

# Programs (100)



**BOARD OF TRUSTEES POLICY**

No. 101

Section: Programs

Title: Mission Statement

Date Adopted: January 10, 2001

**SCHOOL MISSION STATEMENT:** The mission of the Crispus Attucks YouthBuild Charter School (CAYBCS) is to prepare youth to become mentally tough by accepting responsibility for themselves, their family, and their community. We develop self-esteem, self-confidence, self-respect and respect for others through academic and vocational education; therefore, students become productive and respectable leaders in the community.



BOARD OF TRUSTEES POLICY  
No. 102  
Section: Programs  
Title: Educational Goals  
Date Adopted: January 10, 2001

**Section 1. Purpose:** The Board recognizes that education is a vital function of the State and community. The community should be encouraged to participate in the establishment of the educational goals established for this Charter School

**Section 2. Authority:** The Board shall establish educational goals for the School. They are consistent with the educational goals established by the Commonwealth of Pennsylvania.

As a base for its educational program, the Board of Trustees of the CAYBCS adopts the following educational goals, known as the "Twelve Goals of Quality Education", for every student enrolled in the CAYBCSL

1. **Communication Skills:** Quality education should help every student acquire communication skills of understanding, speaking, reading, and writing.
2. **Mathematics:** Quality education should help every student acquire skills in mathematics.
3. **Self-Esteem:** Quality education should help every student develop self-understanding and a feeling of self-worth.
4. **Analytical Thinking:** Quality education should help every student develop analytical thinking skills.
5. **Understanding Others:** Quality education should help every student acquire knowlegde of different cultures and an appreciation of the worth of all people.
6. **Citizenship:** Quality education should help every student learn the history of the nation, understand its systems of government and economics and acquire the values and attitudes necessary for responsible citizenship.
7. **Arts and Humanities:** Quality education should help every student acquire knowledge, appreciation and skills in the arts and the humanities.
8. **Science and Technology:** Quali y education should help every student acquire knowledge, understanding and appreciation of science and technology.
9. **Work:** Quality education should help every student acquire the knowledge, skills and attitudes necessary to become a self-supporting member of society.
10. **Family Living:** Quality education should help every student acquire the knowledge, skills and attitudes necessary for successful personal and family living.
11. **Health:** Quality education should help every student acquire knowledge and develop practives necessary to maintain physical and emotional well-being.
12. **Environment:** Quality education should help every student acquire the knowledge and attitudes necessary to maintain the quality of life in a balanced environment.



BOARD OF TRUSTEES POLICY

No. 103

Section: Programs

Title: Affirmative Action Program for  
School and Classroom Practice

Date Adopted: January 10, 2001

**Section 1. Purpose:** The Board declares it to be the policy of this School to provide an equal opportunity for all children to achieve their maximum potential through the programs offered in these schools regardless of race, color, creed, religion, sex, ancestry, national origin.

**Section 2. Authority:** In order to achieve the aforesaid goal, the Board directs the CAO to assume the responsibility of coordinating all implementing activities as Affirmative Action Officer.

**Section 3. Responsibility:** It shall be the duty of the Affirmative Action Officer to:

- A. Curricula Content – Review current and proposed curriculum guides and textbooks to detect any bias upon race, sex, religion, national origin, ancestry, or culture; ascertaining supplemental materials singly or taken as a whole, fairly depict the contribution of both sexes and the various races, ethnic groups and the like towards the development of human society.
- B. Staff Training – Develop an ongoing program of in-service training for school personnel designed to identify and solve problems of racial, sexual, religious, national or cultural bias in all aspects of the school program.
- C. Student Access – Review current and proposed programs, activities and practices to insure that all students have equal access thereto and are not segregated on the basis of race, color, creed, sex or national origin in any duty, work, play, classroom or school practice except as may be permitted under State regulations.
- D. District Support – Insure that like aspects of the school program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment and related matters.
- E. Student Evaluation – Insure that tests, procedures or guidance and counseling materials which are designed to evaluate student progress or rate aptitudes or analyze personality or in any manner establish or tend to establish a category by which a student may be judged are not differentiated or stereotyped on the basis of race, color, creed, sex or national origin.

The Affirmative Action Officer shall report, as needed, to the Board on progress made in the affirmative action program for school and classroom practices.



