 2023

President

Secretary

August 2023

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Intensive Interagency Approach Policy

Urban Pathways K-5 College Charter School

Board of Trustees Policy

LEAST RESTRICTIVE ENVIRONMENT POLICY

The Board of Trustees of the Urban Pathways K-5 College Charter School ("Charter School") directs the CEO or designee to ensure that, in accordance with applicable state and federal laws and regulations, to the maximum extent appropriate, children with disabilities are educated with children who are nondisabled and that special classes, separate schooling, or other removal of children with disabilities from the regular education environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

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

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

These options must be available to the extent necessary to implement the IEP of each disabled student. The placement team must select the option on the continuum in which it determines that the student's IEP can be implemented. Any alternative placement selected for the student outside of the regular educational environment must maximize opportunities for the student to interact with nondisabled peers, to the extent appropriate to the needs of the student. Pursuant to IDEA, parents must be given written prior notice by the Charter School that meets the requirements of the IDEA federal regulations at 34 C.F.R. §300.505, as to a reasonable time before a public agency implements a proposal or refusal to initiate or change the identification, evaluation, or

educational placement of the child, or the provision of FAPE to the child. Consistent with this notice requirement, parents of disabled students must be informed that the public agency is required to have a full continuum of placement options, as well as about the placement options that were actually considered and the reasons why those options were rejected. 34 CFR §§300.504-300.505.

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

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

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

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.

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

NONACADEMIC SERVICES AND SETTINGS POLICY

In accordance with applicable state and federal regulations regarding students with disabilities, the Board of Trustees of the Urban Pathways K-5 College Charter School (“Charter School”) recognizes and directs as follows:

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

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.

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

PARENT TRAINING POLICY

The Board of Trustees (“Board”) of the Urban Pathways K-5 College Charter School (“Charter School”) directs that the CEO or designee ensure that Charter School parents are afforded opportunities for training and information sharing in order to address the special knowledge, skills and abilities needed to serve the unique needs of children with disabilities.

Parent training includes, but is not limited to:

- 1) Assisting parents in understanding the special needs of their child;
- 2) Providing parents with information about child development; and
- 3) Helping parents acquire the necessary skills that will allow them to support the implementation of their child’s IEP.

Administration is further directed to make training opportunities available to parents or students who require same as part of any IEP and to the extent appropriate under applicable state and federal laws and regulations. Such parent training would be included in the student’s IEP as a Related Service.

Parents must receive thorough and accurate training to ensure that they understand the special education process and their procedural safeguards. For example, parents need to be informed of the options they have if they disagree with a decision the Charter School has made. Additionally, the Charter School must provide information about community organizations that offer support and assistance to parents of students with disabilities. Access to this information assists parents with such topics as parental rights, successful transitioning of their young adult child from school to adult life, and networking opportunities, such as how to effectively work in partnership with the Office of Vocational Rehabilitation (OVR) and other community agencies designed to assist youth with transition and disability issues.

Parents need to know who to contact when they have questions about their children’s academic, behavioral, and social/emotional progress or if they seek assistance with participating in the development of their children’s IEP.

The Charter School may include the many resources that are available from the Pennsylvania Department of Education, Bureau of Special Education (BSE), the Pennsylvania Training and Technical Assistance Network (PaTTAN), ConsultLine, Pennsylvania’s federally funded parent centers, Office of Developmental Programs (ODP), Office of Vocational Rehabilitation (OVR), and advocacy organizations. Moreover, unique to Pennsylvania is the State and Local Task Force system, which provides an ongoing parent/educator/provider committee structure to work on solving local special education issues. Such organizations may be able to distribute information in multiple media formats explaining to parents what services they provide and how parents may contact them.

The Charter School will be open to parent input regarding parent trainings offered and will organize training sessions during the academic school year.

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.

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

SPECIAL EDUCATION PERSONNEL TRAINING POLICY

The Board of Trustees directs that the CEO or designee shall ensure that in-service training appropriately and adequately prepares and trains Urban Pathways K-5 College Charter School ("Charter School") personnel to address the special knowledge, skills and abilities to serve the unique needs of children with disabilities in the Charter School, including those with low incidence disabilities.

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

Training must be a part of the Charter School's Professional Development Plan and Act 48 credits are to be made available to all applicable personnel.

