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SPED Policy and Procedure Manual

3.1 Development of SPED Policies and Procedures Policy

1.1 Plan for the development of Policies and Procedures:

1.1.1 The Implementation Team of Masada Charter School will draft policies and procedures and present them the Board for approval. Additions and alterations will presented as needed.

1.2 Description of SPED Services:

1.2.1 Masada Charter School will provide a Least Restrictive Environment for all students enrolled in Special Education. Inclusion will be the primary focus. Masada will contract with independent providers for related supplemental services on an at need basis. For a student who already has an IEP, a team meeting will be convened to review the appropriateness and implementation of IEP.

Procedures for Development of SPED Policies and Procedures

3.1.1 Procedure for Administration evaluation of Special Education program and Administration oversight

(Refer to Policy 3.1, Section 1.2)

1.0 Administration Evaluation of SPED program

1.1 The administration of Masada Charter School will evaluate the effectiveness of the Special Education program by annually calculating the percentage of goals mastered, and by conducting teacher and parent surveys to reflect the amount of program satisfaction.

2.0 Administration Oversight for Special Education

2.1 Masada Charter School will create a database used to track students to ensure that services are being provided. The administrator and Lead Teacher will review these tracking documents annually to ensure administrative oversight.

3.2 Free Appropriate Public Education Policy

1.1 Masada Charter School ensures that all children with disabilities aged 5 through 14 within its jurisdiction have the right to a free appropriate public education (FAPE), including children with disabilities who are advancing from grade to grade. A free appropriate public education (FAPE) will be available to all children within the boundaries of responsibility of Masada Charter School, including children with disabilities who have been suspended or expelled from school as provided for in §300.530(d) of the IDEA regulations.

1.2 DEFINITIONS:

The term "**Free Appropriate Public Education**" of FAPE means special education and related services that:

- a) Are provided at public expense, under public supervision and direction, and without charge;
- b) Meet the standards of the State education;
- c) Include elementary school education; and
- d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of §§300.340-300.350.

Procedures for FAPE

3.2.1 Requirement for Free Appropriate Public Education (FAPE)

(Refer to Policy 3.2: Free Appropriate Public Education §300.121, Section 1.1)

- 1.0 FAPE will be made available to each child with disabilities who is in need of special education and related services even though the child is advancing from grade to grade, §§300.121 (a) and 300.121(e)(1).
- 2.0 Services in accordance with §300.121 will be made available for a child with a disability who has been removed from his or her current educational placement for disciplinary reasons for more than 10 school days.
- 3.0 FAPE will be made available to students who have graduated, but have not been awarded a regular high school diploma (§300.122).
- 4.0 Determination of Eligibility §300.306, (§300.308 Additional Group Members)
 - 4.1 Masada Charter School will make the determination that a child is eligible for special education and related services on an individual basis by a properly constituted team. (§300.101 Free Appropriate Public Education)
 - 4.1.1 For Preschool Children (3 to 5):
 - 4.1.1.1 Unified districts and elementary districts will:
 - a. Make FAPE available no later than the child's third birthday;
 - b. Ensure that an IEP or an IFSP is in effect for each child by that date;
 - c. Ensure that a child's IEP Team determines the date when services under the IEP or IFSP will begin if a child's third birthday occurs during the summer.
 - 4.1.2.1 Union high school districts charter schools will:

- a. Refer any children who are suspected of having a disability to the appropriate unified district or elementary district for evaluation and, if appropriated, for services.

4.2.1 For School-Aged Children (5 to 21)

- 4.2.1.1 Masada Charter School will make FAPE available to any child who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade.

5.0 ARS 15-764 Powers of the School District, Governing Board or County School Superintendent.

5.1 Masada Charter School will establish policy and procedures with regard to allowable pupil-teacher ratios and pupil-staff ratios within Masada Charter School or county for provision of special education services.

5.2 The special education programs and services provided at Masada Charter School shall be conducted only in a school facility that houses regular education classes or in other facilities approved by the division of special education.

6.0 Assistive Technology (§300.105)

6.1 The public agency will ensure that assistive technology devices or services or both will be available to a child with a disability, if required, as a part of:

- 6.1.1 Special education
- 6.1.2 Related services, and
- 6.1.3 Supplementary aids and services.

6.2 On a case-by-case basis, Masada Charter School will ensure the use of school-purchased assistive technology devices in a child's home or other setting if the child's IEP Team determines that the child needs access to those devices in order to receive FAPE.

7.0 Extended School Year Services (ESY) (§300.106)

7.1 Masada Charter School will make extended school year services available as necessary to provide FAPE to children with disabilities.

7.1.1 ESY services will be provided only if a child's IEP team determines, in accordance with §§300.320-300.324, that the services are necessary for the provision of FAPE.

7.1.2 Services will not be:

7.1.2.1 Limited to a particular category of disability; or,

7.1.2.2 Unilaterally limited to the type, amount, or duration of services.

7.2 The ESY services that are provided to a child with a disability will:

7.2.1 Be provided beyond the normal school year of the agency;

7.2.2 Be provided in accordance with the child's IEP;

7.2.3 Be provided at no cost to the parents of the child; and

7.2.4 Meet the standards of the State.

8.0 Nonacademic Services (§300.107)

8.1 The public agency will afford children with disabilities an equal opportunity for participation in nonacademic and extracurricular services and activities including, as determined appropriate and necessary by the child's IEP team, the provision of supplementary aids and services.

8.2 Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by Masada Charter School, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available.

9.0 Physical Education (§300.108)

9.1 Masada Charter School will make regular physical education services available to children with disabilities to the same extent that Masada provides those services to children without disabilities, unless:

9.1.1 The child is enrolled full time in a separate facility; or

9.1.2 The child needs specially designed physical education as prescribed in the child's IEP.

9.2 If a child is enrolled in a separate facility, Masada will ensure that the child receives appropriate physical education services.

9.3 If special physical education is prescribed in a child's IEP, Masada will provide for those services, either directly or through other public or private programs.

10.0 Program Options (§300.110)

10.1 Masada Charter School will ensure that children with disabilities have available to them the variety of educational programs and services that are available to nondisabled children, including art, music, industrial arts, consumer and homemaking education, and vocational education.

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

11.1 Masada Charter School will ensure that the hearing aids worn in school by children with hearing impairments are functioning properly; and

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

12.0 Methods of Ensuring Services (§300.154)

- 12.1 Masada Charter School may use the Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for services required under IDEA, as permitted under the public benefits or insurance program, except that Masada:
 - 12.1.1 May not require parents to sign up for or enroll in public benefits or insurance programs to receive FAPE;
 - 12.1.2 May not require parents to incur out-of-pocket expenses such as payment of deductible or co-pay for services required by IDEA, but may pay the cost that parents otherwise would be required to pay;
 - 12.1.3 May not use a child's public benefit if that use would:
 - 12.1.3.1 Decrease lifetime benefits;
 - 12.1.3.2 Result in the family paying for non school services that would otherwise be paid for by public benefits;
 - 12.1.3.3 Increase premiums or lead to discontinuation of benefits; or
 - 12.1.3.4 Risk loss of eligibility.
- 12.2 Masada Charter School must notify parents that their refusal to allow access to their public benefits does not relieve Masada of its responsibility to provide all required IDEA services.
- 12.3 Masada Charter School must obtain a one-time written consent from the parent, after providing written notification and before accessing the child's or the parent's public benefits for the first time. The consent must specify:
 - 12.3.1 The personally identifiable information that may be disclosed;
 - 12.3.2 The purpose of the disclosure; and
 - 12.3.3 The agency to which the disclosure may be made.
- 12.4 Masada Charter School must provide a written notification to the child's parents before accessing the child's or parent's public benefits or insurance for the first time and

prior to obtaining the one-time parental consent and annually thereafter.

3.3 Policy for Child Find (3000.111)

- 1.1 Masada Charter will identify, locate, and evaluate all children with disabilities within the population we serve who are in need of special education and related services. For children aged 3 to 5, Masada will communicate and collaborate with Colorado Unified School District Child Find Team by sending one or more employees to serve on the child find team, and by using posters, flyers, and text messages to parents of child find clinic dates and times to make appointments.
- 1.2 Masada Charter School will maintain a record of children who are receiving special education and related services.
- 1.3 Masada Child Find will include all children suspected of having a disability even though they are advancing from grade to grade and highly mobile or of migrant families.
- 1.4 Public Awareness: Masada Charter School will inform the general public and parents of special education services for students aged 3 through 21 and how to access those services, including information regarding early intervention services for children aged birth through 2 years.

3.3.1 Requirements for Child Find Procedures

(Refer to Policy 3.3, Section 1.4)

- 1.0 Masada Charter School will establish, implement and disseminate written procedures for the identification and referral of all children with disabilities, birth through 21 years. Children birth through 2 years will be referred to the Arizona Early Intervention Program for evaluation and, if appropriate, services. Children 3 to 5 years who are suspected of a disability will be referred to Colorado City Unified Special Needs Preschool.
- 2.0 Masada Charter School will require all school-based staff to review the written procedures related to child identification and referral on an annual basis, and maintain documentation of the staff review.
- 3.0 Identification (screening for possible disabilities) will be completed at Masada Charter School within 45 calendar days after enrolling a student who lacks\ appropriate records or screening, evaluation, progress in school, or after parent notification of developmental or educational concerns.
- 4.0 Masada Charter School screening procedures include vision and hearing status and consideration of the areas of a) Cognitive or academic b) Communication c) Motor d) Social or behavioral, and e) Adaptive development.
- 5.0 For a student transferring into Masada Charter School, staff will review enrollment data and educational performance in the prior school. If that student is not currently eligible for special education, but has a history of special education, or is progressing poorly, the student's name shall be referred to the Masada administrator and student study team for consideration of need for a referral for a full and individual evaluation or other services.
- 6.0 If a concern about a student is identified through screening procedures or review of records, the parents of the student will be notified of the concern within 10 school days and informed of

Masada Charter School's procedures to follow-up on the student's needs.

