

SPECIAL EDUCATIONAL POLICIES AND PROCEDURES

FRANKLIN PHONETIC PRIMARY CHARTER SCHOOL

This manual is designed to outline and specify administrative procedures for implementation of Special Education procedures within Franklin Phonetic Primary Charter School (henceforth referred to as Franklin or FPPS) located in Prescott Valley, Arizona. The roles of Special Education support services are: Child Find procedures, referrals, evaluations, Limited English Proficiency Learners (LEP), Prior Written Notice, Procedural Safeguards and Parental Rights, Least Restrictive Environment (LRE), Due Process Hearings, Parental Consent, Prior Written Notices, Confidentiality of Records, Pupil and Teacher Ratios, Graduation and Grading requirements/standards, and suspension and expulsion guidelines of the Special Education students at Franklin Phonetic Primary Charter School. Franklin personnel are required to have documented attendance of mandated annual review of all child identification (Child Find) and referral procedures.

The prime function of Franklin Phonetic Primary Charter School's Special Education Services is to provide quality special services to eligible students. This is accomplished through specifying lines of responsibility and establishing appropriate procedures by which an eligible child will have a functional Individualized Education Program (IEP) and a team consisting of professionals and parents who will be able to adjust the educational plan for the child at an ongoing rate to the actual needs of the child in our school.

EDUCATIONAL PHILOSOPHY

Franklin Phonetic Primary

Charter School

The Franklin Phonetic Primary School was designed to provide a place where all children, regardless of special learning styles and conditions, can go to get a good start in school. As reading is the basis for so many skills, it is important that all children be able to read at an appropriate level. Reading/Language Arts, and mathematics are the core subjects in our curriculum.

BEST EDUCATIONAL PRACTICES in SPECIAL EDUCATION
Franklin Phonetic Primary Charter School

The key component of the best educational practices, which Franklin Phonetic Primary Charter School has adopted as their objectives to the goal of educating children with special needs are as follows:

1) Functional, Age-appropriate Curricula

To demonstrate the best progress for learners who are exceptional, Franklin Phonetic Primary Charter School feels that a curriculum stressing skills that are chronologically age-appropriate, functional for learners and taught in a natural context is most appropriate.

2) Integration with Non-disabled Peers

Students with disabilities need social interactions with their Non-disabled peers to develop the positive social skills necessary for acceptance into the school, home and the community. The benefits of improved learning and of social interaction in regular education for students with disabilities and for Non-disabled students have been well documented. It is therefore, the approach of Franklin Phonetic Primary Charter School to integrate exceptional students into the mainstream learning environment for the maximum extent that is possible and still achieve satisfactory educational growth for the special needs of the child.

3) Positive Behavior Support

Franklin Phonetic Primary Charter School seeks to control student behavior, especially with students who exhibit special needs, in a positive, non-averse approach to help them reduce their socially unacceptable behaviors, while they acquire more appropriate and functional behaviors. Such positive instruction complements a functional, age-appropriate curriculum while it respects the learner's dignity and emphasizes improving quality of life.

4) Transition Planning

All students enrolled in Franklin Phonetic Primary Charter School need to receive training that will enhance their ability to make the transition from grade to grade. Since special needs students may have difficulty acquiring new skills quickly and adjusting to new environments, consideration must be given to the development of comprehensive, long-range educational plans for each student. Since the students at Franklin Phonetic Primary Charter School are all under the age of 14, special consideration for transition services needs to be addressed for the exceptional child who is determined to exhibit early needs for community-based instruction and vocational training. The early transition skills at Franklin Phonetic Primary Charter School will include learning the skills required to prepare an individual for living in the least restrictive environment for future educational and life experiences.

Our school will use a program of academic instruction that has been proven to be successful in bringing the achievement of most students far above their chronological grade level. With this logical phonetic reading program, even kindergartners can be successful in reading, spelling, mathematics and other basic subjects. Our Special needs students will experience individualization in curriculum and approach to allow for maximum learning in the school environment. Our teachers are experienced and dedicated to creating a classroom atmosphere in which children can learn without distraction.

Child Find Procedures (34 CFR 300.111)

Franklin Phonetic School will ensure that all children with disabilities (birth through 21) within the school's population, including children who are homeless or wards of the State, children with disabilities attending home or private schools, regardless of the severity of their disability are identified, located, and evaluated. Franklin participates in public awareness of Special Education and the rights of children with disabilities through Individuals with Disabilities Education Act (IDEA '04). These rights will be made available in the language that is understandable to the parents regardless of their ethnic, linguistic, or cultural backgrounds.

Community Outreach/ Public Awareness (AAC R7-2-401.C)

Early Intervention is available for children from birth-3 years old within a Franklin Phonetic School family. Information and a referral to AzEIP will be given to any family inquiring at the front office desk of Franklin or Special Education department within Franklin. The Arizona Early Intervention Program (AzEIP) is Arizona's statewide interagency system of services and supports for families of infants and toddlers, birth to three years of age, with disabilities or delays

Children 3-5 years with suspected disabilities, within a family who has other children attending Franklin, may also receive a referral for evaluation. Franklin will help to identify children with disabilities including consideration of academic, visual, hearing, communication, emotional and psychomotor challenges, including psychological testing, as is deemed necessary.

Information in regard to Early Intervention/ Child Find (3-5) may also be found on Franklin's website.

School Child Identification and Referral

Within Franklin, procedures for child identification and referral meet the requirements of the IDEA and regulations, A.R.S. Title 15 Chapter 7, and the State Board of Education rules R7-2-401. All new students are screened no later than 45 calendar days from arrival/ entrance. If any concerns for the student are noted, the parents are notified within 10 days. The notification indicates that Franklin has a concern for their child's performance and the procedures to follow up on the student's needs.

Screening procedures include vision & hearing and general consideration of cognitive or academic abilities, communication, motor skills, social or behavioral, and adaptive development. The 45 Day screening does not include detailed or more formal individualized assessments.

Accommodations utilized in the classroom are noted and all relevant information on the student is collected and examined. Franklin holds a meeting with the parent/ guardian and all mandated team members to determine a need for a full and individual evaluation or other services. Franklin maintains all documentation in confidentiality.

