

Special Education Policy

Akoban Cyber Charter School

2012-2013 School Year

It is the responsibility of the Akoben Cyber Charter School to ensure that all children with disabilities residing in the Commonwealth, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated.

The purpose of this document is to describe:

1. the types of disabilities that might qualify the child for such programs and service;
2. the special education programs and related services that are available;
3. the process by which the public schools screen and evaluate such students to determine eligibility; and
4. the issues that pertain to confidentiality and student protections.

How a child might qualify for special education and related services.

Under the federal Individuals with Disabilities Education Improvement Act of 2004, or "IDEA 2004," children qualify for special education and related services if they have one or more of the following disabilities and, as a result, need such services:

1. mental retardation;
2. hearing impairments, including deafness;
3. speech or language impairments;
4. visual impairments, including blindness;
5. serious emotional disturbance;
6. orthopedic impairments, or physical disabilities;
7. autism, including pervasive developmental disorders;
8. traumatic brain injury, or neurological impairment;
9. other health impairment ; and
10. specific learning disabilities.

Children with more than one of the forgoing disabilities could qualify for special education and related services as having multiple disabilities.

The legal definitions of the above-listed disabilities, which the public schools are required to apply under the IDEA 2004, may differ from those used in medical or clinical practice. The legal definitions, moreover, could apply to children with disabilities that have very different medical or clinical disorders. A child with attention deficit hyperactivity disorder, for example, might qualify for special education and related services as a child with "other health impairments", "serious emotional disturbance", or "specific learning disabilities" if the child meets the eligibility criteria under one of more of these disability categories and if the child needs special education and related services as a result. Under Section 504 of the federal Rehabilitation Act of 1973, and under the federal

Americans with Disabilities Act, some school age children with disabilities who do not meet the eligibility criteria outlined above might nevertheless be eligible for special protections and for adaptations and accommodations in instruction, faculties, and activities. Children are entitled to such protections, adaptations, and accommodations if they have a mental or physical disability that substantially limits or prohibits participation in or access to an aspect of the school program.

Available Programs and Services for Children with Disabilities

The Akoben Cyber Charter School must ensure that children with disabilities are educated to the maximum extent possible in the regular education environment, and that the instruction they receive conforms as much as possible to the instruction that non-disabled students receive. Programs and services available to students with disabilities, in descending order of preference, may include: (1) regular cyber class placement with assistive technologies, supplementary aides and services provided as needed in that environment; (2) regular cyber class placement for most of the school day with itinerant services by a special education teacher either in or out of the regular cyber classroom; (3) regular cyber class placement for the most of the school day with instruction provided by a special education teacher in a resource cyber classroom; (4) part time special education class placement in a regular public school or alternative setting; and (5) special education class placement or special education services provided outside the regular class for most or all of the school day, either in a regular public school or alternative setting.

Depending on the nature and severity of the disability, the public school can provide special education programs and services in areas such as: (1) the public school the child would attend if not disabled; (2) an alternative regular public school either in or outside the school district of residence; (3) a special education center operated by a public school entity; (4) an approved private school or other private facility licensed to serve children with disabilities; (5) a residential school; (6) approved out-of-state program; or (7) the home.

Special Education services are provided according to the primary educational needs of the child, not the category of disability. The types of service available: (1) learning support, for students who primarily need assistance with the acquisition of academic skills; (2) life skills support, for students who primarily need assistance with development of skills for independent living; (3) emotional support, for students who primarily need assistance with emotional development; (4) deaf or hearing impaired support, for students who primarily need assistance with deafness; (5) blind or visually impaired support, for students who primarily need assistance with blindness; (6) physical support for students who primarily require physical assistance in the learning environment; (7) autistic support, for students who primarily need assistance in the areas affected by autism spectrum disorders; and (8) multiple disabilities support, for students who primarily need assistance in multiple areas affected by their disabilities. Related services are designed to enable the child to participate in or access his or her program of special education. Examples of related services include but are not limited to, speech and language therapy, occupational therapy, physical therapy, nursing services, audiologist services, assistive technologies, counseling and behavioral support, and family training and workshops.

