

**Appendix B**  
**Special Education and 504 Policies**

# Education for New Generations Charter School

## Board of Trustees Policy

### English as a Second Language/Bilingual Program Policy

#### **Purpose:**

In accordance with the Education for New Generations Charter School (the "Charter School") Board of Trustees' ("Board") philosophy to provide a quality educational program to all students, the Charter School shall provide an appropriately planned instructional program for identified students whose dominant language is not English ("English as Second Language students").

The purpose of the program shall be to increase the English language proficiency of English as Second Language students so they can attain the state academic standards within the ESL program setting as well as within the regular classroom environment, to provide equal opportunities for English as Second Language students to participate in extra curricular activities, and to provide the cultural, social and emotional supports for English as Second Language students to adapt to this new cultural setting.

The Board declares it to be their policy to provide an equal opportunity for all students, including English as Second Language students, to achieve their maximum potential through the curriculum, instruction and programs offered in the Charter School. At no time shall the Charter School, including the Board, permit, condone, encourage or facilitate discrimination against students during the course of recruitment, admissions and enrollment, instruction, counseling and daily interactions with Charter School faculty and staff. Equal Education Opportunity Act, 20 U.S.C.A. § 1703; Title VI, Civil Rights Act of 1964, 42 U.S.C.A. § 2000d, et seq.

#### **Definition:**

1. English as Second Language students ("ESL students") are from diverse linguistic and cultural backgrounds. The Charter School must equip them with the skills to function, compete, and prosper in American society. ESL students must develop academic skills along with their general program peers while also learning English. As ESL students are in transition from their native language to English, the emphasis must be on developing academic skills that comply with Pennsylvania State Standards.

#### **Responsibility**

The Charter School shall adopt an instructional program for each ESL student for the purpose of facilitating the student's achievement of English proficiency and academic

standards ("ESL Program"). 22 Pa. Code. § 4.26. The Chief Executive Officer ("CEO") and the director of the ESL Program ("ESL Director") shall implement and supervise an ESL Program that meets the legal requirements for ESL Program compliance under federal and Pennsylvania law:

2. Based on an educational theory recognized as sound by some experts in the field or considered by experts as a legitimate experimental strategy;
3. Reasonably calculated, including provisions for resources and personnel, to implement the theory effectively; and
4. Evaluated and adjusted where needed to ensure language barriers are actually being overcome.

No Child Left Behind Act, 20 U.S.C.A. § 6812. The ESL program will come under the direction of the ESL Director. The ESL Director will be responsible for the assurance of the implementation of the program and that proper Charter School policies and procedures are being followed. The CEO and the ESL Director will be responsible for informing Charter School staff with instructional strategies and cultural needs of students who will receive ESL instruction. ESL teaching resource materials will be obtained by the ESL Director and kept in his/her office for reference for both program and non-program teachers.

All teachers instructing within the ESL Program shall hold the requisite certification and endorsements required by Pennsylvania law. Bilingual teachers must demonstrate academic language proficiency both in English and in the language of instruction. 22 Pa. Code § 403; No Child Left Behind Act, 20 U.S.C.A. § 6826.

### **ESL Program**

The goals of the Charter School's ESL Program are to assist the ESL students in using English, per the No Child Left Behind Act, 20 U.S.C.A. § 6812,;

1. to communicate in social settings;
2. to achieve academically in all content areas; and
3. in socially and culturally appropriate ways.

The CEO and the ESL Director shall implement and supervise the ESL Program, and further ensure that the ESL Program meets the legal requirements for ESL program compliance. The CEO and the ESL Director, in conjunction with appropriate certified ESL teachers, shall develop and disseminate written procedures regarding the ESL Program. The procedures shall include, but will not be limited to, the following:

1. Detailed program goals;

2. Student enrollment procedures (i.e., Home Language Survey);
3. Assessment procedures for program entrance, measuring progress in gaining English proficiency, and program exiting;
4. Accommodations for ESL students in the general education classroom;
5. Grading policies; and
6. List of resources, including support agencies and interpreters.