- 7.0 Masada Charter School will maintain documentation of the identification procedures used, dates of entry into school, notification by parents of a concern, and the dates of screening. The dates shall be maintained in the student's permanent records.
- 8.0 If the screening indicates a possible disability, the name of the student will be submitted to the Masada student study team for consideration of the need for a referral for a full and individual evaluation or other services. A parent may request an evaluation of the student.
- 9.0 If after consultation with the parent, Masada student study team determines that full and individual evaluation is not warranted, Masada Charter School will provide Prior Written Notice and Procedural Safeguards notice to the parent in a [timely manner](#).

3.4 Evaluation and Eligibility Determination Policy

- 1.1 A full individual initial evaluation shall be conducted for each child before the initial provision of special education and related services to a child or youth with a disability §300.531.
 - 1.1.1 to determine if the child is a “child with a disability” under (§300.7-§300.531 and ARS-15-761).
 - 1.1.2 to determine the educational needs of the child.
- 1.2 Procedures shall be established for conducting evaluations in accordance with the requirements described in (§§300.532-300.536, ARS-15-766).
- 1.3 The child’s MET/IEP team and other qualified professionals shall review existing evaluation data, and collect additional data, if necessary and use the results of the evaluation to determine category of eligibility and the need for special education and related services (§§300.7-300.534-300.535-ARS 15-761 and ARS 15-766).
- 1.4 The MET/IEP team shall use the results of the evaluation to develop the initial IEP or to review and revise an existing IEP (§§300.340-300.350 and ARS 15-761).
- 1.5 A re-evaluation of each child shall be conducted every three years in accordance with §§300.532-300.534 and 300.536.

Procedures For Eligibility Determination

3.4.1 Procedures for initial evaluation (§§ 300.531 AND 300.532)

(Refer to Policy 3.4, Section 1.1)

- 1.0 Tests and other evaluation materials used to assess a child are
 - 1.1.1 selected and administered so as not to be discriminatory on a racial or cultural basis; and
 - 1.1.2 provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so.
- 2.0 Materials and procedures used to assess a child with limited English proficiency will be selected and administered to measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.
- 3.0 A variety of assessment tools and strategies will be used to gather relevant functional and developmental information about the child, including information provided by the parent.
- 4.0 Information related to enabling the child to be involved in and progress in the general curriculum.
- 5.0 The information gathered will assist in determining: whether the child is a child with a disability; and the development of the child's IEP.
- 6.0 Any standardized tests that are given to a child will be
 - 6.1.1 validated for the specific purpose for which they are used; and
 - 6.1.2 administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.
- 7.0 If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions will be included in the evaluation report.

- 8.0 Tests and other evaluation materials will be selected to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
- 9.0 Tests will be selected and administered to a child with impaired sensory, manual, or speaking skills to accurately reflect the test results of the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
- 10.0 No single procedure will be used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.
- 11.0 The child will be assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities and the need for assistive technology.
- 12.0 The evaluation will be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.
- 13.0 Technically sound instruments will be used that may assess the cognitive and behavioral factors, in addition to physical or developmental factors.
- 14.0 Assessment tools and strategies will be used to provide relevant information that directly assists persons in determining the educational needs of the child.

3.4.2 Procedure for Evaluation Reports

(Refer to Policy, Section 1.2)

- 1.0 The MET/IEP team and other qualified professionals including the parents of the child will determine whether the child is a child with a category of disability or, in the case of a reevaluation, if the child continues to be a child with a disability, as defined in §300.7 and ARS 15-761.
- 2.0 The evaluation report will include:
 - 2.1 a review of current evaluations, including types of tests and results of those tests;
 - 2.2 classroom-based assessments, and observations by teachers and related service providers
 - 2.3 information provided by the parents, including medical and developmental history
 - 2.4 determination of whether the child's educational problems are related to or resulting from reason of educational disadvantage.
- 3.0 The MET/IEP team will provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.
- 4.0 The evaluation report will also include general information pertaining to:
 - 4.1 whether the child has a category of disability or, in the case of reevaluation if the child continues to be a child with a category of disability.
 - 4.2 the present levels of performance and educational needs;
 - 4.3 whether the child needs special education and related services or continues to need special education and related services.
 - 4.4 Whether any additions and modification to special education and related services needed to meet the measurable annual goals established in the IEP and to participate, as appropriate, in the general curriculum.

3.4.3 Procedure for Determination of Eligibility (§§§300.533 - 300.536 – 300.540 and ARS 15-761)

(Refer to Policy 3.4, Section 1.3)

- 1.0 The MET/IEP team and other qualified professionals and the parents of the child will determine whether the child has a disability, or continues to be a child with a disability, as defined in §300.7, ARS 15-761.
- 2.0 Based on the review of data, and input from the child’s parents and the MET/IEP team determines:
 - 2.1.1 If the child has a category of disability, or in the case of reevaluation, if the child continues to have a disability.
 - 2.1.2 If the child needs special education and related services, or in the case of a reevaluation, if the child continues to need special education and related services; and
 - 2.1.3 The present levels of performance and other educational needs of the child;
 - 2.1.4 If any additions or modifications to the special education and related services will be needed to enable the child to meet the measurable annual goals established in the IEP and to participate in the general curriculum, as appropriate.
- 3.0 In interpreting evaluation data for the purpose of determining if a child is a child with a disability the MET/IEP will draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and consider and document all information obtained from all of these sources.
- 4.0 A child may not be determined to be eligible:
 - 4.1.1 If the determinant factor for the eligibility determination is
 - 4.1.1.1 lack of instruction in reading or math; or
 - 4.1.1.2 limited English proficiency; and
 - 4.1.2 Child does not otherwise meet the eligibility criteria under §§300.7-300.543 and ARS 15-761

- 5.0 For a child suspected of having a specific learning disability, the documentation of the team's determination of eligibility will include:
 - 5.1 whether the child has a specific learning disability;
 - 5.2 the basis for making the determination;
 - 5.3 the relevant behavior noted during the observation of the child;
 - 5.4 the relationship of that behavior to the child's academic functioning;
 - 5.5 the educationally relevant medical findings, if any;
 - 5.6 whether there is severe discrepancy between achievement and ability that is not correctable without special education and related services; and
 - 5.7 the determination of the team concerning the effects of environment, cultural or economic disadvantage.
 - 5.8 each team member will certify in writing whether the report reflects his/her conclusion, if it does not reflect his/her conclusion the team member must submit a separate statement presenting his/her conclusions.

3.4.4 Determination of needed Evaluation Data for Initial Evaluation and Reevaluation (§§300.533 AND ARS 15-766)

(Refer to Policy 3.4, Section 1.4)

- 1.0 Review of existing data
 - 1.1 The MET/IEP team and other qualified professionals, as appropriate, will review existing data on the child, including
 - 1.1.1 evaluations and information provided by the parents of the child;
 - 1.1.2 current classroom-based assessments and observation; and
 - 1.1.3 observations by teachers and related services providers.
 - 1.2 On the basis of that review, and input from the child's parents, the MET/IEP team and other qualified professionals will identify what additional data, if any, are needed to determine eligibility or continued eligibility.
- 2.0 If the determination is that no additional data are needed;
 - 2.1 Masada Charter School will notify the child's parents
 - 2.1.1 Of that determination and the reasons for it; and
 - 2.1.2 Of the right of the parents to request an assessment to determine whether the child continues to be a child with a disability.
 - 2.2 No assessment will be **required** unless requested by the child's parents to determine eligibility.
 - 2.3 The MET/IEP team will provide a copy of the evaluation report and documentation of eligibility to the parents.
- 3.0 If additional data are required
 - 3.1 The MET/IEP team will provide procedural safeguards notice, prior written notice, and obtain informed parent consent.

3.2 Masada Charter School will administer tests and other evaluation materials as may be needed to determine if the child is a child with a disability under §300.7 and ARS 16-761.

3.4.5 Re-evaluation (§§300.334, 300.536 and 300.543)

(Refer to Policy 3.4, Section 1.5)

- 1.0 A re-evaluation will be conducted every three years **or** if conditions warrant a re-evaluation, if the child's parent or teacher requests a re-evaluation, or before determining that the child is no longer a child with a disability.

- 2.0 A re-evaluation will not be required before the termination of a student's eligibility due to graduation with a regular high school diploma, or when a student exceeds the age eligibility for FAPE under the State law.