Trainings are to be administered in areas including but not limited to: positive behavior support, reading, free and appropriate public education in the Least Restrictive Environment, Transition, and At/Low Incidence disabilities, confidentiality, Functional Behavioral Assessments, Manifestation Determinations, de-escalation techniques and emergency responses.

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

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

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

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

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

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

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

Parent Training: Administration is further directed to make training opportunities available to parents or students who require same as part of any IEP and to the extent appropriate under applicable state and federal laws and regulations. Such parent training would be included in the student's IEP as a Related Service.

Administration is directed to maintain appropriate documentation of trainings offered and attendance by all Charter School personnel.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE

August 2023

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Special Education Personnel Training Policy

**AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS
AND/OR CHARTER CONTROL.**

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

PHYSICAL EDUCATION POLICY

The Board of Trustees of the Urban Pathways K-5 College Charter School (“Charter School”) recognizes that physical education services, specially designed if necessary, must be made available to every child with a disability receiving FAPE, unless the Charter School enrolls children without disabilities and does not provide physical education to children without disabilities in the same grades to the extent allowed by applicable laws and regulations.

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

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

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

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.

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

POSITIVE BEHAVIOR SUPPORT POLICY

In accordance with applicable state regulations, including Title 22 Pa. Code Chapter 711.46, the Board of Trustees ("Board") of the Urban Pathways K-5 College Charter School ("Charter School") has established this policy to effectuate a program of positive behavior support at the Charter School.

DEFINITIONS:

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

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

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

Restraints –

(i) The application of physical force, with or without the use of a device, for the purpose of restraining the free movement of a student's body. The term does not

include briefly holding, without force, of a student to calm or comfort him, guiding a student to an appropriate activity, or holding a student's hand to safely escort him from one area to another.

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

Seclusion - refers to the involuntary confinement of a child alone in a room or isolated area from which the child is prevented from leaving. Seclusion may include having a door locked or physically blocked or held shut with the child being alone, or having a child placed away from peers and caregivers for a period of time with no access to social interaction; the child also may have limited contact with a caregiver. Seclusion can be confused with "time out" which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, with removal or limiting of the amount of reinforcement or attention that is available to a child for a brief period of time and is implemented for the purpose of calming. Time out does not require or imply seclusion.

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

Trained school staff should also inspect and prepare the seclusion area before a child is placed in seclusion. For example, the area should be free of any objects a child could use to injure him- or herself or others. School staff should either be inside the area or

outside by a window or another adjacent location where staff can continuously observe the child and confirm that the child is not engaging in self-injurious behavior

POSITIVE BEHAVIOR SUPPORT:

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

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

RESEARCH-BASED PRACTICES:

Behavior support programs must include research-based practices and techniques to develop and maintain skills that will enhance an individual student's opportunity for learning and increase replacement behaviors.

FUNCTIONAL BEHAVIOR ASSESSMENT:

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

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

RESTRAINTS:

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

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Positive Behavior Support Policy

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

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

NOTIFICATION TO PARENT/GUARDIAN OF USE OF RESTRAINT OR SECLUSION AND PROCEDURES:

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

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

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

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

Administration is directed to write internal procedures that detail who is responsible for reporting restraints and use of seclusion, who is responsible for notifying key

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

RESTRAINT REPORTING AND PROCEDURES:

The Charter School shall maintain and report data on the use of restraints as prescribed by the Secretary of the Department of Education. The report is subject to review during cyclical compliance monitoring conducted by the Department. A physical restraint as defined above must be reported regardless of the length of time used, the role of the adult performing the restraint, or the employer of that adult. The LEA must report the use of restraints within 30 days to PDE's Bureau of Special Education through the Restraint Information System of Collection (RISC), a secure website. PDE recommends that all LEAs designate a person who will be responsible for reporting restraints to the RISC website in a timely manner. If the restraint results in serious injury to a student, staff person or both, a report shall be made via email to the RISC coordinator within 48 hours.

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

INCLUSION OF USE OF RESTRAINTS OR SECLUSION IN A STUDENT'S IEP:

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

- (i) Utilized with specific component elements of positive behavior support.

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

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

PROHIBITION AGAINST PRONE RESTRAINTS:

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

MECHANICAL RESTRAINTS:

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

PROHIBITION AGAINST AVERSIVE TECHNIQUES:

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

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

- (8) Electric shock.