The Akoben Cyber Charter School, in conjunction with the parents, determines the type and intensity of special education and related services that a particular child needs based exclusively on the unique program of special education and related services that the school develops for that child. The child's program is described in writing in an individualized education program, or "IEP," which is developed by an IEP team consisting of educators, the school psychologist, the school counselor, parents and other persons with special expertise or familiarity with the child. The parents of the child have the right to be notified of and to participate in all meetings of their child's IEP team. The IEP is revised as often as circumstances warrant but reviewed at least annually. The law requires that the program and placement of the child, as described in the IEP, be reasonably calculated to ensure meaningful educational progress to the student at all times. IEPs contain, at a minimum, a statement of present levels of academic achievement and functional performance, an enumeration of the annual goals established for the child, and a statement of the special education and related services that the child needs in order to make meaningful educational progress. For children aged sixteen and older, the IEP must also include an appropriate transition plan to assist in the attainment of post-secondary objectives. The Akoben Cyber Charter School must invite the child to the IEP team meeting at which the transition plan is developed.

Screening and Evaluation Process for Children to Determine Eligibility for Special Education and Related Services Child Find Screening

Each educational agency must establish and implement procedures to locate, identify and evaluate children suspected of being eligible for special education. These procedures involve screening activities that include but are not limited to: review of group-based data (cumulative records, enrollment records, health records, and report cards); hearing screening (at Kindergarten, first, second and third grades); vision screening (every grade level); motor screening; and speech and language screening. The Akoben Cyber Charter School will be educating students in grades 5 through 12. Thus, obtaining files (if any exist) regarding any prior services will be paramount for each student being enrolled

Except as indicated above or otherwise announced publicly, screening activities take place in an on-going fashion throughout the school year. Screening is conducted at the Charter School unless other arrangements are necessary. The following screenings will be conducted during an intensive orientation session at a mutually agreed upon time after a student is registered: vision and hearing; and Academic assessment (GRADE, reading assessment and GMADE, math assessment) for grades 5 through high school; the Denver Developmental Scale (if and when applicable, by grades offered in the school's future). If parents need additional information regarding the purpose, time, and location of screening activities, they should call or write the Chief Academic Officer (CAO) or Division Principal of Charter School at:

Interim Main Office*
Akoben Cyber Charter School
2246 North 52nd Street
Philadelphia, PA 19131
267.270.2206 (O);
267.247.3049 (F);
AkobenCCS@gmail.com

** Once a charter is awarded, the location above shall be updated to the primary location where the records are kept, and the services are developed.*

Screening activities are often undertaken before Akoben Cyber Charter School refers most children for a multidisciplinary team evaluation. When concerns raised either by school staff or parents warrant screening, the child is referred to a "comprehensive student assistance team", sometimes called the "CSAP Team". The CSAP Team is responsible for assessing the current achievement and performance of the child, for designing school-based interventions to address concerns raised, and for assessing the effectiveness of those school-based intervention. If the concern that resulted in the referral can be addressed without special education services, or is the result of the lack of English proficiency or appropriate instruction, the CSAP Team will recommend interventions other than multidisciplinary team evaluation. Parents nevertheless have the right to request a multidisciplinary team evaluation at any time, regardless of the outcome of the screening process.

Evaluation

When screening indicates that a student may be eligible for special education, the Akoben Cyber Charter School will seek parental consent to conduct an evaluation. Evaluation means procedures used in the determination of whether a child has a disability and the nature and extent of the special education and related services needed by the child. The term evaluation refers to procedures used selectively with an individual child and does not indicate basic tests administered to, or procedures used with, all children. Before the Akoben Cyber Charter School can proceed with an evaluation, it must notify the parents in writing of the specific types of testing and assessment it proposes to conduct, of the date and time of the evaluation, and of the students and parents' rights. The evaluation cannot begin until the parent/legal guardian has signed the written notice indicating that he or she consents to the proposed testing and assessments and has returned the notice to the public school. Once parental consent for evaluation is obtained, the school has timelines and procedures specified by law that it must follow. The law contains additional provisions and due process protections regarding situations in which parental consent for an initial evaluation is absent or refused, and is discussed more fully below and in Procedural Safeguards Notice.