No Child Left Behind Act, 20 U.S.C.A. § 6826. The ESL Program shall include daily instruction for ESL students, supporting the ESL Program's goals, and will receive curriculum aligned with Pennsylvania standards. 22 Pa. Code. § 4.26. Language instruction shall correspond to each ESL student's English proficiency level, which shall include both direct language instruction and adaptation of instruction in all content classes. The exact hours of direct language instruction will be determined based on each ESL student's needs. All ESL instruction shall be part of each ESL student's daily schedule, and will not interfere with or prohibit each ESL student's instruction in all grade level content classes.

ESL students will be placed in all appropriate grade level content classes. Each ESL student will receive instruction in all content areas, as other students in the class. Each ESL student will receive additional supplemental support and instruction from ESL teachers periodically for Language Arts class and for necessary content area classes. An ESL teacher will assist the classroom teacher in identifying and implementing teaching strategies that will help each ESL student achieve academic success in the classroom. During the initial period of language acquisition and development, the Charter School may grade the ESL student on a pass/fail basis.

The Pennsylvania English Language Proficiency Standards shall be incorporated in both ESL instruction and grade level content classes.

### **Program Goals and Objectives**

5. The Charter School has developed the following goals and objectives for the ESL Program.

Goal 1: To use English to communicate in social settings.

Objective: By the end of the school year, ESL students will improve and increase their ability to use English to participate in social interactions. This will be evidenced by observation of ESL students in cooperative learning activities, playground interactions and personal conversation.

Objective: By the end of the school year, ESL students will improve and increase their ability to interact, through and with spoken and written English for personal expression and enjoyment. This will be evidenced by personal writing journals and book choice with reading log.

Goal 2: To use English to achieve academically in all content areas.

Objective: By the end of the school year, ESL students will improve and increase their ability to use English to interact in the classroom, evidenced by conversations with ESL teachers, observations of students in cooperative group settings, and observations of students in social interactions, report cards and test results.

Objective: By the end of the school year, ESL students will improve and increase their ability to use English to obtain, construct and provide subject matter information in spoken and written form. This will be evidenced by an increase in standardized testing content area scores, a portfolio of ESL student work, and ESL teachers' observations of the ESL students' ability to pose questions and have discussions in content area classes.

Goal 3: To use English in socially and culturally appropriate ways.

Objective: By the end of the school year, ESL students will improve and increase their ability to use the appropriate language variety, register, and genre according to the audience, purpose and setting. This will be evidenced by ESL student academic presentations, observations of ESL students' social conversations with peers, and conversations with ESL teachers.

Objective: By the end of the school year, ESL students will improve and increase their ability to use nonverbal communication appropriate to audience, purpose and setting. This will be evidenced by observations of ESL students by ESL teachers.

The success of the ESL program will be measured by: ESL students increasing scores within their level of the program; ESL students testing to the next level of the program; and ESL students testing out of the program as evidenced by yearly English proficiency testing. Success will also be measured by an increase in academic scores on a content area standardized test. 22 Pa. Code § 403; No Child Left Behind Act, 20 U.S.C.A. § 6841. The ESL Director will also look at student portfolios and ESL teacher narratives to demonstrate progress of each ESL student.

Attendance policies will be the same for ESL students as for English-speaking students.

The Student Handbook will clearly state the Charter School's policy and expectations regarding the ESL Program.

### **Enrollment of ESL Students:**

ESL students and families shall be provided translation and interpretation services to the extent needed to assist with the enrollment process. All students seeking first time enrollment in the Charter 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 a student may not be delayed in order to administer the Home Language Survey. The completed survey shall be filed in each student's permanent record folder through graduation. 22 Pa. Code § 11.11(e).

Based on the Home Language Survey responses, each student shall be assessed for potential placement in an ESL Program. A student will be exempt from assessment if the student meets two of the following three criteria:

1. Final grades of B or better in core subject areas (mathematics, language arts, science and social studies);
2. Scores on Charter School assessments that are comparable to the basic performance level on the annual Pennsylvania System of School Assessment ("PSSA"); or
3. Scores of basic in reading, writing and mathematics on the PSSA or the equivalent assessment from another state.