TRAINING OF PERSONNEL

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

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

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

ADDITIONAL REQUIREMENTS AND ADMINISTRATIVE PROCEDURES

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

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

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

REFERRALS TO LAW ENFORCEMENT

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

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

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

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

PROGRAM OPTIONS POLICY

In accordance with applicable state and federal regulations regarding students with disabilities, the Board of Trustees of the Urban Pathways K-5 College Charter School ("Charter School") recognizes and directs as follows:

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

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

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

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

PSYCHOLOGICAL SERVICES POLICY

The Board of Trustees (“Board”) of the Urban Pathways K-5 College Charter School (“Charter School”) directs that the CEO or designee ensure that psychological services be made available to eligible students in accordance with Chapter 711 of Title 22 of the Pennsylvania Code as follows:

Psychological services may include:

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

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

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

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

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

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

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

RELATED SERVICES POLICY

The Board of Trustees of the Urban Pathways K-5 College Charter School (“Charter School”) recognizes that charter schools must comply with Chapter 711 of Title 22 of the Pennsylvania Code regarding the provision of related services which incorporate the federal regulations at 34 C.F.R. §300.1 et. seq., which implement the Individuals with Disabilities Education Improvement Act 2004, (“IDEA”).

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

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

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

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

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

- (i) Limits the right of a child with a surgically implanted device

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Related Services Policy

(e.g., cochlear implant) to receive related services that are determined by the IEP Team to be necessary for the child to receive FAPE.

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

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

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

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

- (1) Audiology includes:
 - (i) Identification of children with hearing loss;
 - (ii) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;
 - (iii) Provision of rehabilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;
 - (iv) Creation and administration of programs for prevention of hearing loss;
 - (v) Counseling and guidance of children, parents, and teachers regarding hearing loss; and
 - (vi) Determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.
- (2) Counseling services mean services provided by qualified social workers, psychologists, guidance counselors, or other qualified

personnel.

- (3) Early identification and assessment of disabilities in children means the implementation of a formal plan for identifying a disability as early as possible in a child's life.
- (4) Interpreting services include –
 - (i) The following, when used with respect to children who are deaf or hard of hearing: Oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print, and TypeWell; and
 - (ii) Special interpreting services for children who are deaf-blind.
- (5) Medical services means services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.
- (6) Occupational therapy –
 - (i) Means services provided by a qualified occupational therapist; and
 - (ii) Includes –
 - (A) Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation;
 - (B) Improving ability to perform tasks for independent functioning if functions are impaired or lost; and
 - (C) Preventing, through early intervention, initial or further impairment or loss of function.
- (7) Orientation and mobility services –
 - (i) Means services provided to blind or visually impaired children by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and

(ii) Includes teaching children the following, as appropriate:

(A) Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street);

(B) To use the long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for children with no available travel vision;

(C) To understand and use remaining vision and distance low vision aids; and

(D) Other concepts, techniques, and tools.

(8) (i) Parent counseling and training means assisting parents in understanding the special needs of their child;

(ii) Providing parents with information about child development; and

(iii) Helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.

(9) Physical therapy means services provided by a qualified physical therapist.

(10) Psychological services include –

(i) Administering psychological and educational tests, and other assessment procedures;

(ii) Interpreting assessment results;

(iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;

(iv) Consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct observation, and behavioral evaluations;

(v) Planning and managing a program of psychological services, including psychological counseling for children and parents; and

(vi) Assisting in developing positive behavioral intervention strategies.

(11) Recreation includes –

(i) Assessment of leisure function;

(ii) Therapeutic recreation services;

(iii) Recreation programs in schools and community agencies; and

(iv) Leisure education.

(12) Rehabilitation counseling services mean services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with a disability by vocational rehabilitation programs funded under the Rehabilitation Act.

(13) School health services and school nurse services mean health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person.