Policy for Individualized Education Programs

3.5 Individualized Education Programs (IEP) Policy

- 1.1 An individualized education program (IEP) shall be in effect for each child with a disability at the beginning of each school year (§300.342).
- 1.2 Meetings shall be initiated and conducted for the purpose of developing, reviewing, and revising the IEP of a child with a disability (§§300.343-300.344;-300.346-300.349; and 300.311).
- 1.3 An IEP shall be developed and implemented for each eligible child served by the public agency and each eligible child placed in or referred to a private school or facility by the public agency (§§300.342-300.346;-300-347; and 300.349).
- 1.4 One or both parents of a child with a disability will be invited to each IEP meeting and will be afforded the opportunity to participate (§§300.344 and 300-344).

Procedures for Individualized Education Programs

3.5.1 Procedure for when an IEP must be in effect (§300.342) and IEP meetings (§300.343)

(Refer to Policy 3.5, Section 1.1)

- 1.0 An IEP will be in effect before special education and related services are provided to an eligible child under §300.342.
- 2.0 The IEP will be implemented as soon as possible following the IEP meeting.
- 3.0 The child's IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation.
- 4.0 Each teacher and provider will be informed of
 - 4.1.1 his or her specific responsibilities related to implementing the child's IEP
 - 4.1.2 the specific accommodations, modifications, and supports that will be provided for the child in accordance with the IEP (§300.342).
- 4.0 A meeting to develop an IEP for the child with a disability will be conducted within 30 days of a determination that the child needs special education.

3.5.2 Procedure for IEP Meetings

(Refer to Policy 3.5, Section 1.2)

1.0 IEP Team (§300.344)

- 1.1 The IEP team for each child with a disability will include
 - 1.1.1 the parents of the child;
 - 1.1.2 at least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
 - 1.1.3 at least one special education teacher of the child, or if appropriate, at least one special education provider of the child;
 - 1.1.4 a representative of the public agency who
 - 1.1.4.1 is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities
 - 1.1.4.2 is knowledgeable about the general curriculum
 - 1.1.4.3 is knowledgeable about the availability of resources of the public agency
 - 1.1.5 an individual who can interpret the instructional implications of evaluation results;
 - 1.1.6 at the discretion of the parent or Masada Charter School, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
 - 1.1.7 if appropriate, the child.

3.5.3 Procedure for Developing and Implementing Individualized Education Programs (IEP)

(Refer to Policy 3.5, Section 1.3)

- 1.0 Review and revision of the IEPs (§300.343(c))
 - 1.1 The IEP team will review the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved.
 - 1.2 The IEP team will revise the IEP as appropriate to address
 - 1.2.1 any lack of expected progress toward the annual goals described in §300.347(a) and in the general curriculum;
 - 1.2.2 the results of any reevaluation conducted under §300.536;
 - 1.2.3 information about the child provided to, or by, the parents, as described in §300.533(a)(1);
 - 1.2.4 the child's anticipated needs; or
 - 1.2.5 other matters.
- 2.0 Transition Service Participants (§300.344)
 - 2.1 A child of any age may be invited to his or her IEP meeting if the purpose will be consideration of transition services needs or transition services (§300.347(b)(1-2))
 - 2.1.1 If the student does not attend the IEP meeting, the public agency will take other steps to ensure that the student's preferences and interests are considered.
 - 2.2 In implementing the requirements of §300.347(b)(2)
 - 2.2.1 the public agency also will invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.

2.2.2 if an agency invited to send a representative to a meeting does not do so, the public agency will take other steps to obtain participation of the other agency in the planning of any transition services.

3.0 Development, Review, and Revision of IEP (§300.346)

3.1 In developing each child's IEP, the IEP team will consider

3.1.1 the strengths of the child and the concerns of the parents for enhancing the education of their child;

3.1.2 the results of the initial or most recent evaluation of the child; and

3.1.3 as appropriate, the results of the child's performance on any general State or district-wide assessment programs.

3.2 In consideration of special factors, the IEP team also will

3.2.1 in the case of a child whose behavior impedes his or her learning or that of others, consider strategies (including positive behavioral interventions, strategies, and supports) to address that behavior;

3.2.2 in the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;

3.2.3 in the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille) that instruction in Braille or the use of Braille is not appropriate for the child;

3.2.4 consider the communication needs of the child;

3.2.5 in the case of a child who is deaf or hard of hearing, consider:

- 3.2.5.1 the child's language and communication needs
- 3.2.5.2 opportunities for direct communications with peers and professional personnel in the child's language and communication mode
- 3.2.5.3 academic level and full range of needs, including opportunities for direct instruction in the child's language and communication mode

- 3.2.6 consider whether the child requires assistive technology devices and services;
- 3.2.7 if the IEP team, in considering the special factors, determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team must include a statement to that effect in the child's IEP.

3.3 The regular education teacher of a child with a disability, as a member of the IEP team, will to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of

- 3.3.1 appropriate positive behavioral interventions and strategies for the child
- 3.3.2 supplementary aids and services, program modifications, or supports for school personnel that will be provided for the child, consistent with §300.347(a)(3).

4.0 Content of IEP (§300.347)

- 4.1 The IEP for each child with a disability will include
 - 4.1.1 a statement of the child's present levels of educational performance, including how the child's disability affects the child's involvement and progress in the general curriculum
 - 4.1.2 a statement of measurable annual goals (statement of amount of progress expected), including benchmarks (major milestones), or short-term

objectives (measurable intermediate steps), related to

- 4.1.2.1 meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum (i.e., the same curriculum as for non-disabled children),
- 4.1.2.2 meeting each of the child's other educational needs that result from the child's disability
- 4.1.3 a statement of the special education and related services to be provided;
- 4.1.4 a statement of supplementary aids and services to be provided to the child or on behalf of the child (services provided to the parents or teachers of the child to help them more effectively work with the child):
- 4.1.5 a statement of the program modifications or supports for school personnel that will be provided for the child
 - 4.1.5.1 to advance appropriately toward attaining the annual goals
 - 4.1.5.2 to be involved and progress in the general curriculum and to participate in extracurricular and other nonacademic activities (LRE)
 - 4.1.5.3 to be educated and participate with other children with disabilities and nondisabled children in extracurricular and other non-academic activities (LRE);
- 4.1.6 an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and other nonacademic activities (LRE)
- 4.1.7 a statement of any individual accommodations and modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment (LRE)

- 4.1.8 if the IEP team determines that the child will *not* participate in a particular State or district-wide assessment of student achievement (or part of an assessment), a statement of
 - 4.1.8.1 why that assessment is not appropriate for the child
 - 4.1.8.2 how the child will be assessed

4.1.9 the projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications; and

4.1.10 a statement of

- 4.1.10.1 how the child's progress toward the annual goals will be measured
- 4.1.10.2 how the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of
 - 1) their child's progress toward the annual goals; and
 - 2) the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

4.2 The IEP will include transition service planning as follows:

- 4.2.1 for each student with a disability beginning at age 14 (or younger), a statement of the transition service needs of the student that focus on the student's courses of study (such as participation in advanced-placement courses or a vocational education program)
- 4.2.2 the statement of transition service needs will be updated annually
- 4.2.3 for each student beginning at age 16 (or younger), a statement of needed transition services for the student
- 4.2.4 a statement of the interagency responsibilities or any needed linkages will be included, if appropriate.

- 4.3 Beginning at least one year before a student reaches the age of 18, the student's IEP will include a statement that the parents and the student have been informed of the rights, if any, that will transfer to the student on reaching the age of 18, consistent with §300.517.
- 4.4 If a participating agency, other than the public agency, fails to provide the transition services described in the IEP, the public agency will reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.
- 4.5 The IEP team may modify the IEP and placement of a student with a disability who is convicted as an adult under State law and incarcerated in an adult prison, if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.
- 4.6 The IEP for a child who requires residential placement will include exit criteria that indicate when the educational placement of the child will be reviewed to determine if the child can move to a less restrictive placement (ARS §15-765(k)).

5.0 IEP Accountability (§300.350)

- 5.1 Masada Charter School will provide special education and related services to a child with a disability in accordance with the child's IEP
- 5.2 Masada Charter School will make a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP.

3.5.4 Procedure for parent participation (§300.345)

(Refer to Policy 3.5, Section 1.4)

- 1.0 Parents will be present or afforded the opportunity to participate in each IEP meeting. Efforts will include:
 - 1.1 notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - 1.2 scheduling the meeting at a mutually agreed on time and place.
- 2.0 The meeting notice will:
 - 2.1 indicate the purpose, time, and location of the meeting and who will be in attendance; and
 - 2.2 inform the parents of the provisions in §300.344(a)(6) and (c) relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child.
- 3.0 For a student with a disability beginning at age 14 (or younger, if appropriate) the notice will also:
 - 3.1 indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student required in §300.347(b)(1); and
 - 3.2 indicate that Masada Charter School will invite the student.
- 4.0 For a student with a disability beginning at age 16 (or younger, if appropriate) the notice will:
 - 4.1 indicate that a purpose of the meeting is the consideration of needed transition services for the student required in (§300.347(b)(2));
 - 4.2 indicate that Masada Charter School will invite the student; and
 - 4.3 identify any other agency that will be invited to send a representative.
- 5.0 If neither parent can attend, the public agency will use other methods to ensure parent participation, including individual or conference telephone calls.

- 6.0 A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency will have a record of its attempts to arrange a mutually agreed on time and place, such as
 - 6.1 detailed records of telephone calls made or attempted and the results of those calls;
 - 6.2 copies of correspondence sent to the parents and any responses received; and
 - 6.3 detailed records of visits made to the parent's home or place of employment and the results of those visits.