### **Identification & Placement of ESL Students:**

#### Entry Criteria

The Charter School will use the WIDA-ACCESS Placement Test (W-APT) to assess newly enrolled students for placement in the ESL program. The W-APT results will be one indicator for placement in the ESL program. Other indicators shall include current or previous grades, performance on state assessments, and Charter School-based formative or summative assessments. This ESL-Program eligibility criterion is aligned with requirements established by the Pennsylvania Department of Education.

Student placement in the ESL Program and designated instruction time (Beginner, Intermediate, Advanced) will comply with program guidelines and will be based upon the instructional need of each ESL student. Instructional placement will be age and grade appropriate.

Parents may request an ESL student to be excused from the ESL Program if the instruction conflicts with the family's religious beliefs. 22 Pa. Code § 4.4(d)(3).

All ESL students shall have access to and should be encouraged to participate in all Charter School educational programs, opportunities, and extracurricular activities available. Equal Education Opportunity Act, 20 U.S.C.A. § 1703; Title VI, Civil Rights Act of 1964, 42 U.S.C.A. § 2000d, et seq.

### Exit Criteria

The exit criteria for ESL students is intended to establish valid and reliable evidence of a student's English language proficiency to exit from the ESL Program, in accordance with requirements established by the Pennsylvania Department of Education. ESL students may exit the ESL Program if they meet exit criteria provided under applicable federal and state laws and regulations.

Once an ESL student exits the ESL Program, he/she will be monitored for two years. During that time, the ESL Director will maintain bi-weekly contact with the classroom teacher to monitor the student's progress. Monitoring efforts will also include periodic review of grades. At the end of each year, the student progress will be evaluated, using the PSSA and Charter School assessments, to determine if the student is maintaining or demonstrates growth in language skills. Students will be placed back into the ESL Program if evidence does not support maintenance or growth of language skills.

### **Assessment of ESL Students**

In accordance with Pennsylvania academic standards and Charter School academic standards, the Charter School will monitor the progress of ESL students and will provide appropriate accommodations within the content areas to ensure achievement of the academic standards and curricular goals. 22 Pa. Code § 403; No Child Left Behind Act, 20 U.S.C.A. § 6842. The ESL Director will oversee the review, both annual and periodic, of ESL students.

Pennsylvania's assessments shall be administered to all ESL student annually to measure progress and determine each ESL student's English language proficiency for each language domain (Reading, Writing, Speaking and Listening/Understanding). Each designated ESL teacher will complete the annual grading and evaluation process for ESL students (English, Reading and Language Arts). Other considerations will include ESL student portfolios and teacher narratives regarding observations of each ESL student. Students with immigrant status who have lived in the United States for less than one year are exempt from participating in the PSSA and local assessments.

Throughout the course of the year, individual student progress will be evaluated on a continuous basis with each ESL teacher and the classroom teacher. Each teacher will modify ESL students' learning plans to ensure academic success for each ESL student.

A standardized form will be kept in each ESL student's permanent record folder through graduation. The form shall identify the date, level, and English proficiency score upon entering the ESL Program; report(s) of progress toward ESL Program goals; and academic standardized test scores. A narrative from the designated ESL teacher, regarding each ESL student's progress toward satisfying the ESL Program objectives, will also be part of the data collection and review process.

An ESL student may not be retained in a grade level based solely on his/her lack of English language proficiency. Before an ESL student is retained in a grade, the ESL Director must demonstrate that all appropriate modifications were made to instruction and assessment in order to allow the ESL student's meaningful access to the grade level content curriculum as well as to promote ESL instruction.

### **ESL Students with Disabilities**

All ESL students shall be eligible for special education services. All procedures for the screening, evaluation, IEP, and the provision of services and/or instruction for ESL students must be in compliance with governing state and federal laws and regulations.