(14) Social work services in schools include –

(i) Preparing a social or developmental history on a child with a disability;

(ii) Group and individual counseling with the child and family;

(iii) Working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;

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

- (v) Assisting in developing positive behavioral intervention strategies.
- (15) Speech-language pathology services include –
- (i) Identification of children with speech or language impairments;
 - (ii) Diagnosis and appraisal of specific speech or language impairments;
 - (iii) Referral for medical or other professional attention necessary for the habilitation of speech or language impairments;
 - (iv) Provision of speech and language services for the habilitation or prevention of communicative impairments; and
 - (v) Counseling and guidance of parents, children, and teachers regarding speech and language impairments.
- (16) Transportation includes –
- (i) Travel to and from school and between schools;
 - (ii) Travel in and around school buildings; and
 - (iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

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

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE

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**AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS
AND/OR CHARTER CONTROL.**

ADOPTED this day _____ of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

SECTION 504 POLICY

The Board of Trustees recognizes that all qualified persons with disabilities in the Urban Pathways K-5 College Charter School ("Charter School") are entitled to a free and appropriate public education under Section 504 of the Rehabilitation Act of 1973 ("Section 504"). Section 504 is a civil rights statute that prohibits discrimination against individuals with disabilities. Section 504 is applicable to charter schools that receive Federal financial assistance from the U.S. Department of Education for programs and activities.

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

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

A "physical or mental impairment" may include, but is not limited to:

(A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory; including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or

(B) any mental or psychological disorder, such as mental disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

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

"Major life activity" may include: functions such as caring for one's self, performing

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manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. According to the OCR, this list is also not exhaustive.

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

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

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

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

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

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

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

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

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

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

Section 504 requires the use of evaluation and placement procedures. A physician's medical diagnosis may be considered among other sources in evaluating a student but should not be the sole criteria for determination that Section 504 accommodations are needed. A physician's diagnosis alone does not mean that a Student requires Section 504 accommodations.

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

The CEO shall appoint a Section 504 Coordinator (34 C.F.R. §300.104.7(a)), to establish standards and procedures for initial and continuing evaluations and placement decisions regarding persons who, because of a disability, need or are believed to need special education or related services. Procedures must ensure that tests and other evaluation materials: have been validated for the specific purpose for which they are used, and are administered by trained personnel in conformance with the instructions provided by their producer; are tailored to assess specific areas of education need and are not designed merely to provide a single general intelligence quotient; and are

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selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

The 504 Coordinator is directed to draw upon a variety of sources in the evaluation and placement process so that the possibility of error is minimized. All significant factors related to the learning process must be considered. These sources and factors include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior.

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

Periodic EVALUATION IS REQUIRED

The 504 Coordinator must have in effect procedural safeguards regarding the identification, evaluation, or educational placement of persons who, because of disability, need or are believed to need special instruction or related services. Parents must be told about these procedures. In addition, parents or guardians must be notified of any evaluation or placement actions and must be allowed to examine the student's records. The due process procedures must allow the parents or guardians of students to challenge evaluation and placement procedures and decisions.

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

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

PROCEDURES

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Section 504 Policy

Students who are in need or are believed to be in need of services under Section 504 may be referred for evaluation by a parent/guardian, teacher, or other certified school employee. Requests should be directed to the Charter School's 504 Coordinator.

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

EVALUATION

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

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

- Evaluation materials have been validated for the specific purpose for which they are used and are interpreted and/or administered by trained personnel in conformance with the instructions provided by their producer.
- Tests and the evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.
- The information obtained from all such sources must be documented and all significant factors related to the student's learning process must be considered. These sources and factors may include student records, aptitude and achievement tests, teacher recommendations/input, nurse and/or counselor input, physical condition, social and cultural background, and adaptive behavior. In evaluating a student suspected of having a disability, it is

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Section 504 Policy

unacceptable to rely on presumptions and stereotypes regarding persons with disabilities or classes of such persons.

Discussions as to eligibility and possible accommodations should:

- Determine if there are reasonable accommodations that can enable the student to participate in learning in the school environment.
- Do not provide different or separate aid unless it is necessary to make benefits or services as effective as those being provided to all other students in the class.
- Do not require the identical result or level of achievement as other students; rather, provide equal opportunity.
- If the education of a person, in a regular environment with the use of reasonable supplementary aids, cannot be achieved satisfactorily, then the implementation of an IEP may be considered.
- Other students' educational rights may not be significantly impaired by the accommodations.
- The accommodations must be reasonable, must not fundamentally alter the school program, or present undue burden to the school.
- The accommodations being considered are for the child's current placement only.

