

Sebastopol Independent Charter School

Services for Students with Disabilities, Section 504, and Individualized Education Program (IEP) Policy

General

The Sebastopol Independent Charter School (“SICS” or the “Charter School”) desires to provide educational alternatives that afford students with mental or physical disabilities full educational opportunities. Students with disabilities shall receive a free appropriate public education and be placed in the least restrictive environment which meets their needs to the extent provided by law.

The Charter School shall not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(d)(1)]

The Charter School shall comply with all applicable State and Federal Laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act (“Section 504”), Title II of the Americans with Disabilities Act of 2008 (“ADA”) and the Individuals with Disabilities in Education Improvement Act of 2004 (“IDEIA”).

The Charter School shall be solely responsible for its compliance with Section 504 of the ADA. The facilities to be utilized by the Charter School shall be accessible for all students with disabilities.

The Charter School shall provide special education instruction and related services in accordance with the IDEIA, Education Code requirements, and applicable policies and practices of the SELPA. The Charter School shall remain an independent LEA for purposes of special education and has joined the Sonoma County Special Education Local Plan Area (“SELPA”) pursuant to Education Code Section 47641(a).

The Charter School shall comply with all state and federal laws related to the provision of special education instruction and related services and all SELPA policies and procedures, and shall utilize SELPA forms in seeking out and identifying and serving students who may qualify for special education programs and services and for responding to record requests and parent complaints, and maintaining the confidentiality of pupil records. The Charter School will participate in the state’s quality assurance process for special education (i.e., verification reviews, coordinated compliance self-reviews, complaints monitoring, procedural safeguards, and the local plan). The Charter School will participate in internal validation review.

In the event the Charter School seeks membership in a different state-approved SELPA, the Charter School will provide notice to SUSD, the SELPA, and the California Department of Education before June 30th of the year before services are to commence.

Section 504 of the Rehabilitation Act

SICS recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the Charter School. Any student, who has an objectively identified disability which substantially limits a major life activity including but not limited to learning, is eligible for accommodation by the Charter School.

A 504 team will include the Director of the Charter School, parents/guardians, the student (where appropriate) and other qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options, and accommodations. Together, the team will determine the student's eligibility for a 504 plan under ADA.

The school will review the student's existing records, including academic, social and behavioral records and assessing the student's disability. If the student has already been evaluated under the IDEIA but found ineligible for special education instruction or related services under the IDEIA, those evaluations may be used to help determine eligibility under Section 504. The student's 504 evaluation shall be carried out by the Charter School, which will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any disability that substantially interferes with any major life act including learning. The 504 team may also consider the following information in its evaluation:

- Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.
- Tests and other evaluation materials including those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.
- Tests are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever factor the test purports to measure rather than reflecting the student's impaired sensory, manual or speaking skills.

The final determination of whether the student will or will not be identified as a person with a disability is made by the 504 team in writing and notice is given in writing to the parent or guardian of the student in their primary language along with the procedural safeguards available to them. If during the evaluation, the 504 team obtains information indicating possible eligibility of the student for special education per the IDEIA, a referral for assessment under the IDEIA will be made by the 504 team.

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives a free and appropriate public education ("FAPE"). In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of

the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the Charter School's professional staff.

The 504 Plan shall describe the Section 504 disability and any program accommodations, modifications or services that may be necessary.

All 504 team participants, parents, guardians, teachers and any other participants in the student's education, including substitutes and tutors, must have a copy of each student's 504 Plan. The site administrator will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she review the 504 Plan with a long-term substitute.

A copy of the 504 Plan shall be maintained in the student's file. Each student's 504 Plan will be reviewed at least once per year to determine the appropriateness of the Plan, needed modifications to the plan, and continued eligibility. The student will be reassessed every three years to determine eligibility for a 504 plan.

Services for Students under the "IDEIA"

The Charter School shall provide special education instruction and related services in accordance with the IDEIA, Education Code requirements, and applicable policies and practices of the SELPA. The Charter School will provide services for special education students enrolled in the Charter School. The Charter School will follow SELPA policies and procedures, shall utilize SELPA forms in seeking out, identifying and serving students who may qualify for special education programs and services; for responding to record requests and parent complaints; and maintaining the confidentiality of pupil records. The Charter School agrees to promptly respond to SELPA inquiries, to comply with reasonable SELPA directives, and to allow SELPA access to Charter School students, staff, facilities, equipment and records as required to fulfill all obligations under this Agreement or imposed by law.

