

DESIGNING AND IMPLEMENTING A SPECIAL EDUCATION
MANUAL FOR STUDENTS WITH EXCEPTIONALITIES:
POLICIES AND PROCEDURES FOR REFERRAL,
ASSESSMENT, CLASSROOM PRACTICES, AND
STAFFING FOR CHILDREN'S COMMUNITY
CHARTER SCHOOL

A Project

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by

Lori Gaines

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DEDICATION

The ability to be in this place in my life where I am making my lifelong professional dreams come true would not be possible without the love, support, encouragement, patience, and undying faith of my family. My parents, my brother, and my daughters have been here for me every step of the way and have reminded me how important this work is to me and that I am beyond capable of great things. That support, along with the love and patience from my fiancé, carried me throughout this process and kept me strong, focused, motivated, and positive. I share this sense of accomplishment with these amazing individuals who told me all along, "you got this!" I love you all.

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ABSTRACT

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The teachers, administrators, and staff of Children's Community Charter School believe in the equal worth and dignity of all students and are committed to educate all students to their maximum potential. The mission of the my thesis project and position as Director of Special Programs is to provide leadership, guidance, and support to the school community in order to maximize learning for all students within an inclusive environment so that each student will contribute to and benefit from our diverse society. The purpose of the Special Education Policies and Procedures Manual is to assist school personnel in understanding and practicing consistent policies and procedures that

are aligned with Federal, State, and Charter School philosophies and laws. CCCS is committed to ensure compliance with such policies and procedures. It is expected that school personnel will serve students with disabilities and their families in a manner consistent with this manual. This manual of policies and procedures will provide the user with the concepts and framework needed in understanding how to implement special education policies and procedures. It is designed to be used as:

- a structured process for implementing special education policies.
- an incorporated, required, piece of our Charter By-Laws as an independent LEA.
- a reference for answering questions.
- a staff development tool.
- a source for forms, timelines, and miscellaneous related resources for support and assistance when working within the special education process as well as Section 504, The Rehabilitation Act of 1973.

CHAPTER I

INTRODUCTION

My project is the creation and implementation of a Special Education manual; including design and implementation tools for charter school leaders and special education managers and staff, ensuring all students their right to a free and appropriate education, and all readers a guide to follow when working within the realm of special education. The title of this project is *Designing and Implementing a Manual for Students with Exceptionalities: Policies and Procedures for Referral, Assessment, Classroom Practices, and Staffing for the Staff of Children's Community Charter School.*

Purpose of the Project

The purpose of my project is to create a new special education guide, or manual, for my K-8 charter school, Children's Community Charter School, in Paradise, CA. As a brand new Local Education Agency (LEA) who will be completely independent of Paradise Unified School District with regard to special education beginning July, 2017. We are building our program from the ground up. This manual will serve as the foundation for our new special education program. The manual will cover all aspects related to special education, as well as Section 504 of the Rehabilitation Act. The two areas of focus for the purpose of this project are; creating new standards-based grading systems for students with IEPs, and becoming a more inclusive school with regard to

special education students. Training for general education staff that aligns with the manual will be critical as the grading systems and the practice of “inclusion” will be new processes for my staff at CCCS. The training will include, but will not be limited to; how to modify assignments and grades, how to assign grades based on modified standards, the benefits of inclusion, strategies for working with IEP students who are fully included, and how to team with special education staff to provide the necessary modifications in the classroom. These trainings will lead to a school community that values inclusion of all students and allows access to a free and appropriate public education.

Scope of the Project

The final project will be in the form of a special education manual of policies and procedures for the staff of Children’s Community Charter School. I intend to share the final product with the other charter schools in our region in the hopes that it will be helpful to them. There will be a table of contents that will lead any reader directly to the section regarding special education or Section 504 that is needed. All information, forms, policies, and procedures included in the manual will follow all state and federal special education law and will adhere to our charter school philosophies. The intended audience is all special education or general education staff members, administration, our Special Education Local Plan Area (SELPA), and any group or entity that requires proof of policy and procedure for the purposes of guidance, audit, charter renewal, etc. “Like other public school in the state, every California charter must be a member of a SELPA” (California Charter Schools Association [CCSA], 2015, p. 3). The project, or manual, is intended to outline our special education processes, programs and provide documents to

support these programs, including information and forms necessary for Section 504 plans. The resulting manual is expected to provide to clear expectations, policies, procedures, and support for our new independent special education status.

Significance of the Project

Children's Community Charter School is currently receiving all special education support and services from our parent district, Paradise Unified School District. As of this October 2016, our application to become independent from PUSD with regard to special education was approved and accepted by the Butte County Office of Education. This was our final step in becoming completely independent from Paradise Unified School District, aside from PUSD being our charter carrier. The significance of this project is the creation of a brand new program; one that will enable CCCS to serve its own students in its own way. It is intended to be instructional and supportive, as well as protective and informational. This manual will be our guide in following all applicable law and timelines for special education and Section 504. It will be written into our charter bylaws, our Local Control and Accountability Plan (LCAP), our Local Control Funding Formula (LCFF), and will reshape, redefine, and recreate the culture on our campus.

In Chapter II, I will go into detail about how our grading and reporting systems will change for our students with special needs and how a culture of *inclusion* will become a central focus in this redefining of our school's culture and our desire to serve all students to the best of our ability. The significance of the leap we are about to take in being able to provide our own services on our own campus to our own students,

with our own policies, procedures, and programs, will be the singularly most significant change our charter school has experienced in its 21 years.

The need for change toward a more inclusive approach to serving students with IEPs is widely researched and findings demonstrate the need for such programs. A year long qualitative study of ten California charter schools done by the California Charter Schools Association (CCSA) reports in their findings that,

a recent study by the California Department of Education (CDE) shows that charter school Local Education Agencies (LEA's), unlike their traditional counterparts, educate nearly 90% of their students with disabilities in general education for the majority of their school day. (CCSA, 2016a)

Additional research that supports inclusion is found in the article, "Inclusive Education Research and Practice." It is stated in this article,

More than twenty years of research has consistently demonstrated that the inclusion of students with disabilities in general education classrooms results in favorable outcomes. Positive outcomes have been shown for both students with high incidence (learning disabilities and other "mild" disabilities) and those with low incidence disabilities (intellectual, multiple, and "severe" disabilities)." (Bui, Quirk, Alamazon, & Valenti, 2010)

An additional significant element in the new special educational manual for policies and procedures is the introduction of a new grading system for students with IEPs. Currently, IEP students are given standards based grades that are not modified to meet their individual needs and capabilities. We will be shifting to a *modification of standards* based grading. Instead of a failing grade on a report card for a student in 8th grade performing at a 2nd grade level, the teaching and assessments will be modified in such a way that the student can experience success and earn a grade that is reflective of the modified standards that are tailored to the students' needs. Reporting in this situation will require teachers to note "modified assignments and assessments" on report cards in

addition to the progress reports given by the special education teacher on the student's IEP. As noted in the article, "Five Obstacles to Grading Reform" in the publication, *Educational Leadership*, effective grading practices for students with disabilities are much needed.

The shift in focus to assigning grades based on precise levels of performance with regard to articulated learning standards makes the task of grading students with disabilities more challenging. To provide more meaningful, useful, and interpretable information on achievement that can be used in making decisions about students with disabilities in a standards-based environment, more effective grading practices are sorely needed. (Guskey, 2011)

Limitations of the Project

In creating this manual, it has been critical to research and review other schools' special education manuals, particularly not-for-profit public charter schools. This was limiting in that there are many different types of manuals focusing on many different areas, but not too many that are specifically not-for-profit public charter schools. Luckily, the laws apply regardless of what kind of public school you are. Additionally, this was limiting in that it was overwhelming in the amount of "sample" manuals for public schools to read through and discern which manuals would provide excellent guides for me to follow in the creation of this manual. I was certain to utilize a plethora of samples from across school districts in California, charter and not charter. While all special education law, mandates, timelines, etc., are represented in this manual, the processes we will use for the referral process, intervention, the IEP process are created by me. Covering all of the relevant material will be an ongoing process, in my opinion. I see this manual as a living document. Changes will be made with regard to state and federal

mandates and laws; adding to this guide as we go through the beginning stages of becoming our own LEA.

Another challenge was varying size of the other sample manuals I researched. The plethora of research of available was quite overwhelming, both in special education manuals as well as special education law and articles that pertained to my thesis project. Some of the manuals were editable manuals, some specific to particular schools, but all covered the basic areas I chose for the focus of this manual. The samples ranged in size from 10 pages to upwards of 400 pages. Reading and weeding through all of the research to develop what CCCS needed was extremely time consuming. My directive for our school's manual was to keep it under 50 pages, to keep it "user friendly." With the addition of the resource supports in the appendix of the manual, I could not keep it to 50 pages. However, the bulk of the manual I was able to keep at a "friendly" size. As a small charter this was an important quality the manual needed to possess.

Definition of Terms/Acronyms

BCOE - Butte County Office of Education

FERPA - Family Educational Rights and Privacy Act of 1974

GATE - Gifted and Talented Education

IDEA - Individuals with Disabilities Act of 2004 (used interchangeably with IDEIA)

IDEIA - Individuals with Disabilities Education Improvement Act of 2004

IEP - Individualized Education Plan

LEA - Local Education Agency

LRE - Least Restrictive Environment

SELPA - Special Education Local Plan Area

SST - Student Study Team

CHAPTER II

LITERATURE REVIEW

Introduction

This manual has many implications for special education on the campus of Children’s Community Charter School, and charter schools interested in becoming their own Local Education Agency (LEA). First, this reference manual will be a resource for all administration and staff working within the scope of special education. Second, the manual will assist special education administrators and teachers in the monitoring and administering of special education services and practices, develop and assess for IEP programs and services, and ensure all procedures with regard to parent and student rights as well as due process are in place with information and forms readily available. Third, this manual will aid special educators and administrators in understanding the processes within special education and the necessary actions needed to be in compliance with special education laws and regulations. Fourth, it is intended that this manual will be a valuable resource to share with the charter school organizations interested in creating a comprehensive special education program with policies and procedures that reflect the necessary elements of a quality program that meets all legal requirements.

Purpose

The purpose of this procedural manual for special education policies and practices is to provide a comprehensive resource for special education staff,

administrators, and ancillary staff or others who have responsibilities in delivering special education services in compliance with state and federal regulations to the students of Children's Community Charter School. The manual is divided into four main topics that cover policies and procedures related to the topic heading:

1. Child Find/Referral Process/Evaluation/IEP Process
2. Classroom Practices, Policies, and Procedures
3. Staffing/Confidentiality/Discipline
4. Appendix: Manual

Child Find: The Referral/Evaluation/ IEP Process

Our school utilizes a child identification process (Child Find). The Child Find mandate requires schools to locate, identify, and evaluate students suspected of being learning disabled in accordance with federal regulations. All students who are believed have an exceptionality and who are in need of special education services and programs are part of the child find process of CCCS. Our Director of Special Programs and school principal coordinate the child find process.

Prior to a formal referral for an SST (Student Study Team) meeting, pre-referral intervention(s) would have been attempted and would continue to be in place for a struggling student. The data gathered from these strategic interventions will become an evaluative tool for the SST team to review and prescribe next steps. RtI (Response to Intervention) is our current mode of providing strategic intervention, current academic data, and appropriate supports to students with academic needs.

RtI was introduced into federal law during the 2004 IDEA reauthorization as a vehicle for preventing the inappropriate overidentification or disproportionate representation by race and ethnicity of children as a children with disabilities. (Funk, 2016, p. 39)

Most commonly, the structure of RtI adheres to the following three levels of intervention:

Prevention, Intervention, and Diagnostic teaching and remediation. Data gathered through the Response to Intervention process is intended to lead to the design and implementation of evidence-based instruction, and when necessary, the data is used as part of the determination process for special education eligibility.

MTSS (Multi-Tiered Systems of Support) is an additional tool we will be receiving training on in order to more fully address the students in our prereferral interventions. MTSS takes the RtI process to another level.

Multi-Tiered systems of Supports (MTSS) takes the RtI concept one step further by providing intervention services with thorough evaluations in multiple areas (behavior support is a readily apparent example) besides just academics. In this fashion, suspicions regarding multiple types of disabilities can be eliminated , and, more importantly, comprehensive supports and accommodations can be applied early on that will assist a broader segment of the school population who may be experiencing a range of issues - social, physical, or psychological, for instance - inhibiting school success. (Funk, 2016, p. 40)

Please refer to the Appendix for further information regarding RtI and MTSS.

Additionally critical to identifying students who may need special education services, is the referral of students to receive special services. One of the most common models is the Student Study Team (SST), which is comprised of professionals including, but not limited to; teachers, administrators, specialists, parents, and often the student. Our Student Study Team (SST) uses a collaborative, positive approach to assisting staff and families in determining a wide range of concerns and strengths related to a student's school performance, academic achievement, behavior, and overall school experience.

Historically, preferral teams grew out of the mandate in the Education for all Handicapped Children Act of 1975 requiring the use of multi-disciplinary teams (MDTs) in the special education referral process Another concurrent influence on the development of MDTs was the legal stipulation that general education interventions had to be attempted before students could be referred for evaluation for special education eligibility - hence the evolution of the term 'prereferral' team. (Knotck, 2003, p. 2)

The purpose of our SST referral process is to identify and intervene as early as possible with the desired outcome being a positive supportive system of supports for students having difficulties in the classroom or school in general. The intended purpose of the SST referral differs from the traditional parent-teacher conference as the SST process includes all stakeholders in the development of a plan for the student in need, often including the student as well. The SST referral meeting allows all parties to share strengths as well as concerns, and all participants help develop an appropriate plan for the student. Also critical in the SST referral process is that the team may also be trying to discern whether the student is struggling to a learning disability or other special needs related to behavior, medical issues, etc. It is through the SST referral process that a recommendation by the team may be made for formal special education assessment.

The SST team, or a parent/guardian, may request a formal special education evaluation for the possible outcome of an Individualized Education Plan (IEP). All timelines with regard to the special education evaluation process will be strictly adhered to by the appropriate staff of CCCS. A free and appropriate public education is offered to all students with disabilities at CCCS. The placement and services required by each eligible student to receive FAPE are based on the student's unique academic, behavioral, or emotional needs and not on the student's particular disability. Once the special education assessment is completed and it has been determined that the student is eligible

to receive special education services and the LRE (Least Restrictive Environment - see Chapter III for further information) has been determined, an IEP is developed, implemented, maintained, reviewed, revised and reported on by our special programs personnel and related service providers. Special education and all related services are provided to the student in accordance with his/her IEP. Progress on the student's goals within the IEP will be reported on an equal number of times within the school year that typically developing students receive grades, marks, or progress notes. Families of students with IEPs will remain informed of their student's progress toward meeting annual goals and the extent to which the student's progress is sufficient, enabling the student to reach his/her IEP goals by the annual date on the IEP (Wright, 2004, p. 9). (Refer to the Appendix to find forms and timelines related to SST process, special education evaluation, and IEPs.)

Often addressed through the SST referral process is the identification of students who demonstrate Gifted and Talented exceptionalities. As per the requirements of FAPE, students who qualify for our GATE program will receive services appropriate to their individual needs. Currently, "Gifted and Talented" is determined by the SST team as 1) demonstrated or potential abilities that produce evidence of superior creative, intellectual, or particular academic capability and 2) needing differentiated services or instruction beyond what is provided in the general education classroom; in order to realize their creative, intellectual or specific academic potential. Parents, teachers, or other individuals with specific experience with the student may submit a written request for an SST meeting. See Chapter III for further description of the steps involved in identification of Gifted and Talented students.

An additional possible outcome of an SST referral may be a Section 504 Plan. Please see the Appendix for detailed information on CCCS's policies and procedures for Section 504 plans.

Classroom Practices, Policies, and Procedures

Challenges and Benefits of Using an Individualized Grading System for Students with an IEP in an Inclusive Setting

Among the challenges educators of students with special needs face is the formidable task of reporting and communicating a students' levels of progress and academic achievement within the standards-based reform, inclusive classroom setting. This is especially daunting when combined with inclusive settings where the student with special needs spend all or most of their day in the general education setting.

Grades and report cards represent the primary means of academic information for the families of students with special needs, yet the traditional report card often reports a single grade for each of the content areas, but offers little explanation or level of detail.

A standards-based report card, on the other hand, that includes grades or marks based on carefully articulated learning standards in each subject area, provides families with the specific feedback they require to ensure that improvement efforts are appropriately focused and are more likely to succeed. (Guskey & Jung, 2009, p. 1)

This type of reporting is especially difficult for students with learning difficulties when their academic developmental level is below or far below the grade level standard.

For students with IEP's, each standard needs to be addressed to determine whether an adaptation or a modification to the standard is needed. If modification is

needed, the appropriate modification needs to be identified by the IEP team and the appropriate means to assessing the modified standard needs to be clearly stated and agreed upon by the team. The Individuals with Disabilities Improvement Act (IDEIA) of 2004 (20 U.S.C. § 1414) addresses the need for appropriate individualized modification of standards, assessment, and reporting of achievement on the modifications as critical for the IEP team to discuss; How will progress be monitored? How will the standard be modified and who will do the modifying and assessing? How will progress be communicated to the families, through report cards or other reporting avenues? The provisions in IDEIA (Individuals with Disabilities Improvement Act) do not necessarily mandate inclusion. Considering the “least restrictive environment” for each student plays a critical role in determining whether inclusion is appropriate for the individual child with an IEP, in addition to determining whether standards need modifications to meet the student’s needs.

For the purposes of this section of the literature review, we will focus on special education students in an inclusive setting; drawing attention to research on special education in the charter public school realm. This section will discuss the benefits and challenges in creating Individualized Grading Systems for special education students, provide the research to validate the necessity for such an approach, and offer steps to begin the transition from traditional reporting; inconsistent, non-descriptive, and non-detailed, to more meaningful, accurate, and fair reporting measures for students with IEPs in an inclusive classroom setting.

The number of students with IEPs who are included in the general education setting is on the rise. Although there is a plethora of research that validates the positive

effects of including students with IEPs, the process presents unique challenges when it comes to grading and reporting. While a common strategy for assessing special education students who are in an inclusive setting involves the general education teacher taking lead in assigning grades, the general education content area can be significantly difficult to assess if learning the content is affected by the student's disability. One obstacle we need to overcome is the notion that a student's academic performance should be based on a comparison with the other students in the class. "Grades based on students' standing among classmates tell us nothing about how well students have learned" (Guskey, 2011, p. 2). Upper elementary through high school student report cards still resemble report cards from long ago, one grade per subject without much detail or useful information, especially for a student with an IEP.

Grading students with disabilities has been historically controversial. General education grading systems have been ill equipped to individualize to meet the needs of particular students. One of the reasons for this is poor communication and a lack of collaboration between special education and general education teachers,

General education and special education teachers often fail to collaborate effectively to coordinate the general grading system with the accommodations and modifications required under a student's IEP. Even when a classroom teacher wants to individualize a grading system for a student with a disability, the teacher often lacks knowledge of how to do it. (Munk & Bursuck, 2003, p. 1)

It is the responsibility of the special education teacher to help create dialogue with the general education teacher and share their knowledge of how to best serve the IEP student(s) on his/her caseload. Now is the time to bridge the gap between general education and special education and focus on the benefits collaboration can offer. Collaborating effectively has many benefits for students, teacher, schools, and families.

Overcoming the challenges collaboration can present is critical; the benefits immeasurable. In their book, *A Practical Guide for Special Education Professionals*, Churchill, Mulholland, and Cepello (2008) describe the benefits of collaborative consultation, overcoming the challenges of collaboration:

Direct benefits for students with exceptionalities include:

- Receiving planned instruction for academic and behavioral problems in the least restrictive environment
- Minimizing labeling and social isolation
- Establishing continuity between their general and special education programs
- Minimizing confusion over IEP goals and objectives
- Receiving instructional services that are based on academic and social needs
- Challenging colleagues' belief systems regarding the education of learners with exceptionalities
- Alleviating stress that is often a product of teacher isolation
- Increasing general and special educators knowledge of curriculum, instruction, and classroom management. (Churchill et al. 2008, p. 139)

A challenge specific to charter schools is the notion that charter schools do not serve special education students, or that they only serve students with mild to moderate disabilities.

Some say that charter schools are unwilling to serve students with disabilities, often accusing charter schools of “counseling out” or referring students to other schools.” (CCSA, 2016(b) p.1). However, charter schools are uniquely positioned to support individuals with disabilities and provide exactly what is needed. “In fact, because charter schools are designed to offer innovative educational strategies, they are uniquely situated to provide individualized support to meet the needs of students with disabilities and other unique challenges. (CCSA, 2016b, p. 1)

Another challenge with standards-based IEPs specifically leads to a clear indication that grading systems need to be modified to meet individual student needs. According to the case, *Board of Education v. Rowley, 1982*, IEPs must, “enable the child to achieve passing marks and advance from grade to grade” (Guskey & Jung, 2009, p. 3). Therefore, a failing grade that is due to assessing a student with a learning disability on

grade-level standards as opposed to modified, achievable standards, is an indication that appropriate educational services were not provided to the student with an IEP. “If modifications have been made to the curriculum of any course, it is important that the student’s grade reflect the student’s achievement in the modified curriculum” (CDE, 2017).

Benefits of Using an Individualized Grading System for Students with an IEP

Struggling to report fair, meaningful, and accurate grades to all students, especially those with disabilities, has been an ongoing issue for educators. Students with disabilities that are fully, or mostly, included in the general education classroom environment are particularly difficult to assess. Without specific policies on grading students with IEPs or legal recommendations on how to report “grades,” often times teachers assign informal adaptations for grading individuals with special needs. This type of reporting, while meant to protect the self-image of these students, results in reports that communicate very little about the students’ actual levels of achievement, progress, or performance. This section summarizes a process independent charter schools, or any school, can utilize to achieve meaningful, accurate, and fair grading systems for students with special needs in a standards-based, inclusive environment. Despite the many studies done nationwide that provide clear evidence of the positive effects on all students with inclusion,

Inclusion is not yet the norm in schools and classrooms across the U.S. Today, students with disabilities continue to be removed from their non-disabled peers and placed into specialized programs, sometimes entirely separate schools, often because of behavior challenges. All too commonly, special education is treated as a place, not a service as it was intended to be. (CCSA, 2016a, p. 17)

While there has been some progress in the area of inclusion, there is much work to be done.

On the whole, California charter schools are serving more students with disabilities in inclusive settings than do traditional schools. Recent CDE data reports that 88% of charter school students with disabilities spend the majority of their school day in the general education setting. (CCSA, 2016b)

Charter schools are uniquely equipped to provide inclusive settings.

I am encouraged by a qualitative study of ten California charter schools done by California Charter Schools Association. Their findings are reported in their publication, *Meeting the Needs of Every Student Through Inclusion*. The study was a yearlong in-depth study of 10 public charter schools across California who are demonstrating an improvement in educational results for special education students. Through digging deep into program design, conducting classroom visits, and interviewing administrators, general and special education educators, CCSA was “able to identify the effective and innovative special education practices these schools implemented and highlight the specific policy environments that help these charter schools meet the needs of all their students” (CCSA, 2016b, p. 1). These schools demonstrate there is hope. As pointed out by the study.