The IEP team for an ESL student shall include either the ESL Director or an appropriate ESL teacher, or at a minimum, the IEP team shall receive input from either the ESL Director or the appropriate ESL teacher when appropriate. The IEP team for an ESL student shall consider the need for ESL instruction as it addresses the ESL student's needs related to the provision of Free Appropriate Public Education. In determining an ESL student's needs, the IEP team shall consider both special education services and ESL instruction simultaneously. Special education services do not replace ESL instruction.

ESL students receiving special education services must submit to Pennsylvania's annual assessments. Each ESL student may participate in assessments through the use of one or more state-approved accommodations appropriate to his/her disability. The IEP team may make decisions regarding assessment accommodations for ESL students with disabilities, considering the following:

1. Accommodations must not invalidate the results of the assessment;
2. Accommodations may be used for the entire assessment or only for part/parts of the assessment;
3. Determinations of any accommodation must be:



- Based on a student's disability;
- Made by the student's entire IEP team;
- Properly documented in the student's IEP; and
- Properly coded on the assessment.

### **Communications with ESL Parents/Guardians**

Communications with ESL parents and/or guardians must be in the parents'/guardians' preferred language and mode of communication. The Charter School will provide interpretation services (written and/or oral, depending on the preferred mode of communication). No Child Left Behind Act, 20 U.S.C.A. § 7012.

**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 \_\_\_\_\_, 2012

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

# Education of New Generations Charter School

## Board of Trustees Policy

### Special Education Student Enrollment

Administration 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.

Administration shall comply with the Board's Student Admissions Policy which has been adopted by the Board of Trustees. Administration is further directed to make Admissions Policy available for inspection by auditors from the Pennsylvania Department of Education during any special education cyclical monitoring audit.

Administration shall comply with Section 24 P.S. 17-1723-A of the 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 any other basis that would be illegal under applicable state and/or federal laws or regulations.

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ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

# Education for New Generations Charter School

## Board of Trustees Policy

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

The Board of Trustees directs that the Education for New Generations Charter School ("Charter School") comply with the requirements incorporated by reference in 34 CFR §300.106 (relating to extended school year services).

The Chief Executive Officer ("CEO") 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 retardation, 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 need for ESY services will not be based on any of the following:

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

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

- (1) Parents of students with severe disabilities shall be notified by Charter School of the annual review meeting to ensure their participation.
- (2) An IEP review meeting must occur no later than **February 28** of each school year for students with severe disabilities.

(3) The notice of recommended educational placement (NOREP) shall be issued to the parent no later than **March 31** of the school year for students with severe disabilities.

(4) If a student with a severe disability transfers into Charter School after the dates in paragraphs (2) and (3), and the ESY eligibility decision has not been made, the eligibility and program content must be determined at the IEP meeting.

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

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

ESY programs are to be individualized with regard to the amount of services and individually appropriate goals and related services.

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

The CEO or his/her 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.**

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ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

# Education for New Generations Charter School

## Board of Trustees Policy

### Evaluation and Reevaluation Policy

In accordance with applicable state and federal regulations, the Board of Trustees of the Education for New Generations Charter School ("Charter School") recognizes that in order to properly identify a student as eligible, the Charter School must have a process and procedures in place and therefore, directs as follows:

That the Charter School adopts this policy which sets forth procedural requirements for Evaluations and Reevaluations which are necessary to identify specific learning disabilities in accordance with its application for charter. To determine that a child has a specific learning disability, the Charter School shall 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 under this section are not primarily the result of:

(i) A visual, hearing or orthopedic disability.

(ii) Mental retardation.

(iii) Emotional disturbance.

(iv) Cultural factors.

(v) Environmental or economic disadvantage.

(vi) Limited English proficiency.