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

- 8.0 The public agency will give the parent a copy of the child's IEP at no cost to the parent.

3.6 Least Restrictive Environment (LRE) Policy

- 1.1 To the maximum extent appropriate, students with disabilities in public or private institutions or other care facilities are educated with students who are not disabled (§ 300.550).
- 1.2 Special classes, separate schooling, or other removal of students with disabilities from the regular environment occurs only when the nature or severity of the disability is such that education in regular classes, even with the use of supplementary aids and services cannot be achieved satisfactorily (§300.550 and AAC R7-401).

1.3 DEFINITIONS:

Supplementary aids and services as used in this section means, aids, services, and other supports that are provided in regular education classes or other education-related settings to enable the children with disabilities to be educated with non-disabled children to the maximum extent appropriate in accordance with §§300.550-30.554.

**3.6.1 Procedure for continuum of education placements
(§§300.551)**

(Refer to Policy 3.6, Section 1.1)

- 1.0 A continuum of alternative placements for K-12 special education and related services will include:
 - 1.1 regular classes with supplementary aids and services
 - 1.2 regular classes with resource or itinerant support
 - 1.3 special classes
 - 1.4 special school
 - 1.5 home instruction
 - 1.6 instruction in hospitals, and
 - 1.7 instruction in institutions

3.6.2 Procedure for placement of students with disabilities in non-academic settings and services

(Refer to Policy 3.6, Section 1.2)

- 1.0 Placement of a child with a disability (§§300.552 and AAC R7-2-401 (G))
 - 1.1 Special education placement decision for a child with a disability, including a preschool child with a disability, will be made by a group of persons that includes:
 - 1.1.1 the parent(s)
 - 1.1.2 persons who are knowledgeable about the child
 - 1.1.3 persons who are knowledgeable of evaluation data, and
 - 1.1.4 persons who are knowledgeable of placement options.
 - 1.2 Special education placements will
 - 1.2.1 be determined at least annually
 - 1.2.2 be based on the child's IEP, and
 - 1.2.3 be as close as possible to the child's home.
 - 1.3 The child will be educated in the school that he or she would attend if not disabled unless the IEP requires some other arrangement.
 - 1.4 Masada Charter School will document consideration of any potential harmful effects of the placement on the child or the quality of services.
 - 1.5 A child with a disability will not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.
- 2.0 Non-academic settings and services (§§300.553-300.306)
 - 2.1 Children with disabilities will participate with non-disabled children in non-academic and extracurricular services and activities which may include meals, recess periods, and the services and activities to the maximum extent appropriate to the needs of that child.

- 2.2 The children with disabilities will have available to them the variety of educational programs and services available to non-disabled children in the areas served by Masada Charter School in nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities (§ 300.305).
- 2.3 Students with disabilities will participate with non-disabled students in non-academic and extracurricular services and activities which may include: counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by Masada Charter School, referrals to agencies that provide assistance to individuals with disabilities and employment of students, including both employment by Masada Charter School and assistance in making outside employment available.

3.7 Procedural Safeguards Policy

- 1.1 Masada Charter School ensures that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of free appropriate public education (§300.500(a)).
- 1.2 The parents of a child with a disability shall be given an opportunity to inspect and review all education records with respect to the identification, evaluation, educational placement, and the provision of FAPE to the child. (§300.501(a)(1)).
- 1.3 Masada Charter School ensures that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child (§300.501(c)).
- 1.4 The parents of a child with a disability have the right to obtain an independent educational evaluation of their child (§300.502(a)(1)).
- 1.5 A copy of the procedural safeguards notice shall be given to the parent, at a minimum, upon initial referral for evaluation, each notification of an IEP meeting, reevaluation of the child, and receipt of a request for due process under (§§300.507.300, 300.504(a)).
- 1.6 Parental consent shall be obtained if after a review of existing information, additional data are needed for an initial evaluation or reevaluation, and before initial provision of special education and related services (§300.505(a)(1)).
- 1.7 A parent or a public agency may initiate a due process hearing on any of the matters described in §300.503(a)(1) and relating to the identification, evaluation, educational placement of a child with a disability, and provision of FAPE (§300.507(a)(2)).
- 1.8 Masada Charter School ensures that the rights of a child are protected by the assignment of an individual to act as a surrogate for the parents if
 - a. No parent (as defined in §300.20) can be identified.
 - b. Masada Charter School, after reasonable efforts, cannot discover the whereabouts of a parent, after having made three documented and reasonable attempts.

- c. the child is a ward of the State under the laws of the State (§§300.515(a); ARS 15-763.01).

DEFINITIONS:

- A) "Consent" means
 - a. The parent is fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication.
 - b. the parent understands and agrees in writing to the activity for which consent is sought.
 - c. the consent describes the activity.
 - d. the consent lists the records (if any) that will be released and to whom.
 - e. the parent understand that the consent is voluntary and may be revoked at any time.
 - f. if a parent revokes consent, that the revocation is not retroactive, meaning that the revocation does not negate an action that has occurred after the consent was given and before the consent was revoked (§300.500(b)(1).
 - g. parental consent for initial evaluation will not be construed as consent for initial placement (§300.505(2).

- B) "Evaluation" means
 - a. procedures used in accordance with §§300.530-300.536 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs (§ 300.500(b).

- C) "Personally identifiable" means that the information includes
 - a. the name of the child, the child's parent, or other family member.
 - b. the address of the child.
 - c. a personal identifier, such as the child's social security number or student number.
 - d. a list of personal characteristics or other information that would make it possible to identify the child.

- D) "Independent educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by Masada Charter School responsible for the education of the child (§300.502(a)(3)).
- E) "Public expense" means that Masada Charter School either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with FAPE (§§ 300.502(a)(3) and 300.301).

3.7.1 Procedure for parent participation in meetings (§§300.345 and 300.501)

(Refer to Policy 3.7, Section 1.2)

- 1.0 Masada Charter School will take steps to ensure that one of both of the parents are present at each meeting or are given the opportunity to participate by
 - 1.1.1. notifying parents of the meeting early enough to ensure that they will have an opportunity to attend, and
 - 1.1.2. scheduling the meeting at a mutually agreed time and place (§300.345(a))

- 2.0 The meeting notice will
 - 2.1.1. Indicate the purpose, time and location of the meeting.
 - 2.1.2 Indicate who will be in attendance
 - 2.1.3 Inform the parents of the provisions in §300.344(a)(c) (relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child) (§300.345 (b) (1) (2)).

3.7.2 Procedure for parent participation in meetings (§§300.345 and 300.501)

(Refer to Policy 3.7, Section 1.2)

- 1.0 Masada Charter School will take steps to ensure that one or both of the parents are present at each meeting or are given the opportunity to participate by
 - 1.1.1 notifying parents of the meeting early enough to ensure that they will have an opportunity to attend, and
 - 1.1.2 scheduling the meeting at a mutually agreed time and place (§300.345(a)).

- 2.0 The meeting notice will
 - 2.1.1 indicate the purpose, time and location of the meeting
 - 2.1.2 indicate who will be in attendance
 - 2.1.3 inform the parents of the provisions in §300.344(a)(c) (relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child) (§300.345(b)(1)(2)).

3.7.3 Procedure for parent involvement in placement decisions (§300.501) (Refer to Policy 3.7, Section 1.3)

- 1.0 Masada Charter School will make reasonable efforts to ensure that the parents understand, and are able to participate in, any group discussions relating to the educational placement of their child, including arranging for an interpreter for parents with deafness, or whose native language is other than English (§300.501(c)(5)).
- 2.0 If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, Masada Charter School will use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing. (§300.501(c)(3))
- 3.0 If Masada Charter School is unable to obtain the parent's participation in the placement decision, Masada Charter School will have a record of its attempt to ensure their involvement. (§§300.345(d) and 300.501(c)(4)).

**3.7.4 Procedure for parents obtaining an independent educational evaluation
(Refer to Policy 3.7, Section 1.4)**

1.0 Independent educational evaluation (§300.501)

- 1.1 If a parent requests an independent educational evaluation at public expense, Masada Charter School will, without unnecessary delay, **either**
 - 1.1.1 initiate a due process hearing under 300.507 to show that Masada Charter School's evaluation is appropriate, **or**
 - 1.1.2 ensure that an independent educational evaluation is provided at public expense, unless Masada Charter School demonstrates in a due process hearing under 300.507 that the evaluation obtained by the parent did not meet agency criteria. §300.502(b)(2)(i and ii).
- 1.2 Upon request for an independent educational evaluation, Masada Charter School will provide to parents.
 - 2.1.1 information about where an independent educational evaluation may be obtained.
 - 2.1.2 Masada Charter School criteria (§300.502(a)(2)).
- 1.3 If the parent obtains an independent educational evaluation at private expense, the results of the evaluation
 - 3.1.1 will be considered by Masada Charter School in any decision made with respect to the provision of FAPE to the child.
 - 3.1.2 may be presented as evidence at a hearing regarding the child (§300.502(c)(1 and 2)).
- 1.4 Cost of the independent educational evaluation will be at public expense if requested by a hearing officer (§300.502(d))

2.0 Agency criteria (§300.502)

- 2.1 If an independent educational evaluation is at public expense.
 - 2.1.1 the criteria under which the evaluation is obtained will be the same as the criteria Masada Charter

School uses when it initiates an evaluation, including the location of the evaluation and the qualifications of the examiner.