A recent analysis by the California Department of Education (CDE) shows that charter school Local Education Agencies (LEAs), unlike their traditional counterparts, educate nearly 90% of their students with disabilities in general education for the majority of their school day. (CCSA, 2016a, p. 17)

In moving forward with creating Individualized Grading Systems for students with disabilities, transitioning to a more inclusive culture will be paramount,

Perhaps the most important benefit of inclusion rests in the academic benefits for students with special needs. These students become engaged in their education as opposed to staying unchallenged inside segregated classrooms. In other words,

inclusion gives students with disabilities the best chances to thrive academically. (Special Education Guide, 2016)

In fact, according to the yearlong study of 10 public charter schools mentioned above,

100% of charter school leaders and teachers at these schools stated that the best way to ensure students with disabilities meet grade level requirements is to have them fully included in the general education settings. According to the California Department of Education (CDE), 88% of students with disabilities in charter school education agencies (LEAs) are in the general education setting for the majority of their school day. (CCSA, 2016b, p. 2)

The benefits of using an Individualized Grading System for included students with special needs is creating a fair and equitable system for students with special needs. The article, “Fair and Equitable Grading Practices for Students with Learning Disabilities Who Have IEPs” (Great!Schools, 2015) sums up the benefits of an individualized grading system for special education students in an inclusive setting:

A fair grading system

- provides an opportunity for high grades to be earned
- provides meaningful grades that reflect a student’s experience in the

classroom

- includes flexibility as needed to meet the individual needs of students

An equitable grading system

- maintains high student accountability.
- accurately matches grades to performance, even when accommodations are

implemented (Great!Schools, 2015).

Educators of all learners with special needs require specific guidelines and protocol in developing fair and equitable grading systems for their IEP students who are included in the general education classrooms. Careful consideration by the IEP team as to

what adaptations and/or modifications are needed to meet the individual's specific academic and/or behavioral needs and how these adaptations/modifications will be carried out and assessed is key to a successful Individualized Grading System.

Also critically important, is collaboration between the general educators and the special educators. While a challenge, when collaboration is done carefully and correctly, the benefits can result in a more meaningful, accurate, informative, and useful “story” of a student and his/her academic or behavioral progress or needs; and builds trust among all stakeholders involved in the process of creating the Individualized Grading System.

The inclusion of students with disabilities in general education classrooms necessitates collaboration between administrators, general educators, special educators, parents, and related service providers in order to deliver quality services to all students. (Bui et al., 2010, p. 8)

This also includes all stakeholders involved in creating an Individualized Grading Systems for students with IEPs.

The yearlong qualitative study of ten California charter public schools across the state, “2016 Special Education Report” by the California Charter Schools Association was able to identify innovative and effective special education practices that met the needs of all students. Among these findings was a focus on creating programs, supports, and assessments that are specific to the student’s level of academic achievability. The following is a summary presented in the study that focuses on charter public school values; the approach and philosophy with regard to special education:

CCSA’s study found that these schools:

- Embrace student differences;
- Educate the students with disabilities in inclusive environments;

- Tailor programs and supports to individual student needs; and,
- Build a supportive school community. (CCSA, 2016a, p. 18)

As this study points out, a beneficial way to ensure students with IEP's are academically challenged and assessed at their specific ability level within standards-based reform; and are exposed to grade level curriculum as well as well peers, is to have them fully included in the general education classroom while providing instruction and assessments based on modified standards that are tailored to their individual needs. The steps involved in creating Individualized Grading Systems are also beneficial as the process itself can improve trust and communication among teachers, families, students, and all stakeholders who participate in the modification of standards and how these modifications will be graded and reported.

Basing grades, or marks, on modified standards that have been tailored to the student with an IEPs individual needs and communicating what is being measured are critical. The most beneficial, meaningful, and accurate way to provide useful information about a student with a disability to all stakeholders is to collaboratively create Individualized Grading Systems for students with IEPs. With this type of process, it is the student who benefits the most. Special education students often feel “not good enough,” or struggle with low self-esteem, providing modifications that meet their needs, provides them with opportunities to experience success. Experiencing success leads to achieving goals and progressing. When a student has an Individualized Educational Plan, why wouldn't we create an Individualized Grading System to support the plan that is tailored to their needs? The Individualized Grading System provides a well-rounded program for students with disabilities,

To assign fair and accurate standards-based grades to students in special education, schools must first develop a high-quality grading and reporting system for all students. Grading policies based on thoughtful and well-reasoned standards for student learning help resolve many of the problems associated with grading students in special education. (Guskey & Jung, 2009, p. 5)

Inclusive Grading Model in a Standards-based Environment

There are many critical adjustments to consider when shifting to a new grading system for special education students who are part of a culture of inclusion.

The shift in focus to assigning grades based on precise levels of performance with regard to articulated learning standards makes the task of grading students with disabilities much more challenging. To provide more meaningful, useful, and interpretable information on achievement that can be used in making decisions about students with disabilities in a standards-based environment, more effective grading practices are sorely needed. (Guskey, 2011, p. 5)

In their article, “Grading and Reporting in a Standards-Based Environment: Implications for Students with Special Needs” (Guskey & Jung, 2009), the authors suggest a five step process to help educators through the process of transitioning to appropriate grading policies for students with special needs. The process they describe is validated by the mandates included in Wrightslaw as well as the policies outlined in IDEIA. The ideas they present are meant for a standards-based environment and are legally sound with regard to legal requirements for reporting levels of progress and achievement for students with IEPs.

To begin, teachers and IEP teams must clearly describe how they plan to effectively communicate with families the following criteria: a student's academic achievement, effort, attitude, behavior, and progress in all areas written into the IEP. Next, adaptations and modifications need to be discussed and clearly addressed.

How will they be implemented and assessed? Can we expect the student to achieve this standard without special support or changes to the standard? If the answer is yes, then no change in the grading process is needed . . . however, some might not achieve certain grade-level standards without special services and supports. (Jung & Guskey, 2010, p. 2)

If it is decided by the IEP team that the student cannot achieve the grade-level standard then it will be determined whether an accommodation (no change in grading procedures) or a modification (change in standards and grading) is needed.

A modification is a change in the course, standard, test preparation, location, timing, scheduling, expectation, student response, or other attribute that provides access for a student with a disability to participate in a course, standard or test, and it does not fundamentally alter or lower the standard or expectation of the course, standard, or test. (California Department of Education, 2008, p. 1)

Very important to the validity of the individualized grading process is the identification of what modifications have been implemented and how they were assessed. It is critical to note that the reported grades, when a modification was utilized, are the grades that reflected the progress on the modification of the standard, not the grade level standard,

Modified standards should be clearly linked with the grade-level standard on the IEP as an annual goal with short-term objectives. Measuring and reporting progress on a grade level standard that the IEP team has already agreed is unattainable, would be meaningless, and arguably, illegal. (Jung & Guskey, 2007, p. 51)

The intention of an IEP is to create an individualized program for a student based on his/her particular needs and abilities. Too often students with IEPs receive failing grades due to an improperly written IEP that does not provide support that meets the individual needs of the students.

Whenever a student with an IEP is on the precipice of failure, the IEP has some explaining to do. Attempts to assign failing grades are ill advised without mounds of documentation. The school members of the IEP must be able to prove that any accommodations or modifications described in the IEP were provided with fidelity. (Hartman, 2015, p. 1)

Strategies must be developed to provide fair, accurate and meaningful grades for students with disabilities, without excessive workload for teachers. Because many teachers do not enjoy grading as it is, special education leaders need to convince teachers of the benefits, for all stakeholders, of individualized grading. In addition, it is imperative we give teachers an efficient process to develop individualization strategies (Munk & Bursuck, 2003, p. 4). Examples to guide general and special educators, families, and students through this process of grade adaptations, could be as follows:

- Pinpoint the specific expectations in reading, writing, math, and survival skills for the general education classrooms that pose the greatest challenge for the student;
- Clarify what purpose grades serve for the members of the team;
- Review the potential benefits of each type of grading adaptation and fit the adaptation to the student's needs;
- Develop a written plan that describes the grading adaptations to be implemented and roles for each team member; and
- Develop a procedure for monitoring the student's achievement with the grading plan (Munk & Bursuck, 2003, p. 4).

Grading adaptations/modifications that are effective, well planned and implemented, help schools align with the provisions in IDEA that require schools to maximize access to the general education curriculum for students with disabilities.

Individualized grading systems help the stakeholders prioritize assignments and content, and the way in which work is to be completed. Additionally, the focus on the progress of IEP goals and the modifications to assignments and assessments can help support the challenging aspects of the grade level general education curriculum. The purpose of individualized grading systems is not to make it easy for students with disabilities to earn higher grades, but to produce fair, accurate, detailed, and meaningful insight into the achievements and specific needs of a student with an IEP. By modifying

the standards and assessments to meet the student's level of academic achievability, the student can experience success. The steps involved in creating Individualized Grading Systems can improve trust and communication among the teachers, families, students, and all who participate in the modification of standards and how those modifications/adaptations will be assessed. For students with disabilities who are in inclusive educational settings, educators at all levels need specific and clear guidance in creating grading policies and practices within the standards-based environment.

The IEP then can serve to document the curricular accommodations and modifications made for students who receive special education. After considering the accommodations and modification needs of students, IEP teams can determine whether or not each student should be held to grade level standards or modified standards. (Guskey & Jung, 2009, p. 13)

This process allows students with IEPs, their families, and all other stakeholders to have information that is effective, accurate, meaningful, and clear.

By providing information on a student's specific progress, aside from effort and attitude, followed by clearly communicating the meaning of each mark or grade, teachers can offer a much clearer and deeper understanding about a child's learning,

If some or all of the grades for achievement are based on modified standards, then the reporting system must include additional information to ensure that families understand that their children's success is based on work appropriate for their developmental level, not their assigned grade level. (Guskey & Jung, 2009, p. 11)

Providing this kind of detailed, individualized information about a student's learning not only creates a culture of home and school connection, but provides the IEP team guidance in the next steps for the child and his/her educational successes and needs.

It is important for families and all stakeholders to be notified when grades or marks are based on modified standards and/or modified assessments. This is important

information not just to families, but postsecondary institutions, and potential employers as well. According to the law, however, the way in which you communicate this modification on report cards or transcripts must not identify in any way that the student is receiving special education services or accommodations; instead, it is permissible to note that the student was graded on “modified standards.” When using the term modified, “an accompanying report might then include the IEP goals or a narrative describing the details of the IEP” (Guskey & Jung, 2009, p. 12). Using the terms *special education goals* or *IEP* would be in violation of the Americans with Disabilities Act of 1990 and of Section 504 of the Rehabilitation Act of 1973. “Although federal law does not explicitly prohibit schools from making notations of special education status in a report card, provided that these are only shared with families, it discourages it . . .” (Guskey & Jung, 2009, p. 12).

LEAs often distinguish between general education and other types of programs and classes, such as advanced placement, honors, or remedial classes. Similar distinctions on report cards would meet the requirements of Section 504 and Title II that state individuals with special needs may not be treated differently than individuals without disabilities.

See 34 C.F.R. § 104.4(b)(1)(i)-(iv) and 28 C.F.R. § 35.130(b)(1)(i)-(iv). Under Section 504 and Title II, in order to properly reflect the progress of a student with a disability in a modified or alternate education curriculum, an LEA may distinguish between special education programs and services provided under a modified or alternate education curriculum and regular education classes under the general education curriculum on the student’s report card. For instance, where a student’s IEP calls for a modified tenth grade literature curriculum to be provided through the special education program, it would be appropriate for the report card to indicate that the student’s progress was measured based on the modified education curriculum. This distinction also may be achieved by using an asterisk or other symbol meant to reference the modified or alternate education curriculum as long as

the statements on the report card, including the asterisks, symbols or other coding, provide an explanation of the student's progress that is as informative and effective as the explanation provided for students without disabilities. (U.S. Department of Education, 2008, p. 3)

Where standards have been modified in order to assign a grade, special notations or marks can be used on report cards, such as an asterisks.

Accordingly, to the extent that the use of notations, asterisks, symbols, or other coding on a report card to indicate that a student with a disability received accommodations or modifications is part of the information given to parents about their child's progress or level of achievement in specific classes, course content, curriculum, the IEP, or the plan under Section 504, it is permissible under Section 504 and Title II. (U.S. Department of Education, 2008, p. 3)

While grading and reporting for students with disabilities can be a daunting task, using the strategies mentioned here and working together with all stakeholders to provide the very best detailed, tailored, meaningful description of students progress and needs is well worth the extra effort. Research has shown that special education students in the general education classes are at risk of receiving low scores that are neither accurate nor helpful in any way. "Yet students with disabilities are to access and participate in the general education curriculum as well as receive a specifically designed education program planned to address their unique needs" (Kurth, Gross, Lovinger, & Catalano, 2012, p. 41). Using a modified standards approach and utilizing the strategies outlined here and the flowchart to follow, educators can provide fair, accurate, and meaningful grades for our special education students.

Figure 1 is a flowchart to use when creating an Individualized Grading System for a student with special needs; interpreted and paraphrased from the article, "Grading and Reporting in a Standards-Based Environment: Implications for Students with Special Needs" (Guskey & Jung, 2009, p. 8). This chart is meant to provide guidance in planning

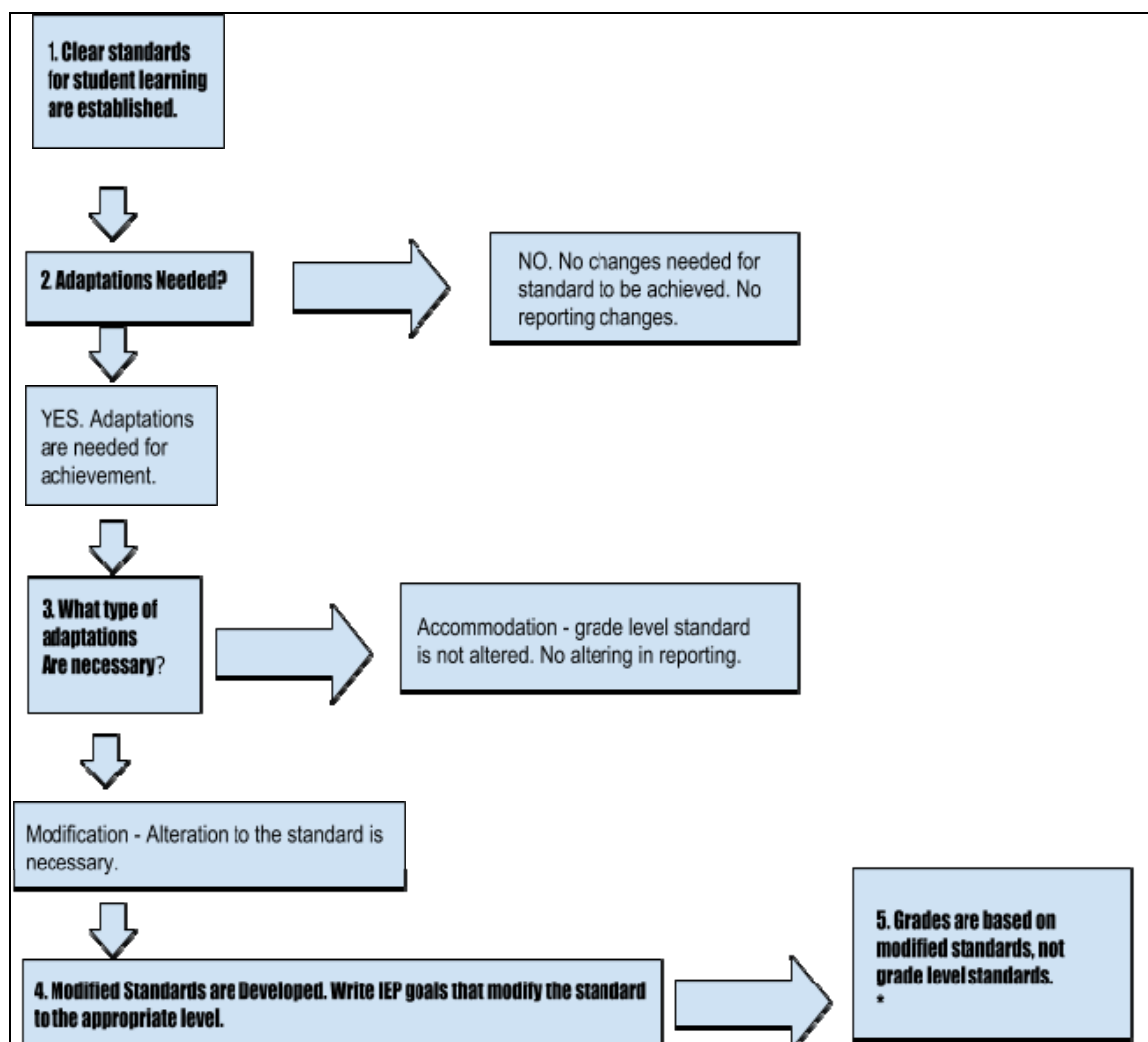


Figure 1. Inclusive model for grading students with special needs.

whether or not a modification is needed. Used in combination with the above-mentioned process for reporting grades based on modified standards, an Individualized Grading System can then be applied to a student with an IEP. “Adapted curriculum and adapted grading will often go hand in hand, as it is necessary to have a different grading schema for students who complete adapted materials” (Kurth et al., 2012, p. 42).

When assigning a grade or mark on a modified assignment/test/standard, the reporting system must include the descriptions as they relate to how it is written in the

IEP. Families need to understand their child's grades are based on modified standards and/or modified assessments.

Prior to developing and following through with grading policies that accurate and fair for our special needs students, schools must be sure they have high quality reporting and grading systems for all students. High quality, fair, and accurate grading systems include two important elements. First, clearly articulated standards for grading must be established for effective and accurate grading and reporting. This switches the focus from one single grade or overall assessment of learning (How well did the learner perform in math?) to a description of student performance on the explicit targeted skills/standards (How well did the student master the ability to identify the least common denominator?). Second, as outlined in their article, "Grading Exceptional Learners," Jung and Guskey (2010) describe the three types of learning criteria that must exist to have high quality reporting and individualized grading systems, as they relate to standards. The three areas they describe are a) Product, b) Process, and c) Progress. Product refers to what a learner knows and is able to accomplish at a certain point in time. Specific achievements or levels of proficiency are the "product." Examples would include final exams, exhibits, projects, portfolios, and presentations. Process refers to the students' behaviors and attitudes throughout learning, while reaching their current level of achievement. This might include behavior, effort, punctuality, participation, work completion, and work habits and ethics. Progress criteria refers to how much the learner gained or learned from their educational experiences. There is a focus on how much a student has progressed, as opposed to where they stand academically. Some call this *value-added learning, educational growth, and/or learning gains*.

The highest quality and most effective reporting and grading systems have clear standards based on these three criteria, product, process, and progress, and they report each of these criteria separately. While it sounds like more work for teachers, when these systems are in place the work becomes easier for teachers and offers the assurance that their grading and reporting systems are accurate, useful, fair, and thorough. Additionally, this type of reporting and grading systems offers families a much clearer picture of their child's performance in school.

Once high quality systems are in place, educators can develop accurate and fair policies and procedures for grading and reporting. The following is a five-step model for grading and reporting for students with IEPs. It will provide a framework for schools to help accomplish high-quality individualized grading systems for students with special needs. The five-step model is based on Figure 1.

1. As an IEP team, determine whether the standard is an appropriate expectation for the student in question, without adaptations. The critical question being, Can we appropriately expect the learner to experience success with this standard without changes to the standard or special support? If the team agrees the standard is achievable without changes or support, then no change is needed in the grading process and the teacher measures the performance on the standard the same way it is measured for non-disabled students. If however, the IEP determines the standard is not achievable without changes or supports, then the team moves on to Step 2.

2. If the IEP team determines the standard cannot be met without support and/or changes to the standard, the question is asked, is an accommodation or modification needed? An accommodation would not change the content of the standards but the

method for demonstrating proficiency or mastery. Some examples would include; providing audio tapes of reading passages, having an assessment read orally to the learner, or simplifying directions on an assessment. The content remains the same, and the student would be graded or judged, same as the other students, on the content of his or her answers or responses. A modification, on the other hand, means the changing of the actual standard to provide access to learning and the possibility of success. A 4th grade student, for example, may have strong oral sharing skills, but is not able to meet grade level writing standards. For this 4th grader, the IEP team may decide to intervene with additional intensive writing support and expect that this student will master 1st grade writing standards, as opposed to the previous decided upon unachievable 4th grade writing standard. If the IEP team determines that a modification to a standard is indeed appropriate, then move to Step 3.

3. The IEP team determines the appropriate standard to replace the grade level standard. This is the standard the team feels the student will achieve success with and can master. The IEP team must document this modification in the IEP goals section (or on a 504 plan).

A student with cognitive impairment, for example, may not be ready to work on 4th grade science standards in mineral identification. The IEP team may choose to develop science standards on the skill of sorting and classifying that are fundamentally related to 4th grade science standards but are also developmentally appropriate for the student. (Jung & Guskey, 2010, p. 39)

Additionally, a 10th grade student's IEP may call for 6th grade level vocabulary, or an injured student may have a modification on his/her 504 plan that allows the student to orally explain the rules or steps to a particular sport or game being taught in PE class, without being marked down for not participating physically.

4. The grade level standard is not the basis the grades, but the work done on the modified standard becomes the grade that is reported. It would negligent to grade a student on a standard the IEP team has already determined as an unachievable standard. For instance, the aforementioned 4th grade student with cognitive impairment who has a science goal of sorting and classifying by simplified characteristics instead of working on the mineral identification standard would not be graded in the same manner as his/her peers on the grade level standard, but the modified standard agreed upon by the IEP team. Nor would it be useful or fair to grade solely on citizenship or effort. Instead, the grade is based on the agreed upon standard, (for instance, the learner will sort the objects by shape, size, and color with 85% accuracy). Similarly, the 10th grade student with a 6th grade vocabulary goal would be graded using the same “ruler” as the other students, but the vocabulary would be modified.

5. Communication of the meaning of the grade is essential. Teachers must communicate what was actually measured with each modified standard.

The report card should include a special notation, such as a superscript or an asterisk, beside grades that reflect achievement of modified standards. The accompanying footnote might be worded, ‘based on modified standards.’ The report card should direct families to a supplemental document, such as the IEP progress report, that lists the modified standards on which any grade was based and a narrative of progress on each. This lets everyone know, as federal legislation requires, how the student performed on appropriately challenging learning tasks. (Jung & Guskey, 2010, p. 40)

The five-step model outlined above for high quality grading and reporting systems offers an accurate, fair, and legal way to modify and adapt the grading practices and processes for IEP students. Using these systems, and following this model, IEP teams agree ahead of time on the appropriate expectations for student achievement based on

modified instruction, grading, and reporting and report progress to families and stakeholders, separately from progress and process criteria. Using understandable and practical methods, schools clearly communicate the meaning of the modified, individualized, grading. This provides the instructional teams, IEP teams, and families the information needed to provide the very best learning experiences for students with learning disabilities.

The classroom procedures and policies outlined above are researched based, meet all legal requirements, and are filled with promise. Promise of offering families, students, and all stakeholders, a clear, more meaningful way to address the needs of students with IEPs and how to report progress accurately and fairly, in any school setting. Educators and leaders in the field must recognize and battle the challenges in grading reform for our special education students. We all must embrace the fact that there are immense benefits that come from tailoring learning standards and standards based assessments to meet the developmental needs and academic achievability for our students with special needs. To provide families and students with a clear picture and meaningful report of progress and needs; to come together as educational communities who focus on all learners with the goal of improving the quality of educational systems; and to be pioneers of special education grading reform and inclusion.