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

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

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

The IEP Team, which consists of a group of qualified professionals and the student's parents, reviews the evaluation materials to determine whether the child is a child with a disability. The Team shall include a certified school psychologist when evaluating a child for autism, emotional disturbance, mental retardation, multiple disabilities, other health impairments, specific learning disability or traumatic brain injury. Other professionals include hearing or visual specialists, a medical doctor, and occupational, physical or speech therapists. The evaluation must include information from the child's teacher(s), such as the results of informal tests and narrative statements describing the



student's strengths and needs and also verbal and written input from the parent(s) as to the student's medical, social and academic history and observations from the home.

The initial evaluation shall be completed and a copy of the evaluation report presented to the parents no later than 60-calendar days after the agency receives written parental consent for evaluation, except that the calendar days from the day after the last day of the spring school term up to and including the day before the first day of the subsequent fall school term will not be counted. The evaluator shall prepare and sign the full report of the evaluation containing information such as: a clear explanation of the testing and assessment results; a complete summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores, domain or composite scores, and subtest scores reported in standard, scaled, or T-score format; a complete summary of all information obtain or reviewed from sources other than testing conducted by the evaluator; and specified recommendations for educational programming and/or placement, if necessary.

Parents may request an evaluation at any time, and the request must be in writing. The Charter School shall make the Permission to Evaluate form readily available for that purpose. If a request is made orally to any professional employee or administrator of the Charter School, that individual shall provide a copy of the Permission to Evaluate form to the parents within 10-calendar days of the oral request.

Copies of the Evaluation Report shall be disseminated to the parents at least 10 school days prior to the meeting of the IEP Team, unless this requirement is waived by a parent in writing.

### **Reevaluations**

Once the child has been identified as being eligible for special education, the child must be reevaluated to determine whether the child's needs have changed. A Reevaluation must be conducted every three years. An exception to this is if a child has mental retardation. For students who have been determined to have mental retardation, reevaluations must occur every two years.

The Reevaluation process begins with a review of existing evaluation data by the IEP Team, which once more includes the parents. The IEP Team shall also include a certified school psychologist when evaluating a child for autism, emotional disturbance, mental retardation, multiple disabilities, other health impairment, specific learning disability and traumatic brain injury.

The information the IEP Team must review includes, but is not limited to, existing evaluation data, evaluations and information provided by the parents, current classroom-based assessments and observations, observations by teachers and services

providers, and whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals in the IEP and to participate as appropriate in the general curriculum.

At the end of the review, the IEP Team concludes either that no additional data are needed to determine continued eligibility for special education and related services, or that there is a need for additional data.

When additional data is needed to complete a Reevaluation to determine whether the child continues to be a child with a disability and still in need of special education, Charter School officials must also obtain written permission through a formal Permission to Re-Evaluate form. However, if the Charter School has made "reasonable attempts" to get permission and has failed to get a response, it may proceed with the Reevaluation.

Reasonable attempts must consist of:

- Documented Telephone calls
- Registered (return receipt required) and First Class Mail letters to the parents
- Visits to the home or parents' place of business

The reevaluation time line will be 60-calendar days, except that the calendar days from the day after the last day of the spring school term up to and including the day before the first day of the subsequent fall school term will not be counted.

Copies of the reevaluation report shall be disseminated to the parents at least 10 school days prior to the meeting of the IEP team, unless this requirement is waived by a parent in writing.

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, the special programs and related services as determined by the IEP Team will be provided free by the Charter School.

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

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ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

# Education for New Generations Charter School

## Board of Trustees Policy

### Exceptional Student Records Confidentiality Policy

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

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

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

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

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

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

1. **Related to the confidentiality of information, the following definitions apply:**
  - a. *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

- b. *Education records* means the type of records covered under the definition of “education records” in 34 CFR Part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §1232g (FERPA)).
- c. *Participating agency* means any charter school, agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.
- d. *Personally identifiable (34 CFR §300.32)* means information that has:
  - 1) A child’s name, a parent’s name, or the name of another family member;
  - 2) A child’s address;
  - 3) A personal identifier, such as a child’s social security number or student number; or
  - 4) A list of personal characteristics or other information that would make it possible to identify a child with reasonable certainty.