At any time, a parent/ guardian or student who has reached the age of majority, can request an evaluation in writing. Once, received Franklin has 60 days from the date of the letter to complete the evaluation process. Additionally, they are to complete the Individual Education Program/ Plan (IEP) if the student qualifies in any of the categories of Special Education. Referrals may also come from teachers or other concerned peoples.

Special Education means specially designed instruction to meet the unique needs of a student with a disability. Services will be made available to meet the needs of all students with disabilities within the responsibility of the Franklin Phonetic Primary Charter School who have been determined to be eligible and need special education and/or related services to benefit from their educational program. Students with disabilities are those children evaluated as having:

- Autism (A)
- Emotional Disability (ED)
- Hearing Impairment (HI)
- Other Health Impairment (OHI)
- Specific Learning Disability (SLD)
- Mild/Moderate Intellectually Disabled (MID)

Severe Intellectually Disabled (SID)
Multiple Disabilities (MD)
Multiple Disabilities with Severe Sensory Impairment (MDSSI)
Orthopedic Impairment (OI)
Preschool Moderate Delay (PMD)
Preschool Severe Delay (PSD)
Preschool Speech/Language Delay (PSL)
Speech/Language Impairment (SLI)
Traumatic Brain Injury (TBI)
Visual Impairment (VI)

Referrals, Placement, and Withdrawals

Evaluation Policy & Procedure checklist

I. Policy

The process by which an exceptional student is identified and placed into special education and related services is one of the most important components in special education. It is this process of identification and placement, the sensitivity and its accuracy, which will determine much of what happens to children during the rest of their educational lives.

Because of the importance of this process, a variety of laws and regulations regarding identification and placement have been enacted at both the State and Federal Levels. These regulations generally focus on identification, referral, evaluation, due process, and changes in or termination of services for exceptional children.

§300.321 The IEP Team

The members of the team are mandated and are to include, but not necessarily be restricted to: Parents/ Guardians, Public or Local Education Agency Representative (P/LEA), Special Education Teacher, General Education Teacher(s), and Person to Interpret Evaluation Data. Whenever appropriate, the child with the disability/ies.

A member of the IEP team previously described is not required to attend the IEP meeting if the parent and the school agree in writing prior to the meeting that attendance is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

A member of the IEP team described in (1)(a) through (1)(e) may be excused from attending the IEP meeting in whole or part when the meeting involves a modification to or discussion of the member's area of the curriculum or related services if the parent and the public education agency consent to the excusal, in writing, and the member submits to the IEP team, in writing, input into the development of the IEP prior to the meeting.

In the case of a child previously served by AzeIP, an invitation to the initial IEP team meeting must, at the request of the parent, be sent to the AzeIP service coordinator to assist with the smooth transition of services.

§300.308 Additional Group Members

Franklin (FPPS) will make the determination that a child is eligible for special education and related services on an individual basis by a properly constituted team. Depending on the evaluation summary/ recommendations or past needs of the student, the team may include Speech Language Pathologist, Occupational or Physical Therapists, Psychologist, or other personnel as deemed relevant. The parent(s) are encouraged to bring any person they feel has relevant information applicable to the planning for the student's needs.

Initial Evaluation Policy

Franklin will have a full and individual initial evaluation completed before the initial provision of special education and related services for a child with a disability in accordance with 34 CFR 300.300-300.111 of IDEA regulations. The reevaluation is also conducted in accordance to the same regulations. (AAC R7-2-401.E)

Initial Evaluations (300.301)

1. Informed consent is received from the parent/ guardian (300.300) and the evaluations, procedures to determine handicapping condition(s) and education needs of the child, are completed within 60 days . If necessary, evaluations delayed by absence of child, or for the best interest of the child, the timeline may be extended for 30 days. (AAC R7-2-401.E)
2. If the parent requests the evaluation, Franklin will within a reasonable amount of time not to exceed 15 school days from the date it receives a parent's written request for an evaluation, either begin the evaluation by reviewing existing data or provide prior written notice refusing to conduct the requested evaluation. The 60- day evaluation period shall commence upon the PEA's receipt of the parent's informed written consent.

Re-evaluations (300.303)

1. Franklin will reevaluate if educational or related service warrant a change, the child's parents or teacher requests a reevaluation, or it is the tri-annual (3 yrs) date. Franklin will not conduct a reevaluation more than 1 time a year unless parent/ guardian and Franklin agree otherwise.
2. Franklin does not need to attain parental consent if simply reviewing existing data or administering a test/ evaluation that is given to all students.

Evaluation Procedures (300.304)

1. Prior Written Notice (PWN) is given/ sent to parent/ guardian describing the proposed evaluation procedures to be conducted by Franklin.
2. Franklin will utilize a variety of assessment tools/ strategies to gather all relevant, function, developments, academic data, and parental input regarding the child. A determination will then be made to determine if the child is a child with a disability, and to what extent the child will participate in the general education curriculum. (Preschool children will be considered for appropriate activities.) All areas of possible disability will be evaluated.
3. Franklin will ensure no discrimination in evaluation procedures, at any time, are administered in the child's native language or other form in order to determine what the child knows and can do academically, developmentally, and functionally. All sensory issues will be considered so as to make assessments results still valid and reliable.
4. All evaluations will be conducted by trained personnel and degreed when applicable.
5. Any evaluations for a child transferred to or from another public education agency, in the same school year, are coordinated with schools. Franklin will accept current information about the student from another state, public agency, public education agency, or through an independent educational evaluation.
6. For the following disabilities, the full and individual initial evaluation shall include:
7. For the following disabilities, the full and individual initial evaluation shall include:
 - a) Emotional disability: verification of a disorder by a qualified professional.
 - b) Hearing impairment: i) An audiological evaluation by a qualified professional, and ii) An evaluation of communication/language proficiency.
 - c) Other health impairment: verification of a health impairment by a qualified professional.
 - d) Specific learning disability: a determination of whether the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development that meets the public education agency criteria through one of the following methods:
 - i) A discrepancy between achievement and ability;
 - ii) The child's response to scientific, research-based interventions; or
 - iii) Other alternative research-based procedures.