Staffing/Confidentiality/Discipline

Children's Community Charter School will employ the appropriate number of certificated and/or licensed personnel, consistent with the highly qualified standards under the mandates of ESSA. We will hire personnel necessary to implement all special

education and related services as outlined in each student's IEP. The school ensures that all personnel will be appropriately and adequately trained and prepared. Personnel will have the content knowledge to serve students with disabilities. Consultation time will be provided for special education personnel, general education teachers, and related service providers to consult with each other on a regular basis. Training will be provided to all special education staff and support personnel when needed to meet the requirements of special education regulations. For example, training that addresses issues of confidentiality, the specific needs of special education students, and implementation of Least Restrictive Environment (LRE), data collection, etc. If paraprofessionals are hired, each one will be appropriately trained in special education and will be a highly qualified individual (certified and/or licensed in the area of specialization to which the individual is assigned) and will be directly supervised by the Director of Special Programs.

CCCS will maintain all records for students with IEPs and the special education staff will maintain the highest level of confidentiality with regard to the records and other personally identifiable information within the records. CCCS establishes and will implement procedures and policies, which ensure records of students with IEPs remain confidential, classified, filed appropriately, protected, reviewed, and when necessary, destroyed in compliance with the Individuals with Disabilities Education and Improvement Act (IDEIA) and the Family Educational Rights and Privacy Act.

The school's code of conduct applies to all students requiring special education services. A special education student may be suspended; however, a specific set of procedural rules must be adhered to in the case of a student who engages in a behavior that requires disciplinary intervention. School personnel may suspend a student

with an IEP for as many as 10 school days without providing educational services. Please note, in-school suspensions do not count toward the 10 school days if the student is able to continue to progress appropriately in the general education curriculum, continue to receive IEP services, and is able to continue to participate with nondisabled peers as they would have in their current placement. Please refer to Chapter III for further details.

Summation

The four main subject areas of this literature review for the Special Education Policies and Procedures Manual give the research behind the manual itself and provide a deeper understanding of how and why we are to practice consistent policies and procedures that are aligned with Federal, State, SELPA, and Charter School philosophies and laws. CCCS is committed to providing the very best educational experiences for all students, in particular our students with exceptionalities. To provide the very best, we need this comprehensive, research based handbook to help us navigate the special education waters and be assured that our staff is in compliance with all entities and consistent with the policies and procedures outlined in this document. This guide was developed to help our charter school, as well as other charter schools, understand and plan for each special education component as programs for special education are being built. It is intended to provide staff and all stakeholders a research-based, comprehensive tool in supporting the needs of students with exceptionalities.

CHAPTER III

METHODOLOGY

Children's Community Charter School has been receiving special education services since its inception 21 years ago. I was hired to help our school become an independent Local Education Agency (LEA). I worked in 2015-2016 to write our LEA application to submit to Butte County Office of Education. I consulted with many charter school special education leaders and reviewed samples of other LEA applications while writing our application. I also attended all Butte County Office of Education SELPA meetings as our school's LEA administrative representative. It was important to me to establish myself in the SELP leaders community and network with fellow special education leaders. BCOE offered many trainings within the field of special education and leadership, most of which I attended. With all of the research into what other charters submitted in their LEA applications, my trainings, my own research into special education laws, mandates, timelines, etc., I completed the manual and submitted it to BCOE in early October 2016. It was accepted with a unanimous vote. (See Appendix for copy of LEA application).

This year, 2016-2017, I became the Special Programs Coordinator tasked with creating a new special education manual, the creation of new Student Study Team procedures and forms, and new Section 504 policies and forms. I also created a new Response to Intervention (RtI) program including; policies, procedures, forms,

scheduling, parent communication forms, and the supervision of two classified staff working as tier 2 intervention teachers. Additionally, I served as a tier 3 intervention teacher.

For my master's program, I chose to use the creation of the special education manual as my project. For the literature review portion, I focused on the new grading systems we will use for students with IEPs as well as providing research on why a more *inclusive* approach to special education would be beneficial to all of our students. I began with a Survey Monkey of my teachers on staff that assign grades on report cards (K-8, not including aids). My goal was to ascertain the comfort level of my staff with regard to a new modified standards based grading system that includes a focus on inclusion as well as a collaborative, team connection and approach for special education staff and general education staff. I found that while my staff was open to the idea and intrigued by the possibility of grading reform and more of a team approach to grading our IEP students, they wanted more information and training. (For survey results, see the appendix). This fueled my desire to provide high quality research that supports the need for grading reform based on modified standards as well as the importance of inclusion for both the special education student as well as the general education student.

I have developed and started training staff on how to modify standards and report grades based on the modifications. I have also been demonstrating the benefits of inclusion by slowly shifting away from the pull out only model that has been used at CCCS. Additionally, I invited a general education teacher to a "Co-Teaching" training with me so that we can pilot the co-teaching approach for special education and general education teachers next year, when we are officially our own LEA.

For the literature review, I utilized peer reviewed, empirical articles on said topics, as well as special education law and policy books, and a variety of websites including, but not limited to: the CDE (California Department of Education), Wrightslaw, NASET (National Association of Special Education Teachers, and the council for Exceptional Children). All research presented in the literature review portion is of the highest quality and supports my claim that grading reform, inclusion, and collaborative team relationships between general and special education are in fact beneficial as well as critical for positive outcomes for all students, staff, and families of children with IEPs.

To provide a quick introduction and overview to my staff on the direction we will be going in 2017-2018 with regard to the classroom practices of grading, reporting, and inclusion, I created a PowerPoint slideshow that I presented at a staff meeting. It was important for me to keep my staff on board, include them in the process, and ensure their voices would be heard and include them in the decisions that I was making with regard to special education policies and procedures.

For the creation of the manual itself, I studied special education manuals from other charter and non-charter schools within California. My presentation of information in the manual is a combination of all of my research using a variety of samples as well as a deep dive into Wrightslaw, special education code, IDEIA, Section 504, and our school's charter handbook; to ensure our special education program is aligned with our current charter policies and philosophies.

In reviewing the many samples of special education manuals as well as all related special education law, I concluded the following main headings to be critical components of any special education handbook, covering the required information:

- The Referral Process
- The Special Education Evaluation Process
- The Individualized Education Program (IEP)
- Staffing
- Discipline/Confidentiality
- Resources for Staff
- Sample Forms

The resources section of the manual was of critical importance to my staff. It was a request from my principal to add as many articles, samples of items like behavior contracts and positive behavior support plans, supports for parents, and information about special education and learning disabilities in general. Section 6 is a collection of helpful resources and information only. Some of the resources in this section were created by me (i.e., Positive Behavior Intervention Plan forms, CCCS Behavior Contract), but most are articles and such that I searched for and included at the request of my principal.

I consulted with BCOE program specialists, other special education leaders, my principal, Chico State staff, the board president of CCCS, and my own staff on each section of this manual. As I finished a section, I shared it with my principal, board president, Chico State adviser, one of my thesis/project committee members who has been a special education teacher and leader for many years, and other current Chico State professors of mine.

CHAPTER IV
SUMMARY, CONCLUSIONS, AND
RECOMMENDATIONS

Summary

Three federal laws have been passed to ensure quality educational opportunities for students with disabilities: Section 504 of the Rehabilitation Act of 1973 (Section 504), the Individuals with Disabilities Education Act (IDEA), and the Americans with Disabilities Act of 1990 (ADA). All three of these federal laws are addressed and covered within this manual, as well as mandates found in Wrightslaw.

The last reauthorization of the IDEA was in 2004, which aligned the law with the Elementary and Secondary Education Act of 2001. The Every Student Succeeds Act (ESSA) was passed in 2015. Revisions to the IDEA mandates were issued in 2007, 2008, 2013, and 2014 with additional, currently pending, regulatory changes to the IDEA. The IDEA (also referred to as IDEIA) maintains the foundational structure and civil rights of prior reauthorizations. Additionally, it emphasizes both improved results for individuals with disabilities based on data and public accountability, as well as appropriate access to education. This Manual provides information, data, recommendations, guidance, and support regarding school/district responsibilities under the IDEA and relevant California legal requirements.

Conclusions

When creating a special education manual from scratch, it is essential to research the many samples already available online. Additionally, it is critical to your own school's' handbook as a basis from you build your program, especially in the case of a charter school. I referenced california law books that pertained to special education as well as became deeply involved with my school's LEA authorizer, the Butte County Office of Education. I attended all SELPA meetings for BCOE for a year and a half, becoming highly familiar with their policies, procedures, forms, resources, and supports as BCOE is our our new SELPA organization. In addition to much research, I also interviewed staff and personnel and used their answers and input to help guide my creation the new grading systems we will incorporate as well as the switch to focusing on inclusion. You'll find this information and the evidence-based research that supports the new directions we will be going as our own LEA in Chapter II of my project. This document is a thoroughly researched, legally sound manual that will guide the staff at CCCS in and through the process of beginning our new special education program(s).

Through my research of multiple sample special education manuals from other charter schools, public schools from around California and beyond, and my deep dive into special education law, there were common threads that emerged. These are the subject areas I chose to use in my project and the subject headings you will find in the final *Special Education Manual for Students with Exceptionalities: Policies and Procedures for Referral, Assessment, Classroom Practices, and Staffing for Children's Community Charter School*. Additionally, you will find many resources in the final section and the Appendix. Some of the resources I added include, but are not limited to:

sample PBIP forms, list of special education acronyms, list of special education timelines for California, information and resources for a variety of learning disabilities, the original LEA application, and much more. My goal was to provide resources that are readily available for educators and/or administrators to access when needed.

Recommendations

While important to have many samples of other special education manuals to research and reference, I recommended sticking with two or three that fit your school's need. It was very easy for me to get lost in too many samples. Be selective. If you're a charter school, be sure to have two or three charter school sample as well two or three larger district samples for your state. I would not recommend spending the time to research outside of your state as each state has different, or at least slightly different, laws and regulations. I became overwhelmed by having too many sample manuals to read and eventually discard as they did not represent California law, were not a not-for-profit public charter school, or were created for a school district far bigger than my one, very small school that is its own district.

I recommended surrounding yourself with special education law, both your state laws and federal law. Additionally, know your own school. Research your schools handbook, philosophy, culture, and history. Interview or include your staff members in the process as you are creating a manual for their consumption. Be sure their voice is heard and represented in your final product. I would start with your school's or district's superintendent and principal (in my case, my superintendent and principal were one person) and ask what it is they are looking for in your manual. Some districts, especially

if larger, will desire a different type of manual covering much more information than a one school charter school that is its own district. Before you even begin, be sure you know what your district expects of the product you are creating, and keep that in mind as you work. After all, the manual is to be a tool for staff and administration to utilize to best serve your special education population; you will want it to fit their needs and be a document that suits your particular school's needs and is user friendly as well as thoroughly researched. You want your staff to know you have presented them with a research-based manual that is aligned with all applicable special education law.

For my particular site, it was important for me to add as many resources as possible. As a brand new LEA, stepping out into the special education landscape for the first time, it was important for me to add forms, sample forms, information about various disabilities and how to best address the needs of students with said disabilities, timelines, lists of acronyms that are specific to special education, etc. As the only employee with special education credentials and experience, it was a critical focus for me to “teach” through the resources I provided in my manual and offer tools that would support teachers, and all staff, in their interactions with students with disabilities as well as how to interact and support parents of students with disabilities. While not all schools may feel it is necessary to add a plethora of resources, it was necessary for my school.

Another recommendation I would make is to have more than one individual at your site with special education experience. Even if you're a small school, special education program needs a full time director as well as teacher. Our hope, here at CCCS, is to be able to do just this. I wrote this section of the manual with the assumption that the director and the teacher would be two separate people. Both jobs, teacher and director,

are highly demanding jobs that require much time and presence. With the number of IEP meetings and the timelines within special education that a director and a teacher need to stay on top of, I recommend not combining the two positions into one given the responsibilities attached to each job. (Refer to job descriptions in the “Staffing” section).

A last recommendation I would make would be to any individual in special education is to do your research. Find out what other schools with similar demographics to yours are doing; how they prioritize, present information, what resources they may include and guidance they may give. Broaden your scope. Too often we can have tunnel vision when our jobs are as demanding as they are, but do your research, talk to your staff, and learn as much as you possibly can. When creating a manual as important as a special education manual, be sure you prioritize the needs and wants of your school and/or district and make that your starting point, ensuring that you involve your staff along the way. Staff buy in is critical and your staff will want to feel a part of what you’ve created and they’ll want to know that you have “covered all your bases” with regard to research, law, and policies and procedures that fit your school's’ needs. Above all, communicate to your staff and stakeholders that at the heart of your work is the student. Every student with special needs must be the driving force that become the central need and true reason for the manual you have created. Put your research in it, your findings, your recommendations, but most importantly, put your heart into it and your staff will see this manual as more than a guide, but a reason to provide the very best educational experiences for your students with special needs. I recommend involving all stakeholders including staff and board members in your research process by asking for

their input and sharing your work along the way. By doing this, you guarantee successful implementation of the program, policies, and procedures you have created.

REFERENCES

REFERENCES

- Bui, X, Quirk, C., Almazon, S., & Valenti, M. (2010). *Inclusive education, research, and practice*. Retrieved from http://www.mcie.org/usermedia/application/6/inclusion_works_final.pdfw
- California Charter Schools Association. (2015). *Special education toolkit: Understanding the options available when accessing special education services for students in charter schools*. Retrieved from <http://www.ccsa.org/2010/06/special-education-toolkit-understanding-options-for-selpa-membership.html>
- California Charter Schools Association. (2016a). *Meeting the needs of every student through inclusion: A qualitative study of ten California charter schools*. Retrieved from http://www.mcie.org/usermedia/application/6/inclusion_works_final.pdf
- California Charter Schools Association. (2016b). *Special education in California: The challenge*. Retrieved from www.ccsa.org/advocacy/special-education-adv/
- California Charter Schools Association. (2016c). *2016 Special education report press kit*. Retrieved from <http://www.ccsa.org/blog/2016/10/2016-special-education-report-press-kit.html>http://ncsecs.org/wp-content/NCSECS_RESOURCES_Start-Up%20Guide%20WEB%20d1_0.pdf
- California Department of Education. (2008). *Promotion, retention and grading*. Retrieved from www.cde.gov/sp/se/sr/promoretnt.asp

- California Department of Education. (2017). *Promotion, retention, and grading*. Retrieved from www.cde.ca.gov/sp/se/sr/promoretntn.asp
- Churchill, L., Mulholland, R. & Cepello, M. (2008). *A practical guide for special education professionals*. Upper Saddle River, NJ: Pearson Education.
- Funk, S.L. (2016). *The promise of special education*. Eldorado Hills, CA: School Innovations & Achievement.
- Great!Schools. (2015). *Individualizing a grading system for a student with LD and an IEP*. Retrieved from <http://www.greatschools.org/gk/category/school-life>
- Guskey, T. (2011). Five obstacles to grading reform. *Educational Leadership*, 69(3), 16-21.
- Guskey T. & Jung L. (2009). *Grading and reporting in a standards-based environment: Implications for students with special needs*. Retrieved from ERIC database. (ED509343)
- Hartman, J. (2015). *Forbidden failure in special education*. Retrieved from <https://jeffreymhartman.com/2015/07/01/forbidding-failure-in-special-education/comment-page-1/>
- Jung, L., & Guskey, T. (2010). Grading exceptional learners. *Educational Leadership*, 67(5), 31-35.
- Knotck, S. (2003). Bias in problem solving and the social process of student study teams: A qualitative investigation. *Journal of Special Education*, 37(1), 2-14.
- Kurth, J., Gross, M., Lovinger, S., & Catalano, T. (2012). Grading students with significant disabilities in inclusive settings: Teacher perspectives. *Journal of International Association of Special Education*, 13(1), 41-57.

Munk, W., & Bursuck, W. (2003). Grading students with disabilities. *Educational Leadership, 61*(2), 38-43.

U.S. Department of Education. (2008). *Questions and answers on report cards and transcripts for students with disabilities attending public elementary and secondary schools*. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-qa-20081017.html>

The Special Education Guide. (2016). *The general ed teacher's guide to the inclusive classroom*. Retrieved from <http://www.specialeducationguide.com/pre-k-12/inclusion/the-general-ed-teachers-guide-to-the-inclusive-classroom/>

Wright, P. (2004). *Wrightslaw: Special education law. 20 U.S.C. § 1414 Evaluations and IEPs*. Retrieved from www.wrightslaw.com

APPENDIX

Children's Community Charter School

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SPECIAL EDUCATION MANUAL FOR STUDENTS WITH EXCEPTIONALITIES: POLICIES AND PROCEDURES FOR REFERRAL, ASSESSMENT, CLASSROOM PRACTICES, AND STAFFING

Adopted Spring 2017

Our Purpose

The teachers, administrators, and staff of Children’s Community Charter School believe in the equal worth and dignity of all students and are committed to educate all students to their maximum potential. The mission of this manual is to provide the necessary guidelines for special education, assistance, and support to the school community in order to maximize learning for all students within an inclusive environment so that each student will contribute to and benefit from our diverse society. The purpose of the “Special Education Manual for Students With Exceptionalities: Policies and Procedures for Referral, Assessment, Classroom Practices, and Staffing” is to assist school personnel in understanding and practicing consistent policies and procedures that are aligned with Federal, State, and Charter School philosophies and laws. CCCS is committed to ensure compliance with such policies and procedures. It is expected that school personnel will serve students with disabilities and their families in a manner consistent with this manual. This manual of policies and procedures will provide the user with the concepts and framework needed in understanding how to implement special education policies and procedures. It is a comprehensive tool designed for the staff of CCCS, including:

- Structured processes for implementing special education policies, pre-referral intervention practices, and the SST referral process
 - Guidelines for personnel working with students with exceptionalities
 - Staff development tool
 - Source for forms, timelines, miscellaneous related special education resources
 - Policies and procedures for Section 504 of the Rehabilitation Act of 1974
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 - Articles and Resources for Educators:
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 - Functional Behavior Assessment Packet
 - General Information on Learning Disabilities
 - RtI - Response to Intervention
 - MTSS - Multi-Tiered Systems of Support
 - Inclusion

List of Top Special Education Websites for Educators and Parents

Section 1: The Referral Process

Child Identification (Child Find)

In compliance with state and federal regulations, Children's Community Charter School (CCCS), an independent school district, assumes the responsibilities included in the location, identification, and evaluation of all students enrolled at CCCS who require special education and/or related services. All students who are suspected of having a disability and may be in need of special education are part of the Child Find Identification Process at CCCS.

This includes students who are:

- Advancing from grade to grade
- Wards of the state, children who are highly mobile (such as migrant or homeless children)
- Students enrolled who, determined by the IEP team, are found to need additional supports or alternative placement to meet the requirements under FAPE and IDEIA.
- Non-Public, Non-Sectarian Schools and Services: All appropriate public school programs in the SELPA or nearby SELPA's shall be explored prior to considering the non-public charter school program alternatives. The state provides residential schools and assessment for handicapped pupils as appropriate.
- Students identified as Gifted and Talented

Our Special Education Department coordinates the Child Find Process. The department and school staff use a variety of community resources and conducts systematic activities and processes in our efforts to identify students with exceptionalities.

The SST (Student Study Team) Purpose and Process

The school site Student Study Team (SST) discusses and recommends intervention strategies using regular school resources and personnel. They may coordinate assessment referrals for students whose needs cannot be met with modifications of the regular program. The SST may refer a student to special education only after all resources of regular education have been considered and, where appropriate, utilized. This team is primarily composed of the general education teacher(s), administration, the parents or guardians of the student, any specialist with experience with the student, and often the student. Our Student Study Team (SST) uses a collaborative, positive approach to assisting staff and families in determining a wide range of concerns and strengths related to a student's school performance, academic achievement, behavior, and overall school experience. The purpose of the SST referral process is to identify and intervene as early as possible with the desired outcome being a positive supportive system of supports for students having difficulties in the classroom or school in general. The intended purpose of the SST referral differs from the traditional parent-teacher conference as the SST process includes all stakeholders in the development of a plan for the student in need, often including the student as well. The SST referral meeting allows all parties to share strengths as well as concerns, and all participants help develop an appropriate plan for the student. Additionally critical in

the SST referral process is that the team may also be trying to discern whether the student is struggling due to a learning disability or other special needs related to behavior, social/emotional issues, medical issues, etc. It is through the SST referral process that a recommendation by the team may be made for formal special education assessment. (All forms related to the SST process are found in the Appendix)
An additional possible outcome of an SST referral may be a Section 504 Plan. Please see the Appendix for detailed information on CCCS's policies and procedures for Section 504 plans.

Procedures for Early Intervention: RtI/MTSS

CCCS utilizes the process and procedures for Response to Intervention (RTI) and Multi-Tiered Systems of Support) to intervene with appropriate intervention needs for all students. Data gathered in our intervention programs is vital in the analysis of whether or not a student will need special education services. (Please refer to the Appendix for detailed resources on both RTI and MTSS)

Procedures and Services for Students Who are Identified as Gifted and Talented

Often addressed through the SST referral process is the identification of students who demonstrate Gifted and Talented exceptionalities. As per the requirements of FAPE, students who qualify for our GATE program will receive services appropriate to their individual needs. Currently, "Gifted and Talented" is determined by the SST team as (1) demonstrated or potential abilities that produce evidence of superior creative, intellectual, or particular academic capability and (2) needing differentiated services or instruction beyond what is provided in the general education classroom; in order to realize their creative, intellectual or specific academic potential. Parents, teachers, or other individuals with specific experience with the student may submit a written request for an SST meeting. (See Chapter 3 for further description of the steps involved in identification of Gifted and Talented students.)

Section 2: The Special Education Evaluation Process

The purpose of the following guidelines is to provide information on the initial evaluation and reevaluation of individuals with disabilities. The guidelines are based on the requirements in state and federal statutes and regulations that are related to special education programs. Part 30 of the *Education Code and Chapter 3 of the California Code of Regulations, Title 5, Education (5CCR)*, serve as a guide to the entire process of individual diagnostic testing and the individualized education program (IEP) team's determination of eligibility.

Children's Community Charter School uses sound evaluative practices to ensure the proper identification of students with disabilities. In this context, evaluation means the procedures and protocol CCCS uses to determine whether a student has a disability as well as the extent and the nature of the special education services the child will receive. Before any action is taken in regard to the initial special education placement of a student with disabilities, a full and individual evaluation is conducted to determine the student's educational needs. A reevaluation is conducted if a student's parents or teacher(s) request a reevaluation, or if conditions warrant a reevaluation. A triennial evaluation will occur at least every three years, unless the school and the parent agree it is unnecessary.

Parental Consent for Evaluation and Reevaluation:

The federal Individuals with Disabilities Improvement Act; California Education Code; and California code of Regulations, title 5, Education, contain specific protections for the identification, evaluation, and reevaluation of a student suspected of having a learning disability. The fundamental requirements are as follows:

1. A referral for the identification of a student with a suspected learning disability will be coordinated with the procedures for the local education agency's (LEA) school-based plan. This coordination ensures that all resources of the general education program have been considered and, where appropriate, used.
2. Prior Written Notice will inform the parents/guardians in their native language, unless doing so is clearly not feasible, whenever the LEA either proposes or refuses to:
 - Initiate an evaluation of the student with a suspected learning disability.
 - Change the educational placement of the student.
3. The content of the prior written notice to the parent/guardians of the students will include:
 - A description of the action proposed or refused by the LEA
 - An explanation of the LEA's proposal for action or refusal to take action
 - A description of options considered by the LEA and, if they were rejected, the reasons for the rejection
 - A description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action

- Any other relevant factors
 - A statement that parents/guardians of a child with a disability have protection under the procedural safeguards of IDEIA, 2004.
 - For reevaluations, a statement to instruct the parents/guardians about the means for obtaining a description of the procedural safeguards
4. Individual assessment plans that function as prior written notice must include all of the preceding content and describe the reasons or purposes for the evaluation; the types of testing and assessment procedures to be used in the evaluation process; the student's language proficiency as determined by the school; any recent assessments, including available independent assessments and any assessment information that the parents/guardians request to be considered; specific alternative assessment methods and procedures, as appropriate; and general education program interventions.
 5. Written and informed parental consent for a specific assessment plan must be received before any evaluation or reevaluation activities are initiated. However, such informed parental consent need not be obtained for reevaluation if the LEA can demonstrate that reasonable measures have been taken to obtain such consent and the parents/guardians have not responded.