Staffing

All special education services at the Charter School will be delivered by individuals or agencies qualified to provide special education services as required by the California Education Code and the IDEIA. Charter School staff shall participate in SELPA in-service training relating to special education.

The Charter School will be responsible for the hiring, training, and the employment of site staff necessary to provide special education services to its students, including, without limitation, special education teachers, paraprofessionals, and resource specialists. The Charter School shall ensure that all special education staff hired or contracted by the Charter School is qualified pursuant to SELPA policies, as well as meet all legal requirements. The Charter School shall be responsible for the hiring, training, and employment of itinerant staff necessary to provide special education services to Charter School students, including, without limitation, speech therapists, occupational therapists, behavioral therapists, and psychologists.

Notification, Coordination, and Procedural Safeguards

The Charter School shall follow SELPA policies as they apply to all SELPA schools for responding to implementation of special education services. The Charter School will adopt and implement policies relating to all special education issues and referrals.

The Charter School desires to protect the rights of students with disabilities in accordance with the procedural safeguards set forth in state and federal law. Parents/guardians shall receive written notice of their rights in accordance with law, Board policy, and administrative regulation.

The Executive Director or designee shall represent the charter school in any due process hearing conducted with regard to Charter School students, and shall inform the Board about the result of the hearing.

The Executive Director or designee shall address a complaint concerning compliance with state or federal law regarding special education in accordance with the Charter School's uniform complaint procedures.

In providing services to students with disabilities under Section 504, the Executive Director or designee shall ensure Charter School compliance with law, including providing the students and their parents/guardians with applicable procedural safeguards and required notifications.

Any dispute as to the identification, evaluation, or placement of any student with a disability shall be resolved in accordance with the processes specified in the "Procedural Safeguards" section of the accompanying administrative regulations (cf. AR 6174 *Section 504 Education Administration Policy*; AR 6159.1 *Procedural Safeguards And Complaints For Special Education*)

Parent/Guardian Participation and Other Rights

The Executive Director or designee shall take steps to ensure that one or both of the parents/guardians of the student with a disability are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. (Education Code 56341.5; 34 CFR 300.322)

The Executive Director or designee shall send parents/guardians notices of IEP team meetings that: (Education Code 56341.5; 34 CFR 300.322)

1. Indicate the purpose, time, and location of the meeting
2. Indicate who will be in attendance at the meeting
3. Inform them of:
 - a. Their right to bring to the meeting other individuals who have knowledge or special expertise about the student, pursuant to Education Code 56341(b)(6)
 - b. The provision of Education Code 56341(i) relating to the participation of the Infant and Toddlers with Disabilities Coordinator at the initial IEP team meeting, if the student was previously served under Early Education for Individuals with Exceptional Needs (Education

Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004)

In addition, when the IEP team meeting is to consider the development, review, or revision of the IEP of a student with a disability who is 16 years of age or older, or younger than 16 if deemed appropriate by the IEP team, the Executive Director or designee's notice to the student's parents/guardians shall include the following: (Education Code 56341.5)

1. An indication that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student pursuant to Education Code 56345.1, 20 USC 1414(d)(1)(A)(i)(VIII), and 34 CFR 300.320(b)
2. An indication that the student is invited to the IEP team meeting
3. Identification of any other agency that will be invited to send a representative

At each IEP team meeting convened by the Charter School, the Charter School administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code 56321. (Education Code 56500.1)

The parent/guardian shall have the right and opportunity to examine all of his/her child's school records upon request, before any IEP meeting, and in connection with any hearing or resolution session on matters affecting his/her child, including, but not limited to, initial formal assessment, procedural safeguards, and due process. Upon receipt of an oral or written request, the Executive Director or designee shall provide complete copies of the records within five business days. (Education Code 56043, 56504)

The parent/guardian shall have the right to present information to the IEP team in person or through a representative and the right to participate in meetings that relate to eligibility for special education and related services, recommendations, and program planning. (Education Code 56341.1)

If neither parent/guardian can attend the meeting, the Executive Director or designee shall use other methods to ensure parent/guardian participation, including video conferences or individual or conference telephone calls. (Education Code 56341.5; 20 USC 1414(f); 34 CFR 300.322)

An IEP team meeting may be conducted without a parent/guardian in attendance if the Executive Director or designee is unable to convince the parent/guardian that he/she should attend. In such a case, the Executive Director or designee shall maintain a record of the attempts to arrange a mutually agreed upon time and place for the meeting, including: (Education Code 56341.5; 34 CFR 300.322)