2.1.2 the criteria will be consistent with the parent's right to an independent

2.1.3 Masada Charter School may establish a range of payment for independent educational evaluations.

2.2 Masada Charter School will not impose other conditions or timelines related to obtaining an independent educational evaluation at public expense (§300.502(e)(2)).

3.7.5 Procedural safeguards notice (300.504)

(Refer to Policy 3.7, Section 1.5)

- 1.0 A copy of the procedural safeguards notice will be given to the parent, at a minimum
 - 1.1 upon initial referral for evaluation
 - 1.2 upon each notification of an IEP meeting
 - 1.3 upon reevaluation of the child
 - 1.4 upon receipt of a request for due process under §300.507 and 300.504(a)(1-4)

- 2.0 The procedural safeguards notice will include a full explanation of all of the procedural safeguards available under the law, relating to
 - 2.1 independent educational evaluation
 - 2.2 prior written notice
 - 2.3 parental consent
 - 2.4 access to educational records
 - 2.5 opportunity to present complaints to initiate due process hearings
 - 2.6 the child's placement during pendency of due process proceedings
 - 2.7 procedures for students who are subject to placement in an interim alternative educational setting
 - 2.8 requirements for unilateral placement by parents of children in private schools at public expense
 - 2.9 mediation
 - 2.10 due process hearings, including requirements for disclosure of evaluation results and recommendations
 - 2.11 State-level appeals (if applicable)
 - 2.12 civil actions
 - 2.13 attorneys' fees
 - 2.14 the State complaint procedures under 300.660-300.662, including a description of how to file a complaint and the timelines under those procedures (§300.504(b)(1-14))

- 3.0 The procedural safeguards notice will be written in language understandable to the general public (§300.504(c)).

- 4.0 The procedural safeguards notice will 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 (§300.504(c)).

5.0 If the native language or other mode of communication of the parent is not a written language, Masada Charter School will take steps to ensure

- 5.1 that the procedural safeguards notice is translated orally or by other means to the parent in his or her native language or other mode of communication
- 5.2 that the parent understands the content of the procedural safeguards notice
- 5.3 that there is written evidence that the requirements of (a) and (b) have been met (§300.504(c)).

**3.7.6 Procedure for obtaining parental consent and giving notice to parents
(Refer to Policy 3.7, Section 1.6)**

- 1.0 Prior notice by Masada Charter School (§300.503)
 - 1.1 Prior written notice will be given to parents a reasonable time before Masada Charter School **proposes or refuses** to initiate or change the
 - 1.1.1 identification
 - 1.1.2 evaluation
 - 1.1.3 educational placement of a child with a disability
 - 1.1.4 provision of FAPE. (§300.503(a)(1))
 - 1.2 Prior written notice will be given to the parent at the same time Masada Charter School requests parent consent, if the prior written notice relates to an action proposed by Masada Charter School that also requires parental consent (§300.503(a)(2)).
 - 1.3 The content of the prior written notice will contain
 - 1.3.1 a description of the action proposed or refused by Masada Charter School
 - 1.3.2 an explanation of why Masada Charter School proposes or refuses to take the action
 - 1.3.3 a description of any other options that Masada Charter School considered and the reasons why those options were rejected
 - 1.3.4 a description of each evaluation procedure, test, record, or report Masada Charter School used as a basis for the proposed or refused action
 - 1.3.5 a description of any other factors that are relevant to Masada Charter School's proposal or refusal
 - 1.3.6 a statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained
 - 1.3.7 sources for parents to contact to obtain assistance in understanding these provisions (§300.503(b)(1-7)).
 - 1.4 The prior written notice will be written in language understandable to the general public (§300.503(c)(1)(i)).

- 1.5 The prior written notice will 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 (§300.503(c)(1)(ii)).
- 1.6 If the native language or other mode of communication of the parent is not a written language, Masada Charter School will take steps to ensure
 - 1.6.1 that the prior written notice is translated orally or by other means to the parent in his or her native language or other mode of communication
 - 1.6.2 That the parent understands the content of the prior written notice
 - 1.6.3 that there is written evidence that the requirements of (a) and (b) have been met (§300.503(c)(2)(i-iii)).
- 2.0 Parental consent (§300.505)
 - 2.1 Parental consent will be obtained if, after a review of existing data, additional data are needed for an initial evaluation or reevaluation, and before initial provision of special education and related services (§300.505(a)(1)).
 - 2.2 If the parents refuse consent for initial evaluation or reevaluation, Masada Charter School may pursue those evaluations by using:
 - 2.2.1 due process procedures under §§300.507 and 300.509
 - 2.2.2 mediation procedures under §§300.506 and 300.505(b)
 - 2.3 Informed parental consent need **not** be obtained for the gathering of additional data for reevaluation if Masada Charter School can demonstrate that it has taken reasonable measures to obtain that consent, and the child's parent has failed to respond (§300.505(c)).
 - 2.4 The reasonable measures taken by Masada Charter School to obtain informed parental consent for a reevaluation will include
 - 2.4.1 detailed records of telephone calls made or attempted and the results of those calls

2.4.2 copies of correspondence sent to the parents and any responses received

2.4.3 detailed records of visits made to the parent's home or place of employment and the results of those visits (§300.505(c)(2).

2.5 A public agency will not use a parent's refusal to consent to one service or activity under this section to deny the parent or child any other service, benefit, or activity of Masada Charter School, except as required by this part (§300.505(e).

3.7.7 Procedure for initiating a due process hearing

(Refer to Policy 3.7, Section 1.7)

- 1.0 Mediation requirements (§300.506)
 - 1.1 Masada Charter School will insure that the mediation process
 - 1.1.1 is voluntary on the part of the parties
 - 1.1.2 is not used to deny or delay a parent's right to a due process hearing under §300.507, or to deny any other rights afforded under Part B of the Act
 - 1.1.3 is conducted by a qualified and impartial mediator who is trained in effective mediation techniques (§300.506(b)(1)(i-ii))
 - 1.2 Either Masada Charter School or parent may contact the Arizona Department of Education/Exceptional Student Services to request mediation.
 - 1.3 Discussions that occur during the mediation process
 - 1.3.1 will be confidential
 - 1.3.2 may not be used as evidence in any subsequent due process hearings or civil proceedings (§300.506(b)(6))
 - 1.4 The parties to the mediation process may request a confidentiality pledge prior to the commencement of the process (§300.506(b)(6)).
- 2.0 Impartial due process hearing; parent notice (§§300.507 and AAC R7-2-405)
 - 2.1 When a due process hearing is initiated under 300.503 (a)(1), Masada Charter School will inform the parents of the availability of mediation described in (§§300.506 and 300.507(a)(2)).
 - 2.2 Masada Charter School will inform the parent of any free or low-cost legal and other relevant services available in the area if
 - 2.2.1 the parent requests the information;

- 2.2.2 the parent of Masada Charter School initiates a due process hearing under this section (§300.507(a)(3)(i and ii)).
- 2.3 Masada Charter School will notify the Arizona Department of Education/Exceptional Student Services when a written request for due process is received (§AAC R7-2-405).
- 2.4 The due process hearing will be conducted by Masada Charter School directly responsible for the education of the child. 300.507(b).
- 2.5 At least 5 business days prior to a due process hearing conducted pursuant to this section, Masada Charter School will disclose to all parties
 - 2.5.1 all evaluations completed by that date
 - 2.5.2 recommendations based on the offering party's evaluations that the party intends to use at the hearing (§300.509(b)(1))
- 2.6 Parents involved in due process hearings have the right to
 - 2.6.1 have the child who is the subject of the hearing present
 - 2.6.2 open the hearing to the public (§300.509(c)(1)(i and ii))
- 2.7 The record of the due process hearing and the findings of fact and decisions will be provided at no cost to parents (§300.509(c)(2)).
- 3.0 Finality of decision; appeal; impartial review (§300.510)
 - 3.1 A decision made in a due process hearing conducted pursuant to §300.507 or §§300.520-300.528 is final, except that any party involved in the hearing may appeal the decision under the provisions of §§300.510 - 300.512 and 300.510(a).
 - 3.2 The decision made by the reviewing official is final unless a party brings a civil action under §§300.512.and 300.510(d).
- 4.0 Time lines and convenience of hearings and reviews (§300.511)

- 4.1 Masada Charter School will ensure that not later than 45 days after the receipt of a request for a due process hearing
 - 4.1.1 a final decision will be reached in the hearing, unless the hearing officer grants specific extensions of time
 - 4.1.2 a copy of the decision will be mailed to each of the parties. 300.511(a)(1 and 2)
- 4.2 Each due process hearing and each impartial review involving oral arguments will be conducted at a time and place that is reasonably convenient to the parents and child involved (§300.511(d)).
- 5.0 Attorneys' fees (§300.513)
 - 5.1 The procedural safeguards notice will include a full explanation of all of the procedural safeguards relating to attorneys' fees (§300.504(b)(13)).
 - 5.2 Funds under Part B of the Act will not be used to pay attorneys' fees or costs of a party related to an action or proceeding under section 615 of the Act and subpart E (§300.513(b)(1)).