Initial Evaluation:

The purpose of the initial evaluation of individuals suspected of having a learning disability requiring special education is to gather diagnostic information and data so the the IEP team can do the following:

- Review and discuss information collected with informed parental consent from a variety of sources, including the parent.
- Evaluate the results of assessments conducted by a team a highly qualified special education personnel.
- Determine whether or not a child has an identified disability that meets California and federal criteria for special education eligibility.
- Determine whether the student with an eligible disability requires special education and or related services.
- Provide instructionally relevant information on the ways in which the student learns; the student's present levels of performance; and the additions or changes needed to enable the student to participate in the general curriculum, as appropriate, meeting the requirements of FAPE.
- Determine whether identified impairments in learning are sufficient to justify establishing modified standards and assessments that allow the student to show academic progress, and report these modified grades or marks to parents/guardians, clearly indicating that the grade or mark received is based on modified work.

Evaluation is required in the following circumstances:

- Prior to a student's placement in special education program(s)
- Prior to any significant change in the student's educational placement, including an alternative educational setting for students requiring special education
- When a parent/guardian or teacher requests one
- At least once every three years

Annual goals, written by the IEP team, must include measurable goals that support the student's involvement in the general curriculum. If modified standards have been determined as needed for the student to access learning and show growth, the way in which those modifications will be carried out within the classroom environment, monitored, assessed, and reported on will be clearly identified in the IEP. Statewide assessment supports, and the evidence of the need for such supports, will be recorded in the IEP. The on-going monitoring, with at least an annual review, provides for appropriate revision of the IEP goals and objectives that reflect the student's need to be educated and participate fully with other children with disabilities and with nondisabled peers in the general curriculum and in extracurricular and other nonacademic activities.

Independent Educational Evaluation:

The school provides to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained and CCCS's criteria applicable for independent educational evaluations. Parents may request an independent evaluation at the school's expense if the parent disagrees with an evaluation that was completed or obtained by CCCS. The parent is allowed to request only one IEE at school expense each time the school conducts an evaluation with which the parent disagrees. If a parent/guardian requests an independent educational evaluation at the school's expense, CCCS will, without delay, either -

- File a due process complaint to request a hearing to show that the school's evaluation is appropriate; or
- Ensure that an independent educational evaluation is provided at the school's expense, unless the agency demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria.

When an independent educational evaluation is at CCCS's expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner must be the same as the criteria the CCCS uses when the school initiates an evaluation. This is done to the extent that the criteria is consistent with the parent's right to an independent educational evaluation and that the school may not impose additional conditions or timelines to those that CCCS uses.

If the parent obtains an independent educational evaluation at private expense, our school will consider the results of the evaluation with regard to the provisions of FAPE. The results of an independent educational evaluation obtained by the parent at private expense may be presented as evidence at a hearing under the provisions of IDEIA.

Reevaluation (Triennial):

The purpose of the reevaluation, required at least every three years or more frequently if requested, is to ensure that the IEP team as well as the parents/guardians:

- Determines whether the student continues to have a disability
- Determines whether special education services remain necessary
- Determines the necessary additions or modifications that will enable the student to meet his or her individual instructional objectives and participate in the general curriculum, as appropriate.
- Reviews current assessment data and decides whether any further information about the student's present levels of performance and educational need is necessary
- Reviews the student's progress toward meeting the school's standards or advancement or both

- Determines appropriate test accommodations or modifications that will enable the student to access the district, statewide, and national assessments.

In addition to the preceding elements, an additional standard for evaluation protocols is that every evaluation report for each individual child must be documented in writing.

Evaluation tools and measures:

The assessors and the IEP team are expected to gather and report in writing all relevant and necessary information for reevaluations while observing all procedural safeguards for the individual child and his or parents/guardians.

Procedural safeguards that apply to the evaluation process as follows:

- A variety of testing tools and strategies must be selected and administered to gather relevant functional and developmental information about the child in all areas of a suspected disability, including information provided by the parent/guardian.
- Evaluations must be administered in the student's native language or other mode of communication, unless it is clearly not feasible to do so. The IEP team must consider the language needs of the child.
- Technically sound test instruments must be administered according to the instructions in the publisher's test manual by qualified school personnel who assess the cognitive and behavioral factors in addition to the physical and developmental factors. The personnel interpreting the results must consider a student's culture, ethnicity, and language and must be knowledgeable in the area(s) of suspected disability.
- Selected test materials shall provide relevant information from which the IEP team can determine the educational needs of the student. Parents may provide results, for the team to consider, from an independent evaluation obtained at private expense.
- Test instruments and other materials selected for assessments are not racially or culturally biased and are administered in a manner that is not racially or culturally discriminatory.
- Test materials must be valid for the purpose for which they are being used.
- No single procedure is to be used.
- A copy of the reevaluation report and documentation of eligibility must be given to the parent.

An IEP team meeting is held to complete the evaluation or reevaluation. The team uses the assessment results to determine the child's educational needs and eligibility for special education and related services. The parent and general education teacher are members of the IEP team and contribute to the process of reviewing the current assessment data for the three year reevaluation. All assessment results and interpretive evaluation reports are a confidential part of the student's educational record.

Section 3: Individualized Education Program (IEP)

The district (CCCS) develops a plan for each student requiring special education and related services. This plan is called an Individualized Education Program (IEP). IEPs are reviewed, and/or revised in order to meet the ongoing needs of the child who requires special education or related services. The purpose of the IEP is to outline a plan for utilizing special education and related services to meet a student's specific disability related needs.

School (District) Responsibilities Regarding IEPs

Our school provides a free, and appropriate public education for all students with disabilities grades kindergarten through 8th who need special education and related services. The school provides educational opportunity to all students with disabilities. An IEP is developed, implemented, maintained, revised, reviewed and evaluated for all special education students served by our school. Special education and related services are provided in accordance with the student's IEP.

The IEP must include the following essential elements:

- **Present Levels of Performance:**
The statement of present levels of performance includes how the disability affects the student's involvement and progress in the general education curriculum (20 USC 1414(d)(1)(A)(i)(I)(aa), 34 CFR 300.320 (a)(1), 30 EC 56345(a)(1)). www.wrightslaw.com
- **Measurable Annual Goals:**
Measurable annual goals include academic as well as functional goals, are related to the student's needs, a result of the student's disability, and are goals that will allow the student to be involved in and progress in the general education curriculum. Measurable goals are to meet the other needs of the student that result from a disability. (20 USC 1414(d)(1)(A)(i)(II)(aa) and (bb), 34 CFR 300.320 (2)(i), 30 EC 56345(a)(2)). www.wrightslaw.com
- **Progress:**
Periodic reports on the student's progress toward meeting IEP goals will be measured and reported on (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards, or at the request of the parent/guardian).
- **Special Education and Related Services:**
A declaration of the specialized academic instruction and/or related and supplementary services will be provided to the student or on behalf of the student in the IEP. A statement of the accommodations and

modifications that will enable the student to advance appropriately will be included in the IEP. A statement will be provided to ensure the student will:

- Advance appropriately toward attaining the annual goals
- Be involved and progress in the general curriculum
- Participate in extracurricular activities and other nonacademic activities
- Receive education and participate with students with and without disabilities

- Participation in General Education:

A description of the extent to which the student will and will not participate in the general education classroom and extracurricular activities and nonacademic activities will be included in the IEP. How standards based goals will be modified, assessed, and reported will be included in the student's IEP. The IEP team will specify:

- The frequency of the service in the general education classroom
- The responsible staff and service implementer
- The start and end date of the services
- The location of the services
- If necessary, a description of the instructional delivery model

- State Testing:

A statement outlining any accommodations and/or modifications that are deemed necessary by the IEP team to accurately provide access to statewide assessments and that are deemed necessary to measure the academic achievement and functional performance of the student will be recorded in the IEP, consistent with 20 USC 1412(a)(16)(A). If the IEP team decides an alternative assessment on a statewide or district assessment of student achievement, the IEP team must include a statement of why the student cannot participate in the regular assessment and explain why the particular alternate assessment selected is more appropriate for the particular child.

- Length of School Day and Year:

The IEP team will specify the length of the school day and school year. The length of the school day and year for students requiring special education and related services is the same as for students in the regular education program, unless otherwise specified in the IEP.

- Extended school year services (ESY) are available as necessary to provide a free appropriate public education. CCCS will provide extended school year services only if the IEP team determines it is necessary, on an individual basis, for the provision of FAPE. CCCS does not limit extended school year services to particular categories of disabilities and does not unilaterally limit type, amount, or duration of those services.

- Assistive Technology:

Assistive technology (AT) service, devices, or both are made available to a student with a disability if required for the student to benefit from special education services. In such situations, assistive technology may be part of one or more of the following: special education, related services, and/or supplementary aids and services. CCCS provides assistive technology devices in all settings specified in a student's IEP, including home and school environments. As part of FAPE, CCCS must provide AT devices and/or services to a disabled student at no cost to the family of the child. This is only if the

student's IEP indicates that the student requires the AT in order to benefit from his/her educational program.

Home use: IDEA requires that if the IEP team concludes that a student requires a particular AT device for home use in order to achieve the objectives and goals of the IEP, CCCS must provide the equipment. The IEP team must base its decision on the educational and instructional activities that the child would need to complete outside of the school setting.

Section 504: Students with disabilities who do not qualify for special education or do not meet the requirements of IDEA are entitled to AT devices and services if a Section 504 team deems the AT supports are a reasonable accommodation under Section 504 of the Rehabilitation Act.

*Note that assistive Technology excludes surgically implanted medical devices or replacement of such devices. Also, note that Assistive Technology is **not** educational technology. AT provides access to the curriculum while Education Technology (hardware and software) functions as a supplement to the curriculum that reinforces concepts taught and is one of the many instructional tools available to a teacher. The need for educational technology should not be specified in an IEP.*

- Least Restrictive Environment (LRE):

CCCS ensures that, to the maximum extent possible, all students with disabilities are educated with students who are nondisabled. Placement of students in mod/severe settings, separate schooling, or other removal of students with disabilities from the general education environment happens only when the severity or nature of the disability is such that participating in regular classroom settings with supports and supplementary services cannot be achieved to satisfaction.

CCCS provides a continuum of alternative placements to meet the needs of students requiring special education and related services. Alternative placements are an option to the extent necessary to be in compliance with a student's IEP. This includes placements in regular classrooms, special classes, special schools, home instruction and instruction in institutions and hospitals. Additionally, supplementary services (such as itinerant instruction or a resource room) are provided along with regular classroom placement. In determining educational placement for a student with an IEP, CCCS ensures that the decision for placement is made in line with the LRE provisions set forth in IDEA. The placement decision is made by the IEP team. The placement is determined, at least annually, based on the student's IEP. In selecting the LRE, thoughtful consideration is given to any possible harmful effect on the child or the quality of services he/she needs. Each IEP includes an explanation of the extent, if any, to which the child will not participate with nondisabled students in a regular classroom and in other nonacademic or extracurricular activities, and a justification for removal from the regular educational environment. A student with a disability is not removed from educational experiences with peers solely because of needed modifications in the general curriculum.

CCCS takes appropriate steps to ensure one or both parents/guardian(s) are present at each IEP or are given the opportunity to participate in some way with respect to decisions made about eligibility, placement, evaluation processes, and the provision of FAPE. If neither parent/guardian can attend a meeting in which a decision is to be made concerning an offer of FAPE, CCCS will use other methods such as phone conferencing or video conferencing to ensure the parent/guardian has input. If every attempt has been made to involve the parent/guardian in a placement decision and the parent/guardian is unable to participate, the school may make the placement decision. Records of attempts at communication will be Documented. CCCS shall presume divorced parents have equal rights to participate in the IEP process under state and federal law; unless either or both parents do not have authority under applicable state law governing guardianship matters.

- Timelines:

The services and placement needed by each student with a disability to receive FAPE are based on the student's unique needs and not on the student's disability.

Special Education Timelines in California

Service/Obligation	Timeline	Exceptions/Notes/ Considerations	Authority
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Initial Assessment and IEP Development

Propose an assessment plan for initial placement	15 calendar days from date of referral	*Pause for school breaks in excess of 5 school days. *If referral received 10 days or fewer before end of school year, then due within first 10 days of next school year. *Note: Attach procedural safeguards notice to proposed assessment plan.	EC 56043(a) EC 56321(a)
IEP team meeting to review initial assessments	*60 calendar days to determine the student's eligibility and areas of need after receipt of parent consent to assessment plan. *30 days to develop IEP after student determined eligible	*Within 60 days: Student enrolls in another LEA *Student not made available *Note: Not delayed for school breaks in excess of 5 school days	*60 days EC 56043(c) EC 56302.1 *30 days EC 56043(f)(2) EC 56344(a)

Applicable to All IEPs

Notify parents of the IEP team meeting (send IEP meeting notice)	*Early enough to ensure an opportunity to attend	None	EC 56043(e) EC 56341.5(b)
Notice of procedural safeguards	*Inform parents of procedural safeguards at each IEP meeting *Give a copy of the notice to parent(s) at least once a school year	None	EC 56500.1 34 CFR 300.504
Implement the IEP	As soon as possible after receipt of parent consent to the IEP	None	EC 56043(i) EC 56344(b)
Progress reports on IEP goals	Per the IEP	None	EC 56345(a)(3)

Service/Obligation	Timeline	Exceptions/Notes/ Considerations	Authority
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Re-Assessments

Triennial eligibility review	Every 3 years based on date of last triennial review	*May occur more frequently if necessary *Parent and LEA may agree in writing that triennial assessments are not necessary. They may also agree to limit scope of the review. *Recommended: Begin triennial assessment process at 60 days prior to the triennial review	EC 56043(k) EC 56381
Propose assessment plan for re-assessment	15 calendar days from the date of referral	*Pause for school breaks in excess of 5 school days *If referral received 10 days or fewer before end of school, then due within first 10 days of next school year. *Note: Attach procedural safeguards notice to assessment plan.	EC 56043(a) EC 56381
Parent consent to propose assessment plan	At least 15 calendar days after receipt of the proposed assessment plan	None	EC 56043(b) EC 56321(c)(4)

Additional IEP Meetings

Annual IEP team review	Not longer than 12 months from the date of the last annual IEP	None	EC 56043(d), (j) EC 56343(d) EC 56380
IEP team meeting to review re-assessment (including triennial assessments)	60 calendar days after receipt of parent consent to the assessment plan	*Pause for school breaks in excess of 5 school days. *If referral received 30 days or fewer before end of school year, the due within first 30 days of next school year.	EC 56043(f)(1) EC 56343(a) EC 56344(a)
Parent requested IEP meeting	30 calendar days within receipt of request from parent	*Pause for school breaks in excess of 5 school days. *If parent makes an oral request for IEP meeting, school must direct parent to provide a written request.	EC 56043(l) EC 56343.5
IEP to review student's lack of anticipated progress	No statutory timeline	Consider: Convene the IEP team within 30 days after determination of lack of anticipated progress	EC 56343(b)

Service/Obligation	Timeline	Exceptions/Notes/Considerations	Authority
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Independent Educational Evaluation

Respond to a request for IEE	No specific statutory timeline, but must respond without unnecessary delay	<i>Recommend:</i> 10-15 calendar days after written request for an IEE from parent(s)	34 CFR 300.502(b)
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Discipline

Provide parent(s) with notice of change of placement and copy of procedural safeguards	Day decision is made to remove student for disciplinary reasons for more than 10 school days	Refer to 34 C.F.R. section 300.530	EC CFR 300.530(h)
Conduct Manifestation Determination review	Within 10 school days after the decision is made to remove student for disciplinary purposes for more than 10 school days	Refer to 34 C.F.R. section 300.530. <i>Recommended:</i> Refer to F3's Special Education Removals for Disciplinary Purposes piece	34 CFR 300.530(e)

Student Records/Record Requests

Provide parent(s) with copies of student records	After an oral or written request from parent(s): *within 5 business days *before any IEP meeting or resolution session	None	EC 56043(n) EC 56504
Provide new LEA with special education records	5 business days after request from new LEA	None	EC 56043(o)

**This is a summary of California timelines, not legal advice. Consult with legal counsel when necessary. *This timeline chart based on documents found online: Fagen Friedman & Fulfroost LLP (2012) - and Adams & Associates Professional Law Corporation (2003-2017)*

- Exit Criteria

A statement of exit criteria would be necessary to consider a student as longer needing special education and related services as indicated in the IEP.

- Assessment

Students with disabilities must be included in state and district-wide assessment Programs, with the appropriate modifications and/or accommodations. The IEP team will decide which California Alternative Assessment (CAA) the student with an IEP will take.

When determining if a student qualifies for modified statewide assessment, the student's IEP team must:

- Ensure that the student's record contains evidence of multiple measurements of student progress over a period of time for each subject specified within the the student's IEP (34 CFR 200.1(e)(2)(ii)(B).)
- Determine that the student's disability prevents him/her from achieving grade-level proficiency on the statewide standardized achievement tests by using objective evidence such as the student's performance on assessments or other objective measures (34 CFR 200.1(e)(2)(i).)

After determining that a student qualifies for a modified assessment, the student's IEP team must:

- Ensure the student continues to have access to the general education curriculum, including instruction, for the grade in which they are enrolled (34 CFR 200.1(f)(2)(iii).)
 - Annually review the decision to use modified assessments. This review must be conducted for each subject area. (34 CFR 200.1(f)(2)(ii)(A).)
 - Inform the parent(s) that the student's achievement will be based on alternate or modified academic achievement standards (34 CFR 200.1(f)(1)(iv).)
 - Document the decision within the IEP goals for academic achievement based on content standards in ELA, Math, and Science for the grade with which the student is enrolled (34 CFR 200.1(f)(2)(ii)(A).)
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Section 4: Staffing

Children's Community Charter School employs the number of highly qualified certified and/or licensed personnel and support personnel necessary to implement the special education and related services required in each child's IEP. The school ensures that all personnel related to special education are appropriately and sufficiently prepared and trained. Personnel will possess the content knowledge and skills to serve students with disabilities.

Director of Special Programs

Reports to the school administrator/superintendent

Ensures Academic Progress

- Advocates for special education students and staff
- Ensures cooperative relationships with general education staff
- Recommends strategies to enhance special education performance on standardized assessments
- Stays current with best practices
- Reviews all IEPs to ensure they are based on quantitative present levels of performance, grade level standards (or modified standards), and that they are appropriate for the individual student
- Monitors service delivery in inclusion classes and resource settings
- Serves as a link between school leaders, special education educators/case managers, general education teachers, and families
- Develops and implements a special-education performance management tracking system
- Collaborates with school leaders to develop and implement a schoolwide special education adequate yearly progress plan (AYP)
- Oversees delivery of both instruction and related services as stipulated on individualized education programs (IEPs) to ensure an integrated service delivery system

Supports IEP Process

- Chairs initial eligibility and triennial IEP meetings and adheres to eligibility guidelines and categories
- Monitors and supports IEP meetings led by the special education teacher(s)/case managers
- Promotes positive parent relationships and intercedes in complex cases
- Monitors teacher/case manager notifications to parents
- Collaborates with contracted evaluators and/or related service providers to ensure timely receipt of reports
- Takes comprehensive meeting notes at initial IEP meetings and monitors notes taken by teacher/case manager(s), records dissenting opinions, and follows eligibility criteria and guidelines

Drives Compliance

- Ensures that special education staff abide by the Individuals with Disabilities Education Act (IDEA) and local and state special education regulations
- Ensures that special education teachers maintain compliance and monitors academic tracking systems
- Oversees the compliance of special education files
- Coordinates staff development/training in collaboration with the necessary school leaders
- Maintains shared schoolwide calendar of annual, triennial review, 30 day review, and initial eligibility/IEP meetings to monitor timeline compliance
- Provides monthly reports to school board and administration

Special Education Teacher

Reports to Director of Special Programs

Classroom Tasks

- Assumes responsibilities for demonstrating achievement of individualized education program (IEP) goals and improved academic performance of students with disabilities
- Develops an individual profile for each student using existing assessment data and informal testing and observation and ensures that general education staff have copies of the IEP-at-a-Glance form listing goals, accommodations, and modifications
- Provides a continuum of special education instructional opportunities for students to work one on one, in small groups, and as a class within pull-out or push-in settings, as appropriate, in support of the general education curriculum
- Employs multi-sensory teaching strategies based on an understanding of student strengths and weaknesses and learning styles
- Monitors and supports implementation of goals in inclusion classrooms, collaborates with related service providers and monitors service delivery, monitors positive behavior intervention plans (PBIPs), and provides accommodation/modification support
- Works in collaboration with all general education teachers as a technical expert
- Refers students to the IEP team to develop interventions for students demonstrating disciplinary concerns, truancy, and/or academic failure or to further assess struggling students in all areas of a suspected disability

IEP Tasks

- Encourages parent partnerships and maintains positive communication with parents/caregivers regarding student progress, success, and difficulties
- Assumes responsibility for writing both initial and updated IEPs based on present levels of performance and developing goals that relate to curriculum standards and content
- Reports achievement goals and objectives at the end of every advisory period and issues quarterly progress reports
- Administers end-of-the-year academic testing in preparation for the annual IEP meeting

- Schedules, coordinates, and chairs requested and annual IEP review meetings in collaboration with the special education coordinator, parents/caregivers, related service providers, and general education teachers
- Maintains a portfolio of student work samples, anecdotal data, and classroom observation information

Case Management Tasks

- Assumes responsibility for case compliance and student academic progress as documented through both academic and compliance tracking tools
- Assumes responsibility for reviewing and analyzing all student information and developing a corrective action plan for students in need of requested reevaluations and/or triennial reviews to the IEP team to develop a student evaluation plan
- Maintains special education files and ensures that all evaluation recommendations are followed up and completed
- Ensures that adjunct and related services are being delivered in an integrated way and practically applied in the classroom
- Provides requisite monthly data to the Director of Special Programs

Related Service Providers

Report to Director of Special Programs

Related Service Delivery Includes:

- Serves as member of the in-school multidisciplinary team for reevaluations, initials (if evaluator), and to advise teacher/case manager on students who are truant, experiencing behavior difficulties, and/or failing.
- Updates and communicates on an ongoing basis with Director of Special Programs, providing monthly updates
- Consults on and implements services in inclusive settings to the maximum extent possible
- Related service providers meet all requirements of special education regulations and are highly and appropriately certified and/or licensed in the area of specialization to which the individual is assigned
- Encourage and support programs already in existence
- Encourage school wide understanding of special education
- Assist the school in building internal capacity to deliver quality special education services
- Develop strong relationships with the school staff
- Coteaching in and among general and special education staff, where appropriate
- Know and apply best practices
- Participate in IEP meetings where appropriate
- Participates at manifestation hearings, as needed
- Writes advisory reports on progress toward achieving goals and objectives on IEPs to be sent home with report cards - responsible for demonstrating progress at the end of the year
- Maintains current appropriate certification(s)

Confidentiality

FERPA: Family Educational Rights and Privacy Act

Summary:

FERPA (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all educational facilities and institutions that receive funds under any program administered by the Department of Education.