## 2. Access Rights (34 CFR §300.613)

### a. Parent Access

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

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

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

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

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

**2. Fees**

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

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

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

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

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

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

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

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

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

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

- 1) The educational agency or institution shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.
- 2) The educational agency or institution shall give the parent or eligible student notice of the date, time, and place, reasonably in 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 his or her own choice, including an attorney.
- 5) The educational agency or institution shall make its decision in writing within a reasonable period of time after the hearing.
- 6) The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

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

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

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

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

**c. Safeguards (34 CFR §300.623)**

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

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

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

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

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

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

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

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

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

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### **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.

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

Charter School reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child



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

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## **ELECTRONIC TRANSMISSIONS**

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

### **CONFIDENTIALITY NOTICE**

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

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## **ADMINISTRATIVE PROCEDURES:**

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

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

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

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

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

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

Charter School will inform the parents of an exceptional student when personally identifiable information collected, maintained, or used in the records of the exceptional student is no longer needed to provide educational services to the exceptional student.

Upon request of the parents, information no longer relevant to and necessary for the provision of educational services to the exceptional student must be destroyed by Charter School. However, a written record of an exceptional student's name, address, phone numbers, grades, attendance records, classes attended, grade level completed, and year completed will be maintained for 100 years.

Prior to the destruction of the information referred to in the above paragraph, Charter School shall send written notification to the parents which shall inform the parents of their right to receive a copy of the material to be destroyed.

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

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

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

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

**Education for New Generations Charter School**

**BOARD OF TRUSTEES POLICY**

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

The Education for New Generations 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 \_\_\_\_\_, 2012

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

# Education for New Generations Charter School

## 2013-2014 School Year

### *Annual Notification of Rights under Family Educational Rights and Privacy Act (FERPA) for the 2013-2014 School Year/Notice to Parents and Guardians Regarding the Disclosure of Student "Directory Information"*

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

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

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

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Charter School to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

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

### *Release of Records Without Consent*

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

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

behalf. A designation of an "authorized representative," other than an employee, shall be memorialized in a written agreement. The same agreement shall contain provisions intended to guard the privacy of student information. Student records for children seven (7) years or older is exempt from the use of authorized representatives for agencies running programs to improve social, emotional and physical development;

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

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

## *Release of Directory Information*

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

As part of the Charter School's annual notification under FERPA, Charter School designates for the 2013-2014 School Year the following types or categories of information as "Directory Information":

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

"Directory Information" for the 2012-2013 School Year also includes:

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



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

- Newsletters
- A playbill showing student's role in a drama production
- The annual yearbook
- Honor Roll or other recognition lists
- Graduation programs
- Sports activity sheets, such as for wrestling: showing weight and height of team members
- Companies or outside organizations that manufacture class rings or yearbooks
- Newspapers or other news sources
- Class Lists
- Staff and/or Student Directories and/or listings
- Charter School Website
- Charter School Bulletin Boards
- Institutions of Higher Learning requesting Directory information

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

Please note that an opt out of Directory Information disclosures does not prevent the Charter School from identifying a student by name or from disclosing a student's name, identifier or institutional e-mail address in class in which the student is enrolled. The right to opt out of Directory Information disclosures does not include a right to remain anonymous in class, and may not be used to impede routine classroom communications and interactions, whether class is held in a specified physical location or on-line through electronic communications. Likewise, an opt out of Directory Information disclosures does not prevent the Charter School from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that the Charter School designated as "Directory Information" for the 2013-2014 School Year above.