3.7.8 Procedure for Protecting the Rights of a Child
(Refer to Policy 3.7, Section 1.8)

1.0 Child's status during proceedings (§300.514)

- 1.1 Except as provided in §300.526, during the pendency of any administrative or judicial proceeding regarding a due process complaint under §300.507, unless the State or local agency and the parents of the child agree otherwise, the child involved in the due process complaint will remain in his or her current educational placement. §300.514(a).
- 1.2 If the due process complaint involves an application for initial admission to public school, the child, with the consent of the parents, will be placed in the public school until the completion of all the proceedings (§300.514(b)).
- 1.3 If the decision of a hearing officer in a due process hearing conducted by the SEA or a State review official in an administrative appeal agrees with the child's parents that a change of placement is appropriate, that placement will be treated as an agreement between the State or local agency and the parents for purposes of §§300.514(a) and 300.514(c).

2.0 Surrogate parents; and, (§ARS 15.763.01 Surrogate parent; appointment §300.515)

- 2.1 It is the duty of a public agency to assign an individual to act as a surrogate for the parents. This will include a method
 - 2.1.1 for determining whether a child needs a surrogate parent
 - 2.1.2 for assigning a surrogate parent to the child (§300.515(b) (1 and 2)).
- 2.2 A petition for the appointment of a surrogate parent will be made to a court of competent jurisdiction (§ARS 15-763.01(A)).
- 2.3 Except as provided in §300.515(c)(3), public agencies will ensure that a person selected as a surrogate

- 2.3.1 is not an employee of the SEA, the LEA, or any other agency that is involved in the education or care of the child
- 2.3.2 has no interest that conflicts with the interest of the child he or she represents
- 2.3.3 has knowledge and skills that ensure adequate representation of the child (§§300.515(c)(2)(i-iii) and ARS 15-763.01(B)).

- 2.4 The surrogate may represent the child in all matters relating to the
 - 2.4.1 identification
 - 2.4.2 evaluation
 - 2.4.3 educational placement of a child with a disability
 - 2.4.4 provision of FAPE (§300.515(e)(1 and 2)

3.0 Transfer of parental rights at age of majority (§300.517)

- 3.1 When a student with a disability reaches the age of majority (except for a student with a disability that has been determined to be incompetent under State law)
 - 3.1.1 Masada Charter School will provide any notice required by this part to both the individual and the parents
 - 3.1.2 all other rights accorded to parents under Part B of the Act transfer to the student (§300.517(a)(1)(i and ii)

3.8 Confidentiality Of Information Policy (§§300.560-300.576)

- 1.1 Parents may inspect and review any educational records relating to their children that are collected, maintained or used by Masada Charter School. Without unnecessary delay, Masada Charter School shall comply with parent request and in no case more than forty-five days after request (§300.562).

- 1.2 Procedures shall be established and implemented to protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. (§300.572)(a).

- 1.3 Parents may request amendment of records if they believe information in records is inaccurate, misleading or violates the privacy or other rights of their child (§300.567).

3.8.1 Procedure for parents inspecting and reviewing records

(Refer to Policy 3.8, Section 1.1)

1.0 Access rights (§300.562)

- 1.1 Responses to reasonable requests for explanations and interpretation of educational records will be provided to parents.
- 1.2 Parents will be given copies of records if failure to provide copies would prevent parent from inspecting and reviewing records.
- 1.3 A parent's representative will be given an opportunity to inspect and review the educational records.
- 1.4 Masada Charter School may presume parent has authority to inspect and review records relating to his or her child unless Masada Charter School has been advised that the parent does not have the authority under applicable State law. (e.g., guardianship, separation, divorce) (§§ 300.562)(c)-ARS 15-761 (21)-AAC R7-2-405 (8) and AAC R7-2-401 (22).
- 1.5 A parent request for records will be provided without unnecessary delay, before any meeting regarding IEP or any hearing, and in no case more than 45 days after the request.

2.0 Notification of rights parents and eligible students (§300.561)

- 2.1 Notice will be distributed in the native languages of the various population groups in Masada Charter School (§ 300.561(a)(4)).

- 2.2 Masada Charter School will inform parents by publishing a notice or announcement in newspapers or through other media, or both, with circulation adequate to notify local parents before any major identification, location, or evaluation activity (§300.561)(b).
- 2.3 The Annual Notice will contain the following components:
 - 2.3.1 parents and eligible students have the right to inspect and review the student's education record (§99.7 and §300.564).
 - 2.3.2 the procedure for exercising the right to inspect and review the student's education record (§99.7) within 45 days (§§99.10 - §300.521 and §300.528).
 - 2.3.3 parents and eligible students have the right to seek amendment of the student's education record that is believed to be inaccurate, misleading, or in violation of the student's privacy rights (§99.7 and §300.567).
 - 2.3.4 the procedure for requesting amendment of the record (§99.7).
 - 2.3.5 parents and eligible students have the right to give consent before the release of personally identifiable information (except to the extent that the Act and §99.31 authorize disclosure without consent) (§99.7).
 - 2.3.6 if, under, Masada Charter School discloses information in the optional situations without prior consent, the notice must also include specification of criteria for determining who constitutes a school official (§99.31(a),and
 - 2.3.7 what constitutes a legitimate educational interest (§99.7(a)).
 - 2.3.8 notice that rights regarding records transfer at age 18 (§99.5(a) §300.574(b)).

3.0 Distribution of FERPA Notices

- 3.1 Masada Charter School will include a FERPA notice in the Student/Parent Handbook. Additionally, a FERPA notice will be mailed annually to parents. Documentation of this mailing will be kept in the main office.

3.8.2 Procedure for establishing and implementing confidentiality of personal information

(Refer to Policy 3.8, Section 1.2)

1.0 Record of access (§300.563 and records on more than one child §300.564)

- 1.1 Masada Charter School will keep records of parties obtaining access to records, collected, maintained and used including name, access date, purpose for access.

- 1.2 If a record has information on more than one child, parents have a right to inspect and review only the information relating to their child.

2.0 List of type and location of information (§300.565)

- 2.1 Masada Charter School will maintain a list of types and location of educational records that are collected, maintained, or used and provide a copy of the list upon request (§300.565).

3.0 Fees (§300.566)

- 3.1 Masada Charter School will provide copies of records to the parent if failure to do so prevents the parent from inspecting or reviewing the records (§300.562)(b)(2).

- 3.2 Masada Charter School may charge for copies if the fee does not prevent inspection or review of the record (§300.566)(a).

3.3 Masada Charter School will not charge a fee to search or retrieve information (§300.566)(b).

4.0 Safeguards (§300.572)

4.1 Masada Charter School will protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. (§300.572) (a).

4.2 An official will be designated to ensure the confidentiality of any personally identifiable information (§300.572) (b).

4.3 All persons collecting or using personally identifiable information will receive training or instruction regarding policies and procedures under §300.127 and § 99.

4.4 Masada Charter School will maintain a current list for public inspection of the names and positions of employees within Masada Charter School who may have access to personally identifiable information. (§300.572) (d).

5.0 Destruction of information (§300.573)

5.1 Masada Charter School will inform the parent when personally identifiable information collected, maintained or used is no longer needed to provide educational services to the child.

5.2 Masada Charter School will destroy the information at the request of the parent. However, permanent record of name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6.0 Children's rights (§300.574)

6.1 Children may be afforded rights of privacy similar to those afforded to parents, taking into consideration the age, of the student and type or severity of disability.

6.2 If the rights accorded to parents are transferred to a student with a disability who reaches the age of majority,

the rights regarding educational records will be transferred to the student (§99) 5(a).

6.3 In accordance with the Family Educational Rights and Privacy Act, the rights of parents regarding education records are transferred to the student at age eighteen.

7.0 Disciplinary information (§300.576)

7.1 Masada Charter School will include in the records of a child with a disability a statement of any current or previous

7.2 The disciplinary information on students with disabilities will be transmitted to the same extent that disciplinary information is transmitted on nondisabled students.

7.3 The disciplinary statement may include a description of any behavior engaged in by the student, description of the disciplinary action take and any other information that is relevant to the safety of the student and other individuals.

7.4 If a student transfers from one school to another, the transmission of any of the student's records will include the current IEP, current evaluation and any statement of current or previous disciplinary action that has been taken against the student.

7.5 If a student transfers from one school to another, the transmission of any of the student's records to the receiving school will occur within the timeframe specified in State statutes and will not require the consent of the parent(s) (ARS 15-828(F-G)).

8.0 Confidentiality Training of Staff

8.1 Masada Charter School will develop a confidentiality training curriculum. Teachers and clerical staff will be trained in confidentiality at the beginning of each school year and throughout the year as needed. A record and agenda of training sessions will be maintained by the SPED teacher.