BOARD OF TRUSTEES POLICY  
No. 104  
Section: Programs  
Title: Affirmative Action Program  
for Employment  
Date Adopted: January 10, 2001

**Section 1. Purpose:** The Board of Trustess declares it to be the policy of this District to guarantee to all persons equal access to all categories of employment in this School, regardless of race, color, age, creed, religion, sex, ancestry, national origin or handicap/disbility.

**Section 2. Authority:** In order to achieve the aforesaid goal, the Board directs the CAO to assume the responsibility of coordinating all implementing activities as Affirmative Action Officer.

**Section 3. Responsibility:** It shall be the duty of the Affirmative Action Officer to study periodically all exissting job descriptions, required job qualifications, characteristics of employees filling said positions, and salary guides for any discrimination, inadvertent or otherwise, that might exist.

Should a complaint arise from any inequalities resulting from this policy, the employee may file a complaint with the Affirmative Action Office.

The Affirmative Action Officer shall report, as needed, to the Board on progress made in the affirmative action program for employment/contract practices.



BOARD OF TRUSTEES POLICY

No. 105

Section: Programs

Title: Curriculum Development

Date Adopted: January 10, 2001

**Section 1. Purpose:** The Board recognizes its responsibility for the improvement and growth of the educational program of the CAYBCS. To this end, the curriculum shall be evaluated, adapted, and developed on a continuing basis and in accordance with a plan for curriculum growth.

**Section 2. Definition:** For purposes of this policy, curriculum shall be defined as all planned learning activities of the schools such as the courses of study, subjects, classes, and organized group activities provided by the school.

**Section 3. Authority:** The Board is responsible for the curriculum of the schools. The Board directs that the curriculum of this School be consistent with written goals, objectives, and identified pupil needs and develops individual talents and interests and serves diverse learning styles to motivate pupil achievement.

**Section 4. Delegation of Responsibility:** As educational leader of the School, the CAO shall be responsible to the board for the development of curriculum, and shall establish procedures for curriculum development, which ensure effective participation of appropriate members of the school community.

The CAO shall also be responsible for the preparation of course guides and shall develop a plan for such preparation.



CRISPUS ATTUCKS CHARTER SCHOOL

BOARD OF TRUSTEES POLICY

No. 106

Section: Programs

Title: Homebound Instruction

Date Adopted: January 10, 2001

**Section 1. Purpose:** The Board shall provide, pursuant to rules of the State Board of Education, individual instruction to students confined to home or hospital for physical disability, illness, or injury; or when such confinement is recommended for psychological or psychiatric reasons.

**Section 2. Eligibility:** Applications for individual instruction shall certify the nature of the illness or disability, state and probable duration of the confinement and must be approved by the CAO or his/her designee. The CAO may grant such recommended requests for individual instruction. Individual instruction will only be provided for those confinements expected to last at least two weeks, but exceptions may be made as the CAO or his/her designee deem advisable.

**Section 3. Program:** The program of individual instruction given each student shall be in accordance with the standards established by the Secretary of Education.



CRISPUS ATTUCKS CHARTER SCHOOL

BOARD OF TRUSTEES POLICY

No. 107

Section: Programs

Title: Field Trips

Date Adopted: January 10, 2001

**Section 1. Purpose:** The Board recognizes that field trips – when used as a device for teaching and learning integral to the curriculum – are an educationally sound and important ingredient in the instructional program of the school. Properly planned and executed field trips can:

- A. supplement and enrich classroom procedures by providing learning experiences in an environment outside the school.
- B. arouse new interests among students.
- C. Help students relate school experiences to the reality of the world outside of school.
- D. Bring all the resources of the community – natural, artistic, industrial, commercial, governmental, educational – within the gambut of a student’s learning experience.
- E. Afford students the opportunity to study real things and real processes in their actual environment.
- F. Be scheduled to minimize the amount of instructional time missed.

**Section 2. Definition:** For purposes of this policy, a “field trip” shall be defined as any planned travel activity which supplements or enriches the classroom curriculum.

**Section 3. Authority:** The Board shall approve those field tips which are planned to keep students out of the area overnight or longer or which are scheduled at times other than regularly scheduled school hours. The CAO shall approve all other field trips.