FINALIZING/IMPLEMENTING SERVICE AGREEMENTS

- No final determination of whether the student is a disabled individual within the meaning of Section 504 will be made without informing the Parent or Guardian of the student concerning the determination.
- The Charter School must provide each identified protected handicapped student enrolled in the Charter School, those related aids, services, or accommodations needed to afford the student the equal opportunity the student requires to participate in and obtain the benefits of the school program and extracurricular activities without discrimination. This is accomplished without cost to the student or the student's family, through the creation of a Chapter 15 Service Agreement. It is advisable to discuss with Parent/Guardian, during the meeting to determine Section 504 eligibility, what will be in the Service Agreement and when and where the services, aids and/or accommodations are provided.
- Whether done at a meeting or not, it is advisable to have Parent/Guardian sign a

written Service Agreement before implementing it; and, the Agreement must contain:

- Brief description of disability and resulting needs of Student;
- Specific related aids, services curriculum modifications or accommodations that are being proposed;
- Date services to begin and end or specific commitment to continue services for an indefinite period;
- If appropriate, procedures to follow in a medical emergency;
- It is advisable that the 504 Team, including Parent/Guardian, meet periodically, and no less than an annual basis, to review Student progress or to meet within the School year if Student not demonstrating progress per teacher observation/assessments;

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

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

DISCIPLINE

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

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

Such students may not require a 504 Service Agreement because:

- No accommodations needed in classroom or by School Nurse; or
- As result of mitigation measures, do not require accommodations with such measures including, but not limited to:
 - Medication, medical equipment, hearing aids, low vision devices but NOT eyeglasses or contacts, Assistive Technology, auxiliary aids or services (interpreters, taped texts, and other means of delivery of aural or visual material) or learned behavioral or adaptive neurological modifications.

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Section 504 Policy

Grievance Procedure

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

PORTIONS OF THIS POLICY HAVE BEEN EXCERPTED FROM OCR'S WEB GUIDANCE ON SECTION 504 STUDENTS.

US Department of Education - Office of Civil Rights
<http://www2.ed.gov/about/offices/list/ocr/504faq.html>

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.

ADOPTED this day _____ of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

SERVICE ANIMALS IN SCHOOL POLICY

The Board of Trustees ("Board") of the Urban Pathways K-5 College Charter School ("Charter School") adopts this Policy regarding Service Animals in School in accordance with applicable provisions of: Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101, and its implementing regulations at Section 28 C.F.R. Part 35. Additionally, this Policy addresses requirements and considerations regarding service animals under applicable provisions and implementing regulations of Section 504 of the Rehabilitation Act (Section 504), 29 U.S.C. § 794; and applicable provisions and implementing regulations of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), 20 U.S.C. § 1400.

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

Service Animals Defined under the ADA:

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

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

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Service Animals in School Policy

- helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

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

Emotional Support/Therapy/Comfort Animals:

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

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

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

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

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

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

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

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

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

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

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

Service Animals in School:

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

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

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

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

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

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

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

shall submit to the CEO or designee a written request and the following documentation from a certified professional:

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

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

Direct and Immediate Threats:

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

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

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

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

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Service Animals in School Policy

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

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

Delegation of Responsibility

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

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

Miniature horses:

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

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

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

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

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

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

Students with Disabilities:

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

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

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

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

Notice and Appeal

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

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

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

ADOPTED this day _____ of _____, 2023

President

Secretary

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Service Animals in School Policy

Urban Pathways K-5 College Charter School

Board of Trustees Policy

SPECIAL EDUCATION POLICY

The Board of Trustees of the Urban Pathways K-5 College Charter School (“Charter School”) recognizes that charter schools must comply with Chapter 711 of Title 22 (“Chapter 711”) of the Pennsylvania Code, Charter School Services and Programs for Children with Disabilities.

The Board of Trustees of Charter School also recognizes that charter schools are not exempt from federal special education laws or regulations which include, but are not limited to, enumerated provisions of the federal law known as the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1400 et. Seq. (“IDEA”). The Charter School also recognizes and complies with Section 504 of the Rehabilitation Act of 1973 (“Section 504”), for school-age children with disabilities who do not meet the eligibility criteria outlined under the IDEA, but who might be eligible for special protections and for adaptations and accommodations in instruction, facilities, and activities. Section 504 protects children who have a mental or physical disability that substantially limits or prohibits participation in or access to an aspect of the school program and otherwise qualify under the applicable state and federal laws, including Chapter 711 and Section 504.