3.8.3 Procedure for amending student records (Refer to Policy 3.8, Section 1.3)

- 1.0 Amendment of records at parent request (§300.567)
 - 1.1 A parent may request amendment of records if he/she believes that information in an education record is inaccurate, misleading, or otherwise in violation of student privacy or other rights.(§ 99.7) and (§300.567)(a).
 - 1.2 Masada Charter School will decide whether to amend information within a reasonable period of time (§99.7) and (§300.567)(a).
 - 1.3 If Masada Charter School refuses to amend, parents will be informed of the refusal and of the right to a hearing. (§300.567)
- 2.0 Opportunity for a hearing (§300.568)
 - 2.1 If the parent requests a hearing, Masada Charter School will provide an opportunity for a hearing to challenge information in records.
- 3.0 Result of hearing (§300.569)
 - 3.1 After a hearing, Masada Charter School will inform parents in writing of its decision to amend an education record believed to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child (§300.569)(a).
 - 3.2 If Masada Charter School makes a decision not to amend an education record, the parents will be informed of their right to place within the record a statement commenting on the information or setting forth any reasons for disagreeing with the decisions of Masada Charter School (§300.569)(b).
 - 3.2.1 Masada Charter School will maintain the statement with the record or contested portion and
 - 3.2.2 if the records are disclosed, the explanation will also be disclosed (§300.569)

3.9 Extended School Year (ESY)

- 1.1 Extended school year services shall be available as necessary, to provide FAPE to a child with a disability (§300.309).
- 1.2 Extended school year services shall be provided in accordance with §§300.340- 300.350, ARS 15-881.
- 1.3 Extended school year services shall be provided only if a child's IEP team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child with a disability (§§300.309, 300.342-300.346).

1.4 DEFINITIONS:

- A) As used in this section, the term **extended school year services** means special education and related services that are provided to a child with a disability:
 - a) beyond the normal school year of Masada Charter School;
 - b) in accordance with the child's IEP; and
 - c) at no cost to the parents of the child with a disability.
- B) As used in this section **recoupment** means the amount of time required to relearn skills included in the child's IEP following an extended break in instruction.
- C) The term **regression** means the reversion to a lower level of functioning in skills or behavior specified in the child's IEP, which results from an extended break in instruction.
- D) The term **critical learning stage** means a developmental period in which a child has mastered a concept or skill in one setting and is ready to generalize what has been learned so that it can be applied in other situations. A critical learning stage exists if the child is unlikely to retain the concept or skill, in order to generalize what has been learned to other situations.

3.9.0 Procedures for providing Extended School Year (ESY) services

3.9.1 Procedures for determination of ESY services (§§ARS 15-881 AND 300.309)

(Refer to Policy 3.9, Section 1.2)

- 1.0 ESY services will be provided to prevent irreparable harm to the pupil's ability to maintain identified skills or behavior.
- 2.0 When the child is in a "critical learning period" of development and when there is a "window of opportunity" that will be lost if services are not provided.

3.9.2 Procedure for determining eligibility of child for Extended School Year (ESY) services
(Refer to Policy 3.9, Section 1.3)

- 1.0 The IEP team will determine, on an individual basis, the services that are necessary to provide FAPE to the child with a disability.
- 2.0 Children with disabilities who are eligible for ESY
 - 2.1 The IEP team will:
 - 2.1.1 Identify goals/benchmarks/short term objectives;
 - 2.1.2 Identify special education and related services needed;
 - 2.1.3 Must determine the initiation, location, frequency and duration of services; and
 - 2.1.4 Establish a date to review and document services.

3.9.3 Procedure for implementing Extended School Year (ESY) services

(Refer to Policy 3.9, Section 1.4)

- 1.0 When ESY services will significantly enhance the child's ability to function independently.
 - 1.1 ESY services will not be limited to particular categories of disability
 - 1.2 ESY services will not unilaterally be limited to the type, amount or duration of those services.
 - 1.3 ESY services will not be required for all children with disabilities
 - 1.4 ESY services will not be based on need or desire for any of the following:
 - 1.4.1 a day care or respite care service for children with disabilities.
 - 1.4.2 a program to maximize the academic potential of a child with a disability
 - 1.4.3 a summer recreation program for children with disabilities.
- 2.0 Criteria for determination of eligibility for ESY services include:
 - 2.1 Regression-recoupment factors;
 - 2.2 Critical learning stages;
 - 2.3 Least restrictive environment considerations;
 - 2.4 Teacher and parent interviews and recommendations;
 - 2.5 Database observations of the pupil;
 - 2.6 Considerations of the child's previous history; and
 - 2.7 Parental skills and abilities.
- 3.0 Methods to measure regression and recoupment include:

- 4.1 Use a variety of types of measurement and strategies for assessing skills, abilities and behaviors.

- 3.2 A collection of data:
 - 3.2.1 at the end of instruction;
 - 3.2.2 at the beginning of subsequent instruction; and
 - 3.2.3 at the time of recoupment.

- 3.3 Any loss or reduction from the end of instruction to the beginning of subsequent instruction will be a measure of regression data.

- 3.4 Any measurement from the beginning of the subsequent instruction to the time of recoupment will measure the recoupment data.

3.10 Private Schools

- 1.1 Masada Charter School ensures that special education and related services shall be provided to a child with a disability who has been placed in or referred to a private school or a facility by Masada Charter School (§§300.401-300.402).
- 1.2 Masada Charter School will not pay the cost of education, including special education and related services, of a child with a disability at a private school or facility if Masada Charter School made FAPE available to the child and the parents elected to place the child in a private school or facility, unless the agency is required to do so by a court or hearing officer (§300.403)
- 1.3 Masada Charter School will exercise administrative control of all property, equipment, and supplies that Masada Charter School acquires with federal funds for the benefit of private school children with disabilities (§300.462).
- 1.4 Masada Charter School ensures that, if a placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including non-medical care and room and board, shall be at no cost to the parents of the child (§§300.302 and ARS 15-765).

Procedures for Private Schools

3.10.1 Procedure for ensuring that special education and other services will be provided to a child with a disability who is referred to or placed in a private school.

(Refer to Policy 3.10, Section 1.1)

1.0 Procedure for children placed in private schools by public agencies (§300.349)

- 1.1 Before Masada Charter School places a child with a disability, or refers a child with a disability to a private school or facility, the agency will initiate and conduct a meeting to develop an IEP in accordance with §§300.346 and 300.347.
- 1.2 Before any student is placed in any private school or other public facility, Masada Charter School will ensure a full continuum of alternative placements is available to meet the least restrictive environment (ARS 15-765).
- 1.3 After a child with disability enters a private school or facility, any IEP meeting to review or revise the child's IEP may be initiated and conducted by the private school at the discretion of Masada Charter School.
- 1.4 A representative of the private school or facility will be invited to attend the IEP meeting. If the representative cannot attend, Masada Charter School will use other methods to ensure participation by the private school or facility (§300.349(b)).
- 1.5 If the private agency or facility initiates and conducts IEP meetings, the private school will invite the parents and a public agency representative.

- 1.6 Masada Charter School may use whatever State, local, Federal and private sources of support are available in Arizona to meet the requirements, such as joint agreements between the agencies involved for sharing the cost of placement of a student in a private residential facility (§§300.301)

2.0 Determination and provision of services to students enrolled by their parents in private school when FAPE is an issue (§300.403)

- 2.1 Disagreements about whether FAPE was made available to a child with a disability and the question of financial responsibility are subject to due process procedures of §§300.507-300.514.
- 2.2 If a court or hearing officer finds that the agency had not made FAPE available to the child in a timely manner prior to the parental enrollment in the private placement and orders Masada Charter School to reimburse the parents for the cost of that enrollment, Masada Charter School will comply.

3.10.2 Requirements concerning property, equipment, and supplies for the benefit of private school children with disabilities, (§300.462)

(Refer to Policy 3.10, Section 1.3)

- 1.0 Masada Charter School may place equipment and supplies in a private school for a period of time for the program.
- 2.0 Masada Charter School will be accountable for equipment and supplies placed in the private school and ensure that the equipment and supplies:
 - 2.1 are used only for Part B purposes; and
 - 2.2 can be removed from the private school without remodeling the private school facility.

3.10.3 Procedure for residential placement (§§300.302 and ARS15-765)

(Refer to Policy 3.10, Section 1.4)

- 1.0 Masada Charter School may place a child with a disability in a public or private residential program to provide special education and related services.
- 2.0 The placement will include non-medical care, room and board and placement will be at no cost to the parents' child (§300.302)
- 3.0 Before any placement is made in a private residential facility, Masada Charter School will ensure that a full continuum of alternative placements is available and the placement is least restrictive environment. (§ARS-15-765 (c).
- 4.0 The IEP team and other qualified professionals will
 - 4.1 review the existing data;
 - 4.2 determine if additional data are needed,
 - 4.3 determine eligibility or continued eligibility;
 - 4.4 review and revise the IEP; and
 - 4.5 includes exit criteria (ARS 15-765(G,K).
- 5.0 A residential voucher application will be initiated in accordance with ARS 15-765 and ARS 15-1181.

3.11 Graduation and Pupil-Teacher Ratios

- 1.1 Masada Charter School ensures that the governing board shall prescribe criteria for graduation for students with disabilities which shall include accomplishment of the academic standards adopted by the State Board of Education in reading, writing, and mathematics (§ARS 15-701.01.B.).
- 1.2 Masada Charter School's governing board may adopt other criteria for students with disabilities including additional measures of academic achievement and attendance which are in addition to the courses of study and competency requirements prescribed by the State Board of Education (§ARS15-701.01) and (AAC R7-2301(D))(1).
- 1.3 Masada Charter School's establishes the following policy regarding allowable pupil-teacher ratios 1/20 : (§ARS15-764 (A)(5)).