Children's Community Charter School maintains records of students requiring special education and related service. CCCS maintains strict confidentiality of these students records and other personally identifiable information at collection, storage, disclosure, and destruction stages of handling. Parents and other appropriate persons are given proper and needed access to records. CCCS establishes and implements procedures and policies which ensure records remain classified, protected, filed, reviewed, and when necessary, destroyed in accordance with IDEA and the Family Educational Rights and Privacy Act (FERPA), as well as the state's Records Retention Schedule. Parents of students with disabilities and related services are notified annually of all procedures and policies.

Custodian of Records: CCCS has designated one official, Director of Special Programs, who is responsible for ensuring the confidentiality of any personally identifiable information. This person is considered the custodian of records. The custodian of records ensures that all individuals who collect or use personally identifiable information are current with all training with regard to school policy as well as the procedures and policies outlined in IDEA and FERPA.

Access To Confidential Records: Access of students records is given only to parents, representatives of the parents and parties who have been determined by the school to have a legitimate educational need. The individuals with within the school's employment that have access to these records with personally identifiable information are the Principal/Superintendent, the Director of Special Programs and designated related service providers as decided upon by the IEP team.

Section 5: Discipline

For all students requiring special education, the school's code of conduct applies.

Students requiring special education may be suspended. A set of procedural requirements must be followed in the event a student requiring special education engages in a behavior that requires a disciplinary intervention.

If CCCS and the parents of a child with a disability who has violated a school code of conduct are unable to agree on an appropriate placement, the limitations on the amount of time that a child can be removed from his or her current placement will be determined as indicated in IDEA and state statutes.

"Exclusion" in the state statutes is defined as any denial of public school privileges to a student for disciplinary purposes. An exclusion from school privileges for less than 10 consecutive school days, is a suspension; any exclusion from school privileges for more than 10 consecutive school days is an expulsion. CCCS will notify the parents using an effective means, of any exclusion from school privileges exceeding 90 minutes; such notification will occur within 24 hours of the time the student was excluded.

At the point in time when the student will be excluded from school for more than 10 (cumulative) school days in a year, a change in placement may occur; where the student is excluded for more than 10 consecutive school days, a change in placement does occur. If a change in placement does occur, the school engages in several activities designed to address the behavior subject to the disciplinary action, whether it be assessment activities, reviewing the IEP or determining if the misconduct is related to the child's disability. If a change in placement does occur, the child must:

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

Authority of School Personnel to Remove a Student from School

School personnel may suspend a student with a disability from school for as many as 10 school days during a school year without providing educational services. In-school suspension counts toward the total 10 days of suspension.

NOTE: All students who are suspended shall be given an opportunity to complete any class work, including, but not limited to, examinations which the student missed during the period of suspension; this includes state assessments.

However, in-school suspensions will not count toward the 10 day total if the student is afforded the opportunity to continue progress appropriately in the general education curriculum, continue to receive the services specified in his or her IEP and continue to participate with nondisabled peers to the extent they would have in their current placement. Portions of the day in which the student is excluded may also count toward the 10 day total if the student is not afforded these same opportunities to continue to progress appropriately in the general curriculum, continue to receive the services specified in his or her IEP and continue to participate with nondisabled peers to the extent they would have in their current placement.

A suspension occurs if a child is sent home from school; such partial day removals count toward the 10 day total.

CCCS makes a prompt referral to the Student Study Team of any student who is repeatedly suspended, or whose behavior, attendance, or progress in school is considered unsatisfactory or at a marginal level of acceptance.

Removal by School Personnel for More Than Cumulative School Days During a School Year

Removal for more than 10 cumulative school days in a school year that is a change in placement:

If a student is to be removed from school where the removal is for more than 10 cumulative school days, school personnel must determine whether the removal is a change in placement. The criteria for a change in placement are as follows:

- Removal for more than 10 consecutive school days; or
- The student has been subjected to a series of removals that constitute a pattern because:
 - The series of removals total more than 10 school days in a school year; and
 - The student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
 - Such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

If school personnel determine that the current removal is a change in placement, then the IEP team must convene to determine whether the misconduct is a manifestation of the child's disability (refer to "Manifestation Determination").

Removal for more than 10 cumulative school days in a school year that is NOT a change in placement:

If the student is to be removed from school where such removal has been determined to NOT be a change in placement, then a manifestation determination is not required and the student may be disciplined in the same manner as

students without disabilities. If the current removal is not more than 10 school Days, school personnel, in consultation with at least one of the child's teachers, must determine the extent to which educational services are needed so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. The student shall also receive, as appropriate, a Functional Behavior Assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

CCCS's Authority: Interim Alternative Educational Setting (IAES)

School personnel may remove a child with a disability who violates a code of student conduct from their current placement to an appropriate alternative educational setting for not more than 10 consecutive school days to the extent that those alternatives are also applied to children without disabilities.

School personnel may remove a student to an appropriate IAES not to exceed 45 school days, without regard to whether the behavior is a manifestation of the child's disability, if the student: 1) carries or possesses a weapon at school, on school premises or at a school function, or 3) has inflicted serious bodily injury upon another person at school, on school premises or at a school function. Serious bodily injury is defined as an injury that results in: (1) a substantial risk of death; (2) extreme physical pain, (3) protracted and obvious disfigurement, or (4) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

School personnel cannot remove a student to an IAES for a student's behavior in the community that involves either weapons or controlled substances. However, students may be suspended or expelled for behavior occurring in the community in accordance with the provisions of the general statutes.

In order to suspend or expel a student for behavior occurring in the community, CCCS has to show that the conduct off grounds is violative of a publicized policy of our school/district and is seriously disruptive of the educational process. To find that the behavior is seriously disruptive of the educational process, CCCS will review factors related to the behavior, including whether:

- The behavior happened close to school;
- Other students from school were involved, or whether there was any gang involvement;
- The conduct involved violence, threats of violence or the unlawful use of a weapon;
- Any injuries occurred; and
- The conduct involved the use of alcohol

Determination of Interim Alternative Educational Settings

The IEP team selects the IAES in which a student is to be placed by CCCS for drugs/weapons/serious bodily injury violations, or by a hearing officer. The IAES must be selected so as to:

- Enable the student to continue to participate in the general curriculum, although in another setting;

- Allow for the continuation of those services and modifications, including those described in the student's IEP, that will enable the student to progress towards meeting the goals in the student's IEP; and
- Include services and modifications to address the behavior that resulted in the removal to the IAES or that are designed to prevent the behavior from recurring.

These requirements also apply to students for whom there has been a change in placement that exceeds 10 consecutive school days.

Manifestation Determination Review

The Process:

Whenever CCCS is considering an action for a removal of a student to an IAES by school personnel or by a hearing officer or other removal that constitutes a change in placement, CCCS must notify the parents not later than the date on which the decision to remove the student to an IAES or other change of placement is made and provide the parents with a copy of the procedural safeguards notice.

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

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

Determination that the Behavior was a Manifestation of the Disability

If in conducting the manifestation determination, the team finds that either standard has been met, the behavior of the child **must be** considered a manifestation of the child's disability. In this case, the IEP team must either:

- Conduct a functional behavior assessment unless the school conducted one before the behavior that resulted in the change of placement occurred, and implement a positive behavioral intervention plan (PBIS); or
- If a PBIP had been developed, review the plan and modify it as necessary. In this case the student may not be expelled but must be returned to the placement for which the child was removed unless the parent and the school agree to a change in placement.
- If conducting the manifestation determination, the IEP team identifies deficiencies in the IEP or in its implementation, the team must take immediate steps to remedy those deficiencies.

However, the student may still be placed by the school in the IAES for drugs, weapons or causing serious bodily injury, or by a hearing officer, even if the parents file for due process to challenge the manifestation determination.

Determination that the Behavior was Not a Manifestation of the Disability

The IEP team may find the behavior **was not** a manifestation of the child's disability only if the team finds that:

- The student's conduct in question **was not caused** by, or **did not have** a direct and substantial relationship to, the child's disability; and
- The student's conduct in question **was not** the direct result of the school's failure to implement the IEP.

If the team decides that the behavior subject to the discipline is not a manifestation of the student's disability, the student may be disciplined to the same extent that students without disabilities would be disciplined for the same behavior. However, students with disabilities must continue to receive educational services so as to enable the student to continue to participate in the general education curriculum although in another setting, and to progress towards meeting the goals set out in the student's IEP. The IEP team determines the educational services to be received and the setting for those services. If disciplinary procedures are initiated, the special education and disciplinary records of the student are transmitted for consideration to the person or persons making the final determination regarding the disciplinary action.

Protection for Students Not Yet Eligible for Special Education

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

CCCS would be deemed to have knowledge that a student with a disability if before the behavior that precipitated the disciplinary action occurred:

- The parent of the student submitted to CCCS supervisory or administrative personnel or a teacher of the child, a written statement of their concerns that the student is in need of special education and related services. This may be a parent referral for special education or any such written expression that the parent provides the school/district. This expression of concern can be provided orally if the parent does not know how to write or if they have a disability that prevents a written statement.
- The parent of the student requested an evaluation of the student to determine her/his eligibility for special education and related services under IDEA; or
- The teacher of the student, or other school personnel, expressed concern about the behavior or performance of the student to the director of special programs of the school or to other school personnel.

If the school/district does not have knowledge that a student is a student with a disability prior to taking disciplinary measures against the student, the student is subject to the same disciplinary measures as applied to students without disabilities who engage in comparable behavior.

CCCS will not be deemed to have knowledge that the student has a disability if the student's parents had not allowed an evaluation of the student, or has refused services under the IDEA, or the student has been evaluated and determined not to be a student with a disability under the IDEA.

If a request is made to evaluate the student to determine eligibility for services during the time period in which the student is subject to the disciplinary measures, the evaluation must be conducted in an expedited manner. Pending the results of the evaluation, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion. Due to the specific requirements of the state expulsion statutes, educational services may or may not be required during the period of expulsion. CCCS's code of student conduct explains in detail the provision of services during the periods of expulsion.

If the student is determined to be a student with a disability and in need of special education and related services, special education and related services must be provided according to the IDEA.

Expedited Due Process Hearings

An expedited due process hearing will be scheduled when a hearing is requested:

- By the school/district to remove the student to an IAES because the school believes that keeping the student in the current school program is substantially likely to result in injury to the child or to others;
- By the school/district to maintain the student in an IAES or another appropriate placement after the expiration of the IAES where the parents disagree with the proposed change and the school believes that maintaining the student in the current school program is substantially likely to result in injury to the child or to others
- By the parent where the parent believes that a change in placement has occurred because the student has been kept out of school for more than 10 consecutive days in a row without the school following the proper steps;
- By the parent where the parent does not agree with the IAES placement; or
- By the parent where the parent does not agree that the child's behavior was not a manifestation of the child's disability.

During the expedited hearing, the child must remain in the IAES or other disciplinary setting pending the decision of the hearing officer or until the expiration of the additional suspensions, expulsion or 45 school day IAES unless the parent and the LEA otherwise agree.

An expedited hearing must meet the general hearing requirements. The state due process regulations contain procedural requirements that are specific to expedited hearings. The hearing is limited to the above issues and the hearing officer has the authority to limit the introductions of exhibits and testimony as may be necessary to rule on the issue presented. In addition, a resolution meeting must occur within 7 days of receiving notice of the due process complaint. The hearing must proceed unless the matter is resolved to the satisfaction of both parties within 15 days of receipt of the due process complaint. The hearing will be held within 20 school days of the date the hearing is requested and will result in a decision within 10 school days after the hearing.

Each party has the right to prohibit the introduction of any evidence at the hearing that has not been disclosed to the other party at least two business days prior to the commencement of the expedited hearing; and, each party must disclose to the other and to the hearing officer at least two business days prior to the

commencement of the expedited hearing all completed evaluations and recommendations based on the offering party's evaluation that the party intends to offer or rely on at the expedited hearing.

Referral to and Action by Law Enforcement & Judicial Authorities

The school/district may report criminal acts committed by a student with a disability to the appropriate authorities in the same manner as crimes committed by students without disabilities are reported by the school/district to the proper authorities.

Section 6: Appendix to Manual

- LEA Application
 - Powerpoint Presentation: Introduction to Individualized Grading System (Presented to Staff)
 - Sample: SST Initial Referral Form
 - Sample: SST Follow-up Form
 - SST Process Form for Educators
 - SST Meeting Norms
 - Sample: IEP Agenda
 - Sample: IEP Meeting Norms
 - Sample: Positive Behavior Support Plan Form - blank
 - Sample: Positive Behavior Support Plan Form - completed
 - Sample: Behavior Contract for CCCS
 - Section 504 Policies and Forms
 - Acknowledgements for Manual
-
- Resources, Articles, Etc., for Special Educators and Related Staff
 - Special Education Timelines List for California
 - List of Applicable Acronyms
 - Articles on Modifying and Grading for IEP Students
 - Sample Grading Rubrics
 - Effort/Participation
 - Social/Emotional
 - Organization
 - General Behavior Contracts/Samples
 - List of Evidence-Based Practices for Students with ASD
 - Articles and Resources for Educators:
 - ADHD
 - Executive Function Disorder
 - Dyslexia
 - Functional Behavior Assessment Packet
 - General Information on Learning Disabilities
 - RtI - Response to Intervention
 - MTSS - Multi-Tiered Systems of Support
 - Inclusion
 - List of Top Special Education Websites for Educators and Parents



February 11th, 2016

Via US Mail and Email
Rusty Gordon, Director
Butte County Special Education Local Plan
1870 Bird Street
Oroville, CA 95965

RE: Notice of Intent to Become Independent LEA for the Purposes of Providing Special Education

Dear Mr. Gordon,

I am writing on behalf of Children's Community Charter School regarding the responsibility for the provision of special education services. Consistent with Education Code sections 47641, 56195.3 and 56207, this letter serves as notice that Children's Community Charter School intends to become an independent local agency (LEA) in the 2017-2018 school year, for the purposes of providing special education to its students.

Children's Community Charter School is currently exploring options with SELPA's, including but not limited to the Butte County SELPA. The charter school will follow all necessary procedures to ensure that it remains a member of the Butte County SELPA, or another SELPA, prior to the commencement of the 2017-2018 school year.

If you have any questions regarding this letter, or require any additional information from CCCS, please contact me at (530) 877-2227.

Sincerely,

Lori Gaines
Children's Community Charter School
6830 Pentz Rd.
Paradise, CA 95969
(530)877-2227 ext. 204
Fax: (530)872-1396
CCCS ** 6830 Pentz Road ** Paradise, CA 95969 ** (530) 877-2227

Children's Community Charter School

LEA Petition

Presented to

Butte County Special Education Local Plan Area

Governance Council

CCCS is a Kindergarten-8th grade public charter school committed to providing high quality, authentic, project-based, Common Core and STEAM centered education to the families of the Paradise/Magalia area. One of the pillars of our approach is our partnership between staff and parents. This approach, which stresses exploration and hands-on learning coupled with parent and community support, has resulted in a school culture with elevated academic, social, and professional expectations. In addition, CCCS has a student study team and referral process in place to ensure that each student is supported for success academically as well as socially and emotionally. As an independent charter school, we have contracted special education services through Paradise Unified School District, and we are now ready for independence in this area. Our service model has been developed in congruence with our Charter's philosophy, vision, and values; and will meet or exceed all standards set forth by Special Education law and SELPA policies.

I. APPLICATION REQUIREMENTS AND ASSURANCES

1. As an LEA member of Butte County SELPA, Children's Community Charter School (CCCS) will assure that all eligible individuals with disabilities to age 22 shall have access to appropriate special education programs and services.
2. CCCS will hire certificated employees who are appropriately credentialed to serve in his/her assignments, or will apply for appropriate waivers from the CDE if/when necessary.
3. CCCS will provide the necessary staff required to meet state and federal mandates. CCCS will ensure service providers and classified staff are properly credentialed and highly qualified.
4. CCCS shall comply with all requirements of Butte County SELPA's local plan. A full continuum of special education programs and related services shall be provided by CCCS via direct services or contracted services, as required by an eligible student's Individualized Education Program (IEP).
5. CCCS will utilize all required Butte County SELPA forms.
6. CCCS will provide all required CASEMIS and other SELPA required information/data including SEIS and Maintenance of Effort (MOE) data required by the Federal Government. CCCS will participate in Special Education Self-Review.
7. CCCS will provide transportation as indicated in students' IEP's.
8. CCCS will hold sole legal and financial responsibility to provide appropriate services to eligible students and will provide search and serve to identify students who may qualify for and may require special education and related services.
9. Once deemed an ELA, CCCS will contribute to participate in and receive the reimbursement from all SELPA fiscal pools and participate in any charge backs in the same manner as the other members. CCCS will receive state and federal funding for special education in accordance with SELPA Special Education Funding Allocation Plan. For the purpose of AB 602 funding, LEA charter schools will receive funding as designated by the SELPA.
10. Once deemed an LEA, CCCS will be responsible for all costs incurred in the provision of special education services to students enrolled in the charter school. These costs may include, but are not limited to; instruction, related services, transportation, non-public school/agency placements, due process proceedings, complaints and attorney's fees.
11. Once deemed an LEA, CCCS will document that all state and federal special education funds apportioned to the charter school are used for the sole purpose of providing special education instruction and/or related services for students with eligible disabilities.

Under this agreement, CCCS is responsible for ensuring special education services are provided to all students enrolled at CCCS regardless of their district or county of residence. A district or county, in which a student physically resides, is not responsible for special education services as long as the student is enrolled at CCCS.

II. APPLICATION REQUIREMENTS

Date: June 10, 2016

Applicant Charter School: Children's Community Charter School

Address: 6830 Pentz Road, Paradise, Ca 95969

Phone: (530) 877-2227

Fax: (530) 872-1396

School Principal/Superintendent: Emily Mullins

Email: emullins@paradisecccs.org

Special Programs Coordinator: Lori Gaines

Email: lgaines@paradisecccs.org

Current Authorizing Agency: Paradise Unified School District

Children's Community Charter School hereby requests the Butte County SELPA consider our request to become a Local Education Agency (LEA) of the BCOE SELPA effective, July 1, 2017.

III. GENERAL EDUCATION MODIFICATION PROCESS

Established in 1996, Children’s Community Charter School has become one of the leading K-8 schools in Northern California and statewide. CCCS was originally founded as a partnership between staff and parents. The current academic program, one that stresses exploration and hands-on learning, coupled with parent participation, has resulted in a school culture with elevated academic, social, and professional expectations. Our stakeholder family of students, staff, parents, and community supporters has allowed CCCS to achieve sustainability and continuity. Our mission is to inspire lifelong learning through a rigorous academic program that challenges each student in order to inspire his or her personal best. To meet these challenges, CCCS believes:

1. Each student learns best through a safe, nurturing, positive environment created through a strong partnership between staff, parents, and community.
2. Each student is held to clearly articulated, highly academic/appropriate standards; with all staff and parents providing the means for unwavering support.
3. Staff and students are engaged in a reflective and collaborative environment which focuses on desired academic, social, and emotional outcomes.

Student choice in our middle school grades is another central tenet to CCCS’s philosophy of individualized, hands-on learning. All students grades 6-8 choose two electives per trimester. In their 6th grade year, students take a “study skills” class to better prepare them for life as a middle school student. All electives are designed to offer student choice within the elective, project-based, activity based, interactive, collaborative, and promote self-confidence through choice and involvement. All students have the opportunity to shine within their given elective choices and are encouraged to challenge themselves and grow emotionally and socially, as well as academically.

Schoolwide, our students are formally assessed throughout the year, based on their grade level. We administer the MAP (Measure of Academic Progress) twice a year to students grades 2-8 in Reading, Language Use, and Math. We are able to analyze the data we gather from year to year and measure growth - or need for intervention. Additionally, our students grades K-8 are assessed in reading using Rigby: Intervention by Design (a Scientific Researched based program). The Rigby program protocols measure for fluency, comprehension, and accuracy. CCCS also uses the Basic Phonics and Spelling Test (BPST) to identify which developmental stage of spelling/decoding our students are functioning. CBM fluency assessments are administered to students in grades 1-5 three times of year in order to identify students who need extra support in reading fluency. Currently, and subject to change as needed, our math diagnostics/interventions are based on our state adopted math curriculum, Go Math! In addition, our teachers use a web based, research based, intervention program titled, Moby Max. (This program incorporates all subject areas as well as math; writing, reading, language, vocabulary, science, test prep, etc.). Our students who qualify (as determined through a Student Study Team meeting) receive the tier 3 Intervention program, the Barton System for Reading and Spelling. Finally, CCCS teachers use anecdotal notes taken while observing students during the work periods as another assessment tool. These notes are integral during the SST process.

Our SST (Student Study Team) process is a general education function that is composed of the SST Coordinator, our Principal, the student’s teacher(s), the parent(s), any support staff as

needed, and the student when appropriate. The primary function of the SST is to identify, discuss, and recommend any interventions/action items to address the needs of the student and to support the teacher in meeting the identified needs. Anyone who has a concern for a student may refer the student to the SST for consideration. As the success of every student is of primary concern to CCCS, students who are identified by their teacher(s) or families as needing extra support or services; whether they be academic, social, emotional, or other challenges, a referral for an SST meeting can be made.

The initial SST meeting agenda includes the following:

- Team members introduce themselves and their roles.
- The purpose of the meeting is stated and the process is explained.
- All team members share the strengths and interests of the student.
- Areas of concerns are described, listed, and categorized as either primarily academic or behavioral in nature.
- Team members brainstorm potential modifications and strategies.
- Intervention strategies are chosen and recorded, including who is responsible, a timeline for implementation, and how often data will be collected.
- A follow-up date is set for the next meeting for the purpose of reviewing the success and/or further need for the interventions or action items taken.

At the follow-up SST, the plan's effectiveness is reviewed. This includes reviewing data, report of progress monitoring, notes from the team members, and analyzing assessment data when appropriate. If the identified strategies/interventions were unsuccessful, the plan may be modified to include more intensified, individualized interventions. If all appropriate school-based interventions have been exhausted, the student may be referred for an assessment for special education services. (See Appendix Section 3 for examples of SST forms used at CCCS).

IV. Provisions of Special Education Services

Children's Community Charter School will provide a continuum of special education services including; child find, referral, assessment, Individualized Education Plan (IEP) process and delivery of services.

Continuum of services: CCCS recognizes its responsibility to offer a full continuum of services to all students with special needs whom are enrolled. The continuum of placements that CCCS will provide, or contract to provide, are based on individual need and may include: modified instruction in regular education classes, placement in a resource specialist program (mild/moderate program), and Designated Instructional including speech therapy, occupational therapy, adaptive physical education, behavioral therapy, low incidence services, etc.

As an LEA, CCCS will provide the placement appropriate to meet each child's needs, even if that means providing and funding a more restrictive setting, such as a nonpublic school or residential placement.

Child Find: CCCS fully complies with Education Code § 56300, 56301, and 56040, in our efforts to search for, assess, identify, and serve any pupils with disabilities who are in need of special education and related services.

CCCS's enrollment forms help staff identify students with disabilities requiring special services and promptly provide the appropriate services by including a section for parents to

indicate any previous assessments for the purposes of identifying their student for special education; or a current or previous IEP or previous section 504 Accommodation Plan. CCCS staff will assist parent/guardians in completing all required forms and answer any questions or need for clarification they may need. More information concerning implementation of IEP's for enrolled students is provided later in this application. CCCS will include information regarding special education and Section 504 plans in its student/parent handbook.

Additionally, CCCS has a 3 tiered Response to Intervention approach with a Lead Intervention teacher who tracks progress, analyzes data, and manages intervention aides. This ensures that students needing assistance are identified as soon as the data indicates. Currently we are serving 95 students at tier 1 (42% of enrollment), we are serving 78 students at tier 2 (35% of enrollment), and serving 19 students at tier 3 enrollment (8% of enrollment).