- e) Orthopedic impairment: verification of the physical disability by a qualified professional.
- f) Speech/language impairment: an evaluation by a qualified professional.
- g) For students whose speech impairments appear to be limited to articulation, voice, or fluency problems, the written evaluation may be limited to:
 - i) An audiometric screening within the past calendar year, ii) A review of academic history and classroom functioning, iii) An assessment of the speech problem by a speech therapist, or iv) An assessment of the student's functional communication skills.
- h) Traumatic brain injury: verification of the injury by a qualified professional.
- i) Visual impairment: verification of a visual impairment by a qualified professional.

8. Franklin's Special Education Department will develop a list, subject to review and approval of the State Board of Education, of qualified professionals eligible to conduct the appropriate evaluations prescribed in subsection (E)(7).

9. The Multidisciplinary Evaluation Team (MET), at Franklin, shall determine, in accordance with the IDEA and regulations, whether the requirements of subsections (E)(7)(a) through (i) are required for a student's reevaluation.

a) Emotional disability: verification of a disorder by a qualified professional.

b) Hearing impairment: i) An audiological evaluation by a qualified professional, and ii) An evaluation of communication/language proficiency.

c) Other health impairment: verification of a health impairment by a qualified professional.

d) Specific learning disability: a determination of whether the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development that meets Franklin's criteria through one of the following methods:

- i) A discrepancy between achievement and ability;

e) Orthopedic impairment: verification of the physical disability by a qualified professional.

f) Speech/language impairment: an evaluation by a qualified professional.

g) For students whose speech impairments appear to be limited to articulation, voice, or fluency problems, the written evaluation may be limited to:

i) An audiometric screening within the past calendar year, ii) A review of academic history and classroom functioning, iii) An assessment of the speech problem by a speech therapist, or iv) An assessment of the student's functional communication skills.

h) Traumatic brain injury: verification of the injury by a qualified professional. i) Visual impairment: verification of a visual impairment by a qualified professional.

10. Franklin's Special Education Department will develop a list, subject to review and approval of the State Board of Education, of qualified professionals eligible to conduct the appropriate evaluations prescribed in subsection (E)(7).
11. The Multidisciplinary Evaluation Team (MET), at Franklin, shall determine, in accordance with the IDEA and regulations, whether the requirements of subsections (E)(7)(a) through (i) are required for a student's reevaluation.

Additional Evaluation Requirements (300.305)

1. When appropriate, Franklin's special education team will review existing data including parental input, current classroom, local, and statewide assessments, relevant medical documentations, and observations by teachers and related services and special education personnel.
2. The information collected will be used to determine if the child is a child with a disability, present levels of performance, and if the child needs special education and/or related services in order to meet present IEP goals and/or participate in the general curriculum.
3. If Franklin requires more information to make proper determinations, parental permission will be acquired to assess in new(er)/ different areas.

Determination of Eligibility (300.306)

1. Franklin will ensure that a group of qualified professionals and the parent of the child will determine that the child is a child with a disability under IDEA and the Arizona State Statutes along with the educational needs of the child.
2. No child will be determined a child with a disability if the primary factor for the determination is a lack of appropriate instruction in reading, or essential components of reading, or math, or Limited English proficiency.
3. Parent/ guardian will be supplied with a copy of evaluation report and eligibility of determination.
4. An Individual Education Program (IEP) will be developed, by the Franklin team, according to ss300.320-300.324.

Additional Procedures to Identify Children with Specific Learning Disabilities (300.307)

1. In order to identify a child with Specific Learning Disabilities, Franklin utilizes an approach of establishing a severe discrepancy between intellectual ability and achievement in conformity with IDEA Regulations 300.307-300.311.

Existence of Specific Learning Disability (300.309)

1. Franklin will determine a child has a Specific Learning Disability if:
 - a. Child fails to achieve adequately for his/her age or does not meet State approved grade level standards in one or more of the following areas:
 - i) Oral expression
 - ii) Listening Comprehension
 - iii) Written Expression
 - iv) Basic Reading Skills
 - v) Reading Fluency Skills
 - vi) Reading Comprehension
 - vii) Mathematics calculation
 - viii) Mathematics Problem Solving
 - b. Child lacks sufficient progress to meet age or State approved grade level standards in one or more of areas listed above.
 - c. Child shows strengths and weaknesses, relative to age, that is determined by the team to be relevant to the identification of a specific learning disability, utilizing appropriate assessments.
 - d. The findings shall not be primarily the result of:
A visual, hearing, or motor disability;

Intellectual disability;
Emotional disturbance;
Cultural factors;
Environmental or economic disadvantage; or
Limited English Proficiency

§300.307 Additional Procedures for Identifying Children with Specific Learning Disabilities

Franklin will establish a criteria for determining whether a child has a specific learning disability through the identification of a severe discrepancy between intellectual ability and achievement in conformity with IDEA Regulations §§300.307– 300.311.

1. The statement for the child suspected of having a specific learning disability must contain:
 - a. Whether the child has a specific learning disability and the basis for making that decision in accordance to IDEA.
 - b. Any relevant behavior from the observation; any relevant medical findings.
 - c. Whether the child does not achieve adequately and does not make sufficient progress.
 - d. Child shows strengths and weaknesses, relative to age, that is determined by the team to be relevant to the identification of a specific learning disability, utilizing appropriate assessments.
 - e. Team’s decision concerning the effects of a:
 - visual, hearing, or motor disability;
 - Intellectual disability;
 - Emotional disturbance;
 - Cultural factors;
 - Environmental or economic disadvantage; or
 - Limited English Proficiency
2. State if the child participated in the process of Response to Intervention (RtI), and the parent/ guardian received Procedural Safeguards/ Parental Rights.
3. Each team member must sign if they agree with the conclusions. If not, that member must submit a separate statement stating the member’s conclusions.

Observation (300.310)

1. Franklin can ensure that the child is observed in his/ her learning environment, including a regular classroom, in order to document the child’s academic performance and behavior related to areas of difficulty.

2. For any child less than school age, a team member may observe the child in an environment appropriate for a child of that age.