Pursuant to 22 Pa. Code §711.3:

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

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

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Special Education Policy

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

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

Each charter school's or cyber charter school's written policy must include:

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

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

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

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

The Charter School recognizes that:

- Children with disabilities must be admitted to the Charter School on the same basis as children without disabilities.
- Upon admitting a child with a disability, the Charter School must provide services to address the child's specific needs.
- When a child with an IEP transfers to the Charter School, the Charter School is responsible upon enrollment for ensuring that the child receives special education and related services in conformity with the IEP, either by adopting the existing IEP or by developing a new IEP for the child in accordance with the requirements of IDEA, as set forth within the timelines in 22 Pa. Code §711.41.
- To meet the requirements of federal law, the Charter School may provide the services itself, or contract with another entity, such as an intermediate unit or a private licensed entity or individual to provide services, in accordance with the individual needs of the student, per the child's IEP, least restrictive environment requirements, and all criminal and child abuse clearance requirements.

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

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.

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

STUDENTS WITH SPECIFIC LEARNING DISABILITIES POLICY

The Board of Trustees of the Urban Pathways K-5 College Charter School (“Charter School”) directs the CEO or designee to develop procedures for the determination of specific learning disabilities that conform to the criteria in Section 711.25 of Title 22 of the Pennsylvania Code. These procedures are to be included in the school's annual report and any charter renewal application to the extent that a charter renewal application is required to be submitted:

To determine that a child has a specific learning disability, the Charter School shall:

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

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

(2) Use one of the following procedures:

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

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

(ii) A process that examines whether a child exhibits a pattern of strengths and

weaknesses, relative to intellectual ability as defined by a severe discrepancy between intellectual ability and achievement, or relative to age or grade.

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

- (i) A visual, hearing or orthopedic disability.
- (ii) Intellectual disability.
- (iii) Emotional disturbance.
- (iv) Cultural factors.
- (v) Urban Pathways K-5 College or economic disadvantage.
- (vi) Limited English proficiency.

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

- (i) Prior to, or as a part of, the referral process, the child was provided scientifically-based instruction in regular education settings, delivered by qualified personnel, as indicated by observations of routine classroom instruction.
- (ii) Repeated assessments of achievement were conducted at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.

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

ADOPTED this day _____ of _____, 2023

President

Secretary

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Students with Specific Learning Disabilities Policy

Urban Pathways K-5 College Charter School

Board of Trustees Policy

SURROGATE PARENT POLICY

The Board of Trustees of the Urban Pathways K-5 College Charter School (“Charter School”) must ensure that an individual is assigned to act as a surrogate of a child when no parent or person acting as the parent can be identified, or Charter School, after reasonable efforts, cannot locate the parent, or the child is an unaccompanied homeless youth as defined in the McKinney-Vento Homeless Assistance Act, 42 U.S.C. Sec. 11434 a(6).

20 U.S.C. § 1401 Definitions:

The term “Parent” means –

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

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

The term “homeless children and youths” means –

- a) individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1) of this title); and
- b) includes:
 - i. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or, are awaiting foster care placement;
 - ii. children and youths who have a primary nighttime residence that is a public or private place not designated for or ordinarily used as a regular

- sleeping accommodation for human beings (within the meaning of section 11302(a)(2)(C) of this title;
- iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, sub-standard housing, bus or train stations, or similar settings; and,
 - iv. migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

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

The Charter School may select a surrogate parent in any way permitted under State law, but must ensure that a person selected as a surrogate is not an employee of the State Educational Agency (“SEA”), Charter School or any other agency that is involved in the education or care of the child, such as the child welfare agency, adoption agency, etc. This means that a “house parent,” or other employee of a public child welfare agency or private child welfare provider agency, school district, charter school, state educational agency, or a facility where the child lives is not eligible. Whenever possible, a surrogate parent should be someone who already knows and has a trusting relationship with the youth and must have knowledge and skills that ensure that the surrogate parent will adequately represent the child.