Student in kindergarten through eighth grade are assessed, at minimum, at the beginning of the year, in the spring, and at the end of the year, utilizing the assessments described below. Students are identified as At or Above Grade Level, Pre-SST/Supported with modifications (Tier 1), SST/Intervention (Tier 2), or Intensive Intervention (potential students with disabilities needing special education services (Tier 3).

Kindergarten students are assessed in letter and sound identification, phonics knowledge using the Basic Phonics Skills Test (BPST), benchmark text assessments (beginning with pre-reading skills), number identification, and oral counting and quantity discrimination. First graders, or other students who are pre-readers or emergent readers are also assessed using the BPST, as well as the Rigby Leveled Reading Program. At the beginning of each school year, all students are given grade

level benchmark book assessments to determine baseline scores.

Additionally, in grades 2-8, students are assessed using the MAP (Measure of Academic Progress) at the beginning of the year then again in the spring to determine growth, and possibly need for intervention. The MAP assesses Reading, Language Usage (addresses writing component), and Math.

Students scoring between the 75th and 100th percentile are identified as At or Above Grade Level with the goal of at least one grade-level progress and advancement to the next grade level by year's end. Students who fall below the 75th percentile will be reviewed for possible referral to begin with Tier 1 with Support and Modifications process.

Interventions and modifications are put into place in regular education classrooms for students who score below the 75th percentile expected grade level performance upon review of assessment data. These students are considered Pre- SST/Support with Modifications. If a student does not respond to interventions or attempts to modify the curriculum within 6-8 weeks, a referral to the SST process is made.

Students who score below the 25th percentile are referred to Intensive Intervention through the SST process. These students are identified as potentially needing special education services. The maximum amount of intervention support is given and data is collected weekly by the Intervention Lead Teacher and regular education teachers to be reviewed during the SST process. If students functioning at this level do not show improvement in 6 to 16 weeks, depending on the severity of the deficit, a referral for special education assessment is made.

Referral: SST's are formed for students at Tier 1 who are not responding to research-based interventions and methodologies administered in the general education environment and/or small group setting. They are also formed for students who are referred for special education assessments by parents/legal guardians, teachers, community members or organizations.

The SST members review the student's progress with Tier 2 interventions through assessments, outcome data collected from interventions including, but not limited to: Barton, SIPPS, Go Math, Read Naturally, Rigby, etc. Also, data is collected from assessments on letter identification, BPST outcomes, developmental spelling assessments, benchmark book assessments, and teachers' anecdotal notes regarding student response to modifications and interventions. The team will determine the effectiveness of the interventions received by the student, and make further recommendations. Before a student can be referred for special education assessment, interventions must be implemented for an appropriate amount of time based on student need and outcomes reviewed by the SST team. In general, CCCS recommends students have received at least two different intervention cycles (12-16 weeks) before the student is referred for special education assessment. If the SST team determines the student is not making progress after the recommended interventions have been implemented, the SST team will refer the student for an initial evaluation to identify any possible disability and potential eligibility for special education services. However, CCCS understands that a parent may request an assessment for special education at any time.

Initial and Triennial Assessments: When students require an initial evaluation to determine if they meet eligibility requirements to receive special education services, the school will generate a referral for special education and monitor all legal timelines. A proposed assessment plan will be developed within 15 calendar days of referral for assessment offering testing and explaining the instruments to be used in all areas of suspected disabilities. The LEA Director will coordinate qualified personnel to provide the required testing using a variety of assessment tools and strategies to gather the relative cognitive, functional, developmental, communication, social, emotional, behavioral, and academic information to determine whether the student qualifies for special education and related services. Within the 60 day timeline, CCCS will complete the assessment and will schedule an IEP team meeting to determine eligibility, and, for eligible students, develop an offer of free and appropriate public education (FAPE). Prior to the meeting, CCCS will generally distribute written assessment reports to the parents/legal guardians, generate an IEP meeting notice including Prior Written Notice when applicable. CCCS will develop and facilitate the IEP meeting and distribute copies of the IEP to the appropriate personnel.

At least once every three years, a student must be reassessed to determine continued eligibility to receive continued special education services and related supports. CCCS will adhere to the 60 day timeline for initial and triennials reviews and will maintain a database to ensure that all evaluations are held within these mandated timelines. CCCS understands that a legally compliant triennial is not a file review of data collected in past assessments, but includes reports in current data collected from all appropriate assessments used to determine a student's continued eligibility for an IEP.

English Language Learner Special Education Students: Generally, before a student with second language needs is referred for special education, CCCS will determine their level of English proficiency according to the California English Language Development Test (CELDT) or the English Language Proficiency Assessment for California (ELPAC), to ensure their acquisition of language skill is not the reason for lower academic performance. The student will receive interventions according to CCCS's 3 Tier system to support language acquisition and academic development. If the student is referred for a special education assessment, personnel fluent in the student's native language and familiar with their native culture will

participate during the SST process, referral process, assessment, and identification to determine the student's eligibility to receive special education services.

Individualized Education Program Process: CCCS understands that the decisions regarding eligibility, goals/objectives, program, services, placement, and exit from special education shall be the decision of the IEP team. The IEP team is comprised of the parent/legal guardians, appointed representatives; not less than one general education teacher; at least one special education teacher of the pupil, or if appropriate at least one special education provider of the pupil; an administrative representative who meets the requirements of 20 U.S.C. § 1414(d)(1)(B)(iv) and Education Code § 56341: at the discretion of the parent or CCCS, other individuals who have knowledge of or special expertise regarding the child, including related services personnel as appropriate; an individual who can interpret the instructional implications of evaluation results (when necessary); and whenever appropriate the student.

An IEP will convene within 60 calendar days from the date of parent consent to an assessment to determine whether a student is/remains eligible for special education and related services. For initial and triennial IEP's, CCCS will ensure the IEP will consist of the student's parents/legal guardians/appointed representatives, school psychologist, any other individual qualified to interpret assessment results for the student (e.g., occupational therapist), general education teacher, special education teacher, health related personnel, school administrator, any community/agency who may interact with the student, any other assessor, and the student when appropriate. If the IEP team determines the student meets the criteria for one or more of the categories of disabilities and requires special education and related services as a result of his/her disability or disabilities, the IEP team will develop an IEP as explained below.

The IEP will include all required components and will be written on BCOE SELPA forms. Each IEP will include the following:

1. A statement of the student's present levels of academic achievement and functional performance.
2. The rationale of placement decisions.
3. The services the student will receive and the means for delivering those services.
4. A description of when services will begin, how often the student will receive them, who will provide them, and where they will be delivered.
5. Measurable annual goals and short term objectives focusing on the student's current level of performance.
6. A description of how the student's progress toward meeting the annual goals will be measured and monitored, and when reports will be provided.
7. Accommodations necessary to measure the academic growth and functional performance of the student on state and district assessments.

A copy of the IEP will be given to the parent/legal guardian/appointed representative in accordance with state laws and SELPA policies. The LEA Director for CCCS or appropriate case manager for the student will facilitate IEP meetings, and along with special education personnel, ensure parents understand their Procedural Safeguards and due process rights. Parents will receive a copy of the Procedural Safeguards at least annually. The IEP team will review the student's IEP periodically, but not less than annually.

Students Enrolling with an Existing IEP: When a student with an IEP transfers to CCCS, he/she will be provided with an interim special education placement providing the services or comparable services in his/her IEP. A new IEP will be written on the corresponding BCOE SELPA forms within 30 days to ensure it is appropriate for the new school setting and will be revised as necessary by the IEP team.

Transition: Eighth grade students enrolled at CCCS moving into high school the following year, will have their transition needs addressed by inviting staff from the high school the student will attend to the IEP meeting. The IEP will document the proposed high school classes and interventions on the IEP document. CCCS will comply with all laws and SELPA policies governing assessment for and development of an individual transition plan to high school.

Delivery of Services: CCCS will contract for, or hire qualified staff who possess the appropriate special education credential(s) to provide special education services as described in a student's IEP. We will directly employ a special education teacher/director and will contract for other services such as school psychologist, and other related necessary services. CCCS may contract with, but not limited to, qualified providers such as BCOE SELPA Regional Services, or the Butte County Office of Education.

V. STUDENT ASSESSMENT FOR SPECIAL EDUCATION

When students require an initial evaluation to determine if they meet eligibility requirements to receive special education services, CCCS will generate a referral for special education assessment and monitor all legal timelines. A proposed assessment plan shall be developed by the Special Programs Coordinator and/or the school psychologist within 15 calendar days of referral for assessment offering testing and explaining the instruments to be used in all areas of the suspected area of disability. The parent or legal guardian will have at least 15 calendar days from receipt of the proposed assessment plan to make a decision.

The Special Programs Coordinator and/or the school psychologist will coordinate qualified personnel to provide the required testing using a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information to determine whether the student qualifies for special education and/or related services. Assessments will be a multidisciplinary effort and will involve multiple persons including classroom teachers, the principal, the school nurse, the speech and language specialist, the special education teacher, the school psychologist, and sometimes specialists such as OT, PT, and APE. The Special Programs Coordinator and/or school psychologist will coordinate the assessments and the report. CCCS will comply with all state, federal, and BCOE SELPA requirements for assessment, including but not limited to the following, which appear on pages 19-23 of the BCOE SELPA Procedural Manual:

- To ensure that the evaluation is sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category in which the child has been classified including social and emotional status.

- Use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child, including information provided by the parent .
- Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- Use assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.
- Testing and assessment materials and procedures used for the purposes of assessment and placement of individuals with exceptional needs are selected and administered so as not to be racially, culturally, or sexually discriminatory. The materials and procedures shall be provided in the pupil's native language or mode of communication, unless it is not feasible to do so.
- No single measure or assessment is used as the sole criterion for determining whether a pupil is an individual with exceptional needs or determining an appropriate educational program for the pupil.
- The pupil is assessed in all areas related to the suspected disability including, if appropriate, health and development, vision, including low vision, hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests and social and emotional status.
- Ensure that assessments of individuals with exceptional needs who transfer from one district to another district within the same year are coordinated with the individual's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of the full assessment.

CCCS will endeavor to ensure that parents are provided with reports prior to the IEP meeting. All assessors involved with the child will be invited to attend.

Special Programs Coordinator/Ed Specialist CCCS will directly employ a Special Programs Coordinator who is classified as "Certificated Management" and will oversee all special education related services and student needs. All SEIS data will be managed by the Coordinator. This person will also be the Ed Specialist, holding the appropriate special education credentials, and will serve as the RSP teacher providing Specialized Academic Instruction, and administer achievement tests and/or gather existing achievement data as part of the assessment process.

School Psychologist CCCS will contract with a school psychologist with the appropriate credentials to complete assessments and final reports. The school psychologist will conduct psychological assessments for students referred for special education. S/he may assist the Special Programs Coordinator/Ed Specialist by administering achievement tests when necessary.

Speech and Language Specialist CCCS will contract with a Speech and Language Specialist who will hold the appropriate credentials to perform all screenings, direct services to students and assessments for students referred for articulation or language disabilities.

School Nurse CCCS will contract with a school nurse who holds a school nurse credential and appropriate qualifications to conduct hearing, vision, and other medical assessments, as needed.

Adaptive Physical Education Teacher CCCS will work with a SELPA regional provider for an adaptive physical education teacher who will hold appropriate credentials to administer needed physical education assessments.

Occupational Therapist CCCS will utilize a SELPA regional provider for an occupational therapist who will hold the appropriate credentials to administer needed occupational therapy assessments.

Physical Therapist CCCS will contract with a private physical therapist who will hold appropriate credentials to administer educationally necessary physical therapy assessments.

CBO CCCS's Chief Business Officer will provide CASEMIS reporting.

VI. Continuum of Services

As an LEA, CCCS will provide a continuum of special education and related services by hiring our own staff or the school may enter into contracts with Butte County of Education or utilize SELPA regional programs. Below is a list of services and how they will be provided.

Ed Specialist Program Services: CCCS's Ed Specialist Program will be managed by our Special Programs Coordinator who also holds mild/moderate and moderate/severe credentials; as well as an MA in Education: Special Education Pathway, to be completed by spring 2017. This person will serve in a "certificated management" position as well as a full time teaching position. This person will administer academic achievement tests as part of the initial (or when warranted, triennial) assessment process. She will write all measurable goals and objectives based on the student's identified areas of academic need, and provide support to teachers as outlined in the student's IEP. She will also monitor student progress toward meeting IEP goals (reporting this achievement to parents as frequently as their grade level counterparts.) She will be responsible for ensuring all accommodations and modifications are implemented as outlined on a student's IEP.

Depending on the student's specific needs, the Ed Specialist/Special Programs Coordinator will oversee small group or one-on-one instruction that will be provided either inside or outside the general education classroom. This instruction will enable students to complete the classroom work required and make progress on their goals. The Ed Specialist/Special Programs Coordinator will work closely with the general education teachers, providing consultation and/or collaboration as needed.

School Psychologist: If warranted by a student's IEP, the contracted school psychologist will provide behavioral services for students with behavior impeding learning, such as behavior consultation with staff and parents., functional behavioral assessments prior to developing positive behavioral interventions and supports, Behavior Intervention Plans (BIP), and Behavior Intervention Case Manager services for students with "serious" behavior. Counseling services will be directed by a student's IEP and may include individual, small

group or whole direct service to address such issues as social skill development, self-regulation, or problem solving.

In conjunction with the Ed Specialist/Special Programs Coordinator, the school psychologist will manage the Universal Screening Process at CCCS, administer diagnostic CBM's, assist with progress monitoring, and help with administering academic achievement tests when necessary.

Designated Instruction and Services (DIS):

Language, Speech, and Hearing - CCCS plans to contract with Butte County Office of Education SELPA or another regional provider for an appropriately credentialed language, speech, and hearing (LSH) therapist to perform all screenings, assessments, and services for students referred/identified for articulation, hearing, or language issues. If necessary, CCCS may use SELPA regional programs, a Non-Public Agency, a private provider, or hire a credentialed language, speech, and hearing therapist as a school employee. This individual will case manage speech-only IEP's and deliver services based upon goals (and objectives, when appropriate) delineated in a student's IEP.

Adaptive Physical Education - CCCS will work with a SELPA regional provider for adaptive physical education services. If necessary or appropriate, the school may hire an adaptive physical education specialist to work as an employee of the school. Adaptive physical education services will be provided by an appropriately credentialed teacher.

School Nurse - CCCS will contract with a school nurse who holds a school nurse credential and the appropriate qualifications to conduct hearing, vision and other medical assessments, as needed.

Occupational/Physical Therapy - Students who require occupational therapy will be referred to a Butte County SELPA regional provider for assessment and possible services as part of his/her IEP as outlined in the SELPA Local Plan.

Transportation - CCCS will contract with local providers for transportation for students who require this service in their IEP.

Program Specialist Service - In the event that CCCS is not able to directly provide special education and related services to students needing regional services, the school psychologist and/or the Special Programs Coordinator, if appropriate, will refer the student to a SELPA program specialist for placement

Non-Severe Special Day Class - CCCS will make all attempts to serve students with disabilities in the regular education setting with RSP pull-up services when needed. If it is determined through the IEP process that a student needs additional support and he/she would benefit from a more restrictive setting, such as a Non Severe Special Day Program in a separate classroom, CCCS will have the school psychologist contact Paradise Unified School District. If PUSD is unable to assist CCCS in finding an appropriate placement, CCCS will maintain responsibility for finding an appropriate placement.

Regional Services:

Deaf and Hard of Hearing/Vision Impaired - For students who require deaf and hard of hearing services or vision impaired services, as determined in their IEP, CCCS will attempt to provide adaptations and modifications for students at the school site. The school may hire/contract with specialists who employ the appropriate credentials to provide direct services. When necessary, the school psychologist and/or the Special Programs Coordinator will work with the SELPA program specialist to refer students to regional programs.

Severely Handicapped Programs - For Severely Handicapped Programs, including Severe Special Day Class for students with severe physical, medical, emotional disturbance and/or significant developmental delays requiring intensive services, the CCCS school psychologist and/or the Special Programs Coordinator will work with the SELPA program specialist to refer students to a Severely Handicapped Regional Program. CCCS will assume the responsibility for referring and paying associated costs for appropriate services.

It is understood that prior to requesting a regional placement in a program provided by another member LEA of the Butte County SELPA, the request will be reviewed by the SELPA's program specialist. Every effort will be made to accommodate the student's needs at CCCS prior to placing him/her in another educational setting. When a change of placement is warranted, an IEP will be convened, and include the school psychologist, Special Programs Coordinator/Ed Specialist, guardians, and representatives from the receiving agency/program. CCCS will be responsible for the proportionate share of costs through the SELPA bill back process.

Full Inclusion - CCCS is committed to providing the Least Restrictive Environment for students. To the maximum extent appropriate, students with disabilities will be educated with students who are not disabled. Special Day Class or the removal of a student with disabilities from the general education environment occurs only when the nature of the severity of the disability of the student is such that education in general classes with the use of supplemental aids and services cannot be achieved satisfactorily. CCCS will work with parents to determine appropriate placements for their children with disabilities.

VII. Student Accountability and Discipline Policies

Children's Community Charter School maintains comprehensive student discipline policies. Discipline, suspension, and expulsion policies are printed and distributed as part of the school's parent, student, and teacher handbook. This handbook describes the school's expectations regarding school rules, attendance, substance abuse, violence, safety, and dress code. Each student and his/her parent or guardian are required to verify that they have reviewed and understand the policies prior to enrollment by signing a statement at the beginning of each school year. All CCCS students, including those with disabilities, are required to comply with these discipline policies. (see Appendix Section 1, "Student and Family Handbook," for school suspension and expulsion policies and procedures. For school positive reinforcement policy and programs, see Appendix Section 5, "Character Education/Behavior Intervention Program Overviews.")

Suspension, Expulsion of a Special Education Identified Student: CCCS's Suspension and Expulsion policies comply with all portions of Education Code § 48918. Identified special education students will not be suspended for more than 20 days total in a school year. It is

the practice of CCCS to develop Behavior Support Plans early when a pattern of misbehavior is noticed in a special education student. It is the policy of the school following two days suspension to convene an IEP meeting to determine if behavioral supports and/or interventions need to be incorporated into the student's IEP to support improved conduct. When needed, an Assessment Plan will be developed by the school psychologist and Special Programs Coordinator to conduct a Functional Behavior Assessment to assist the team in appropriately modifying a student's IEP.

A Manifestation Determination will be made if CCCS personnel seek to impose a suspension of more than ten (10) school days in a school year that will change the student's placement, or if school personnel have recommended an expulsion. No identified special education student will be expelled from CCCS without a Manifestation Determination IEP meeting to determine if his/her disability is directly related to the misbehavior identified as the reason for the expulsion and to determine if the IEP was appropriate and fully implemented at the time of the misbehavior. The school psychologist will be involved in all phases of expulsion proceedings, and parent/guardian and students are assured of their Due Process Rights throughout. In cases where expulsion is recommended following the Manifestation Determination Hearing, CCCS's Principal/Superintendent will be notified and the item will be placed on the next charter school's Board agenda to review and make recommendations, approval/ or denial.

Students Not Yet Eligible for Special Education Services: A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the school's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the school had knowledge that the student was disabled before the behavior occurred.

The School shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:

1. The parent/guardian has expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education or related services; and
2. The parent/guardian has requested an initial evaluation of the students for special education pursuant to federal law; or
3. The teacher of the student, or other school personnel, has expressed specific concern about a pattern of behavior demonstrated by the student to the school's Special Programs Coordinator/School Psychologist or supervisory personnel.

The School would be deemed not to have knowledge as specified in items #1-3 above if the parent/guardian has not allowed an initial evaluation of the student or has refused services, or if the student has been evaluated and it was determined that the student was not a child with a disability.

If it is determined that the School did not have knowledge that the student was disabled prior to taking disciplinary action against the student, then the student shall be disciplined in accordance with procedures established for students without disabilities.

If a request for an evaluation of a student is made during the time period in which the student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities.

Special Circumstances: CCCS personnel may consider any unique circumstances on a case-by-case basis when determining whether or not to order change in placement for a child with a disability who violates a code of student conduct.

The IEP team may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:

- a. Carries or possesses a weapon, as defined in 18 USC 930, to or at school, on school premises, or to a school function;
- 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 or;
- c. Has inflicted serious bodily injury, as defined by 20 USC 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

Interim Alternative Educational Setting: The student's interim alternative educational setting shall be determined by the student's IEP team.

Due Process Appeals: The parent of a child who disagrees with any decision regarding placement, or the manifestation determination, or the School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited due process hearing to the Special Education Unit of Administrative Hearings.

VIII. Knowledge/Understanding of Special Education Laws and Regulations

Special Programs Coordinator/Ed Specialist Teacher: Lori Gaines holds a multiple subject clear credential, a mild/moderate clear credential, a mod/severe clear credential, and an Ed Specialist clear credential. She has been an educator since 1992; five of those years teaching students with mild to severe special needs. Lori will be completing her Masters in Education: Pathway in Special Education by spring 2017, has her certification in IABA (Institute for Applied Behavior Analysis), she is also an Irlen Syndrome Certified Screener. She has served as SST Coordinator (Student Study Team) for Orland Unified, Teacher in Charge for two and a half years for Orland Unified, Resource Support Person for CCCS for one year, and was Lead Teacher for one year in PBIS training (Positive Behavior Intervention Supports) for Orland Unified. Lori has attended trainings on autism, special education law, behavior "bootcamp," RTI, Patterns of Strengths and Weaknesses, as well as a 4 day training on PLCs (Professional Learning Communities) in Arizona; among a host of other related trainings and seminars throughout her 23 years as an educator. Lori has been invited to speak in special education classes at Chico State on three occasions. She served as a Mentor teacher for Chico State's RTR (Rural Teacher Residency) program for one year in a co-teaching model; as well as one year as a Mentor teacher in the tri-placement program. Lori attends the BCOE SELPA

meetings as well as the LEA Charter Schools Consortium meetings, lead by principal of Achieve Charter School, Casey Taylor.

Lead Intervention Teacher: Megan Neely holds a bilingual multiple subject clear credential and an administrative credential. She has been an educator since 2002; 9 years of service in administration and 6 years as a teacher. During Megan's time in administration she implemented RTI programs at three school sites. She participated in RTI training and observed a number of RTI programs throughout Butte County and Tehama County. As a school site administrator she worked closely with the intervention team to oversee the administration of assessments, analyze the data, identify key students needing RTI services and identified targeted area that was to be supported during intervention. Megan also collaborated with classroom teachers to assist with tier 1 level support. Megan has been the Intervention lead at CCCS since January 2016. She works closely with the classroom teachers and intervention team creating intervention groups. Ongoing collaboration between key stakeholders ensures that students are in the appropriate RTI setting. Megan also assesses students throughout the year to measure growth and make programmatic changes as needed. Megan has attended a number of trainings on special education policies, procedures, law and 504s. Megan has also had the opportunity to participate on the BCOE SELPA Coordinating Council where Butte County education leaders are briefed on changes in laws, policies, and procedures.

Principal/Superintendent: Emily Mullins is the Principal and Superintendent of CCCS. She will work closely with the Special Programs Coordinator/Ed Specialist in ensuring all laws and regulations are followed. Emily is the lead SST (Student Study Team) coordinator and attends all IEP's as Admin. Emily has been an educator since 2003, with 9 years of classroom teaching experience in a variety of grade levels and 4 years in administration. She holds a Clear Multiple Subject teaching credential, Preliminary Administrative Services credential, and a Masters degree in Educational Leadership. Emily has been trained and certified in Crisis Prevention Intervention (CPI) and has taken special education courses during her tenure at CSU Chico. As the Principal/Superintendent of CCCS, Emily is responsible for overseeing all aspects of our intervention program. She works closely with classroom teachers and intervention teachers to provide services to students that are data-driven and research-based.