1. Detailed records of telephone calls made or attempted and the results of those calls
2. Copies of correspondence sent to the parent/guardian and any responses received
3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits

The Executive Director or designee shall take any action necessary to ensure that the parents/guardians understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English. (Education Code 56341.5; 34 CFR 300.322)

The Executive Director or designee shall give the parents/guardians of a student with a disability a copy of his/her child's IEP at no cost. (Education Code 56341.5; 34 CFR 300.322)

Identification and Referral

The Charter School shall have the responsibility to identify, refer, and work cooperatively in locating Charter School students who have or may have exceptional needs that qualify them to receive special education services. The Charter School will implement SELPA policies and procedures to ensure timely identification and referral of students who have, or may have, such exceptional needs. A pupil shall be referred for special education only after the resources of the regular education program have been considered, and where appropriate, utilized.

The Charter School will follow SELPA child-find procedures to identify all students who may require assessment to consider special education eligibility and special education and related services in the case that general education interventions do not provide a free appropriate public education to the student in question.

Assessments and Evaluations

The term “assessments” shall have the same meaning as the term “evaluation” in the IDEIA, as provided in Section 1414, Title 20 of the United States Code. SICS will determine what assessments, if any, are necessary and arrange for such assessments for referred or eligible students in accordance with applicable law. The Charter School shall obtain parent/guardian consent to assess Charter School students.

When making a determination of eligibility for special education and related services, the Charter School shall not determine that a student is disabled if the primary factor for such determination is a lack of appropriate instruction in reading, including the essential components of reading instruction pursuant to 20 USC 6368, lack of instruction in mathematics, limited English proficiency, or that the student does not otherwise meet the eligibility criteria. (Education Code 56329; 34 CFR 300.306)

The Charter School's evaluation shall not use any single measure or assessment as the sole criterion for determining whether a student is a student with a disability and for determining the appropriate educational program for the student. The assessment shall use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors. (34 CFR 300.304)

The Charter School shall also ensure that assessments and other evaluation materials provide relevant information that assists in determining the student's educational needs and are: (Education Code 56320; 34 CFR 300.304)

1. Selected and administered so as not to be discriminatory on a racial, cultural, or sexual

basis

2. Provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer
3. Used for the purposes for which the assessments or measures are valid and reliable
4. Administered by trained and knowledgeable personnel
5. Administered in accordance with any instructions provided by the producer of the assessments
6. Tailored to assess specific areas of educational need and not merely designed to provide a single general intelligence quotient
7. If administered to a student with impaired sensory, manual, or speaking skills, selected and administered to best ensure that the results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure

IEP Meetings

The Charter School shall arrange and notice the necessary IEP meetings. IEP team membership shall be in compliance with state and federal law. The Charter School shall be responsible for having the following individuals in attendance at the IEP meetings: the Director of the Charter School and/or the Charter School designated representative with appropriate administrative authority as required by the IDEIA; the student's special education teacher; the student's general education teacher if the student is or may be in a regular education classroom; the student, if appropriate; and other Charter School representatives who are knowledgeable about the regular education program at the Charter School and/or about the student. The Charter School shall arrange for the attendance or participation of all other necessary staff that may include, but are not limited to, an appropriate administrator to comply with the requirements of the IDEIA, a speech therapist, psychologist, resource specialist, and behavior specialist. A school-designated person shall document the IEP meeting and provide notice of parental rights.

IEP Development

The Charter School understands that the decisions regarding eligibility, goals/objectives, program, services, placement, and exit from special education shall be the decision of the IEP team, pursuant to the IEP process. Programs, services and placements shall be provided to all eligible Charter School students in accordance with the policies, procedures and requirements of the SELPA and State and Federal law.

IEP Implementation

The Charter School shall be responsible for all school site implementation of the IEP. As part of this responsibility, the Charter School shall provide parents with timely reports on the student's progress as provided in the student's IEP. The Charter School shall provide all information exchange. The Charter School shall also be responsible for providing all curriculum, classroom materials, classroom modifications, and assistive technology.

Interim and Initial Placements of New Charter School Students

The Charter School shall comply with Education Code Section 56325 with regard to students transferring into the Charter School within the academic school year. In accordance with Education Code Section 56325(a)(1), students who enroll in the Charter School from another school district outside of the SELPA with a current IEP within that same academic year, the Charter School shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP, in consultation with the parent, for a period not to exceed thirty (30) days, by which time Charter School shall adopt the previously approved IEP or shall develop, adopt, and implement a new IEP that is consistent with federal and state law.