**Section 4. Delegation of Responsibility:** The CAO shall prepare procedures for the operation of a field trip which shall insure that the safety and well-being of students shall be protected at all times.





BOARD OF TRUSTEES POLICY  
No. 108  
Section: Programs  
Title: Co-Curricular Activities  
(Clubs, Intramurals, etc.)  
Date Adopted: January 10, 2001

**Section 1. Purpose:** The Board believes that the goals and objectives of the CAYBCS are best achieved by a diversity of learning experiences, some of which are more appropriately conducted outside the regular classroom curricular program of the school.

All learning experiences offered by the CAYBCS – curricular and co-curricular – should be planned and integrated toward the attainment of the School’s objectives.

**Section 2. Definition:** For purposes of this policy, “co-curricular activities” shall be those activities which are sponsored or approved by the Board but not offered for credit toward graduation. Such activities shall ordinarily be conducted wholly or partly outside the regular school day available to all students who voluntarily elect to participate.

**Section 3. Authority:** Any co-curricular activity shall be considered to be under the sponsorship of this Board when it has been approved by the CAO.

**Section 4. Delegation of Responsibility:** The CAO shall prepare procedures to implement a co-curricular program which shall:

- A. assess the needs and interests of the students of the CAYBCS.
- B. Insure the provision of competent guidance and supervision of staff.
- C. Provide for a variety of experiences and a diversity of organizational models.
- D. Insure that all co-curricular activities are open to all students and that all students are fully informed of the co-curricular opportunities open to them.



CRISPUS ATTUCKS CHARTER SCHOOL

BOARD OF TRUSTEES POLICY  
No. 109  
Section: Programs  
Title: Interscholastic Athletics  
Date Adopted: January 10, 2001

**Section 1. Purpose:** The Board recognizes the value of a program of interscholastic athletics as an integral part of the total school experience to all students of the CAYBCS and to the community. The program fosters the growth of school loyalty within the student body as a whole and stimulates community interest. The game activities and practice sessions provide many opportunities to teach the values of competition and opportunities to teach the values of competition and sportsmanship.

**Section 2. Definition:** For purposes of this policy, the program of interscholastic athletics shall include all activities relating to competitive sport contests, games or events, or sport exhibitions involving individual students or teams of students of this District when such events occur between separate schools within this District or with any schools outside this District.

**Section 3. Authority:** It shall be the policy of the Board when offering opportunities for participation in interschool athletic programs to male and female students on as equal a basis as is practicable and in accordance with State regulations.

The Board shall approve annually any program of interscholastic athletics and shall require that all facilities utilized in that program properly safeguard both players and spectators and are kept free from hazardous conditions.

The Board adopts those eligibility standards and regulations set by the Constitution and the By-laws of any athletic associations and/or leagues to which the CAYBCS belongs.

The Board further directs that no students may participate in the program of interscholastic athletics who has not:

- A. maintained a record of academic proficiency.
- B. attended school regularly.
- C. demonstrated deportment consistent with the rules and regulations of the school and/or the athletic team.



BOARD OF TRUSTEES POLICY  
No. 110  
Section: Programs  
Title: Selection of Instructional  
Materials  
Date Adopted: January 10, 2001

**Section 1. Definitions:** “Instructional materials” or “materials” shall mean bearing print, images, or impressions (electronic or otherwise), or such objects, as carry and can convey information and serve as resource material for learning as well as textbooks and other primary classroom materials.

**Section 2. Objectives of Selection:** The Board generally accepts the objectives of:

- A. To provide materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities, cultural and maturity levels of the pupils served.
- B. To provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards.
- C. To provide a background of information which will enable pupils to make intelligent judgments in their daily life.
- D. To provide materials on opposing sides of controversial issues so that young citizens may develop, under guidance, the practice of critical analysis of all media.
- E. To provide materials representative of the many religious, ethnic, political and cultural groups and their contributions to our American heritage.
- F. To place principle above personal opinion, and reason above prejudice, in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the media center.
- G. To provide material without discrimination on the basis of race, color, national origin, religion or sex.

: The Board is legally responsible for all matters relating to the operation of the CAYBCS.

The responsibility for the selection of instructional materials is delegated to the professionally trained and certificated personnel employed by the Board, each according to his or her responsibility and position in the organization of the school.