3.11.0 Procedures for Graduation and Pupil-Teacher Ratios

3.11.1 Procedure for prescribing criteria for graduation for students with disabilities

(Refer to Policy 3.11, Section 1.1)

- 1.0 Masada Charter School will not be obligated to provide FAPE to students with disabilities who have graduated from high school with a regular high school diploma (§300.122(3) §300.543.(c).
- 2.0 Graduation from high school with a regular diploma will constitutes a change in placement and requires prior written notice (§300.122) (3).
- 3.0 A student with disability will complete the requirements in accordance with the academic standards adopted by the State Board of Education in reading, writing and mathematics. (§ARS 15-701.01.B.)
- 4.0 All students with disabilities will take Arizona's Instrument to Measure Standards (AIMS) at grades 3, 5, 8, and high school OR, for students in ungraded classes, at ages 9 years, 11 years, 14 years and 16 years
- 5.0 Each student's IEP team will determine the graduation test criteria on the AIMS.

3.12 Discipline Policy for Students with Disabilities

- 1.1 If a change in educational placement for disciplinary removal occurs for a child with a disability, Masada Charter School shall provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP. (§ 300.121 (d))
- 1.2 When a child with a disability is removed from his or her current educational placement, **a change of placement occurs if:**
 - 1.2.1 the removal is for **more than** 10 consecutive school days;
or
 - 1.2.2 the series of removals **constitute a pattern** because they cumulate to more than 10 school days in a school year, because of such factors as length of each removal, total amount of time, or proximity of the removal to one another (§300.519).
- 1.3 When the removal of a child with a disability constitutes a change of placement, a review of the placement shall be conducted regarding the relationship between the student's disability and the behavior subject to the disciplinary action (manifestation determination) (§300.523).
- 1.4 If an IEP team determines that the behavior of the student with a disability was **not** a manifestation of the disability, disciplinary action applicable to students without disabilities shall be applied (§§300.524-300.525) except as provided in §300.121 which requires the provision of FAPE to all students with disabilities who are suspended or expelled (§300.524).
- 1.5 A child who has not been determined eligible for special education and who engages in behavior that violates any rules or code of conduct may assert any of the protections of a child with a disability pursuant to (§300.527).

3.12.0 Procedures for Discipline

3.12.1 Procedure for FAPE for children suspended or expelled (§§300.121 and 300.520)

(Refer to Policy 3.12, Section 1.2)

- 1.0 Masada Charter School may cease services during a removal period to a child with a disability when that child has been removed from his or her current placement for 10 school days or less in a school year, if services are not provided to a child without disabilities who has been similarly removed.
- 2.0 For a child with a disability whose placement has not been changed, i.e., who has been removed for more than 10 school days during the school year but these days were not 10 consecutive days or whose removal did not constitute a pattern:
 - 2.1 Masada Charter School will provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and advance toward achieving the IEP goals
 - 2.2 School personnel will determine the extent of services necessary to enable the child to appropriately progress in the general curriculum and advance toward achieving the IEP goals.(§300.121).
- 3.0 For a child with a disability whose placement has been changed for disciplinary reasons, i.e., has been removed from his or her current placement for more than 10 consecutive school days in a school year or whose removals constitute a pattern:
 - 3.1 Masada Charter School will provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and advance toward achieving the IEP goals.
 - 3.2 the IEP team will determine the extent of services necessary to enable the child to appropriately progress in the general curriculum and advance toward achieving the IEP goals.(§300.121).

- 4.0 If a disciplinary action of more than 10 cumulative school days is contemplated for a child with a disability who has engaged in behavior that violated any rule or code of conduct of Masada Charter School and:
 - 4.1 Masada Charter School did not conduct a functional behavioral assessment and implement a behavior intervention plan for the child before the behavior occurred, within 10 business days Masada Charter School will convene an IEP meeting to develop an assessment plan;
 - 4.2 if the child already has a behavior intervention plan, the IEP team will meet to review the plan and its implementation, and, modify the plan to address the behavior. (300.520)

3.12.2 Procedure for changing the placement of a child with a disability

(Refer to Policy 3.12, Section 1.3)

- 1.0 Determination of interim alternative educational setting ((IAES) §§ 300.520 through 300.522)
 - 1.1 Masada Charter School may order a child with a disability to an interim alternative educational setting (IAES) for weapons or drug violations for the same amount of time as that of a child without a disability, but not to exceed 45 days. The IAES will be:
 - 1.1.1 determined by the IEP team
 - 1.1.2 selected so as to enable the child to continue to participate in the general curriculum, and receive services specified in the IEP (§300.520)
 - 1.1.3 include services and modifications designed to prevent the behavior from recurring.
 - 1.2 Masada Charter School may request an expedited due process hearing to request that the child be moved to an appropriate IAES for not more than 45 days if Masada Charter School has substantial evidence that a child's current placement is likely to result in injury to the child or to others. (§300.521)
- 2.0 Parent appeal (§§300.525)
 - 2.1 If the parent of a child with a disability disagrees with the manifestation determination or any decision regarding the placement, the parents may request a hearing.(§300.525).
 - 2.2 Masada Charter School will arrange an expedited hearing if the parent requests a hearing.

3.12.3 Procedure for disciplinary action (Refer to Policy 3.12, Section 1.4)

- 1.0 Change of placement for disciplinary removals (§§300.519)
 - 1.1 a removal is for more than 10 consecutive school days **or**
 - 1.2 the child is subject to a series of removals that constitute a pattern because of factors such as length of each removal, total amount of time the child is removed and the proximity of the removals to one another (§300.519).
- 2.0 Manifestation determination review (§300.523)
 - 2.1 Masada Charter School will conduct a manifestation determination review when Masada Charter School is contemplating a change of educational placement for disciplinary reasons.
 - 2.1.1 When Masada Charter School is contemplating a change of educational placement for disciplinary reasons, Masada Charter School will notify the parents of the child no later than the date on which the decision was made to take that action. Masada Charter School will provide the parents with an appropriate procedural safeguards notice.
 - 2.1.2 No later than 10 days after the date on which the decision to act is made, the manifestation determination review must be conducted.
 - 2.1.3 In conducting a manifestation determination, the IEP team will consider: evaluation and diagnostic results, including information provided by the parents; observations of the child; and the child's IEP and placement.
 - 2.2 The IEP team will only determine the child's behavior was **not** a manifestation of
 - 2.2.1 the child's IEP was appropriately developed and implemented and behavior intervention strategies were provided consistent with the child's IEP and placement;
 - 2.2.2 the child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to the disciplinary action; and

2.2.3 the child disability did not impair the ability of the child to control the behavior subject to disciplinary action.

2.3 The behavior will be considered a manifestation of the child's disability if **any** of the standards in item 7 were not met.

2.4 If the behavior is not a manifestation of the child's disability, disciplinary procedures applicable to children without disability will apply except as provided in IDEA regulation §300.121(d).

3.12.4 Protections for children who are not yet eligible for special education and related services (§300.527)
(Refer to Policy 3.12, Section 1.5)

- 1.0 The parent may assert any of the protections provided to children with disabilities if Masada Charter School had knowledge that the child was a child with a disability before the behavior occurred. Masada Charter School is presumed to have knowledge when:
 - 1.1 the parent had expressed concern in writing;
 - 1.2 the parent expressed concern orally if the parent does not know how to read;
 - 1.3 the behavior of the child demonstrated the need for the services, in accordance with §300.7;
 - 1.4 the teacher of the child or other personnel has expressed concern about the behavior or performance of the child; or
 - 1.5 the parent of the child requested an evaluation
- 2.0 Masada Charter School is presumed not to have knowledge when Masada Charter School either:
 - 2.1 conducted a full and individual evaluation for special education eligibility and found the child was not a child with a disability; or
 - 2.2 determined that an evaluation was not necessary and provided appropriate notice to the child's parents of its determination.
- 3.0 If a request for an evaluation is made during the time period in which the child is subjected to disciplinary action under §§300.520 or 300.521:
 - 3.1 the evaluation will be conducted in an expedited manner

3.2 the child will remain in the placement determined by the school authorities until completion of the evaluation and eligibility determination.

3.13 PPRA Model Notice and Consent/Opt-Out for Specific Activities

PPRA Model Notice and Consent/Opt-Out for Specific Activities [LEAs should adopt the following model form as appropriate]

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, requires **[School District]** to notify you and obtain consent or allow you to opt your child out of participating in certain school activities. These activities include a student survey, analysis, or evaluation that concerns one or more of the following eight areas (“protected information surveys”):

1. Political affiliations or beliefs of the student or the student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

This requirement also applies to the collection, disclosure or use of student information for marketing purposes (“marketing surveys”), and certain physical exams and screenings.

3.13.1 FERPA Notice

Model Notification of Rights under FERPA For Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. These rights are:

- (1) The right to inspect and review the student’s education records within 45 days of the day the School receives a request for access. Parents or eligible students should submit to the School principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
- (2) The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA. Parents or eligible students who wish to ask the School to amend a record should write the School principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it should be changed. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- (3) The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted as its agent to provide a service instead of using its own employees or officials (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

[Optional] Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. [NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.]

- (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the *School District* to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington D. C., 20202-5920

[NOTE: In addition, a school may want to include its directory information public notice, as required by § 99.37 of the regulations, with its annual notification of rights under FERPA.]