In accordance with Education Code Section 56325(a)(2), in the case of an individual with exceptional needs who has an IEP and transfers into the Charter School from a district operated program under the same special education local plan area of the Charter School within the same academic year, the Charter School shall continue, without delay, to provide services comparable to those described in the existing approved IEP, unless the parent and the Charter School agree to develop, adopt, and implement a new IEP that is consistent with federal and state law.

For students transferring to the Charter School with an IEP from outside of California during the same academic year, the Charter School shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP in consultation with the parents, until the Charter School conducts an assessment pursuant to paragraph (1) of subsection (a) of Section 1414 of Title 20 of the United States Code, if determined to be necessary by the Charter School, and develops a new IEP, if appropriate that is consistent with federal and state law.

Non-Public Placements/Non-Public Agencies

The Charter School shall be solely responsible for selecting, contracting with, and overseeing all non-public schools and non-public agencies used to serve special education students.

Non-discrimination

It is understood and agreed that all children will have access to the Charter School and no student shall be denied admission to the Charter School due to the nature, extent, or severity of his/her disability or due to the student's request for, or actual need for, special education services.

Parent/Guardian Concerns and Complaints

SICS has a complaint procedure. Parents may also make appeals to the SELPA Director.

Due Process Hearings

The Charter School may initiate a due process hearing or request for mediation with respect to a student enrolled in Charter School if it determines such action is legally necessary or advisable.

In the event that the parents/guardians file for a due process hearing, or request mediation, the Charter School shall defend the case.

SELPA Representation

SICS is its own LEA, and has chosen to be represented in the Sonoma County SELPA's council of superintendents.

Funding

Special education funding will be provided based upon the agreed formula from the SELPA working in conjunction with State and Federal agencies. The current formula funds special education services based upon a per average daily attendance ("ADA") model. All special education funds will be reserved for special education expenses only.

PLAN FOR STUDENTS WHO ARE ACADEMICALLY LOW-ACHIEVING

Introduction

SICS responds to the personal and academic needs of each child, identifies and serves those who are academically low achieving. SICS has developed a plan for low academic achievers that is modeled after the Response to Intervention ("RTI") framework. Our goal is to meet the needs of all our students through the use of a three-tiered system of support.

Tier I: Prevention:

Tier I includes high quality classroom instruction delivered by qualified teachers, and regular assessments of all students to monitor their progress toward reaching grade level benchmarks. Teachers are trained to address different learning styles of their students.

Tier II: Identification and Selected Interventions Identification:

In order to identify students who are not achieving at or above expected grade level, students falling below the class average on varied general education assessments are studied to determine if performance was at or below their potential, taking into account the timing of particular subject matter in Sebastopol Independent Charter School's curriculum and the age of the child. Beyond academic performance, teachers look for other signals of need as we recognize that there are many factors that affect a student's performance.

Selected Interventions: Selected interventions are implemented by teachers for students identified as achieving below average grade level expectations. Interventions may include, but are not limited to, any of the following:

- Utilizing other teachers for collaborative, individual or small group instruction
- Utilizing parent volunteers for individual or small group instruction
- Peer support with older students, e.g. “reading buddies”
- Individualized or differentiated math, writing, reading, and spelling approaches
- Increased movement/sensory integration activities
- Accommodations in class work, extra lessons, or extended learning opportunities
- Additional parent /teacher communication or partnerships

Child Study: If a student does not respond to initial teacher interventions, the student is often referred to the Child Study process. Child Study occurs during the weekly Faculty Meeting. The class teacher initiates the process by giving colleagues a complete and holistic picture of the child. After the child is described physically, socially, and academically, the teachers have an opportunity to ask additional questions. Discussions of a particular child may take place during several meetings. Prior to the child study, the teachers are asked to observe the child for one week. Teachers and parents brainstorm together in order to find solutions to help the student become more successful. Child study is also a very useful lens for faculty to view and understand how children who particularly excel in the Charter School’s program can be noted as models for consideration in this holistic approach to teaching.

Tier III: Student Study Team:

The Student Study Team (SST) explores concrete and possible avenues to support the individual child’s needs. Strengths and concerns regarding individual children are brought to the attention of the teacher, parent, school administrator and other stakeholders currently working with the child. The team develops strategies to help support the learning needs of the child. After trying accommodations to the child’s learning, there may be the recommendation of an evaluation that may lead to the creating of an IEP as described in the Special Education section in this charter. Student Study Team (SST) meetings are referred by the parent, teacher or administration for those students with significant behavioral or academic issues.

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