**YOUR ACTION IS REQUIRED IF YOU WISH "DIRECTORY INFORMATION" NOT TO BE PUBLISHED.** Please submit any refusal with the types of information you wish removed from the list of Directory Information and mail your

written objections on or before **September \_\_, 2013**, to the Principal of the Charter School at:

**Education for New Generations Charter School  
ADDRESS**

If you have any questions regarding this Notice, please call or write the CEO at Charter School at: Address. **If you do not submit a written refusal on or before September , 2013 then the Charter School may disclose directory information without your prior consent.**

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

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

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

# Education for New Generations Charter School

## Board of Trustees Policy

### Instruction Conducted in the Home and Homebound Instruction Policy

The Board of Trustees directs the Chief Executive Officer ("CEO") or his/her designee to implement procedures needed to comply with applicable state and federal requirements, including the following as directed by the Pennsylvania Department of Education:

#### INSTRUCTION CONDUCTED IN THE HOME

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

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

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

In all circumstances involving the placement of a student on instruction conducted in the home, Education for New Generations Charter School ("Charter School") must file any report or other documentation promulgated by the PDE within 5 days of the placement or as required by PDE. Charter School must supply the PDE with information about the student that is required (his or her disability, and the anticipated length and reason for the placement). In addition, Charter School must provide information regarding the person in Charter School whom PDE can contact to discuss the placement if necessary.

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, Charter School should continue to serve the student in accordance with his or her IEP while taking steps to promptly arrange for the services that the student requires. These steps may include seeking assistance from the PDE or from other child-serving agencies involved with the student.

Although instruction conducted in the home is not ordinarily permitted when the student has no condition preventing him or her from leaving the home, there are occasional, exceptional cases in which the parents and school agree to instruction conducted in the home as a short-term option. In these cases, the school must immediately file a report with the PDE utilizing the form required by PDE. As indicated on the form, the school is also responsible for informing the PDE when the short-term placement has concluded.

### HOMEBOUND INSTRUCTION

"Instruction conducted in the home," which is listed in the continuum of special education alternative placements in federal regulations is not "homebound instruction," which describes the instruction a 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.

Although 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. Schools must also file any PDE required report or documentation with the 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 as required by PDE. In addition, as indicated on the form, schools must attach to the form 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 school may need to reevaluate the student. The 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.

The CEO or his/her designee is directed to implement procedures necessary to effectuate this policy, including obtaining any forms required by the Pennsylvania Department of Education and updating any forms and information as necessary.

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 \_\_\_\_\_, 2012

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

## INDEPENDENT EDUCATION EVALUATIONS (IEE) ADMINISTRATIVE PROCEDURES

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

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

The CEO may, upon receipt of the request for an IEE, request that the parent state her reasons for disagreement with the evaluation conducted or proposed by the Charter School. The CEO 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 of Charter School shall issue a NOREP and Procedural Safeguards Notice to the Parent in which the CEO either approves or denies the request for the IEE.

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

If the CEO consents to provide an IEE, the parent must receive written documentation from the CEO with the NOREP and the Procedural Safeguards Notice. The written documentation must include the following:

- (1) Charter School will pay for an IEE provided the IEE meets all of the requirements of an appropriate evaluation as defined in the enclosed Charter School IEE policy. (The IEE policy will also be included with the written documentation).
- (2) The CEO shall provide a list of qualified independent evaluators to the parent in the discipline requested.
- (3) Charter School will not pay for the IEE until the CEO receives from the evaluator a complete copy of a report of that evaluation and determines that the evaluation meets all of the requirements of Charter School's policy.

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

(5) Directions that the parent is responsible for arranging for the IEE and for ensuring that the evaluator contacts the CEO to arrange for payment of the evaluation.

(6) If the evaluation has already been conducted and paid for, the correspondence shall advise the parent that Charter School will not reimburse the parent for the IEE until it receives a complete and unredacted copy of the report of the evaluation and determines that the evaluation meets all of the requirements of the Charter School IEE policy and documentation substantiating that the parent paid for or is responsible to pay for the costs of the evaluation requested to be reimbursed.

(7) The IEE shall be reviewed by the student's IEP and/or MD 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 any changes in the provision of FAPE proposed as a result of the IEE.

**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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President

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Secretary



# Education for New Generations Charter School

## Board of Trustees Policy

### Individualized Education Program Policy (IEP)

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

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

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

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

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

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

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

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

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

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

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

(2) Supplementary aids and services

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

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

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

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

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

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

The CEO or his/her 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 \_\_\_\_\_, 2012

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary