

GLASS CITY ACADEMY – SPECIAL EDUCATION POLICIES AND PROCEDURES

POLICY:

The Glass City Academy (GCA) recognizes that students whose disabilities adversely impact educational performance and who require specially designed instruction have potential for improving educational performance when they receive special education and related services tailored to fit their needs.

Each eligible special education student in the school will be afforded a full education opportunity. This goal will be met consistent with the state's goals through ensuring the provision of a free appropriate public education in a special school, complying with state and local procedures, and improving student performance as identified in the state's application for Individuals with Disabilities Education Improvement Act (IDEA) funding.

The school shall comply with state and federal requirements for special education. The superintendent shall develop procedures consistent with state and federal laws and rules to implement the following:

- Free appropriate public education (FAPE)
- Confidentiality of personally identifiable information
- Evaluation, eligibility and re-evaluation
- Participation in assessments
- Development of Individualized Education Program (IEP) and placement
- Participation in regular education, Least Restrictive Environment (LRE)
- Procedural safeguards
- Parent participation
- Staff qualifications and personnel development; and
- Program administration

The superintendent shall develop procedures to implement this policy, as directed by federal regulation (34 CFR 300.220). This policy and procedures shall be consistent with the state's special education regulations and filed with the Ohio Department of Education and Workforce (ODEW).

Not all students with disabilities are eligible for special education services at GCA. The needs of each student will be addressed individually and provided appropriate accommodations or modifications required under § 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act, and the Ohio laws against discrimination.

Mediation or Resolution Agreements

The Board of GCA serves in an advisory capacity. The superintendent or designee has the authority to bind the district to a mediation or resolution agreement.

Certificate of Attendance

In order to participate in commencement exercises, students must have met the minimum criteria for graduation prior to the date of the exercise and otherwise be in good standing with their school through the commencement date. Minimum criteria for participation may be adjusted for students with an IEP whose disabilities have impacted their opportunity to accumulate credits. Each student's IEP team will determine the student's graduation plan, including graduation date. IEP students who have attended four years of high school and need additional time to complete IEP goals and/or credits may request participation in commencement exercises. IEP students will receive a certificate of attendance until they complete their credits for graduation. The superintendent shall develop and maintain special education procedures necessary to implement this policy. This policy and the procedures shall be available to the public.

PROCEDURES:

Special Education and Related Services for Eligible Students

The purpose of GCA's special education program procedures is to address program areas where state and federal regulations require specific local procedures or permit local discretionary choices.

The state regulations governing implementation of special education services pursuant to the IDEA of 2004 are addressed in Ohio Regulatory Code (ORC). These procedures do not address all of the requirements established in the regulations. District personnel who are not familiar with the regulations need to contact the special education Coordinator if there are questions regarding special education. These procedures describe how the district implements its special education program.

FAPE and Early Intervention: GCA will apply annually for state special education funding to assist in the provision of special education and any necessary related services. This funding is in addition to GCA state appropriation from the legislature.

Services to eligible special education students ages 14-21 will be provided without charge to the student. GCA's special education services will meet state education standards. Special education services are at the secondary education level and will be provided in conformance with the student's IEP. GCA, being a Drop Out Prevention and Recovery (DOPR) Charter School only services students 14-21 years old and thus only provides secondary services.

GCA provides a continuum of services for students, regardless of the funding source. Where GCA is unable to provide all or part of the special education or necessary related services, it will make arrangements through contracts with other public or non-public sources, inter-district agreements or interagency coordination.

Students Covered by Public or Private Insurance: GCA does not use Federal funds, so does not access the Medicaid system.

Parent Participation and Meetings

GCA encourages parental involvement and the exchange of information regarding parents' children so that GCA is able to provide appropriate services to its students. As used in these procedures, the term "parent" includes parents, legal guardians, persons acting in the place of a parent, such as relatives and stepparents, persons appointed as surrogate parents, and adult students.

Parents (and as appropriate, students) will be provided the opportunity to participate in any meetings with respect to the identification, evaluation, educational placement and provision of a FAPE.

When a meeting is scheduled for matters other than IEP or placement:

- The parent will be notified that GCA or the parent may invite others who have knowledge or special expertise of the student; and
- The meetings will be scheduled at a mutually agreeable time and place and arrangements made to use a variety of technology to facilitate meetings.

When a meeting involves an IEP or placement, notification procedures described in the previous paragraph apply.

In addition to the above notice requirements:

- Meetings shall be scheduled at a mutually agreeable time and place;
- Parents will be notified that GCA or the parent may invite others who have knowledge or special expertise of the student. Invitation of others having knowledge or special expertise is at the discretion of the party making the invitation.
- When the meeting involves transition needs or services, the student will also be invited.
- If another agency is or may be responsible for payment or provision of transition services, an agency representative will be invited. If the agency representative cannot attend the meeting, GCA personnel shall keep the representative informed of the meeting and obtain agency information that will assist in the service provision.
- GCA shall provide interpreters or accommodations necessary for a parent's participation in meetings.

The ***Special Education Coordinator is responsible for***, form use and other arrangements.

If the parent cannot attend the IEP or placement meeting, but wishes to participate, GCA will arrange for other means to participate. This can include individual or conference phone calls, video or other means of conferencing.

GCA may proceed with the IEP or placement meeting if GCA is not able to get the parent to attend. In this case, GCA will document its attempts to arrange the meeting. This documentation will include records of telephone calls and the results, copies of correspondence sent to the parent, and/or other means used to contact the parent.

A meeting does not include informal or unscheduled conversations involving GCA personnel; conversations on issues such as teaching methodology, lesson plans, coordination of service provisions; or preparatory activities that GCA personnel engage in to develop a proposal or a response to a parent proposal to be discussed at a later meeting.

Identification and Referral (CHILDFIND)

Child-find

GCA is a state-operated program and a secondary service provider to LEAs within the state of Ohio. Due to this arrangement, GCA works with the community and the local district in child find activities in local districts. The purpose of child find is to locate, evaluate and identify children with suspected disabilities in need of special education services including those who are not currently receiving special education and related services at GCA and who may be eligible for those services.

GCA does and shall:

1. Provide information to LEAs and ESDs about available GCA services on campus and through outreach.
2. Work as an active team member with representatives from the Department of Education and Workforce.
3. Assist LEAs as requested with their child find process.

Referral

A student, whether or not enrolled in school, may be referred for a special education evaluation by parents, district staff, or other persons knowledgeable about the student. When GCA staff has concerns that a student may have a suspected disability which could result in eligibility for special education services, they will notify the student's LEA psychologist, SLP or building/district administrator. The LEA district's special services department, psychologist, or SLP will process referrals in compliance with ORC, which provides:

Each building principal will designate a person responsible for ensuring that district staff understands the referral process. Referrals are required to be in writing unless the person referring is unable to write. A person who makes a referral orally should be asked to either make the referral in writing or go to the main office of the building for assistance in making the referral. When a referral for evaluation is made at GCA, the district must act within a 25 school-day timeline to make a decision about whether or not the student will receive an evaluation for eligibility

for special education services at the GCA. All certificated employees will document referrals immediately upon a referral being made to or by them. All other staff receiving a referral from another person shall notify the school psychologist or building administrator/the special education department: (a) records the referral; (b) provides written notice of the referral to the parent; and (c) advises the to collect and review district data and information provided by the parent to determine whether evaluation is warranted. During the referral period the office will collect and review existing information from all sources, including parents. Examples may include:

- Child's history, including developmental milestones;
- Report cards and progress reports;
- Individual teacher's or other provider information regarding the child including observations;
- Assessment data;
- Medical information, if provided;
- Other information that may be relevant to assist in determining whether the child should be evaluated.

If the review of data occurs at a meeting, the parent will be invited. The special education department provides written notice to the parents of the decision regarding evaluation, whether or not the parents attend the meeting.

Recommendations regarding evaluation are forwarded to the special education department.

After an administrator and school psychologist review the request for evaluation and supporting data and does not suspect that the child has a disability, the district may deny the request. In this case written notice, including the reason for the denial and the information used as the basis for the denial, must be given to the parent.

If the determination is that the child should be evaluated, the reviewers shall include information about the recommended areas of evaluation, including the need for further medical evaluation of the student. This information will assist the district in providing parents prior written notice and will assist the district in selecting appropriate evaluation group members. The school office is responsible for notifying parents of the results using prior written notice. When the determination is that the child will be evaluated, parent consent for evaluation and consent for release of appropriate records will be sent with the notice.

GCA will seek parental consent to conduct the evaluation. The GCA is not required to obtain consent from the biological parent if:

- The student is a ward of the state and does not reside with a parent;
- The parent cannot be located, or their rights have been terminated; or
- Consent for an evaluation is given by an individual appointed to represent the student.

When the parent provides consent, the district shall select an evaluation group. The evaluation group is to complete the evaluation within 35 school days after the GCA receipts of parent consent, unless:

- The parents and district agree in writing to extending the timeline;
- The parent fails or refuses to make the student available for the evaluation; or
- The student enrolls in another school district after the evaluation is begun but before completion and the parent and new district have an agreement for completion of the evaluation.

If a parent does not provide written informed consent for the evaluation, notify the Special Education Coordinator or his/her designee. GCA staff will make a determination as to whether it wishes to use mediation to seek agreement to evaluate or file a due process hearing to override the parent's refusal to consent. The district may not override a parent's refusal to consent for an evaluation if the student is homeschooled or is unilaterally placed in a private school. If the parent does not provide written informed consent and the district does not use mediation or due process, the Special Education Coordinator will provide the parent with prior written notice informing the parent that the GCA cannot proceed with the evaluation to determine eligibility and is not responsible for providing special education and related services without an initial evaluation to determine eligibility.

Evaluation of Transfer Students

If a student transfers to GCA while an evaluation process is pending from the sending district, GCA's Special Education Coordinator and/or his/her designee is responsible for determining the status of evaluations conducted to date and making a determination as to whether the evaluation can be completed within the 35 school day timeline from the date the parent provided consent. If the determination is that additional time will be needed, the Special Education Coordinator and/or his/her designee will notify the parent and obtain the parent's agreement to establish a new timeline.

EVALUATION AND ELIGIBILITY

The purpose of evaluation is to determine eligibility for special education and related services and obtain enough information to develop the IEP, if eligible. Evaluation activities and procedures are used to determine whether:

- The student has a disability that adversely affects educational performance; and
- The student requires special education and any necessary related services, and,
- The nature and extent of special education and related services needed by the student.

Evaluations of students are to be complete within 35 school days after parent consent, or after consent is overridden in a due process hearing. If staff is unable to obtain voluntary parental consent and those reviewing the data believe that the student is appropriately identified for evaluation, the special education department shall arrange an opportunity to ask the parent to agree to mediation or proceed with a due process hearing to request that the school be allowed to conduct the evaluation.

All current evaluation data as well as data previously reviewed by the team must be considered. Professional members of the evaluation team need to be familiar with qualifying disability definitions and criteria in federal and state rules.

This review of existing data may be in the form of a meeting of IEP team members, or may be conducted without a meeting. It includes data provided by parents, data gathered in the general education classroom or from state and district level assessments. The data may provide information about the student's physical condition, social or cultural background and adaptive behavior.

When additional assessments are necessary, the group members have the responsibility of selecting, administering, interpreting and making judgments about evaluation methods and results, and ensuring that the tests and assessments are administered by qualified personnel in accordance with the instructions of the test producer. The gathering of additional data in combination with existing data must be sufficiently comprehensive to address all areas of the suspected disability and any special education needs, whether linked to the disability category or not. If the IEP Team determines that no additional data are needed, the IEP team will notify the student's parent of that determination and the reasons for it, and inform them of their right to request additional assessments. The district complete the evaluation using existing data.

Parents and district staff are encouraged to work towards consensus, but the school district has the ultimate responsibility to determine whether the student has a disability or not. The GCA Special Education Coordinator will provide the parent(s) with prior written notice of the eligibility decision, as well as a copy of the evaluation report. If the parent disagrees with the eligibility decision they will be informed of their dispute resolution options described in the procedural safeguards.

There are many legal requirements for conducting evaluations. Evaluation procedures or materials must be free of racial, cultural or sexual/gender bias and they must be used for the purpose for which they are valid and reliable. Tests must be appropriate for the student's age and stage of developmental level. Tests should be administered in the native language of the student or conducted in the mode of communication most familiar to the student. If it appears to be clearly not feasible to conduct a procedure or test in the mode of communication most frequently used by the student, the IEP team will contact the special education administrator to develop an individualized strategy for valid evaluation of the student's skills. The inclusion of parents in this collaboration is desirable and strongly encouraged.

Evaluation activities include:

- Determining the student's eligibility and need for special education and related services.
- Measuring the student's present levels of functioning, needs, abilities, and limitations;
- Drawing conclusions about the significance of findings as they relate to the general education curriculum and instructional programming;
- Providing information that will assist the IEP team in making decisions about the special educational program, including necessary related services, assistive technology needs, extended school year services and supportive services.

GCA will evaluate the student in all areas related to the suspected disability and sufficiently comprehensive to identify special education and related service needs, whether or not the needs are commonly linked to a particular disability category. Areas of evaluation should include, if appropriate, health, vision, hearing, social skills, emotional status, general intelligence, academic performance, communication skills, and motor abilities.

GCA's Special Education Coordinator and/or his/her designee shall select the members of the evaluation group. Members selected must be knowledgeable about the student and the areas of his or her suspected disabilities. Qualifications of a group member include having the appropriate professional license or certification, and may include outside practitioners when necessary. If the student requires a medical evaluation in order to determine eligibility, GCA will coordinate with the parents to arrange for the evaluation at GCA expense or through the use of public or private insurance if the parent consents to allow the district to use the insurance.

When GCA suspects the student may have a learning disability, the evaluation group will also include the parent and the general education teacher or, if the student does not have such a teacher, someone qualified to teach a student of that age.

The evaluation group shall use a variety of methods, tools, and strategies designed to gather relevant functional and developmental information. The evaluation does not rely on one source or procedure as the sole criterion for determination and should include:

- Review of existing data;
- Relevant functional and developmental information;
- Information from parents;
- Information from other providers;

- Information related to enabling access to and progress within the general education curriculum and assisting in determining whether there is a disability and the content of the IEP;
- Current classroom-based evaluations, using criterion-referenced and curriculum-based methods, anecdotal records, and observations;
- Teacher and related service providers' observations;
- Testing and other evaluation materials, which may include medical or other evaluations when necessary.

Evaluation Report

Each person conducting an assessment of the student will specify the procedures and instruments used and their results and the significance of findings related to the student's instructional program, including a specification of the factors interfering with performance and the special education and related services needed.

The evaluation group will determine who is most appropriate to develop the evaluation report reflecting the evaluation information. This will be completed before the conclusion of the evaluation period and will, at a minimum:

1. Identify the disability which requires special education and related services, if a disability exists;
2. Discuss assessments and review data supporting conclusions regarding eligibility;
3. Include the additional information required for the specific learning disability eligibility category;
4. Describe how the disability or disabilities affect the student's involvement and progress in the general curriculum;
5. Make recommendations to the IEP team with respect to special education and related services needed, materials or equipment, instructional and curricular practices, student management strategies, the need for extended school year services beyond 180 school days and location of services;
6. Other information, as determined through the evaluation process and parent input;
7. Include the additional information required for the specific learning disability eligibility category;
8. Provide any necessary professional judgments and the facts or reasons in support of the judgments; and
9. Be signed and dated by the evaluation group members certifying their agreement. Any group member who disagrees with the conclusions will prepare a statement presenting the conclusion.
10. The Special Education Coordinator is responsible for notifying parents of the date, time and location of evaluation meetings by following the procedures in the parent participation section for inviting parents to meetings.

Eligibility

The evaluation group and the parent will determine whether or not the student is a special education student.

1. A student is not eligible if the determinant factor is lack of appropriate instruction in reading or math, based upon the state's grade level expectations or limited English proficiency; and
2. Eligibility may be determined by documented professional judgment when:
 - a. Properly validated tests are unavailable; or
 - b. Corroborating evidence indicates that results were influenced due to measuring a disability.

The parent will be provided with a copy of the evaluation report and the documentation of determination of eligibility.

Parents will also be provided with prior written notice of the eligibility decision within ten school days of the decision. GCA Education Dept. (Special Education Coordinator) is responsible for sending the notice.

Students remain eligible for special education services until one of four events occur:

1. The student is determined through a reevaluation to no longer be eligible for special education;
2. The student has met the district's high school graduation requirements;
3. The student no longer receives special education services based upon a parent's written revocation of services.

When a special education student is expected to graduate prior to age 21, or when graduation is part of the transition plan, the IEP team will document a student's progress towards achieving course credits towards graduation on the transition portion of the IEP. The district will provide prior written notice to parents and adult students that the student is expected to graduate and will no longer be eligible for special education services. GCA will also provide the parents and student with a summary of academic achievement and functional performance and recommendations to assist the student with postsecondary goals.

Reevaluations

A reevaluation of a student receiving special education or related services is conducted if academic achievement and functional performance has improved to warrant a reevaluation, if the IEP team suspects that the student may no longer be a student with a disability or if the child's parent or teacher requests a reevaluation. A reevaluation does not occur more than once per year, unless parent and school agree otherwise. A reevaluation must occur at least once every three years, unless parent and school staff agree that a reevaluation is unnecessary. An agreement that an evaluation is unnecessary will be confirmed in writing to the parent. The Special Education Coordinator will schedule a review of this determination and notify the special education department.

As part of any reevaluation, the IEP team members and other professionals the district determines appropriate will review existing data that includes:

1. Evaluations and information provided by the parents;
2. Current classroom-based assessment, local or state assessments and classroom based observations; and
3. Observations by other teachers and related services providers data.

Based on this review the team will determine whether any additional data is necessary to determine:

1. Whether the student continues to be eligible for special education and any necessary related services;
2. The present levels of performance and educational needs; and
3. Whether any additions or modifications to the student's program are needed.

This review can occur with or without a meeting or through individual review. If the IEP team members and any other persons reviewing the data determine that no further testing is necessary, the district will notify the parents of this determination, using written prior notice and will inform parents that they have the right to request assessments if they disagree with the determination that additional testing is not necessary. Parent consent is not required if the reevaluation does not require additional testing:

- a. If additional testing is needed, the Special Education Coordinator will request written parental consent for reevaluation and provide prior written notice identifying the areas of assessment;
- b. If the parents do not return the signed consent form, the district will send another letter explaining the need for reevaluation and parent consent and will enclose another consent form and a copy of the prior written notice. In addition, the district will document its reasonable attempts to obtain consent such as telephone calls, emails, personal contact and other efforts to obtain consent;
- c. If the parents do not respond to the request for consent, and the district has documented its reasonable attempts to obtain consent, the district can proceed with the reevaluation; and
- d. If the parents refuse to consent to the reevaluation, the evaluation group will notify the Special Education Coordinator so that the district can determine whether it will seek mediation in order to obtain consent or request a due process hearing to ask an administrative judge to override the parent's refusal to consent.

After the reevaluation is completed, the Special Education Coordinator will both invite parents to the eligibility meeting and will provide prior written notice after the meeting with the results of the reevaluation to parents in their primary language, indicating one or more of the following:

1. Whether the student continues to be eligible and in need of special education;
2. Present levels of performance and educational needs of the student; and
3. Whether any additions or modifications to the special education and related services are needed to enable the student to meet IEP annual goals and to participate, as appropriate, in the general curriculum.

This notice will occur within ten school days of the eligibility decision. The education department (Special Education Coordinator) is responsible for sending the notice.

Reevaluation and Graduation

No reevaluation is required when special education eligibility terminates due to graduation from high school with a regular diploma or due to reaching the end of the school year during which the student turned 22. Instead, the district will provide prior written notice to the student and the parent - *a minimum of one month before the student's anticipated last day of school* and the IEP team will provide the student with a summary of academic achievement and functional performance including recommendations on how to assist the student in meeting post-secondary goals. *This summary will be provided to the student at the time of the final year's IEP meeting.* The Special Education Coordinator is responsible for assuring that the IEP team completes the summary of academic achievement and functional performance.

Parent consent is required before the initial provision of special education services. If a parent refuses to consent

Determining Needed Evaluation Data:

The evaluation group members select the specific assessments to be used in the evaluation, based on a review of existing data and the student's particular needs. The review of the existing data should include the evaluation group members, the parents, and other persons who would be members of the IEP team if the student is determined eligible. If it is determined that no additional testing data are necessary to make a decision about eligibility, the parents will be notified that no additional testing is necessary and of their right to request additional assessments. GCA will complete the evaluation using the exiting data.

When additional assessments are necessary, the group members have the responsibility of selecting, administering, interpreting, and making judgments about evaluation methods and results, and ensuring that the tests and assessments are administered by qualified personnel in accordance with the instructions of the test producer. The evaluation group shall use a variety of methods, tools and strategies designed to gather relevant functional and developmental information. The evaluation will not rely on one source or procedure as the sole criterion for determination. GCA will follow the evaluation procedures outlined in ORC.

Parents and district staff are encouraged to work towards consensus, but the school district has the ultimate responsibility to determine whether the student has a disability or not. The GCA Special Education Coordinator and/or his/her designee will provide the parent with prior written notice of the eligibility decision, as well as a copy of the evaluation report. If the parent disagrees with the eligibility decision they will be informed of their dispute resolution options described in the procedural safeguards.

Specific Learning Disability (SLD)

The district continues to use the severe discrepancy approach for identifying students with a SLD;

Evaluation Report

Each person conducting an assessment of the student will specify the procedures and instruments used and their results and the significance of findings related to the student's instructional program, including a specification of the factors interfering with performance and the special education and related services needed.

The evaluation group will determine who is most appropriate to develop the evaluation report reflecting the evaluation information. This will be completed before the conclusion of the evaluation period and will, at a minimum:

1. Identify the disability which requires special education and related services, if a disability exists;
2. Discuss assessments and review data supporting conclusions regarding eligibility;
3. Include the additional information required for the specific learning disability eligibility category;
4. Describe how the disability or disabilities affect the student's involvement and progress in the general curriculum;
5. Make recommendations to the IEP team with respect to special education and related services needed, materials or equipment, instructional and curricular practices, student management strategies, the need for extended school year services beyond 180 school days and location of services;
6. Other information, as determined through the evaluation process and parent input;
7. Provide any necessary professional judgments and the facts or reasons in support of the judgments; and
8. Be signed and dated by the evaluation group members certifying their agreement. Any group member who disagrees with the conclusions will prepare a statement presenting the conclusion.
9. The Special Education Coordinator and/or his/her designee is responsible for notifying parents of the date, time and location of evaluation meetings by following the procedures in the parent participation section for inviting parents to meetings;
 - An official form will be sent to the parent informing them of the location and time of the evaluation as follow up to conversations with the parent in trying to set up a mutually agreed upon date and time.

Eligibility

The evaluation group and the parent will determine whether or not the student is a special education student.

- A student is not eligible if the determinant factor is lack of instruction or limited English proficiency.
- Eligibility may be determined by documented professional judgment when:
 - Properly validated tests are unavailable, or
 - Corroborating evidence indicates results were influenced due to measuring a disability.
 - The parent will be provided with a copy of the evaluation report and the documentation of determination of eligibility.

Parents will also be provided with written notice of the eligibility decision within ten school days of the decision. The Special Education Coordinator's office is responsible for sending the notice.

Eligible students remain eligible for special education services until one of four events occur:

- The student is determined through a reevaluation to no longer need special education;
- The student has met GCA's high school graduation requirements; or
- The student has reached age 22. A special education student, whose 22nd birthday occurs after August 31, shall continue to be eligible for special education and any necessary related services for the remainder of the school year.
- The parent or adult student submits a written revocation to consent.

When a special education student is expected to graduate prior to age 21, or when graduation is part of the transition plan, the IEP team will document a student's progress towards achieving course credits towards

graduation on the transition portion of the IEP. GCA will provide prior written notice to parents and adult students that the student is expected to graduate and will no longer be eligible for special education services at least 6 months before graduation.

Reevaluation

A reevaluation of a student receiving special education or related services is conducted if academic achievement and functional performance has improved to warrant a reevaluation, if the IEP team suspects that the student may no longer be a student with a disability or if the child's parent or teacher requests a reevaluation. A reevaluation does not occur more than once per year, unless parent and school agree otherwise. A reevaluation must occur at least once every three years, unless parent and school staff agree that a reevaluation is unnecessary. An agreement that an evaluation is unnecessary will be confirmed in writing to the parent. The Special Education Coordinator will schedule a review of this determination and notify the special education department.

The reevaluation process shall be completed within 35 school days after the parent's consent or within 35 school days after a parent's refusal to consent is overridden by a due process decision, and not later than three years after the previous eligibility determination.

As part of any reevaluation, the IEP team members and other professionals GCA determines appropriate will review existing data that includes:

- Evaluations and information provided by the parents,
- Current classroom-based assessment, local or state assessments and classroom based observations, and
- Observations by other teachers and related services providers data.

Based on this review the team will determine whether any additional data is necessary to determine:

- Whether the student continues to be eligible for special education and any necessary related services,
- The present levels of performance and educational needs, and
- Whether any additions or modifications to the student's program are needed.

This review can occur at a meeting or through individual review. If the IEP team members and any other persons reviewing the data determine that no further testing is necessary, GCA will notify the parents of this determination, using written prior notice and will inform parents that they have the right to request assessments if they disagree with the determination that additional testing is not necessary. Parent consent is not required if the reevaluation does not require additional testing:

- a. If additional testing is needed, the Special Education Coordinator will request written parental consent for reevaluation and provide prior written notice identifying the areas of assessment;
- b. If the parents do not return the signed consent form, the district will send another letter explaining the need for reevaluation and parent consent and will enclose another consent form and a copy of the prior written notice. In addition, the GCA will document its reasonable attempts to obtain consent such as telephone calls, emails, personal contact and other efforts to obtain consent;
- c. If the parents do not respond to the request for consent, and the GCA has documented its reasonable attempts to obtain consent, the district can proceed with the reevaluation; and
- d. If the parents refuse to consent to the reevaluation, the evaluation group will notify the Special Education Coordinator so that the GCA can determine whether it will seek mediation in order to obtain consent or request a due process hearing to ask an administrative judge to override the parent's refusal to consent.

After the reevaluation is completed, the Special Education Coordinator will invite parents to the eligibility meeting and will provide prior written notice of the results of reevaluation to parents in their primary language, indicating one or more of the following:

- Whether the student continues to be eligible and in need of special education
- Present levels of performance and educational needs of the student, and
- Whether any additions or modifications to the special education and related services are needed to enable the student to meet IEP annual goals and to participate, as appropriate, in the general curriculum.

This notice will occur within ten calendar days of the eligibility decision. The Special Education Coordinator's office is responsible for sending the notice.

Reevaluation and Graduation

No reevaluation is required when special education eligibility terminates due to graduation from high school with a regular diploma or due to reaching the end of the school year during which the student turned 22. Instead, the district will provide prior written notice and the IEP team will provide the student with a summary of academic achievement and functional performance including recommendations on how to assist the student in meeting post-secondary goals. *This summary will be provided to the student at the time of the final year's IEP meeting.* The Special Education Coordinator is responsible for assuring that the IEP team completes the summary of academic achievement and functional performance.

Independent Educational Evaluations (IEE)

Parents of special education students or students who have been referred for special education have a right to request an IEE at public expense without unnecessary delay.

The following criteria for the selection of an individual to conduct an IEE at public expense are established for the purpose of identifying the knowledge, experience and qualifications of individuals selected to conduct the evaluations; and ensuring that such evaluations are conducted at reasonable fees commensurate with the usual and customary rate in this geographical area. Any individual selected to conduct either a GCA evaluation or an IEE must be:

- Licensed, credentialed or otherwise qualified within the state of Ohio or state of residence/ practice to perform an evaluation in the specific professional discipline for which an independent evaluation is sought.
- Knowledgeable and experienced in evaluating children with similar disabilities.
- Geographically located within the state of Ohio.
- Available to GCA at a maximum fee which does not exceed by more than 25% the prevailing average for similar evaluations within the state of Washington.

Exceptions to the criteria will be granted only when it can be shown that the unique circumstances of the child or the disability:

- Make it impossible to identify anyone within the state of Ohio who holds the appropriate credentials or experience necessary to conduct the evaluation; or
- Require a specialized evaluator whose fee exceeds the prevailing average by more than 25%; or
- Include factors which would warrant an exception in order to obtain an appropriate evaluation.

When parents request an IEE GCA must decide within 15 calendar days whether or not to provide it. Any parent request for an independent evaluation should be immediately referred to the Special Education Coordinator's office. The Special Education Coordinator shall review the request and determine whether or not the request is warranted. If the district agrees to provide an IEE, arrangements will be made promptly. If GCA denies the request it must file for a due process hearing. GCA may request mediation as an option, after filing the due process hearing. If the parents withdraw their request for an independent educational evaluation the due process hearing can be dismissed.

Parent Consent - Special Education Services:

Parent consent is required before the initial provision of special education services. If a parent refuses to consent to the provision of special education services, the district may not use mediation or due process to override a parent's refusal. When a parent refuses to provide consent the Special Education Coordinator will notify the parent that the GCA does not have a FAPE obligation to the student. The notification will be documented in the student's file.

The GCA will maintain a copy of the current IEP which is accessible to all staff members responsible for providing education, other services or implementation of the IEP. All staff members will be informed of their responsibilities for its implementation. This includes not only teachers and other service providers, but also bus drivers, playground and lunchroom supervisors, nursing staff and others who may be responsible for the proper implementation. The building principal Special Education Coordinator is responsible for ensuring that staff members are knowledgeable about their responsibilities.

IEPs will be implemented without undue delay following IEP meetings, regardless of the payment source for special education and or related services.

Individualized Education Programs (IEP)**IEP Development**

The IEP is the written statement reflecting the implementation of instructional programs and other services for special education students. It is intended as a practical method of addressing from the evaluation results the identified needs of the student which include special education, any necessary related services, and any other services necessary for the student to progress towards meeting his or her goals in the IEP.

An IEP must be in effect before initiation of special education services at GCA. The IEP must be developed no later than 30 calendar days after an initial determination of eligibility for special services.

IEPs must be updated annually. IEP's may be revised more frequently as needed to adjust the program and services.

GCA will maintain a copy of the current IEP in the location(s) serving the special education student. The IEP is accessible to all staff members responsible for providing education, other services or implementation of the IEP. All staff members will be informed of their responsibilities for its implementation. This includes not only teachers and other service providers, but also bus drivers, playground and lunchroom supervisors, nursing staff and others who may be responsible for the proper implementation. The Special Education Coordinator's office is responsible for ensuring that staff members are knowledgeable about their responsibilities.

IEPs will be implemented without undue delay following IEP meetings, regardless of the payment source for special education and or related services.

Parents are members of the IEP team and shall have the opportunity to fully participate. GCA will make sure that the parents understand the proceedings, including arranging for an interpreter for parents who are deaf or whose native language is other than English. GCA will also ensure that meeting locations are accessible. The Special Education Coordinator's office is responsible for coordinating interpreters and making arrangements for the meeting location.

The GCA will provide parents/guardians with a copy of the GCA's notification of isolation or restraint of students with IEPs policy.

The IEP team includes:

- The parents of the student;
- At least one general education teacher of the student if the student is or will be participating in the general education environment; the general education teacher, as a member of the IEP team, must, to the extent appropriate participate in the development, review and revision of the student's IEP including assisting in the determination of appropriate positive behavioral interventions and strategies for the student and the determination of supplementary aides and services, program modification, and supports for school personnel that will be provided to the student.
- At least one special education teacher, or if appropriate, at least one special education provider of the student.
- A representative of GCA, who is qualified to provide or supervise the provision of special education and related services, is knowledgeable about general education curriculum, and is knowledgeable about the availability of GCA resources.
- An individual who can interpret the instructional implications of the evaluation results.
- Any other individuals who have knowledge or special expertise about the student. These individuals may be invited by both GCA and the parents, at the discretion of the person making the invitation.
- The student, when appropriate, or when required.
- Transition participants when required.
- Representative of local school district.

Existing team members may fill more than one of these roles if they meet the criteria for the role.

Refer to the Parent Participation and Meetings for the requirements of a parent invitation to IEP meetings.

The parents and district must agree in writing before any of the above team members are excused from all or part of a meeting. If a team member's area of the IEP is being discussed or modified, then the parent and district must consent to their excusal; and that specific team member must provide advance written input for their part of the IEP prior to the meeting.

Sometimes parents do not attend IEP meetings. Additionally, there will be times the parents do not agree with the IEP as proposed, and despite attempts to reach agreement on IEP content, the team does not reach agreement. If a parent attends the IEP meeting and agreement is not reached, the team shall determine whether another IEP meeting should be scheduled as soon as mutually possible, or whether there is enough information to complete the IEP.

When the parents do not attend despite GCA's efforts to ensure participation, or if the team does not reach agreement, it is GCA's obligation to offer an appropriate educational program:

- Have IEP members present sign the IEP (or document participation if any member is unwilling to sign).
- Send a copy to the parent, and provide the parent prior written notice that GCA intends to implement the IEP.
- Forward the documentation of actual or attempted contacts to the student's LEA for processing when parents do not attend the meeting.

When making changes to an IEP after the annual IEP meeting for a school year, the parent and the district may agree not to convene an IEP meeting for the purpose of making changes. The parent and the district must complete a written document indicating the changes and inform IEP team members and appropriate individuals of the changes. GCA's Special Education Coordinator is the responsible person for making changes to the IEP. If the parent requests that the district revise the IEP to include the amendments, the Special Education Coordinator will revise the IEP.

IEP Preparation and Content:

IEP teams will consider the recommendations in the most recent evaluation to develop the IEP. In developing the IEP, the team should consider:

- The strengths of the student and concerns of the parents for enhancing the education of their child;
- Whether a behavior plan, including positive supports and possible aversive interventions should be considered;
- Whether the student with limited English proficiency has language needs;
- Whether Braille instruction is appropriate for a student who is BVI;
- Whether a student has other language and communication needs; and
- Whether assistive technology devices or services are needed.

IEP content includes:

- The student's present levels of educational performance with a description of how the disability(ies) affect the student's involvement and progress in the general curriculum or preschool activities.
- Measurable annual goals for the student including benchmarks or short term objectives that will meet the student's needs resulting from the disability(ies) to enable involvement and progress in the general curriculum or in preschool activities, and will meet the student's other educational needs. The Individual responsible for implementing the goal is responsible for maintaining the data used to measure progress.
- A statement of special education services, any necessary related services, and supplementary aids and services to be provided to the student and program modifications or supports for personnel so that the student may advance towards annual goals, progress in the general curriculum and be educated and participate with other special education students and non-disabled students and participate in extracurricular and other nonacademic activities.
- A statement of the extent, if any, that the student will not participate with non-disabled students in general classroom, extra-curricular and non-academic activities.
- A statement of any modification in the administration of state or district-wide assessments of student achievement that are needed to allow the student to participate in the assessments. If the team determines that the student will not participate in a particular assessment, the IEP will address why that assessment(s) is not appropriate and how the student will be assessed.
- The date for the beginning of services and the anticipated frequency, location and duration of services and modifications.
- A statement of how the student's progress towards goals will be measured, how the student's parents will be regularly informed of their child's progress towards the annual goals and whether the progress is sufficient to enable the student to achieve the goal by the end of the year. Measurement of the student's progress will be based the data collected as designated on the IEP. The individual responsible for implementing the goal is responsible for maintaining the data used to measure progress. Information to the parents can be provided at the same time the GCA issues progress reports or report cards, or other times as identified in the IEP.
- With an IEP that is in effect when the child turns 16, or sooner if the IEP team determines it is appropriate, a statement of needed transition services and any interagency responsibilities or needed linkages. The transition component must include appropriate measurable postsecondary goals based on age appropriate transition and assessments related to training, education, employment and, independent living skills where appropriate; and the transition services (including courses of study) needed to assist the child in reaching those goals.
- The procedures by which parents/guardians will be notified of the use of isolation or restraint or a restraint device on their student will be provided to parents/guardians.
- Extended school year (ESY) services. The consideration for ESY services is a team decision, based on information provided in the evaluation report and based on the individual needs of a student. ESY services are not limited by categories of disability, or limited by type amount or duration of the services. If the need for ESY services is

not addressed in the IEP and ESY services may be appropriate for the student, the IEP team will meet by May 20 to address the need for ESY. Factors for the team to consider when determining the need for ESY may include, but are not limited to: 1) Evidence of regression or recoupment time based on documented evidence; or 2) A documented determination based on the professional judgment of the IEP team including consideration of the nature and severity of the student's disability, the rate of progress and emerging skills.

- A statement regarding transfer of rights at the age of majority. The Special Education Coordinator will provide prior written notice to the student one year prior to student turning 18 years of age;

Transfer Students

Students who transfer from one district to another within the state continue to be eligible for special education and any necessary related services. When an eligible special education student applies to GCA, the admissions team (lead by the Special Education Coordinator) will review the student's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the student, from the school district in which the student was previously enrolled, consistent with applicable Family Education Rights and Privacy Act (FERPA) requirements, and determine appropriate placement options. The Special Education Coordinator and IEP team in consultation with parents will review the student's IEP to ensure GCA provides appropriate educational services to those listed on the previous IEP until GCA adopts the previous IEP or develops, adopts and implements a new IEP. When a student who was identified as eligible for special education, transfers from out of state into GCA, the Special Education Coordinator will notify the LEA as soon as possible. The Special Education Coordinator's office will review the evaluation, eligibility documentation and IEP, to determine whether or not the student meets state eligibility criteria. If the student meets the state eligibility criteria, follow the procedures described in the previous paragraph to provide comparable services until the GCA develops an IEP for the student. If the student needs to be evaluated to determine eligibility in this state, the Special Education Coordinator's office, in conjunction with the resident school district, will notify the parents, obtain consent and evaluate the student for eligibility within 35 school days of the receipt of the parent's consent. The GCA, in consultation with the parents, will continue to provide special education services comparable to the services on the student's IEP, pending the results of the initial evaluation.

The GCA must take reasonable steps to promptly obtain records, including IEP supporting documents and any other records related to special education or related services from the previous school. The Special Education Coordinator is responsible for obtaining records and ensuring follow-up if the records are not provided.

Placement

No student may receive special education and related services without being determined eligible for services, and thus the evaluation process precedes a special education placement. When a student has been evaluated and the evaluation team and parent have determined student eligibility and the need for special education and related services, programming decisions must occur. These decisions are made on the basis of information generated through the evaluation and IEP processes, and the actual program is considered within the context of least restrictive environment (LRE) and the continuum of placement alternatives (reviewed below). When determining initial eligibility for special education, including determination of the appropriate placement, the parent or adult student must provide written consent to services before the student receives special education services. Notification to parents and consent to receive initial services must be obtained before special education services and any necessary related services are provided to an eligible student. If the mediation option is not effective, the district will not provide special education services to the student. The district will notify the parents that the student is eligible for services and that the district is willing to provide the services when the parent provides written consent. The notification will also inform parents that the district has no FAPE obligation to the student when parents refuse to provide consent.

When programming decisions are addressed by the IEP team, proper consideration must be given to the LRE. Within the educational setting, the disabled student should be placed, whenever possible:

- In the school the disabled student would normally attend and,
- With non-disabled students in the general educational setting, to the maximum extent possible.

Special classes, separate schools or removal of students with disabilities from the general education environment occurs only when the nature or severity of the disability is such that education in the general education classroom with use of supplementary aids and services cannot be satisfactorily achieved.

If the IEP team believes that the student will not be successful within the general education classroom, the team will consider:

- The educational benefits of full-time placement in a regular classroom;
- The non-academic benefits of such a placement;
- The effect the student will have on the teacher and other students in the regular classroom; and
- The costs of placing the student in the regular classroom.

The degree to which the student is to be integrated into the general classroom setting is dependent upon the evaluation-identified needs of the student. This placement is to occur unless the nature of the needs are so severe that this cannot be satisfactorily achieved, even with supplementary aids and services.

Students attending GCA have the opportunity and are encouraged to participate in all activities, during the day, after school and in the evening programs. Also, since GCA is an Ohio Community School, GCA students may participate in all extracurricular activities at their school of residence. Limits on nonparticipation or conditions of participation must be designated in the IEP.

GCA will also make opportunities available for special education students to participate with non-disabled students in GCA's art, music, industrial arts, computer, consumer classes, and home economics classes. Since GCA is a Drop Out Prevention and Retention High School District, the school encourages that child access and ability levels and disabilities participate in activities. GCA also arranges and encourages community interaction/integration.

The placement of each student with disability will be determined annually, or sooner if appropriate, by the IEP team.

The appropriateness of placement options will be based upon various decisions, including:

- Data-based judgments in IEP development;
- Judgments (data-based) in determining LRE;
- The reasonable probability of the placement option(s) assisting the student to attain annual goals and objectives and the quality of services needed.
- The consideration of potentially harmful effects upon the student or on the quality of services needed.

Placement options along the continuum must include alternative placement options identified in the definition of special education and make provisions for supplementary services such as resource room or itinerant instruction to be provided in concert with the general education placement.

Procedural Safeguards

Consent

GCA will obtain informed, written parental consent before:

- Conducting an initial evaluation;
- Providing initial special education and related services to a special education student; and
- Conducting a reevaluation

Parental consent is not required to review existing data as part of an evaluation or reevaluation, or to administer a test or other evaluation that is administered to all students unless consent is required of all students' parents.

Revocation of Consent:

Parents may revoke consent for the continued receipt of special education and related services. If parents revoke consent, the staff member receiving the revocation will forward the revocation to the GCA Special Education Coordinator.

Upon receipt of the parent's written notice of revocation, the Special Education Coordinator will provide prior written notice for a reasonable time before the GCA stops providing services. The notice will include information about the effect of revocation and will inform the parent of the date the GCA will stop providing special education and related services.

Discontinuation of special education and related services in response to the parent's written revocation will not be in violation of FAPE and eliminates the GCA's requirement to convene an IEP meeting or develop an IEP. However, the GCA does have a continuing Child Find duty, and staff will follow referral procedures if they believe the student should be referred for special education. In addition, parents may request that the GCA conduct an initial evaluation for eligibility for special education services after they have revoked consent for continued services.

Informed consent means that the parent or adult student:

- Has been fully informed of all information that is relevant to the activity for which GCA is asking consent, and that the information is provided in his or her native language or other mode of communication;
- Understands and agrees in writing to the activity for which consent is sought and the consent describes the activity and lists any records which will be released and to whom; and
- Understands that the granting of consent is voluntary and may be revoked at any time. If consent is revoked, the revocation does not negate an action that has occurred after the consent was given and before the consent was revoked.

GCA may not use a parent's refusal to consent to one service or activity to deny the parent or child any other service, benefit or activity of GCA.

If the district is unable to obtain a parent's consent the district will explain the benefits of mediation and ask the parent to mediate. If that is unsuccessful, the district will request a due process hearing asking the administrative law judge to override the parent's refusal to consent to an evaluation or reevaluation. The district may not request a due process hearing to override a parent's refusal to consent to initial special education services.

Notice of Procedural Safeguards

GCA shall provide a copy of procedural safeguards to the parents of eligible special education students and students referred for special education, and adult students one time a year, and:

- Upon initial referral for evaluation;
- Upon receipt of request for due process; and
- Upon a change of placement for disciplinary action.

- Upon request by the parent

The procedural safeguard notice used by GCA includes a full explanation of all the procedural safeguards relating to: IEE, prior written notice, parental consent, access to educational records, opportunity to present complaints, procedures for students who are subject to placement in an interim alternative educational setting, requirements for unilateral placement by parents of children in private schools at public expense, state complaint procedures, the child's placement during pendency of due process proceedings, including requirements for disclosure of evidence, mediation, due process hearings, civil actions and attorney's fees. Copies of GCA's special education procedural safeguards are available at the main office of each school building.

Prior Written Notice

GCA will provide prior written notice to the parent or adult student whenever GCA proposes or refuses to initiate or change the identification, evaluation, educational placement or provision of a FAPE to the student. The prior written notice will include:

- A statement that the parents have procedural safeguard protections and if a copy of the procedural safeguards do not accompany the notice, a statement that describes how a copy of the statement of procedural safeguards may be obtained;
- A description of the action proposed or refused by GCA;
- An explanation of why GCA proposes or refuses to take the action and a description of other options that GCA considered and the reasons why the options were rejected;
- A description of any other factors which are relevant to GCA's proposal or refusal;
- A description of each evaluation procedure, test, record, or report GCA used as a basis for the proposal or refusal;
- A description of any evaluation procedures GCA proposes to conduct and sources for parents to contact to obtain assistance in understanding the procedural safeguards provision of this chapter.

Prior written notice and the notice of procedural safeguards must be provided in the native language of the parent or other mode of communication used by the parent unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, GCA will take steps to ensure that the notice is translated orally or by other means to the parent. This may involve:

- Arranging for an interpreter if English is not the native language of the parent or if the parent has a hearing impairment; or
- Providing notice orally if the written language is not a native language.

GCA will document in writing the attempts to explain this information so that the parent understands the content of the notice. Notices will be sent out from the Special Education Coordinator's office.

Transfer of Educational Rights to an Adult Student

When a special education student reaches the age of 18, all educational rights under Part B of the IDEA, previously exercised by the parent, transfer to the student, unless the student is determined incapacitated as to person in a guardianship proceeding or the district has appointed an educational representative for the student. When the student turns 18, GCA will send any required notices to both the parent and the adult student.

At the IEP meeting occurring one year before the student turns 18, GCA will inform the parents and the student that educational rights will transfer to the student, and GCA will inform the student about those educational rights. This information will be documented on the IEP.

GCA will also notify the student and the parent, of the transfer of rights when the student turns 18.

Appointment of an Educational Representative

A student over the age of 18 is presumed to be capable of making educational decisions and able to provide informed consent unless he or she is determined to be “incapacitated” through a legal guardianship proceeding. If a parent, another interested party, or the district believes that a student over the age of 18 is unable to provide informed consent or to make educational decisions, and the student does not have a legal guardian, the parent or other interested party may ask the district to appoint an educational representative. This determination will only be made if two separate professionals state that they conducted an examination and interviewed the student, and concluded the student is incapable of providing informed consent. The district will inform the student of the decision and appoint either, the spouse, the student’s parents, another adult or a surrogate educational representative to represent the student. The appointment of the educational representative will continue for one year.

The student or other adult may challenge the certification at any time. If a challenge occurs, the district will not rely on the education representative, until the representative is recertified.

Confidentiality and Records Management

The Special Education Coordinator is responsible for maintaining the confidentiality of personally identifiable information pertaining to special education and all other students. The Special Education Coordinator will maintain, for public inspection, a current list of the names and positions of employees who have access to personally identifiable information of special education students. GCA will provide parent and adult students, upon request, a list of the types and locations of educational records collected, maintained, or used by GCA.

GCA will provide instruction annually to employees collecting or using personally identifiable information on the procedures to protect the confidentiality of personally identifiable information. The training will address the protections outlined state law, and federal regulations implementing FERPA (34 CFR Part 99).

Upon request, the parent(s) of a special education student or adult student will be afforded an opportunity to inspect, review and challenge all educational records which shall include, but not be limited to, the identification, evaluation, delivery of educational services, and provision of FAPE to the student. GCA shall comply with the request promptly and before any meeting regarding an IEP or hearing relating to the identification, evaluation, educational placement of the student or provision of FAPE to the student, including disciplinary proceedings. In any case, GCA shall respond no more than 45 calendar days after the date GCA received the request. If an educational record includes information on more than one student, the parents (and/or adult student) may only inspect and review information relating to their child. School personnel receiving requests for educational records will immediately forward the request to the Special Education Coordinator's office.

If parents believe that information in an education record is inaccurate or misleading, or violates the privacy or rights of the student, they may request that GCA amend the information. Such a request must be in writing to the Superintendent designating the information in question and the reason for the request. The Superintendent shall respond to the requestor with 10 days of the receipt of the request. If the request is granted, the appropriate change, addendum or removal shall immediately occur. If the request is denied, the parent’s request and reason for denial shall become part of the student’s file. Upon denial, the requestor shall be informed of the right to a hearing as provided in ORC.

GCA follows the guidelines for records retention outlined in the Ohio Historical Society Retention Schedule and Records Management Manual. GCA shall inform parents or adult students when personally identifiable information

collected, maintained, or used is no longer needed to provide educational services to the student. The information shall be destroyed at the request of the parent(s) or adult student, or will be provided to the parent or adult student upon their request. However, a permanent record of the student's name, address, and phone number, his or her grades, attendance, record, classes attended, grade level completed and year completed will be maintained without time limitation.

Records management is also governed by GCA's Student Record Policy. This document is available upon request.

Surrogate Parents

A surrogate parent is a person appointed by GCA to act on behalf of a student to help ensure the rights of the student to a FAPE when a parent cannot be identified, the whereabouts of the parent are unknown or the student is a ward of the state and does not have a foster parent.

The Special Education Coordinator's office, in consultation with the McKinney-Vento Coordinator is responsible for determining the need for appointment of a surrogate parent.

Natural or adoptive parents, persons acting in the place of a parent such as stepparents or relatives, foster parents and persons with legal custody or guardianship are considered parents. Students who are homeless and not living with a parent may need a surrogate parent.

When a child is in an out of care placement, GCA must determine, when a parent can be identified or the whereabouts of the parent are known, whether or not the parent still has rights to make educational decisions on behalf of their child.

The following is guidance for GCA to follow to assist in determining the status of the parent's rights to make educational decisions:

In cases where the student is in group care GCA must determine the legal custodial status of the child.

- Parents who have voluntarily placed their child in foster care still retain legal custody of the child and retain the right to make educational decisions.
- Parents whose children are placed in group care, pending a determination of "dependency" may still retain rights to make educational decisions unless otherwise ordered by the court.
- When a disposition order and order of dependency is issued, the state becomes the legal as well as physical custodian of the child. Parents may no longer have the right to make educational decisions during this stage of dependency.
- Parents whose parental rights are terminated no longer have the right to make educational decisions on behalf of their child.

When a student is placed in foster care the foster parent may act as the parent. When a student is placed in group care, the district will work with the parents, case-worker(s), foster parents and others who have knowledge of the student's legal status in order to determine the need for appointment of a surrogate.

When selecting a surrogate parent GCA will select a person willing to participate in making decisions regarding the student's educational program, including participation in the identification, evaluation, placement of, and provisions of FAPE to the student.

If a student is referred for special education or a special education student transfers to GCA who may require a surrogate parent GCA's Special Education Coordinator's office will then select a trained individual who can adequately represent the student to ensure that all student rights are observed.

The person selected as a surrogate:

1. Must have no interest that conflicts with the interests of the student he or she represents;
2. Must have knowledge and skills that assure adequate representation of the student; and
3. May not be an employee of a school district and/or other agency which is involved in the education or care of the student. This includes district employees and group care providers.

GCA will at a minimum, review with the surrogate parent procedural safeguards, parent involvement in the special education process, parent education publications, and special education regulations. GCA will also cooperate with other districts, the ESD or OSPI in training surrogate parents and in establishing a list of persons willing and able to serve as surrogate parents.

Mediation

The purpose of mediation is to offer both the parent and GCA an alternative to a formal due process hearing. Mediation is voluntary and requires the consent and agreement of both parties. Mediation cannot be used to deny or delay access by a parent to a due process hearing. Mediation is used to resolve disagreements concerning the identification, evaluation and delivery of educational services or provision of a FAPE to a special education student. Mediation may be terminated by either party at any time during the process.

The primary participants are the parent(s), GCA representative(s), and mediator. The process is voluntary, confidential, and informal. It is a collaborative process, conducted in a non-adversarial manner. Mediation services will be provided by the OSPI at no cost to either party.

A request for mediation services from GCA will be made in writing to OSPI's contracted agent by GCA's Special Education Coordinator's office. If a parent requests mediation, notify the director, and the director will respond to the parent and file appropriate requests with OSPI's contracted agent. Staff members are reminded that discussions that occur during the mediation process shall be confidential. One person designated by the district to attend the mediation must have authority to bind the district in any agreement reached through mediation.

Due Process Hearing

Both parents and districts may file due process hearings involving the identification, evaluation, placement or provision of FAPE to a student. IDEA requires that specific information be provided as part of a due process hearing request. The requirements are identified in the notice of procedural safeguards. If parents request information about how to file a due process hearing, the district will provide the parent with a due process hearing request that contains the required information. Due process hearing request forms are available upon request from the Special Education Coordinator.

If any staff receives a request for a due process hearing, a copy of the request should be immediately forwarded to the Special Education Coordinator. The district may not delay or deny a parent's due process hearing request. Parents are entitled to a copy of the notice of procedural safeguards if this is the first due process hearing in a school year. The Special Education Coordinator's office is responsible for providing the parents a copy of the procedural safeguards in this situation and documenting that the safeguards were provided to the parent.

When a parent files a due process hearing, the student remains in the placement at the time of the request for hearing unless the parents and district agree to a different placement. See the discipline section below for placements when a disciplinary action is challenged.

When parents file a request for a due process hearing, the Special Education Coordinator will immediately schedule a resolution meeting. The meeting must occur within 15 days after a parent files a due process request with the district and provides a copy of the request to OSPI, or within seven days if the hearing request involves an expedited hearing regarding discipline. The Special Education Coordinator will determine the appropriate district staff that will attend the resolution meeting. The district will ensure that one of the district representatives attending the resolution meeting has authority to bind the district in any resolution agreement. The district will not bring district counsel to a resolution meeting unless the parent is bringing an attorney to the meeting.

Discipline

Students eligible for special education may be disciplined consistent with the disciplinary rules that apply to all students. The district shall determine on a case by case basis whether discipline that is permitted under ORC should occur. However, students eligible for special education must not be improperly excluded from school for disciplinary reasons that are related to their disability or related to the district's failure to implement a student's IEP. The district shall take steps to ensure that each employee, contractor and other agents of the district responsible for education or care of a student is knowledgeable of special education disciplinary rules.

Removal Up to Ten Days

The Special Education Coordinator or designee may order the removal of a special education student from a current placement. The district need not provide services to a special education student removed from the current placement for 10 school days or less in any school year, if services are not provided to a student without disabilities.

Removal for More than Ten Days

Once a student has been removed from placement for a total of 10 school days in the same school year and if the GCA determines that the removal is not a change of placement, the GCA must, during subsequent days of removal, provide appropriate services to the extent necessary to enable the student to participate in the general curriculum, although in another setting, and to progress toward meeting the goal's set out in the student's IEP. The GCA Special Education Coordinator in consultation with one or more of the student's teachers, shall make the determination of such necessary services.

Change of Placement

A change of placement occurs when an eligible student is:

- Removed from his/her current placement for more than ten consecutive school days in a school year; or
- Whether a pattern of removal constitutes a change in placement is determined on a case-by-case basis by the building principal and special education director - GCA Special Education Coordinator and is subject to review through due process and judicial proceedings.
- The Special Education Coordinator will notify the superintendent and other appropriate departments prior to an action taken.

Whether a pattern of removal constitutes a change in placement is determined on a case-by-case basis by the building principal and special education director and is subject to review through due process and judicial proceedings.

Manifestation Determination

Within ten school days after the date on which the GCA decision to change the student's placement the GCA will schedule a "manifestation determination" meeting to determine the relationship between the student's disability and the behavior subject to the disciplinary action. The review of the relationship between a student's disability and the behavior subject to the disciplinary action. The district will take immediate action to remedy the deficiencies and will:

- Conduct a functional behavioral assessment (unless already completed) and implement a behavioral intervention plan if one is not already in place; or
- Review the existing behavioral intervention plan and modify it to address the behavior; and
- Return the child to the placement from which he or she was removed from unless the parents and the district agree a change is necessary as part of the behavioral intervention plan, or unless the infraction involves drugs, weapons or serious bodily injury.

Special Circumstances

The district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, if the student's IEP team believes that the student may not be maintained in his or her current placement, the IEP team should work with GCA's Special Education Coordinator and local sending school districts as part of the process.

Any interim alternative educational setting in which the student is placed is determined by the student's IEP team and will:

- Be selected so as to enable the student to participate in the general curriculum, although in another setting and to progress toward meeting the goals set out in the student's IEP; and
- Include services and modifications designed to address the behavior or to prevent the behavior from recurring.
- The district may ask an administrative law judge, or seek injunctive relief through a court having jurisdiction of the parties, to order a change in placement to an appropriate interim alternative educational setting for not more than 45 school days or seek injunctive relief through a court having jurisdiction of the parties when:
 - The district can demonstrate beyond a preponderance of the evidence that maintaining said student's current placement is substantially likely to result in injury to the student or others;
 - The district has made reasonable efforts to minimize the risk of harm in the current placement, including the use of supplementary aids and services; and
 - The proposed interim alternative educational setting has been proposed by school personnel in consultation with the student's special education teacher and meets the requirements of ORC.
 - Unless the parent and the district agree otherwise, if a parent requests a hearing to challenge either the manifestation determination or the interim alternative educational setting, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45 day period, whichever occurs first.

Basis of Knowledge

A student who has not been determined eligible for special education services may assert the protections if the district had knowledge that the student was eligible for special education before the behavior that precipitated disciplinary action occurred. The district is deemed to have knowledge if:

- The parent expressed concern in writing (or verbally if the parent does not know how to write or has a disability that prevents a written statement) to district supervisory or administrative personnel or a teacher that the student is in need of special education and related services;
- The parent requested that the student be evaluated for special education services; or
- The teacher or other school personnel has expressed specific concern about a pattern of behavior demonstrated by the student to the director of the special education department or to other supervisory staff.

- If instituting disciplinary action that would exceed ten days and the principal believes that one or more of these events applies to the student, the principal will notify the special education department to determine the appropriate disciplinary procedures.
- If the student is determined to be eligible for special education services, the agency must provide special education and related services and follow the discipline requirements, including the provision of a FAPE for students suspended or expelled from school.

The district is not deemed to have knowledge if, as a result of receiving the information described above, the district either:

- Conducted a special education evaluation of the student and determined that the student was not eligible for services; or
- The parent of the student has not allowed an evaluation of the child or has refused services.
- If the district is not deemed to have knowledge that a student is a special education student, the student may be disciplined as a student without disabilities who engages in comparable behaviors.
- The district shall conduct an evaluation, which is requested during the time period such a student is subjected to disciplinary measures, in an expedited manner. Until the evaluation is completed, such a student shall remain in the educational placement determined by the district, which can include suspension or expulsion without educational services.
- Notwithstanding the foregoing, the district may report a crime committed by a special education student to appropriate authorities. In the event of such a report, the district shall ensure that copies of the student's special education and disciplinary records are transmitted for consideration by the appropriate authorities to whom the crime is reported, to the extent transmission of the records is permitted by the FERPA.

Staff Qualifications

All employees of the district funded in whole or part with state or federal excess special education funds will meet the standards established by the State Board of Education (SBE) and defined in ORC.

All employees will hold such credentials, certificates or permits as are now or hereafter required by the SBE for the particular position of employment and shall meet such supplemental standards established by the district. All special education teachers providing, designing, supervising, evaluating or monitoring the provision of special education shall possess "substantial professional training." This shall be shown by the issuance of an appropriate special education endorsement on an individual teaching certificate issued by ODEW.

If the district must temporarily assign a classroom teacher without a special education endorsement to a special education position, the Special Education Coordinator will document in writing that:

- The district is unable to recruit a teacher with the proper endorsement who was qualified for the position; and/or
- The need for a teacher with such an endorsement could not have been reasonably anticipated and the recruitment of such a classroom teacher at the time of assignment was not reasonably practical; and/or
- The reassignment of another teacher within the district would be unreasonably disruptive to the current assignments of other classroom teachers or would have an adverse effect on the educational program of the students assigned to the other teacher.

Personnel Development

In order to provide a staff development program to improve the quality of instructional programs, the following procedures will be employed:

- Special education concerns will be identified through a staff needs assessment completed by administrators, teachers, educational staff associates, program assistants, parents and volunteers;
- Training will be provided annually to all personnel who may be providing aversive interventions under a student's IEP.
- In-service training schedules will be developed based upon the results of GCA assessment and in support of needs identified and
- Training activities will be conducted for regular general and special education staff, and staff of other agencies and organizations and private school staff providing services for special education student.
- Training for classified staff in the state recommended core competencies will occur through mentorship programs and ESD training for special education

PUBLIC PARTICIPATION

GCA will:

- Invite teachers to participate in planning at least annually at the school.
- Invite parents, families, and other interested parties to participate in planning at least annually through GCA's special education advisory group, school site councils, or other meetings at the school or district level.
- Teachers, parents, families, and other interested parties may be invited to participate in planning at least annually through special education department meetings.
- Other locally determined strategies for providing opportunities for participation in planning may include the use of surveys, questionnaires, community forums, interagency planning meetings and/or other civic meetings.
- Any application and any required policies, procedures, evaluations, plans, and reports will be made readily available to parents and other members of the general public through the district's special education and superintendent offices. A notice regarding the availability of such documents is placed in the school's newsletter and website.