Specific Documentation for the Eligibility Determination (300.311)

For a child suspected of having a Specific Learning Disability (SLD), Franklin will ensure that the eligibility determination contains a statement of:

- a) Whether the child has a specific learning disability;
 - b) The basis for making the determination, including an assurance the determination was made in accordance with the Individuals with Disabilities Education Act;
 - c) The relevant behavior, if any, noted during the observation and the relationship of that behavior to the child's academic functioning;
 - d) The educationally relevant medical findings, if any;
 - e) Whether the child does not achieve adequately for his/her age or to meet State-approved grade-level standards consistent with (1)(a); and does not make sufficient progress to meet age or State-approved grade-level standards consistent with (1)(b); or
 - f) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State- approved grade-level standards. or intellectual development consistent with (1)(c).
 - g) The determination of the Franklin MET concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency of the child's achievement level.
- 2) If the child participated in a process that assessed the child's response to scientific, research-based intervention, the determination must include:
 - a) The instructional strategies used and the student-centered data collected;
 - b) Documentation that the child's parents were notified about the State's policies regarding the amount and nature of student performance that would be collected and the general education services that would be provided;
 - c) Strategies for increasing the rate of learning; and
 - d) The parent's right to request an evaluation.
 - 3) Each group member must certify in writing/ signature whether the report reflects the member's conclusion/ opinion. If it does not, the group member must submit a separate statement presenting the member's conclusions.

Free Appropriate Public Education (FAPE) Policy and Checklist

Franklin will supply a free appropriate public education (FAPE) to all children within the charter school's population including children with disabilities who have been suspended or expelled from school as provided for in §300.530(d) of the IDEA regulations.

§300.101 Free Appropriate Public Education

Franklin, as a charter school will: Refer any children who are suspected of having a disability to the appropriate unified district or elementary district for evaluation and, if appropriate, for services.

2) For School-Aged Children (K- 8) Franklin will make FAPE available to any child 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.

Annual Review

A. An Annual review is conducted by the Special Education teacher and appropriate school personnel. Discussion centers on what has been accomplished and what recommendations are being made for the next year. The IEP is developed and placement or termination papers are signed at this time.

B. Special Education teachers must ensure that the handicapping condition noted on the Annual Review is supported by and consistent with the psychoeducational evaluation. Handicapping categories cannot be added to or changed without the necessary documentation in the psychoeducational report. In addition, special education teachers should ensure that the needs, goals, categories and program recommendations are consistent with one another.

Withdrawal

A. Special Education students may be withdrawn at any time from the program by their parent or guardian upon written notification. Once a student is withdrawn or exits Special Education, they may not return without the full/ initial process beginning again.

B. The Charter School personnel and the parents form an important team for the child. This team may determine at any time that withdrawal from Special Education is recommended. If withdrawal is recommended, a Multidisciplinary Educational Team (MET) meeting is held at which time Exit forms are signed.

§300.116 Placements

1) The placement decision for each child at Franklin will be: a) Made by a group that includes the parents and other persons knowledgeable about the child, about the meaning of the evaluation data, and about the placement options;

- b) In conformity with the LRE provisions of the IDEA regulations;
- c) Determined at least annually;
- d) Based on the child's IEP; and
- e) As close as possible to the child's home.

2) Unless the IEP of a child requires some other arrangement, the child will be educated at Franklin with non disabled peers to the fullest extent possible from the decision of the team.

3) In selecting the LRE, consideration will be given to any potential harmful effect on the child or on the quality of services that she or he needs.

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

§300.115 Continuum of Alternative Placements

A. According to Special Education law, students are to be placed in the "Least Restrictive Environment" (LRE). Special classes, separate schooling, or other removal of handicapped children from the regular education environment occurs only when the nature of the severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

B. A continuum of alternative placements must be available to a student and prior to placing a student, alternative placements listed in 34 CFR 300.13 are to be considered and documentation provided indicating the reasons for not selecting any placements that would be less restrictive.

C. In order to assure that regulatory requirements of this section are met, evidence must be available to document that each handicapped child's placement is:

- 1) determined at least annually
- 2) based on the child's IEP and
- 3) as close as possible to the child's home (Charter School's are chosen by the parents as to location of school)

D. Federal and State regulations are explicit in their preference for educating students with handicaps as close to the regular classroom as is possible in meeting the educational needs of each student. The most preferred option is accommodating students in the regular classroom of the school. Although educating a student in the regular classroom is not always possible, it must be considered, and any removal from the regular classroom or any subsequent option must only be done after careful consideration and every reasonable attempt otherwise, and with the clear understanding that there are risks in removal. These risks include the possible detrimental effects of labeling and subsequent stigmatizing and the missed opportunities for interactions with nonhandicapped peers, with resulting possibility of diminished ability to successfully access and participate in integrated opportunities.

E. All handicapped children, especially those whose educational needs require their being solely with handicapped children during most of the day, will participate with nonhandicapped children in nonacademic and extra-curricular services and activities to the maximum extent appropriate.

F. The following is the continuum of placement alternatives proceeding from the lesser to the more restrictive environment.

Mainstream

Regular class with smaller amount of work

Regular class with supplemental materials

Regular class with resource support with regular class work

Resource room help less than 20%/ day

Resource room help more than 20%/ day

Total self containment

Private agency placement

Home placement

Referral Steps for Concerned persons

1. Obtain a referral form for Special Education Services from the Principal and/or Special Education Director at the school. Any person may initiate a referral, including parent, administrator, student, teacher, paraprofessional, etc. A parent/ guardian may submit a letter, dated and signed, at any time to request evaluation for their child.
2. Complete the referral form and return to the designated person. The Referral Form is given to the Director of Special Education and/or the Principal of Franklin Phonetic Primary Charter School.
3. A Child Study Team meets to discuss the Referral and to give further information. The Child Study Team is composed of the evaluator(s), the referring person, the mainstream teacher, and a special education certified staff member. A parent may attend.
4. The Child Study Team discusses what alternatives, or accommodations, have been or may be tried in addressing the student's challenge. If nothing has been tried, a program is set up to work on the challenge(s) in the classroom. An educational diagnostic evaluation may be conducted to determine level of educational performance at this time. A classroom observation may also be done.