This evaluation is conducted by a Multi-Disciplinary Team (MDT) which includes a teacher, other qualified professionals who work with the child, and the parents. The Multi-Disciplinary Evaluation (MDE) process must be conducted in accordance with specific timelines and must include protection-in-evaluation procedure. For example, tests and procedures used as part of the Multi-Disciplinary Evaluation may not be racially or culturally biased.

The MDE process results in a written evaluation report called an Evaluation Report (ER). This report makes recommendations about a student's eligibility for special education based on the presence of a disability and the need for specially designed instruction. Parents who think their child is eligible for special education may request, at any time, that the Akoben Cyber Charter School conduct a Multi-Disciplinary Evaluation. Requests for a Multi-Disciplinary Evaluation must be made in writing to the CAO or Division Principal of Akoben Cyber Charter School.

If a parent makes an oral request for a Multi-Disciplinary Evaluation, the Akoben Cyber Charter School shall provide the parent with a form for that purpose. If the Akoben Cyber Charter School denies that parents' request for an evaluation, the parents have the right to challenge the denial through an impartial hearing or through voluntary alternative dispute resolution such as mediation.

Educational Placement

The determination of whether a student is eligible for special education is made by an Individualized Education Program (IEP) team. A single test or procedure may not be the sole factor in determining that a child is exceptional. The IEP team includes: the parents of a child with a disability; not less than one regular education teacher, if the child is, or may be participating in the regular education environment; not less than one special education teacher, or when appropriate, not less than one special education provider; a representative of the school who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of the children with disabilities, is knowledgeable about the general education curriculum, and is knowledgeable about the availability of resources of the School; an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described above; other individuals, at the discretion of the parent or the agency, who have knowledge or special expertise regarding the child, including related-services personnel as appropriate; and whenever appropriate, a child with a disability. If the student is determined to be eligible for special education, the IEP team develops a written education plan called an IEP. The IEP shall be based in part on the results of the Multi-Disciplinary Evaluation. The IEP team may decide that a student is not eligible for special education. In that instance, recommendations for educational programming in regular education may be developed from the Evaluation Report. An IEP describes a student's current levels, goals, and the individualized programs and services, which the student will receive. IEPs are reviewed on an at least an annual basis. The IEP team will make decisions about the type of services, the level of interventions, and the location of the intervention.

Placement must be made in the least restrictive environment in which the student's needs can be met with special education and related services. All students with disabilities must be educated to the maximum extent appropriate with children who are not disabled.

Services for Protected Handicapped Students

Students who are not eligible to receive special education programs and services may qualify as handicapped students and therefore are protected under federal statutes and regulations intended to prevent discrimination (in particular, 34 CFR Part 104 and 28 CFR Part 35) Akoben Cyber Charter School must ensure that qualified handicapped students have equal opportunity to participate in the school program and extracurricular activities to the maximum extent appropriate for each individual student. In compliance with federal law, Akoben Cyber Charter School will provide to each protected handicapped student (without discrimination or cost to the family) those related aids, services or accommodations which are needed to provide equal opportunity to participate in, and obtain the benefits of, the school program and extracurricular activities to the maximum extent appropriate to the student's abilities. In order to qualify as a protected handicapped student, the child must be of school age with physical or mental disability that substantially limits or prohibits participation in or access to an aspect of the school program.

These services and protections for "protected handicapped students" may be distinct from those applicable to eligible or thought-to-be eligible students. Akoben Cyber Charter School or the parent may initiate an evaluation if they believe a student is a protected handicapped student. For further information on the evaluation procedures and

provision of services to the protected handicapped students, parents should contact the school Chief Academic Officer (CAO) or Division Principal.

Rights and Protection

Akoben Cyber Charter School must notify parents in writing whenever it: (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child; (2) Refuses to initiate or change the identification, evaluation, or educational placement of the child; (3) Proposes or refuses to make changes regarding the provision of a free appropriate public education (FAPE) to the child; and (4) No later than the date on which the decision to take disciplinary action is made, Akoben Cyber Charter School must notify the parent of that decision and of all available procedural safeguards. Such notice must be accompanied by a full written description of the parents' rights.