For a child who is a ward of the State (in Pennsylvania this would be a foster child or a child in the custody of a public child welfare agency, as Pennsylvania does not have a definition of a “ward of the state”), a surrogate may be appointed by a judge overseeing the child’s care or by Charter School. The surrogate must have no personal or professional interest that conflicts with the interest of the child the surrogate parent represents. The surrogate parent must have knowledge and skills that ensure adequate representation of the child. The surrogate parent may represent the child in all matters relating to the identification, evaluation, educational placement and provisions of FAPE to the child.

When Does the Charter School need to appoint a surrogate?

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

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

Under the IDEA, potential IDEA Parents include:

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

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

If the child has a "parent" under the IDEA (see list above), the Charter School does not need to "appoint" that person as the child's surrogate parent. Unlike a juvenile court judge, who can appoint another person as EDM to act in the best interest of the child even if the child has a parent, a Charter School cannot appoint another person to make decisions for the child if the child has a "parent." If, however, a court has

appointed an EDM, the EDM makes educational decisions for the child regardless of whether the biological/adoptive parent wants to serve in that role or whether there are other potential “parents” under the IDEA who are ready to serve that role. *If a court has appointed an EDM, that person trumps all other potential “parents” under the IDEA.*

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

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

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

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

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

1) A caseworker or other agency employee can consent to an initial evaluation in very limited circumstances. Written consent of a parent is required before a child can first be evaluated to determine eligibility for special education services.

However, the IDEA permits a school to start the initial evaluation without obtaining parent permission if the child is in the custody of the child welfare agency, is not living with the parent or with a foster parent, and *one* of the following applies:

- The school documents that it has made repeated attempts but cannot locate the parents;
- The parents’ rights have been terminated; or
- The birth parents’ rights to make education decisions have been suspended by a judge and the judge has appointed an individual to consent to the initial evaluation.

NOTE: In this limited circumstance only, the judge can appoint a person to give this consent who is an employee of an agency involved in the education or care of the

child, such as the county or a private provider child welfare agency. However, if the child is ultimately determined to be eligible, that person cannot consent to starting special education services. Therefore the Charter School or the court must immediately begin the process of appointing an EDM or surrogate parent who can consent to the provision of special education services while determining if the child is eligible.

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

Who can be a Surrogate Parent?

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

Responsibilities of a Surrogate Parent:

- 1) Participate in the surrogate training session(s);
- 2) Request and participate in all applicable meetings relating to the provision of services and educational placement of the child (including individualized

education program (IEP) meetings, evaluation reviews and manifestation determinations, etc.);

- 3) Approve or disapprove of the student's IEP;
- 4) Engage in ongoing communication, verbally or in writing with the student, the student's teacher and the student's school;
- 5) Assert student's rights to due process and to compliance with the IEP as appropriate;
- 6) Contact the surrogate parent trainer if further assistance is required or if surrogate parent no longer wishes to assume the educational responsibility for the child;
- 7) Ensure the child receives a free appropriate public education in the least restrictive environment.

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

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

ADOPTED this _____ day of _____, 2023

President

Secretary

Urban Pathways K-5 College Charter School

Board of Trustees Policy

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

The Board of Trustees of the Urban Pathways K-5 College Charter School (“Charter School”), recognizes that Act 212 of 1990, the Early Intervention Systems Act, established Early Intervention services in Pennsylvania for eligible children from age three to the “age of beginners”. Age of beginners is defined as the minimum age established by each school district’s board of directors for admission to the school district’s first grade under 22 Pa. Code 14 §14.101. A transition, without interruption in program, and with appropriate procedural protections, is required under 20 U.S.C. §1419 (IDEA).

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

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

- (1) Parents and the Charter School can agree to adopt and implement the child's preschool Early Intervention Individualized Education Program for the new school year and, if so, the Charter School would then issue the Notice of Recommended Educational Placement/Prior Written Notice (“NOREP/PWN”), indicating this recommendation. However, the NOREP/PWN should indicate that the IFSP, as adopted, will serve as interim supports for the student, for a period of time of a maximum of sixty (60) days, while the Charter School, as the new LEA, decides on whether to accept, in part or whole, the entire recommended special education program in the IFSP. The Charter School will then determine, through a review of Early Intervention records, if school-age

instruments were used to develop the IFSP and if not, then issue a PTE to conduct an evaluation using necessary school-age instruments.

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

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

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

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

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

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

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

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

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

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

ADOPTED this _____ day of _____, 2023.

President

Secretary