The parent(s)/ guardian are to receive a Prior Written Notice regarding what Franklin purposes, or is refusing to do, in regards to the needs of the student.

5. The Child Study Team meets to discuss any need for more intensive help and the case is passed to the Special Education process with the mandated team members which always includes the parent/ guardian. Review of Current Data (Referred to as MET 1 at Franklin) is conducted and an informed signature from the parent/ guardian is obtained to proceed with formal evaluations deemed appropriate. The child is not placed into Special Education yet.

With informed consent, a psychoeducational evaluation will be made which includes abilities and achievement testing. Additional testing may be conducted as necessary. The educational/ academic testing may be administered by a trained member of the MET and/or the Director of Special Education. The mental abilities test

will be administered by the school's contracted psychologist(s) or psychometrist. If the parent wishes to have an outside educational psychologist do this testing at their own expense, the results will be considered acceptable if the evaluation is completed in the time-frame of the 60 days and the psychologist meets or exceeds the criteria for the school as outlined in personnel in the personnel section of this manual.

6. Additionally, a Developmental History form is sent/ given to parents/ guardian to get background information.
7. Parent/ guardian receives, and signs acceptance for, Procedural Safeguards/ Parental Rights and FERPA information.
8. The nurse or other equally or greater qualified person completes a hearing and vision screening.
9. When assessments are completed, the mandated team meets again (MET 2) to determine Special Education eligibility for the student.
10. An IEP is then written for the child who qualifies. The parent/ guardian must sign for Initial placement in Special Education. *Parents receive copies of all paperwork.*

However, if a parent refuses to sign for initial placement of Special Education services Franklin is not held responsible for developing an IEP for the child. Additionally, no services or placement will be provided to the child.

The entire process will not exceed 60 days from the date of consent to assess unless an extended time frame is required for which an additional parental/ guardian signed consent will be obtained.

Least Restrictive Environment (LRE) & Policy

POLICY

Children with disabilities, attending Franklin, will be educated to the maximum extent appropriate with children who are not disabled in accordance with §§300.114–300.117 of the IDEA regulations.

PROCEDURES

§300.114 LRE Requirements

Franklin will ensure that special classes, separate schooling, or other removals of children with disabilities from the regular educational environment occur 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.

§300.117 Nonacademic Settings

Special Education students at Franklin will be eligible to participate with nondisabled peers in all nonacademic and extracurricular services and activities, including meals, recess periods, and other nonacademic activities.

Franklin will ensure that the supplementary aids and services determined by the IEP team to be appropriate and necessary are provided to allow the child to participate in nonacademic settings.

Individualized Education Program (IEP) Policy & Procedures

Franklin shall ensure that an IEP is developed and implemented for each eligible child served by the public education agency and for each eligible child placed in or referred to a private school or facility by the public education agency in accordance with §§300.320–300.325 of the IDEA regulations.

§300.320 Contents of the IEP

The contents of each IEP, at Franklin, will include a statement of:

- a) The child's present levels of academic achievement and functional performance, including:
 - i) How the child's disability affects the child's involvement and progress in the general education curriculum; or
 - ii) For the possibility of preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

- b) Measurable annual goals, including academic and functional goals designed to:
 - i) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and
 - ii) Meet each of the child's other educational needs that result from the child's disability;
 - iii) For children with disabilities who take alternate assessments aligned to alternate achievement standards (MSAA and AIMS A), a description of benchmarks or short-term objectives;

- c) How the child's progress toward meeting the IEP goals will be measured and when periodic reports on the child's progress toward the goals will be provided;
- d) The special education and related services to be provided to the child, the supplementary aids and services to be provided to the child or on behalf of the child, and the program modifications or supports for school personnel that will be provided to enable the child:
 - i) To advance appropriately toward attaining the annual goals; and
 - ii) To be involved in and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities with other children with disabilities and nondisabled children.
- e) The extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and other nonacademic activities;
- f) Any individual accommodations that are needed to measure the academic achievement and functional performance of the child on State and district-wide assessments;
- g) If the IEP team determines that the child must take an alternate assessment instead of a particular regular State or district-wide assessment of student achievement, a statement of why: i) the child cannot participate in the regular assessment; and
 - ii) the particular alternate assessment selected is appropriate for the child;
- h) The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications.
- i) Beginning not later than the first IEP to be in effect when the child turns 16 (or younger if determined appropriate by the IEP team) and updated annually, the IEP will also include a statement of:
 - i) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;
 - ii) Transition services (including courses of study) needed to assist the child in reaching those goals.
- j) Beginning not later than one year before a student reaches the age of 18, the IEP will include a statement that the parents and the student have been informed of the rights under Part B, if any, that will transfer to the student on reaching the age of 18.

§300.531 Determination of Setting

The child's IEP team, at Franklin, determines the interim alternative educational setting for services.

§300.322 Parent Participation

Franklin will take steps to ensure the parents of a child with a disability are present at each IEP meeting. The parents will be notified of the meeting early enough to ensure that they will have

an opportunity to attend. Franklin will schedule the meeting at a mutually agreed on time and place.

The meeting notice will: a) Indicate the purpose, time, and location of the meeting and who will be in attendance; and

b) Inform the parents of the provisions relating to the participation of other individuals who have knowledge or special expertise about the child.

If the parent(s)/ Guardians cannot attend Franklin will use other methods to ensure parent participation, including individual or conference telephone calls.

Other than initial IEP's, Franklin will conduct the meeting without a parent in attendance if the school is unable to convince the parents that they should attend. In this case, Franklin will maintain a record of its attempts to arrange a mutually agreed on time and place, 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.

Franklin will take whatever action is necessary to help the parent understand the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

Franklin will give the parent a copy of the child's IEP at no cost to the parent and ensure that they also have a copy of the Parental Rights/ Procedural Safeguards and Confidentiality (FERPA) information along with necessary contacts/ resources.