IX. Required Certification of Assurances

Children's Community Charter School certifies that it:

- Will meet all applicable requirements of state and federal laws and regulations, including compliance with the Individuals with Disabilities Act (IDEA, 20 USC 1400 et seq.), Section 504 of public Law 93-112, 20 USC 8065(a) and the provisions of the California Education Code, part 30;
- Will ensure that all individuals with exceptional needs (enrolled at CCCS) shall have access to appropriate special education programs and services;
- Will assure that no child eligible for special education and related services seeking to enroll in CCCS will be denied nor discouraged from enrollment due to disability or due to the school's concern about its ability to provide appropriate services;

- Will assure that the charter school will fully inform parents of students with disabilities seeking enrollment with CCCS of their rights and educational options available;
- Will deliver special education and related services to any eligible child enrolled in the charter school;
- Will expend all state and federal special education funds for the sole purpose of providing special education instruction and/or services to eligible students with disabilities;
- Will provide assurance that the charter school will adhere to all policies, procedures and requirements of the SELPA local Plan For Special Education;
- Will utilize SELPA approved forms and documents and will follow all SELPA agreements, policies, and procedures;
- Will ensure that students will be instructed in a safe environment with no physical barriers to the mobility of the child;
- Have provided the SELPA with a copy of the charter school's original petition, as approved by the chartering entity and any subsequently approved amendments to the charter;
- Will follow all federal and state laws regarding discipline and change of placement of special education students;
- Understands its legal and financial responsibilities to provide appropriate special education services to eligible students. Financial responsibilities may include, but are not limited to, instruction, related services transportation, nonpublic/agency placements, inter/intra SELPA placements, due process hearing proceedings and attorney fees and;
- Will not seek defense or indemnification from the SELPA or SELPA members unless liability is the result of acts or omissions of other agencies, their agents or employees, while performing services under an agreement.

X. Legal and Fiscal Responsibility

Funding:

Currently, CCCS contracts with Paradise Unified School District (PUSD) for special education services. During the 2014-2015 school year, CCCS paid \$80,000 for their services. The average rate per ADA in the Butte county SELPA is approximately \$420.

With saved dollars from ending contracted services with PUSD, AB 602, and Federal dollars as allocated under the SELPA's funding formula; CCCS, with its projected enrollment of 240+ students would receive approximately \$180,800. These additional funds will be utilized to increase the level of services provided to CCCS students with disabilities.

CCCS will hold a separate and special contingency reserve that can be used for special education services of at least \$50,000.

CCCS shall serve as the Local Education Agency (LEA) for special education purposes. Butte SELPA shall allocate funding to CCCS for the provision of special education services in accordance with Assembly Bill (AB) 602 and the SELPA Allocation Funding Plan. The initial funding allocation will be determined by the SELPA policy and will become CCCS's base rate for funding adjustments in subsequent years.

CCCS, in cooperation with Butte County SELPA, shall document that all state and federal special education funds are used for the sole purposes(s) of providing special education instruction and/or services and supports to identified students with disabilities. Such funds shall be used to supplement and not supplant other sources of federal, state, and local funds apportioned to CCCS.

CCCS may access Butte County SELPA's funds for low incidents equipment and materials as appropriate and as specified on a student's IEP, following the existing guidelines developed by within the SELPA. CCCS shall be responsible for inventory, maintenance, and training on the use of the equipment. The equipment shall remain the property of Butte County SELPA.

Maintenance of Effort: Children's Community Charter School agrees to maintain quality special education programs and assure funds received are expended in accordance with the applicable provisions of IDEA , 2004, and will supplement, not supplant those funds. The school shall not reduce special education expenditures due to reductions in funding unless there is a decline in student enrollment; retirement of a veteran special education teacher (costing more in salary and benefits than his/her replacement); or the need to eliminate a position because specialized service is no longer required on a student's IEP.

A preliminary operating budget of Children's Community Charter School's special education program (income and expenditures) for the 2017-2018 school year is attached to this document (See appendix Section 4 - "Projected Special Education Budget for 2017-2018).

CCCS
Special Education
2017-2018

Introduction to new
grading system.
Part 1 of a series of
staff trainings....

Equity in Grading: *Individualized Grading Systems for Special Education Students in Inclusive Classrooms*



A guide to creating a meaningful, useful, accurate, individualized system for assessing and reporting on students with special needs.

Our Story ...

- Brand new LEA! Independence Day has arrived for Children's Community Charter School! Celebrate!
- New Special Education Policies and Procedures Manual in the works!
- Understanding your dismay for lack of consistency and understanding on how to best provide for special education students and report their progress to families, new systems will be in place! Different in all aspects.... New standards, modifying standards, grades based on modified standards, movement toward Inclusion = time

PROBLEM/SOLUTION:

"Research suggests that grading practices vary considerably among schools and among teachers in the same school, despite many attempts in schools to build in more consistency and predictability... The school can provide parents such {meaningful} information if its grading system is individualized."
(Greatschools, 2015)

"The move to standards-based grading and reporting further complicates efforts to assign fair and accurate grades to students with disabilities. Although basing the grades for all such students solely on grade-level standards is clearly inappropriate, most of the adaptations teachers make are ill-suited to the intent of standards based grading." (Guskey & Jung, 2009)

"Sec 34 C.F.R. § 104.4(b)(1)(i)-(iv) and 28 C.F.R. § 35.130(b)(1)(i)-(iv). Section 504 and Title II: Reporting on modified curriculum. (U.S. Department of , 2008)



"The one element still unaligned with educational reforms is grading and reporting. Student report cards today look much like they looked a century ago, listing a single grade for each subject area or course." (Guskey, 2011)

To Do List

- 1.
- 2.
- 3.
- 4.
- 5.



My Process:

- Began with the Survey Monkey you completed to establish where we are as a school culture with regard to grading students with IEPs and the notion of "Individualized Grading Systems."
- Synthesized the results, began my research, created a process for general education and special education teachers to use to provide fair, equitable, and meaningful reporting on student progress.
- Examples of Survey Monkey results...

Survey Monkey

Survey Monkey I created:

https://www.surveymonkey.com/r/Preview/?sm=fYIQ5etENmPd_2Bsn7l18DLHoox2kC160ZKp8Trsd9QIHW5U9QJmg_2FQ6JRDfQab_2F_2Bi

Sample response from 6-8 grade math teacher:

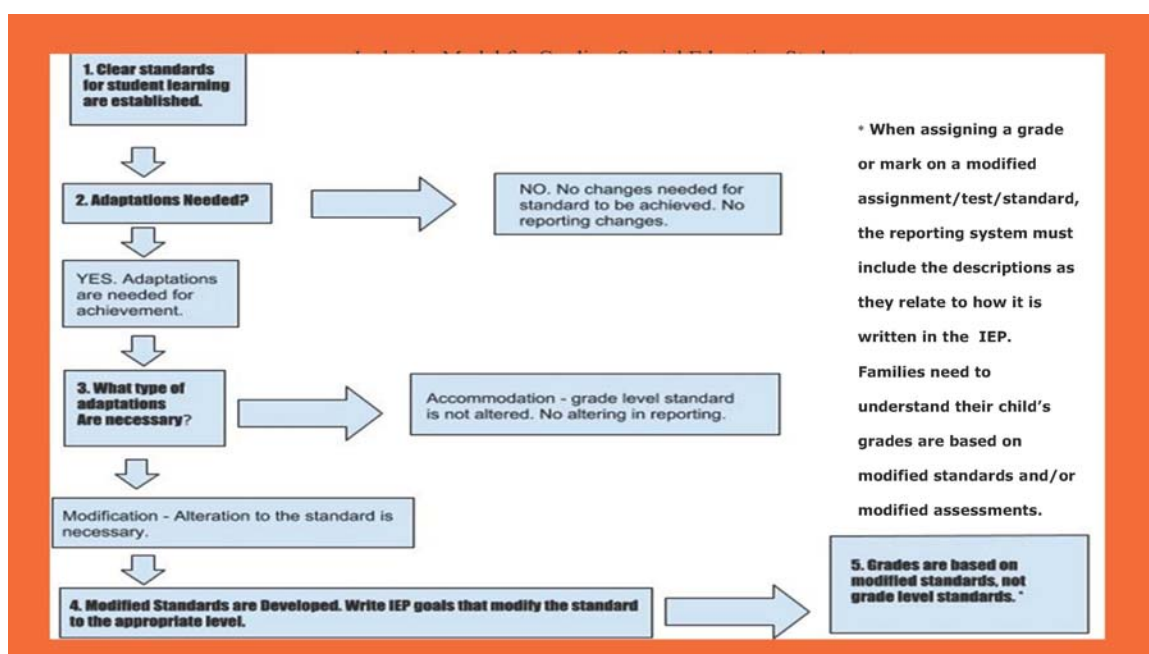

https://www.surveymonkey.com/analyze/browse/q_2FMYykiEqrPNzxIGX9_2FNs3H

Critical Steps:

- IEP team must decide which standards need accommodations and/or modifications for the IEP student
- IEP team will determine how assignments/assessments will be modified and will clearly state how those modifications will be reported
- Special education teachers work collaboratively with general education teachers to provide appropriate modifications - professional development will be necessary
- Focus is on IEP student in the inclusive setting - modifying grade level standards where needed and reporting on the modifications, not the grade level assignments/assessments
- Refer to following flowchart when creating an Individualized Grading System - based on process recommended by Guskey & Jung in their article, "Grading and Reporting in a Standards-based Environment: Implications for students with Special Needs" (Guskey & Jung, 2009).....



Critical Component:
 Collaboration between SPED and Gen Ed. Working together as a team to create the Individualized Grading System benefits all stakeholders, especially the student!

Notes on modifications:
An example of a standards-based modification could be working toward lower grade level vocabulary while in grade level text; So, instead of "recognize and use 4th grade vocabulary words in context," a more suitable goal would be "recognize 2nd grade level vocabulary words in text." The student is still in the grade level text, gaining exposure to grade level curriculum, but assessed at an achievable level for that student; the achievement on the modification is assessed and reported on.

"Assessing and reporting achievement on grade level standards that the IEP team has already agreed are unattainable for a student would be meaningless and, arguably, illegal." (Guskey & Jung, 2009)

The Law and Reporting Grades for Students with IEP's

- Where standards have been modified in order to assign a grade, special notations or marks will be used on report cards, in our case at CCCS, an asterisks will be used.
 “Accordingly, to the extent that the use of notations, asterisks, symbols, or other coding on a report card to indicate that a student with a disability received accommodations or modifications is part of the information given to parents about their child’s progress or level of achievement in specific classes, course content, curriculum, the IEP, or the plan under Section 504, it is permissible under Section 504 and Title II.” (*U.S. Department of Education, 2008*)

GOAL SETTING

Conclusion/Outcomes for 2017-2018 @ CCCS:

- For equity in grading: institute Individualized Grading Systems
- Provide support to general education staff and work closely as a team to create the most beneficial grading system for each of our IEP students
- Provide clear, understandable, thorough, research based supports to guide the transition to the new grading policies for CCCS
- Make every attempt to involve families and students in the planning of their Individual Education Programs as well as their child’s Individualized Grading Systems, providing a democratic approach to communicating and building positive systems together
- Stay current with Wrightslaw, IDEA, ESSA, our SELPA, and all law providing entities to ensure every step we take is sound
- COMMUNICATE AND COLLABORATE effectively and efficiently!



☆ *Let's do this, CCCS!* ☆

"If a child can't learn the way we teach, maybe we should teach the way they learn." - Ignacio "Nacho" Estrada

Bibliography

Guskey, T. (November, 2011). Five Obstacles to Grading Reform. *Educational Leadership*. 69(3)

Guskey T. & Jung L. (2009). Grading and Reporting in a Standards-Based Environment: Implications for Students with Special Needs. *The American Educational Research Association*. San Diego, Ca.

Staff (May 20, 2015). Individualizing a Grading system for a Student with LD and an IEP.

Retrieved from <http://www.greatschools.org/gk/category/school-life>

Office of the Assistant Secretary (October, 2008). Questions and Answers on Report Cards and Transcripts For Students with Disabilities Attending Public Elementary and Secondary Schools. *The U.S. Department of Education/Office for Civil Rights*

SST Meeting Notes: Initial

Student:
of SST meeting:

Grade:

Date

Meeting attendees:

Referred by:

Student strengths:			
Known information/background information:			
Concerns:			
Current Assessments/Scores:			
Content Area	Measure	Performance Level/Score	Notes/comments
Reading Comprehension			
Reading Accuracy			
Reading Fluency			
Writing			
Mathematics			
School Wide Assessment	MAP - Measure of Academic Proficiency		
State Assessment	SBAC- Smarter Balanced Assessment Consortium		
Other:			
Past interventions:			
Current Tier 2 or 3 interventions: (Read Naturally, Barton, Guided Reading, small group			

<p>math, small group writing, Moby Max, etc. Are these interventions successful?)</p>
<p>Learning supports currently being used in the classroom: (ie. read aloud, basic facts chart, color coding, technology, manipulatives, etc. Tier 1, 2, or 3. Universal, Designated, or Accommodation? *Are these supports successful?)</p>
<p>Action Plan (what, who, and when):</p>
<p>Testing Support: (Refer to California Student Accessibility Charts)</p> <p><u>Briefly describe student learning needs that might be met with the use of accessibility supports:</u></p> <p><u>Universal Supports:</u></p> <p><u>Designated Supports and evidence of need:</u></p> <p><u>Accommodations (IEP or 504 only):</u> (Are these accommodations noted on the IEP or 504?)</p>

Follow up

**Children's Community Charter School
Follow-up Student Study Team (SST) Meeting**

Student:

Grade:

Date of SST Meeting:

Meeting Attendees:

Original Strengths/Concerns:
Update/Additional Concerns:
Current Academic and/or Behavior Level:
Review Action Plan: (What worked? What didn't?)
New Action Plan:
<p>Testing Support: (Refer to California Student Accessibility Charts)</p> <p><u>Briefly describe student learning needs that might be met with the use of accessibility supports:</u></p> <p><u>Universal Supports:</u></p>

<p><u>Designated Supports and evidence of need:</u></p> <p><u>Accommodations (IEP or 504 only):</u> (Are these accommodations noted on the IEP or 504?)</p>
<p>Misc. Notes:</p>

Follow up meeting:

CCCS: The SST Process

Step 1 - Referral

1. Teacher completes Student Study Team Initial Referral form
(*This MUST include a complete cum file check!*)
2. Teacher interviews student's previous teacher (if student attended CCCS).
(*Does last year's teacher have the same concerns? What was tried last year?*)
3. Teacher will work with lead intervention teacher to assess current reading level (Rigby, BPST, or other appropriate measure) PRIOR to submitting paperwork.
4. Teacher completes the "Possible Classroom Accommodations" (tier 1) page PRIOR to submitting referral.
5. Teacher turns in COMPLETED Referral Form and tier 1 accommodations page to principal.
6. Principal reviews SST REFERRAL FORM and schedules SST meeting within 2 weeks of COMPLETE paperwork being received.

Step 2 – Meeting

1. SST team meets and completes SST MEETING NOTES. Notes will include: Student strengths, areas of concern, assessment results, health history, testing accommodations and/or modifications, all intervention information, and any other pertinent information from any of the stakeholders. SST will conclude with a clear, measurable action plan (ex: what interventions will the student receive, tier 2 or tier 3, who will teach the intervention, what program/model will be used, what kind of data will be collected, how often will data be collected, etc. Though, the action plan may reflect the need for further tier 1 intervention before moving to tier 2).
2. DATA COLLECTION SHEETS will be used by lead intervention teacher to track interventions and suggest specific actions.
3. Intervention cycles will be approximately 6 weeks long with pre and post data.
4. Team will determine the follow up meeting date to review the data collected.
5. Team consists of parents/guardians, teachers who work with the student, and when appropriate, the student. The team may also involve special education staff if the meeting is a follow up and tier 3 support (or SPED evaluation) may be suggested.

Step 3 – Follow up meeting

1. Team reviews the data to determine amount of progress made.
2. If student is making progress (even if he/she is still below grade level), continue with appropriate intervention support(s).
3. If student is making little to no progress, modify the interventions, with possible movement to tier 2 or tier 3 intervention.
4. Determine follow up meeting date. If student continues to make little to no progress AFTER the 2nd follow-up meeting, and the appropriate interventions have taken place, then a referral for special education assessment may be recommended. If the team feels providing "School-based" tier 3 intervention with the special education teacher should be tried prior to assessment, then the student will follow the intervention cycle and pre and post data will be collected. If little to progress is made in the specialized academic instruction classroom, then a referral for special education assessment will be made.

Student Study Team: Meeting Norms

It is essential that the families who make the arrangements to attend these meetings feel and understand the importance of what is being shared. To do so, we must create an environment where the importance of our dialogue is valued.

Please adhere to the following:

All members of the team agree to the following norms, and all members agree to politely hold each other accountable for adhering to the following norms:

1. If you cannot attend, please write a brief summary of what you would add if you were present.
2. Please be on time and prepared with data or narrative pertinent to the meeting/student.
3. Please do not work on grading or other prep work during the meeting; please "be present."
4. If you must leave early, please inform the parents at the beginning of the meeting.

Thank you for your continued support of students and families! Being in *partnership* with our families is critical in any student's academic, as well as social/emotional, success.

Children's Community Charter School

IEP Meeting Agenda

1. Introductions
 - Introductions by participants
 - Purpose of the meeting
 - Review of proposed agenda/Adopt proposed agenda
 - Parents Rights
 - Review meeting norms
 - Acknowledge team members as valued participants
 - Demonstrate reciprocal respect
 - Speak in turn
 - Follow the agenda
 - Work together towards consensus
2. Present Levels of Performance
 - Student strengths
 - Student needs
3. Eligibility
 - Determination
 - Suggested goals/objectives
 - Adoption of goals
4. Determine Supports - Accommodations/Modifications
 - Decide upon supports
 - Discuss testing supports/grading modifications/reporting
5. Determine FAPE (Free and Appropriate Public Education)
 - Review LRE (Least Restrictive Environment)
 - Amount of time outside of general education classroom (RSP)
6. Questions? Comments? Concerns?
7. Closing
 - Confirm agreements, signatures
 - Next steps



IEP Team Meeting Norms

It is essential that all stakeholders who make the arrangements to attend these meetings feel and understand the importance of what is being shared. To do so, we must create an environment where the importance of our dialogue is valued.

Please adhere to the following:

All members of the team agree to the following norms, and all members agree to politely hold each other accountable for adhering to the following norms:

For teachers and other related service providers:

- If you cannot attend, please write a brief summary of what you would add if you were present.
- Please be on time and prepared with data or narrative pertinent to the meeting/student.
- Please "be present."
- If you must leave early, please inform the parents and IEP team leader at the beginning of the meeting.



Thank you for your continued support of student! *Partnership* is critical in any student's academic, as well as social/emotional, success.

Children's Community Charter School
 6830 Pentz Rd.
 Paradise, CA
 877-2227

Positive Behavior Intervention Plan

Student's Name:
 Student's DOB:

Grade:
 Date BIP Written:

<p>Description of Target Behavior: (operationally defined, easily observable and measurable, includes examples and non-examples)</p>
<p>Hypothesis: (developed based on information gathered during observations and SST's)</p>
<p>Antecedent Modifications: (what can be done to prevent the occurrence of the fast triggers? Describe the modifications in detail)</p>
<p>Replacement Behaviors: (what new behavior will be taught or what current behavior will be increased that serves the same function as the behavior targeted for reduction and allow the student to achieve the same outcome; how will the replacement be taught to the student?)</p>

Strategies for Reinforcing Replacement Behavior: (what is immediate benefit to the student? How will the student be rewarded for engaging in the new or emerging behavior in a way that addresses the function of the behavior?)

Strategies for Reducing the Target Behavior: (what will be the response should the target behavior occur? This response should not maintain the behavior.)

Crisis Plan: (should the strategies for reducing the target behavior not be effective or if the target behavior occurs in a manner that jeopardizes the safety of the student or others, how should others respond? Describe in such a way that the procedures could be implemented by anyone who reads this crisis plan.)

Data Collection and Monitoring of the Target and Replacement Behaviors: (what type of data will be collected, when, and by whom? Once the data is collected, how often will the data be monitored and by whom? Based on the data, how often will updates be made to the PBIP?)

Staff Training and Monitoring: (who is responsible for training others to implement this PBIP? What is the process for training others to implement this plan? How often will staff be observed to ensure they are implementing this plan as written - fidelity of implementation? When will this plan be reviewed again?)

Children's Community Charter School
6830 Pentz Rd. Paradise, CA
877-2227

Positive Behavior Intervention Plan - *Example*

Student's Name: Billy
Student's DOB:

Grade: 2
Date BIP Written:

Description of Target Behavior: (operationally defined, easily observable and measurable, includes examples and non-examples)

Behavior: Out of seat for more than 5 seconds without permission from teacher.

Examples: running around, rolling around on floor

Non-examples: Emergency situations such as bathroom/sick

Hypothesis: (developed based on information gathered during observations and SST's)

When the student is not receiving one on one adult attention, most often in the morning and during writing tasks, and when given an instruction/directive, the student engages in physical movement defined by moving around the classroom, tumbling, doing tricks on the carpet, rolling around on the floor, and climbing on objects to get teacher attention. The staff members most frequently respond to this behavior by redirecting the student or by teaching the student a replacing behavior. This one on one response to the behavior may be reinforcing the behavior. Through the behavior, the student is attempting to communicate, "I want my teacher's attention."

Antecedent Modifications: (what can be done to prevent the occurrence of the fast triggers? Describe the modifications in detail)

- *The classroom teacher will check in with the student upon his arrival at school. This check-in session will be in the form of a several minute walk and talk.*
- *The classroom teacher will provide quarterly walks for the student at 8:30 (the check in session), 10:30, 12:30, & 2:30. These walks will provide student with non-contingent adult attention.*
- *Establish a folder of appropriate "waiting" activities that may include academic assignments that are below the student's academic level i.e. easy to complete), word-finds, or other easy academic related activities.*

- *Establish a self-monitoring procedure for the student to monitor his "waiting" behavior.*
- *Remove some of the physical structures in the classroom on which the student climbs.*

Replacement Behaviors: (what new behavior will be taught or what current behavior will be increased that serves the same function as the behavior targeted for reduction and allow the student to achieve the same outcome; how will the replacement be taught to the student?)

- *The student will be taught to wait for his teacher's attention. Additional baseline data will be taken to determine how long the student can work independently without requesting his teacher's attention. After a baseline is established (i.e. the student can work an average of 3 minutes without requesting his teacher's attention), the student will be taught to gradually build upon that amount of time by doing the following: refer to a folder of appropriate "waiting" activities such as brief easy to complete academic tasks, word-finds, drawing activities, etc.*
- *The student should be taught how to engage in these appropriate "waiting" tasks by the teacher and the paraprofessional (or parent volunteer). The student should be taught using direct instruction and role play. During the teaching process, he should be expected to demonstrate that he knows the difference between "waiting" and "not waiting" before the plan is implemented in context (class).*
- *The student should be taught how to self-monitor his "waiting" behavior. He should be placed in view of a clock and at the beginning of every day (during the check-in walk), he should be informed of how long he will be expected to wait prior to requesting his teacher's attention. In addition, he should have a self-monitoring form on his desk that divides the day according to the segments of the "waiting." The form should be set-up in a way that allows the student to mark if he has or has not waited the expected amount of time. Before the intervention is implemented, he should demonstrate competency in being able to use a clock.*

Strategies for Reinforcing Replacement Behavior: (what is immediate benefit to the student? How will the student be rewarded for engaging in the new or emerging behavior in a way that addresses the function of the behavior?)