What prior written notice must contain:

Prior written notices must be written in the native language of the parent, unless it clearly is not feasible to do so. Prior written notice must contain:

1. A description of the action proposed or refused by the school;
2. An explanation of why Akoben Cyber Charter School proposes or refuses to take the action and a description of each evaluation procedure, assessment, record, or report Akoben Cyber Charter School used as a basis for the proposed or refused action;
3. A description of other options considered by the Individualized Education Program (IEP) Team and the reasons why those options were rejected;
4. A description of the factors that are relevant to Akoben Cyber Charter School's proposal or refusal;
5. A statement that the parent of a child with a disability has procedural safeguards protection and, if the notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
6. Sources the parent may contact to obtain assistance in understanding these provisions; and
7. A statement informing the parent about the state complaint procedures, including a description of how to file a complaint and the timelines under those procedures.

*In Pennsylvania, prior written notice is provided on the form "Notice of Recommended Educational Placement" (NOREP).

Procedural Safeguards Notice

When a Procedural Safeguards Notice must be provided:

A copy of the Procedural Safeguards Notice must be given to the parent one (1) time a year, except that a copy must also be given to the parent:

1. Upon initial referral for evaluation;
2. Upon the parent's request for evaluation;
3. Receipt of the first occurrence of the filing of a request for due process; and
4. Request by the parent.

The Procedural Safeguards Notice must include a full explanation of available procedural safeguards, written in the native language of the parent, unless it is clearly not feasible to do so. It must be written in an easily understandable manner, describing the procedural safeguards available relating to:

1. Independent educational evaluation;

2. Prior written notice;
3. Parental consent;
4. Access to educational records;
5. Opportunity to present and resolve complaints, including the time period in which to file a Due Process Hearing Request;
6. The opportunity for Akoben Cyber Charter School to resolve the Due Process Hearing Request;
7. The availability of mediation;
8. The child's placement while due process proceedings are pending;
9. Procedures for children who are subject to placement in an interim alternative educational setting;
10. Requirements for unilateral placement by the parent of a child in private school at public expense;
11. Due process hearings, including requirements for disclosure of evaluation results and recommendations;
12. State level appeals;
13. Civil actions, including the time period in which to file such actions;
14. Attorneys' fees; and
15. State complaint procedures, including applicable time periods.

When Prior Parental Consent Must Be Obtained

Parental consent must be obtained by Akoben Cyber Charter School prior to conducting an initial evaluation to determine if the child qualifies as a child with a disability, and before providing special education and related services to the child. Parental consent for an evaluation shall not be construed as consent for their child to receive special education and related services. The screening of a child by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not considered to be an evaluation for eligibility for special education and related services; therefore, parental consent is not required in this instance.

Consent for Wards of State.

The Individuals with Disabilities Education Improvement Act of 2004 contains language about seeking parental permission for initial evaluations when a child is a ward of the State. In Pennsylvania, however, if a child is designated a ward of the State, the whereabouts of the parent is not known or the rights of the parent have been terminated in accordance with State law; someone other than the parent has been designated to make educational decisions for the child. Consent for an initial evaluation should therefore be obtained from the individual designated to represent the interests of the child.

Absence of Parental Consent

If the parent does not provide consent for an initial evaluation, or the parent fails to respond to a request to provide consent, Akoben Cyber Charter School may pursue an initial evaluation of the child through mediation or due process procedures. If the parent does not provide consent for the child to receive special education and related services, Akoben Cyber Charter School will not provide special education and related services, nor will Akoben Cyber Charter School use mediation or due process procedures.

If the parent refuses to consent to the receipt of special education and related services, or the parent fails to respond to a request to provide consent, and therefore the child does not receive special education and related services, Akoben Cyber Charter School will not be in violation of its requirement to make a free appropriate public education (FAPE) available to the child for its failure to provide special education and related services to the child; and Akoben Cyber Charter School does not have to convene an Individualized Education Program (IEP) meeting or develop an Individualized Education Program (IEP) for the child regarding special education and related services.