§300.506 Mediation

1) Franklin has established procedures to allow parties to dispute (including those matters arising prior to a request for a due process hearing) to resolve disputes through mediation. Procedures will ensure that the mediation process:

- a) Is voluntary on the part of the parties;
- b) Is not used to deny or delay a parent's right to a due process hearing or any other right under the IDEA; and
- c) Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

§300.502 Independent Educational Evaluation

1) The parents of a child with a disability have the right to obtain an independent educational evaluation of their child. Franklin will provide to parents, upon request for an independent educational evaluation: a) Information about where an independent educational evaluation may be obtained; and

b) Franklin will provide criteria applicable for independent educational evaluations. Franklin's criteria for the independent educational evaluation is the same as the criteria the school uses when it conducts an evaluation, to the extent consistent with the parent's right to an evaluation.

2) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public education agency. If a parent requests an independent educational evaluation at public expense, the public education agency must,

without unnecessary delay, either:

- a) File for a due process hearing to show that its evaluation is appropriate; or
- b) Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria.
- 3) If a due process hearing decision is that Franklin's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.
- 4) If a parent requests an independent educational evaluation, Franklin will ask for the parent's reasons for the objections, but may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a request for due process to defend its evaluation.
- 5) A parent is entitled to only one independent educational evaluation at public expense each time the public education agency conducts an evaluation with which the parent disagrees.
- 6) The results of any independent educational evaluation that is obtained by or provided to Franklin:
 - a) Must be considered by Franklin to determine if it meets agency criteria in any decision with respect to the provision of FAPE to the child; and
 - b) May be presented by any party as evidence in a due process hearing.
- 7) If a hearing officer requests an independent educational evaluation as part of a due process hearing, the cost of the evaluation must be at public expense.

Procedural Safeguards

- 1) Franklin will make available to school-based personnel and parents of students with disabilities written procedures to ensure children with disabilities and their parents are afforded the procedural safeguards required by federal statute and regulation and state statute. These procedures shall include dissemination of information to parents about Franklin's and the state's dispute resolution options.
- 2) In accordance with the requirements of IDEA, prior written notice shall be provided by Franklin Special Education staff or a Principal, to the parents of a child within a reasonable time after the PEA proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, educational placement or the services for the student.

PROCEDURAL SAFEGUARDS POLICY
Franklin Phonetic Primary Charter School

The procedural safeguards include the following provisions:

GENERAL:

1. Definition of "consent" (a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication; (b) the parent understands and agrees in writing to the carrying out of the activity and list the records (if any), which 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. Consent is required for initial evaluation and initial placement.
2. Definition of "evaluation": procedures in accordance with ARS300.530-300.534 to determine whether a child is handicapped and the nature of the special education and related services that the child needs. The term means procedures used selectively with an individual child and does not include basic test administered to or procedures used with all children in a school, grade or class.
3. Opportunity to examine records: the parent of a student with a disability shall be afforded an opportunity to inspect and review all educational records regarding identification, evaluation, placement, and provision for a free appropriate public education.
4. Placement refers to educational placement of the student which is decided based upon the student's Individualized Education Plan (IEP).

Discipline Policy & Procedures

POLICY

A child with a disability may be disciplined for a violation of the student code of conduct, including removal from his or her current placement to an appropriate interim alternative educational setting, another setting, suspension, or expulsion in accordance with IDEA Regulations §§300.530 through 300.536.

PROCEDURES

§300.530 Authority of School Personnel

1) On a case-by-case basis and in consideration of any unique circumstances, Franklin's Principals and special education school personnel may remove a child with a disability who violates a student code of conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals 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 under §300.536.

2) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal, the public education agency must provide services to the extent required to: a) Enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting his/her IEP goals; and

b) Receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications that are designed to address the behavior violation so that it does not recur.

3) Franklin will provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 days or less in that school year, if it provides services to nondisabled children similarly removed.

4) After a child with a disability has been removed from his or her current placement for 10 school days and the current removal is for not more than 10 consecutive school days and not a change of placement, Franklin's Special Education Director and a Principal, in consultation with at least one of the child's teachers, determine the extent to which services are needed, so as to enable the child to continue to participate in the general education curriculum and to progress toward meeting the IEP goals.

5) If the removal is a change in placement, the child's IEP team determines the appropriate services.

6) 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, Franklin, parent, and relevant members of the IEP team must review all relevant information in the student's file, the IEP, teacher observations, and any relevant information to determine:

a) If the conduct 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 Franklin's failure to implement the IEP.

7) The conduct must be determined to be a manifestation of the disability if either (6)(a) or (b) occurred, and if the IEP was not implemented, Franklin will take immediate steps to remedy that deficiency.

8) If the public education agency, parent, and relevant members of the IEP team determine that the conduct was a manifestation of the child's disability, the child must be returned to the placement from which the child was removed, unless the parent and public education agency agree to a change of placement. The IEP team must either: a) Conduct a functional behavioral assessment, unless one has already been done, and implement a behavioral intervention plan; or

b) If a behavioral intervention plan has already been developed, review the plan and modify it, as necessary, to address the behavior.

9) School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to manifestation of disability if the child: a) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of a state or public education agency;

b) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or public education agency; or

c) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state or public education agency.

10) The public education agency will notify parents and provide notice of procedural safeguards on the day the PEA determines the student has violated the code of conduct and the violation constitutes a change of placement (i.e., interim alternative education setting).

Suspension and Expulsion

Franklin has established written procedures, may implement when deemed necessary, and makes such procedures available to personnel and parents for the suspension and expulsion of students with disabilities.

2 Franklin requires all school-based staff involved in the disciplinary process to review the policies and procedures related to suspension and expulsion on an annual basis. Franklin shall maintain documentation of staff review/ training.

3) Procedures for such suspensions and expulsions shall meet the requirements of the IDEA and its regulations, and state statutes.

§300.535 Referral to and Action by Law Enforcement and Judicial Authorities

- 1) Franklin may report a crime committed by a child with a disability to appropriate authorities to enable the agency to exercise its responsibilities.
- 2) When Franklin is reporting a crime committed by a child with a disability will ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime, but only to the extent permitted by FERPA.