- *The student will be reinforced for "waiting" for the expected amount of time. It is recommended that the expected wait-time be increased an average of 2-3 minutes every few days, assuming that the student has mastered the previous expected wait-time. The student will be reinforced by the teacher, paraprofessional, or assigned parent*

volunteer. This person will reinforce the student with positive praise and individualized attention. This person should give very specific praise that lasts for a previously determined amount of time (ie. 30 seconds). It is important that the praise be consistently administered over time. To increase the consistency of praise, this designated person(s) may have a menu of praise statements that he/she pulls from when reinforcing the student.

- *The opportunity to engage in self-regulating strategies may be alternated with positive praise as a reinforcer. The self-regulating strategies should be predetermined and should be brief (ie. 30 seconds) and non-distracting. Ideally, these self-regulating strategies could be completed at the student's desk (i.e. stress ball, other sensory items). Outside of the scheduled walks (described under antecedent modifications above) and these brief self-regulating strategies, the student should have very limited or no access to self-regulating strategies at other times during the day. Limited access to self-regulating strategies at other times of the day will increase the effectiveness of this reinforcer during the intervention (classroom time).*

Strategies for Reducing the Target Behavior: (what will be the response should the target behavior occur? This response should not maintain the behavior.)

- *Planned ignoring should be used when the safety of the student and his peers is not a concern.*
- *When planned ignoring is not decreasing the student's behavior, the team may consider warning the student that continuing to engage in the behavior will result in a loss of tangibles, free choice time, etc. Or the team may inform the student that if he stops engaging in the behavior, sits down and begins engaging in an appropriate behavior for a designated amount of time (i.e 3 minutes) he will have the opportunity to earn a reinforcer.*

Crisis Plan: (should the strategies for reducing the target behavior not be effective or if the target behavior occurs in a manner that jeopardizes the safety of the student or others, how should others respond? Describe in such a way that the procedures could be implemented by anyone who reads this crisis plan.)

- *The team should continue implementing the previously established crisis plan (i.e. remove the student from the classroom or remove the teacher from the classroom).*
- *If other students are in physical or trauma danger, evacuating the*

students (with an aid, administrator, another teacher, etc.) and leaving the teacher, and other support staff if necessary, in the classroom with the acting out student while parents are contacted and student is sent home.

Data Collection and Monitoring of the Target and Replacement Behaviors: (what type of data will be collected, when, and by whom? Once the data is collected, how often will the data be monitored and by whom? Based on the data, how often will updates be made to the PBIP?)

- *Initially, baseline data on the student's "waiting" time should be collected by the teacher, aid, or designated volunteer. After baseline has been established and the intervention has been implemented, this person and the student should monitor the "waiting" time at each previously established interval.*
- *Data should be reviewed daily and changes to the plan may need to be made daily if the data suggests changes are needed.*

Staff Training and Monitoring: (who is responsible for training others to implement this PBIP? What is the process for training others to implement this plan? How often will staff be observed to ensure they are implementing this plan as written - fidelity of implementation? When will this plan be reviewed again?)

- *The special education staff will train the teacher and aid(s) on how to teach the student the replacement behaviors, how to establish the self-monitoring procedures, and how to reinforce the replacement behavior consistently.*
- *The team should consult on the plan regularly to determine its effectiveness and to discuss any changes that should be made.*

Student Behavior Contract

Children's Community Charter School



TO: PARENT/GUARDIAN AND STUDENT

_____ will begin this contract on this date _____ to help in assuring his/her success.

This contract will be used to assist in determining his/her future at Children's Community Charter School.

GOALS FOR STUDENT:

1. I will follow all school rules and behavior expectations at CCCS/CCCMS
- 2.
- 3.
- 4.

REWARDS IF GOALS ARE MET:

- 1.
- 2.
- 3.
- 4.

CONSEQUENCES IF GOALS ARE NOT MET:

- 1.
- 2.
- 3.

Special Note: The rewards and consequences mentioned above are null and void if student commits an act that would require a suspension and/or expulsion. This will be determined by school policy and school administration.

By signing this contract all parties agree to the stipulations in the document and will following accordingly.

The following contract will be reviewed by the student, parent/guardian, counselor and principal on the following date and time: _____.

(Signature of Student) Date

(Signature of Principal) Date

(Signed Name of Parent/Guardian) Date

(Signature of Teacher or Advisor) Date

POLICY, PROCEDURES, AND PARENT RIGHTS REGARDING IDENTIFICATION, EVALUATION AND EDUCATION UNDER SECTION 504



SECTION 504 POLICY

The Board of Directors of the Children's Community Charter School ("CCCS") recognizes the need to identify and evaluate students with disabilities in order to provide them with a free, appropriate public education and its legal responsibility to ensure that "no qualified person with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." This policy and the related administrative regulation has been developed to ensure the implementation of Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and its implementing regulations as amended, which pertains to public schools. The intent is to ensure that all students with disabilities, who are eligible under Section 504, are identified and evaluated and have access to a free, appropriate public education ("FAPE").

Under Section 504, individuals with physical or mental impairments that substantially limit one or more major life activities, including learning, are entitled to receive regular or special education and/or related aids and services designed to meet their individual needs as adequately as the needs of nondisabled students are met. Major Life Activities include functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working, as well as the operation of a major bodily functions, including functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Students may be disabled and entitled to services under Section 504 even though they are not eligible for services pursuant to the Individuals with Disabilities in Education Act Improvement Act of 2004 ("IDEIA").

The School's Director of Special Programs, or an Administrative designee shall ensure that this policy and set of procedures is implemented and followed. Whenever there is reason to believe that, because of a disability, a student needs regular or special education and/or related aids and services (and the student has not been found eligible under IDEIA) that student will be evaluated under this policy's corresponding procedures.

A Section 504 Team will be convened to determine the student's need for regular or special education and/or related aids and services. The 504 Team will include persons knowledgeable about the Section 504 standards, the student's individual needs and school history, the meaning of evaluation data, and placement options. The student's

parent/guardian shall be invited to participate in this 504 Team and shall receive notice of procedural safeguards guaranteed by law. If CCCS does not assess a student after a parent has requested an assessment, the School shall provide notice of the parent's/guardian's procedural safeguards. CCCS shall not retaliate in any way against parents/guardians or students who exercise any rights under the procedural safeguards and/or Section 504.

If the student, due to disability, is found to require regular or special education and/or related aids and services under Section 504, the Section 504 Team shall develop a 504 plan for the provision of such services to the student. The student shall be educated with nondisabled students to the maximum extent appropriate to the student's individual needs. The student's parent/guardian shall be provided a copy of the 504 plan and shall receive notice of procedural safeguards guaranteed by law. CCCS shall periodically review the student's progress and placement.

CCCS will implement this policy through its corresponding procedures.

SECTION 504 PROCEDURES

A. Definitions

1. **Academic Setting** – the regular, educational environment operated by CCCS.
2. **Individual with a Disability under Section 504** – An individual who:
 - a. has a physical or mental impairment that substantially limits one or more major life activities;
 - b. has a record of such an impairment; or
 - c. is regarded as having such an impairment.
3. **Evaluation** – procedures used to determine whether a student has a disability as defined within these Procedures, and the nature and extent of the services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to, or procedures used with, all students in a school, grade or class.
4. **504 Plan** – is a plan developed to identify and document the student's needs for regular or special education and related aids and services for participation in educational programs, activities, and school-sponsored events.
5. **Free Appropriate Public Education (“FAPE”)** – the provision of regular or special education and related aids and services that are designed to meet the individual needs of persons with disabilities as adequately as the needs of persons without disabilities are met.

6. **Major Life Activities** - Functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions.

7. **Physical or Mental Impairment** –

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

b. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

8. **504 Coordinator** – The Director of Special Programs shall serve as the Charter School’s Section 504 Coordinator. The parents or guardians may request a Section 504 due process hearing from, or direct any questions or concerns to the Section 504 Coordinator at (530) 877-2227 ext. 204.

9. **Has a record of such an impairment** - means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

10. **Is regarded as having an impairment** - means

a. An individual meets the requirement of 'being regarded as having such an impairment' if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

b. Being regarded as having an impairment shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

B. Referral, Assessment and Evaluation Procedures

1. CCCS will evaluate any student who, because of disability, needs or is believed to need regular or special education and/or related aids and services.
2. A student may be referred by anyone, including a parent/guardian, teacher, other school employee or community agency, for consideration as to whether the student qualifies as a student with disabilities under Section 504. Requests for evaluation shall be made in writing, and a copy of said request will remain in the student's file regardless of the final determination. This referral should be made to the Section 504 Coordinator who will convene a 504 Team. Any requests made to another CCCS employee will be forwarded to the Section 504 Coordinator.
3. CCCS has the responsibility to ensure that students with disabilities are evaluated. Therefore, it is important that students who are or may be disabled are referred to the Section 504 Coordinator so that the assessment process is initiated.
4. The 504 Team convened by the Section 504 Coordinator will be composed of the student's parents/guardians and other persons knowledgeable about the student (such as the student's regular education teachers), the student's school history, the student's individual needs (such as a person knowledgeable about the student's disabling condition), the meaning of evaluation data, the options for placement and services, and the legal requirements for least restrictive environment and comparable facilities.
5. The 504 Team shall promptly consider the referral and determine what assessments are needed in all suspected areas of disability to evaluate whether the student is a student with a disability under Section 504 and what special needs the student may have. The decision regarding what assessments shall be undertaken shall be based on a review of the student's school records (including academic, social and behavioral records), any relevant medical records, and the student's needs. Students requiring assessment shall be provided appropriate assessments administered by qualified assessment specialists.
6. The 504 Team will consider the following information in its evaluation of the student:
 - a. Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel;

- b. 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; and
 - c. Tests are selected and administered so as to best 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 (except where those skills are the factors that the test purports to measure.)
7. The evaluation of the student must be sufficient for the 504 Team to accurately and completely describe: (a) the nature and extent of the disabilities; (b) the student's special needs; (c) the impact upon the student's education; and (d) what regular or special education and/or related aids and services are appropriate to ensure that the student receives a free appropriate public education. All significant factors relating to the learning process for that student, including adaptive behavior and cultural and language background, must be considered. The evaluation may include, but is not limited to, classroom and playground observation, performance-based testing, academic assessment information, and data offered by the student's teachers and parent/guardian.
8. The parents/guardians shall be given an opportunity in advance of 504 Team meetings to examine assessment results and all other relevant records.
9. If a request for evaluation is denied, the 504 Team shall inform the parents/guardians in writing of this decision and of their procedural rights as described below.

C. 504 Plan

1. When a student is identified as disabled within the meaning of Section 504, the 504 Team shall determine what, if any, services are needed to ensure that the student receives a free, appropriate public education ("FAPE").
2. The 504 Team responsible for making the placement decision shall include the parents/guardians and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.
3. For each identified disabled student, the 504 Team will develop a 504 Plan describing the student's disability and the regular or special education and/or related aids and services needed. The Plan will specify how the special education and/or related aids and services will be provided to the disabled student and by whom. The 504 Plan will also identify the person

responsible for ensuring that all the components of the Plan are implemented.

4. The student's teacher and any other staff who are to provide services to the student or who are to make modifications in the classroom for the student shall be informed of the services or modifications necessary for the student and, if appropriate, provided a copy of the 504 Plan. A copy of this plan shall be kept in the student's cumulative file in a manner that limits access to those persons involved in the 504 process and/or the provision of services and modifications.
5. The disabled student shall be placed in the regular education environment unless it is demonstrated that the student's needs cannot be met in the regular education environment with supplementary aids and services. The disabled student shall be educated with students who are not disabled to the maximum extent appropriate to his/her individual needs.
6. The referral, assessment, evaluation and placement process will be completed within a reasonable time. It is generally not reasonable to exceed fifty (50) school days in completing this process.
7. The parents/guardians shall be notified in writing of the final decision concerning the student's identification as a person with disabilities, the educational program and services to be provided, if any, and of the Section 504 procedural safeguards, as described below, including the right to an impartial hearing to challenge the decision.
8. If the 504 Team determines that the student is disabled but that no special services are necessary for the student, the 504 Plan shall reflect the identification of the student as a disabled person under Section 504 and shall state the basis for the decision that no special services are presently needed.
9. The 504 Plan shall include a schedule for annual review of the student's needs, and indicate that this review may occur more frequently at the request of the parent/guardian or school staff.
10. CCCS shall immediately implement a student's prior 504 Plan, when a student enrolls at the Charter School. Within thirty (30) days of starting school, CCCS shall schedule a 504 Team meeting to review the existing 504 Plan. CCCS shall request a copy of the prior 504 plan from both the prior school and the parent/guardian.

D. Review of the Student's Progress

1. The 504 Team shall monitor the progress of the disabled student and the effectiveness of the student's 504 Plan. According to the review schedule

set out in the student's 504 Plan, the 504 Team shall annually determine whether the services and modifications are appropriate.

2. A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement.

E. Procedural Safeguards

1. Parents/guardians shall be notified in writing of all decisions regarding the identification, evaluation or educational placement of students with disabilities or suspected disabilities. Notifications shall include a statement of their rights to:

- Examine relevant records
- Have an impartial hearing with an opportunity for participation by the parents/guardians and their counsel
- Have the right to file a Uniform Complaint pursuant to school policy
- Seek review in federal court if the parents/guardians disagree with the hearing decision.

2. Notifications shall also set forth the procedures for requesting an impartial hearing. Requests shall be made to the following:

Lori Gaines, - Director of Special Programs
6830 Pentz Rd., Paradise, Ca. 95969, (530) 877-2227, ext. 2014

Notifications shall also advise that reimbursement for attorney's fees is available only as authorized by law.

3. The Director of Special Programs or Administrative designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with CCCS or any district within the Butte County Office of Education SELPA, or other local agencies, in any capacity other than that of hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.
4. If a parent/guardian disagrees with the identification, evaluation or educational placement of a student with disabilities under Section 504, he/she may request a hearing to initiate due process procedures. The parent/guardian shall set forth in writing his/her request for a hearing. A request for hearing should include:

- The specific decision or action with which the parent/guardian disagrees.
 - The changes to the 504 Plan the parent/guardian seeks.
 - Any other information the parent/guardian believes is pertinent.
5. Within five (5) calendar days of receiving the parent/guardian's request for a hearing, CCCS may offer the parent/guardian an optional alternative dispute resolution process. However, the timeline for the hearing shall remain in effect unless it is extended by mutual written agreement of the parent/guardian and the Charter School. Alternative dispute resolution options include:
- Mediation by a neutral third party.
 - Review of the 504 Plan by the designee.
6. Within ten (10) calendar days of receiving the parent/guardian's request, the Director of Special Programs or designee shall select an impartial hearing officer. These 10 days may be extended for good cause or by mutual agreement of the parent/guardian and Director.
7. Within thirty-five (35) calendar days of the selection of the hearing officer, the due process hearing shall be conducted. These thirty-five (35) days may be extended for good cause or by mutual agreement of the parent/guardian and Director.
8. The parent/guardian and the Charter School shall be afforded the rights to:
- Be accompanied and advised by counsel and by individuals with special knowledge or training related to the individual needs of students who are qualified as disabled under Section 504.
 - Present written and oral evidence.
 - Question and cross-examine witnesses.
 - Receive written findings by the hearing officer.
9. The hearing officer shall issue a written decision within ten (10) calendar days of the hearing.

10. If desired, either party may seek a review of the hearing officer's decision by a federal court. The decision shall be implemented unless the decision is stayed, modified or overturned by a court.
11. CCCS shall not retaliate in any way against parents/guardians or students who exercise any rights under the procedural safeguards and/or Section 504.

F. **Suspension and Expulsion, Special Procedures for Students with Disabilities**

CCCS shall follow the suspension and expulsion policy and procedures as set forth in the charter. A pupil who is qualified for services under Section 504 of the Rehabilitation Act of 1973 is subject to the same grounds for disciplinary action, including suspension and expulsion, and is accorded the same due process procedures applicable to regular education pupils except when federal and state law mandates additional or different procedures. CCCS will follow Section 504 and all applicable federal and state laws when imposing any form of discipline on a pupil identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such pupils. The following procedures shall be followed when a student with a disability is considered for suspension or expulsion. These procedures will be updated if there is a change in the law.

1. Services During Suspension

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's 504 Plan; and receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting.

2. Procedural Safeguards/Manifestation Determination

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, CCCS, the parent, and relevant members of the 504 Team shall review all relevant information in the student's file, including the child's 504 Plan, any teacher observations, and any relevant information provided by the parents to determine:

- a. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

- b. If the conduct in question was the direct result of the local educational agency's failure to implement the 504 Plan.

If CCCS, the parent, and relevant members of the 504 Team determine that either of the above is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

If CCCS, the parent, and relevant members of the 504 Team make the determination that the conduct was a manifestation of the child's disability, the 504 Team shall:

- a. Conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that CCCS had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
- b. If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
- c. Return the child to the placement from which the child was removed, unless the parent and CCCS agree to a change of placement as part of the modification of the behavioral intervention plan.

If CCCS, the parent, and relevant members of the 504 team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a result of the failure to implement the 504 Plan, then CCCS may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

3. Appeals

The parent of a child with a disability under a 504 Plan who disagrees with any decision regarding placement, or the manifestation determination, or CCCS believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request to utilize the appeal process outlined in the Procedural Safeguards section of these Procedures.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or CCCS, the hearing officer shall determine whether the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, whichever occurs first, unless the parent and CCCS agree otherwise.

4. Special Circumstances

CCCS personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

The Director of Special Programs or Administrative designee may remove a student to an interim alternative educational setting for not more than forty-five (45) days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:

- a. Carries or possesses a weapon, as defined in 18 U.S.C. § 930, to or at school, on school premises, or to or at a school function;
- 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; or
- c. Has inflicted serious bodily injury, as defined by 20 U.S.C. § 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

6. Interim Alternative Educational Setting

The student's interim alternative educational setting shall be determined by the student's 504 Team.

7. Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified as an individual with disabilities pursuant to the IDEIA and who has violated CCCS's disciplinary procedures may assert the procedural safeguards granted under these Procedures only if CCCS had knowledge that the student was disabled before the behavior occurred.

CCCS shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:

- a. The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, to CCCS supervisory or administrative personnel, or to one of the child's teachers, that the student is in need of special education or related services.
- b. The parent has requested an evaluation of the child.
- c. The child's teacher, or other CCCS personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other CCCS supervisory personnel.

If CCCS knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the protections available to IDEIA-eligible children with disabilities, including the right to stay-put.

If CCCS had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. CCCS shall conduct an expedited evaluation if requested by the parents; however the student shall remain in the education placement determined by CCCS pending the results of the evaluation.

CCCS shall not be deemed to have knowledge of that the student had a disability if the parent has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.



PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION, ACCOMMODATION AND PLACEMENT

(Section 504 of the Rehabilitation Act of 1973)

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions. Please keep this explanation for future reference.

You have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disabling condition.
2. Have CCCS advise you of your rights under federal law.
3. Receive notice with respect to Section 504 identification, evaluation and/or placement of your child.
4. Have your child receive a free appropriate public education. This includes the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to have CCCS make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided to nondisabled students.
6. Have your child receive special education and related services if he/she is found to be eligible under the Individuals with Disabilities Education Improvement Act (IDEIA).
7. Have an evaluation, educational recommendation, and placement decision developed by a team of persons who are knowledgeable of the student, the assessment data, and any placement options. This includes the right to an evaluation before the initial placement of the student and before any subsequent significant change in placement.
8. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by CCCS.

9. Examine all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, educational program, and placement.
10. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
11. Obtain a response from CCCS to reasonable requests for explanations and interpretations of your child's records.
12. Request an amendment of your child's educational records if there is reasonable cause to believe they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If CCCS refuses this request for amendment, the School shall notify you within a reasonable time and advise you of your right to an impartial hearing.
13. Request mediation or file a grievance in accordance with CCCS's Section 504 mediation grievance and hearing procedures, outline above.
14. Request an impartial hearing regarding the Section 504 identification, evaluation, or placement of your child. You and the student may take part in the hearing and have an attorney represent you.
15. File a formal complaint pursuant to CCCS's Uniform Complaint Policy and Procedures. Please ask the Director of Special Programs for a copy of the School's Uniform Complaint Policy and Procedures if you need one.
16. File a formal complaint with the U.S. Department of Education.

Office for Civil Rights, U.S. Department of Education
San Francisco Office
50 United Nations Plaza
San Francisco, CA 94102
(415) 486-5555 PHONE
(415) 486-5570 FAX
Email: OCR.SanFrancisco@ed.gov

17. Be free from any retaliation from CCCS for exercising any of these rights.

Please contact Lori Gaines, 504 Coordinator, c/o Children's Community Charter School, 6830 Pentz Rd., Paradise, Ca. 95969 * (530) 877-2227, ext 204, with any questions regarding the information contained herein.



Section 504 Accommodation Plan

Date:

Student Name:

Grade:

Birthdate:

Parent/Guardian Name:

Address:

Phone Number:

Date of Eligibility:

Due Date of Annual Review:

Meeting Attendees:

Specify the mental or physical impairment that substantially limits one or more major life activities:

Check the major life activity(ies) that is affected (without mitigating measures except for contacts or eyeglasses):

- Writing
- Walking
- Concentrating
- Speaking
- Breathing
- Hearing
- Self-care
- Attending school
- Seeing
- Socializing
- Learning
- Communicating

- Manual tasks
- Reading
- Other:

Describe how the disability affects access to learning:

Is there a physician's order for accommodations?

- Yes (attach copy)
- No

Is there other documentation showing need for accommodations?

- Yes (attach copy)
- No

Is this condition

- Permanent
- Temporary

Estimate length of time
accommodation is needed:

Accommodation	Responsibility	Location
SBAC Accommodations:		

Acknowledgements

I would like to thank and acknowledge the following schools, school websites, individuals, and other online resources. The information learned and reviewed from the following resources helped to guide and inspire me in the writing of this Manual for Exceptional Learners for my charter school, Children's Community Charter School:

Websites:

Paradise Unified School District – Special Education Links

Chico Unified School District – Special Education Links

Chico Country Day Charter School – Special Education Links

CORE Butte Charter School – Special Education Links

CCSA, California Charter Schools Association – various articles and examples

BCOE – Butte County Office of Education, SELPA website and meetings

VCOE – Ventura county Office of Education

Understood.org – various articles written for parents

IDEAs That Work – US Official Special Education Program

www.wrightslaw.com

School District Special Education Manuals:

LAUSD – Los Angeles Unified School District

SFUSD – San Francisco Unified School District

La Porte ISD – La Porte Independent Study District

FUSD – Fresno Unified School District

SCUSD – Sacramento Unified School District

Guides for Writing Special Education Manuals:

National Charter School Resource Center: Special Education Start-Up and Implementation Tools for Charter Schools

National Charter School Resource Center: Charter School Discipline Toolkit for Charter School Leaders

Model Special Education Policies and Procedures Manual, 2007, Bureau of Special Education, Connecticut State Department of Education

Interviews with special education leaders in our area:

Ann Finney, Ed Specialist, M.Ed, CSU,Chico

Jennifer Kimball, Ed Specialist, M.Ed., Plumas Unified, Quincy, Ca.

Lessie Schweninger, Ed Specialist, M.Ed., Paradise Unified, Paradise, Ca.

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