§300.624 Destruction of Information

- 1) Franklin will inform parents when personally identifiable information collected, maintained, or used for IDEA purposes is no longer needed to provide educational services to the child.
- 2) The information will be destroyed at the request of the parents. However, a permanent record of a student'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.

§300.622 Consent

- 1) Parental consent will be obtained before personally identifiable information is disclosed to parties other than participating agencies, unless the information is contained in education records and the disclosure is authorized without parent consent under FERPA.
- 2) Parental consent will be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with §300.321.

§300.532 Appeal

- 1) The parent of a child with a disability who disagrees with any decision, stated formally by Franklin, regarding placement under §§300.530 and 300.531 or the manifestation determination may appeal the decision by requesting an expedited due process hearing in conformance with §§300.310 through 300.314 and AAC R7-2-405.I.
- 2) If Franklin believes that maintaining the current placement of the child is substantially likely to cause injury to the child or others may appeal the decision by requesting an expedited due process hearing in conformance with §§300.310 through 300.314 and AAC R7-2-405.I.

§300.533 Placement during Appeals

The student must remain in the interim alternative educational setting pending the decision of the hearing officer or expiration of the interim setting, whichever comes first, unless the parent and public education agency agree otherwise.

§300.534 Protections for Children Not Determined Eligible for Special Education and Related Services

1) A student who has not been determined eligible and who engaged in a behavior that violated a code of student conduct may assert protections if Franklin had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. Franklin will be deemed to have such knowledge if:

a) The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;

b) The parent of the child requested an evaluation of the child pursuant to §§300.300 through 300.311; or

c) The teacher of the child, or other personnel of Franklin, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education or to other supervisory personnel of the agency.

2) A public education agency would not be deemed to have knowledge if the parent of the child:

a) Has not allowed an IDEA evaluation of the child;

b) Has refused special education services for the child; or

c) The child has been evaluated and determined to not be a child with a disability under IDEA.

3) If a public education agency does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be disciplined as other children without disabilities who engage in comparable behaviors.

4) If an evaluation is requested during the time in which a child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

a) Until the evaluation is completed, the child remains in the educational placement determined by the public education agency, which can include suspension or expulsion without educational services.

b) If the child is determined to be a child with a disability, the agency must provide special education and related services in accordance with this part, including the requirements of §§300.530 through 300.536.

§300.619 Opportunity for a Hearing

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

§300.620 Result of Hearing

1) If, as a result of a hearing, Franklin decides to amend information determined inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must do so accordingly and so inform the parent in writing.

2) If, as a result of a hearing, Franklin decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, Franklin will inform the parent of the parent's right to place in the maintained records a statement commenting on the information or setting forth any reasons for disagreeing with the Franklin's decision.

§300.507 Filing a Due Process Complaint

- 1) A parent or Franklin may file a request for a due process hearing relating to the identification, evaluation, or educational placement of a child with a disability.
- 2) The request for a due process hearing must allege a violation that occurred not more than two years before the date the parent or Franklin knew or should have known about the alleged violation.
- 3) Franklin will inform the parent of any free or low cost legal and other relevant services available in the area upon parent request.

§300.508 Due Process Complaint (Hearing)

- 1) Franklin will have procedures that require either party, or the attorney representing a party, to provide to the other party a confidential due process complaint.
- 2) The party filing the notice for a hearing must forward a copy of the request to the State.
 - 3) The due process hearing complaint must include the following in order for the complaint to be heard:
 - a) The name of the child;
 - b) The residential address of the child;
 - c) The school of attendance;
 - d) A description of the nature of the problem of the child relating to the proposed or refused initiation
 - e) A proposed resolution of the problem to the extent known and available to the party at the time.
- 4) The due process complaint will be deemed sufficient unless the party receiving the complaint notifies the hearing officer and the other party in writing, within 15 days of receipt of the complaint, that it believes the complaint does not meet the content requirements.
- 5) Within five days of receipt of notice, the hearing officer must determine whether the complaint meets the requirements and notify the parties, in writing, of that determination.
 - 6) A party may amend its due process complaint only if:
 - a) The other party consents in writing and is given an opportunity to resolve the complaint through the resolution process; or
 - b) The hearing officer grants permission, but in no case is it amended later than five days before the due process hearing begins.
 - 7) If a party files an amended complaint, the relevant timelines begin again.
 - 8) If the public education agency has not sent a prior written notice to the parent regarding the subject matter contained in the due process complaint, it must do so within 10 days of receiving the complaint.
 - 9) Within 10 days of receiving the complaint, the receiving party will send to the other party a response that specifically addresses the issues raised in the due process complaint.

§300.510 Resolution Process

1) Within 15 days of receiving the notice of the parent's due process complaint and prior to the initiation of a due process hearing, the public education agency must convene a meeting with the parent and the relevant members of the IEP team who have specific knowledge of the facts identified in the complaint that:

- a) Includes a representative of the public education agency who has agency decision-making authority;
- b) May not include an attorney of the public education agency unless the parent is accompanied by an attorney.

2) The purpose of the meeting is for the parent of the child to discuss the due process complaint and the factual basis of the complaint so the public education agency has the opportunity to resolve the dispute.

3) The resolution meeting need not be held if:

- a) The parent and public education agency agree in writing to waive the meeting; or
- b) The parent and public education agency agree to use the mediation process.

4) The parent and Franklin will determine the relevant IEP team members to attend the meeting.

5) If Franklin has not resolved the complaint to the satisfaction of the parent within 30 days of the receipt of the complaint, the due process hearing may occur. The timeline for issuing a final decision begins at the end of this 30-day period.

6) The failure of the parent to participate in the resolution meeting that has not been mutually agreed to be waived will delay the timelines for the resolution process and due process hearing until the meeting is held.

7) If the public education agency is unable to obtain the participation of the parent after reasonable efforts have been made and documented, the agency may, at the end of the 30-day period, request that the hearing officer dismiss the parent's due process complaint.

8) If the public education agency fails to hold the resolution meeting within 15 days of receiving the complaint or fails to participate in the meeting, the parent may request that the hearing officer begin the hearing timeline.

9) The 45-day timeline for the due process hearing starts the day after:

- a) Both parties agree in writing to waive the resolution meeting; OR
- b) After either the mediation or resolution meeting starts but before the end of the 30-day resolution period, the parties agree in writing that no agreement is possible; OR
- c) If both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, one party withdraws from the mediation process.

10) If a resolution is reached at the meeting, the parties must execute a legally binding agreement that is:

- a) Signed by both the parent and public education agency representative who has authority to legally bind the agency; and
- b) Enforceable in any state court of competent jurisdiction or in a district court of the United States.

11) Either party may void the agreement within 3 business days of the agreement's execution.

§300.518 Child's Status during Proceedings

1) The child involved in the due process hearing complaint must remain in his or her current educational placement:

- a) Unless a discipline appeal has been filed as provided in §300.533
- b) During the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing under §300.507; or
- c) Unless Franklin and parents of the child agree otherwise.

2) If the complaint involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until the completion of all the proceedings.

3) If the complaint involves an application for initial services for a child who has turned 3 and is transitioning from Part C to Part B, the public education agency is not required to provide the Part C services the child had been receiving. If the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of services under §300.300(b), then Franklin will provide those services that are not in dispute.

4) If the hearing officer agrees with the child's parents that a change of placement is appropriate, that placement must be treated as an agreement between the State and parent.

§300.113 Routine Checking of Hearing Aids and External Components of Surgically Implanted Medical Devices

1) Franklin will ensure that the hearing aids worn in school by children with hearing impairments are functioning properly; and

2) The external components of surgically implanted medical devices (e.g., cochlear implants) are functioning properly, except that the agency will not be responsible for any post-surgical maintenance, programming, or replacement of any component, external or internal, of the medical device.

Confidentiality Policy & Procedure Checklist

POLICY

Franklin will ensure that protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the agency will be in accordance with 34 CFR §§300.611–300.627. Franklin observes and acts accordingly to the Family and Education Privacy Act (FERPA).

PROCEDURES

§300.613 Access Rights

1) Franklin will permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under IDEA. The agency must comply with a request without unnecessary delay and in no case more than 45 days after the request has been made and before:

- a) Any IEP meeting;
 - b) Any hearing involving a due process complaint or disciplinary hearing;
- or
- c) Any resolution session.

2) The right to inspect and review education records at Franklin includes:

- a) The right to a response from the agency to reasonable requests for explanations and interpretations of the records;
- b) The right to request that the agency provide copies of the records if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
- c) The right to have a representative of the parent inspect and review the records.

3) Franklin will presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised to the contrary by legal proceeding involving guardianship, separation, and divorce.

§300.614 Record of Access

Franklin will keep a record of parties obtaining access to education records collected, maintained, or used under IDEA (except access by parents and authorized employees of the agency), including:

- a) The name of the party;
- b) The date access was given; and
- c) The purpose for which the party is authorized to use the records.

§300.615 Records on More Than One Child

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.

§300.625 Children's Rights

- 1) The rights of the parents regarding educational records are transferred to the student at age 18 under FERPA.
- 2) If the rights of the parents regarding educational records are transferred to the student at age 18 under the IDEA, the public education agency must provide any notice required under the procedural safeguards provisions.

§300.534 Protections for Children Not Determined Eligible for Special Education and Related Services

1) A student who has not been determined eligible and who engaged in a behavior that violated a code of student conduct may assert protections if Franklin had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. Franklin must be deemed to have such knowledge if:

- a) The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;
- b) The parent of the child requested an evaluation of the child pursuant to §§300.300 through 300.311; or
- c) The teacher of the child, or other personnel of the public education agency, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education or to other supervisory personnel of Franklin.

SPECIAL EDUCATION ASSISTIVE TECHNOLOGY
POLICY
Franklin Phonetic Primary Charter School

Assistive Technology devices and services are to be provided to eligible special education students if necessary to ensure the provision of a free appropriate public education. These devices and services may be provided as:

1. Special Education
2. Related Services
3. Supplementary aids and services

DEVICE:

A device is 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.

SERVICE:

Any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device.

This term includes:

- 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, retaining, repairing, or placing assistance 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; and;
- 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 substantially involved in the major life functions of children with disabilities.

*An evaluation for the needs of a student will be required to assist the IEP team in determine an educational need for inclusion of assistive technology in a student's IEP.

3/1/01

EXTENDED SCHOOL YEAR POLICY
Franklin Phonetic Primary Charter School

DEFINITION:

Extended School Year - required educational programming for special education students, provided by the Charter School during the summer break, as dictated by the student's IEP and based on the determination that without an extended school year, the student would regress to such an extent and have such limited recoupment ability that he/she would be unable to benefit from his/her special education program during the regular school year. Extended school year programs must be at no cost to parents for every eligible student.

CLARIFICATION:

The need for Extended School Year (ESY) services must be considered for each special education student. An extended school year is an education progress, beyond the normal school year provided for the purpose of maintaining skills, rather than acquiring new skills. A student must be provided an ESY program if, without an extended year, the student would regress to such an extent, and have such limited recoupment ability that he/she would be unable to benefit from his/her special education program. This decision must be made on an annual basis by the IEP team; the decision, including reasons, must be documented for the student. A student's need for ESY may change from one year to another. The frequency and duration of ESY services needed must be determined individually, and must be included on the IEP. An extended school year is not necessarily a continuation of the total IEP provided a student during the regular school year. Related services necessary for ESY may or may not be the same as those required during the school year. Since many handicapped and nonhandicapped students do not attend ESY programs, all placement options available during the school year will not be available in the summer. However, it is suggested the ESY programs be coordinated with other summer programs wherever possible. ESY service, like any other special education services, must be at no cost to the parents.

FAILURE DOES NOT MEAN ESY:

The charter school is aware that a student cannot be required to fail, or go for an entire year without ESY, simply to prove a need. Decisions should always include two or more factors. If empirical data is not available to support placement, then other factors must be considered in making the placement decision. The factors to be considered in making ESY placement decision shall include, but not limited to, those on the following page. However, it is not necessary to include documentation on every factor for each handicapped child. Rather, those factors which apply to a particular child, and on which the IEP team relies in making its decision, should be identified.

Appendix

A