Selection of materials involves many people: the CAO, teachers, supervisors, media specialists, students and parents. The responsibility for coordinating the selection of instructional materials and making the recommendation to the CAO for purchase, rests with the professionally trained instructional staff.

Section 4. Criteria for Selection of Instructional Materials: Needs of the individual school, based on knowledge of the curriculum and of the existing resources, will be given the first consideration. Further consideration will be on the basis of:

- A. overall purpose
- B. timeliness or permanence
- C. importance of the subject matter
- D. quality of the writing/production
- E. readability and popular appeal
- F. authoritativeness
- G. reputation of the publisher/producer
- H. reputation and significance of the author/artist/composer/producer, etc.
- I. format and price
- J. quality of content presentation
- K. cultural relevance

All requests will be considered provided they are in writing and clearly identified and are submitted to the CAO.

Section 5. Challenged Materials: Occasionally objection to a selection will be made by the public, despite the care taken to select valuable materials for student and teacher use, and the qualifications of persons who select the media.

If material is challenged, the procedures are as follows:

- A. Only complaints in written form, given to the CAO, will be given consideration. Individuals who telephone, or otherwise informally make a complaint, will be requested to file a written complaint. Such forms can be obtained through the CAO's office. The CAO will devise an appropriate form.
- B. Complaints with all questioned material, will be reported immediately to the CAO who will refer it to a committee appointed by the CAO, and composed of the CAO, two teachers and such other persons as may seem appropriate. The CAO shall act as chairperson.]
- C. The committee will review the complaint and make a written report and recommendations.
- D. A letter summarizing the action taken will be sent to the complainant by the CAO.
- E. The CAO's action may be appealed to a hearing of the Board.
- F. Final legal responsibility rests with the Board.



BOARD OF TRUSTEES POLICY  
No. 112  
Section: Programs  
Title: Evaluation of Educational  
Programs  
Date Adopted: January 10, 2001

**Section 1. Purpose:** The Board directs the CAO to develop and implement a systematic short-range and long-range plan for the continuing qualitative assessment of the progress of the educational program toward the goals established by the Board. To this end, he/she shall recommend such tests and methods as may be indicated by generally accepted professional practice and best professional judgement.

**Section 2. Authority:** The CAO shall periodically recommend improvements in the program and staff based upon the evaluation of the School's program. Test results shall not be used to make comparisons of the achievements or educational program of the CAVBCS with any other schools.

# Crispus Attucks Charter School

## SPECIAL EDUCATION POLICY NO. 113

Adopted: September 22, 2014      Revised: March 28, 2022

The Board of Trustees of the Crispus Attucks Charter School (“Charter School”) recognizes that charter schools must comply with Chapter 711 of Title 22 (“Chapter 711”) of the Pennsylvania Code, Charter School Services and Programs for Children with Disabilities.

The Board of Trustees of Charter School also recognizes that charter schools are not exempt from federal special education laws or regulations which include, but are not limited to, enumerated provisions of the federal law known as the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1400 et. Seq. (“IDEA”). The Charter School also recognizes and complies with Section 504 of the Rehabilitation Act of 1973 (“Section 504”), for school-age children with disabilities who do not meet the eligibility criteria outlined under the IDEA, but who might be eligible for special protections and for adaptations and accommodations in instruction, facilities, and activities. Section 504 protects children who have a mental or physical disability that substantially limits or prohibits participation in or access to an aspect of the school program and otherwise qualify under the applicable state and federal laws, including Chapter 711 and Section 504.

Pursuant to 22 Pa. Code §711.3:

“Charter schools and cyber charter schools assume the duty to ensure that a [free and appropriate public education], FAPE, is available to a child with a disability in compliance with IDEA and its implementing regulations in 34 CFR Part 300 (relating to assistance to states for the education of children with disabilities) and section 504 and its implementing regulations in 34 CFR Part 104 (relating to nondiscrimination on the basis of handicap in programs and activities receiving federal financial assistance).”

The Charter School’s special education program includes the supports and services needed for students who require specially designed instruction and other services, including related services, with all services provided at no cost to the student or parents and guardians. Programs are developed by qualified Charter School staff to meet the needs of all students. Individual Education Programs are developed on an individual basis by the IEP Team, pursuant to Sec. 300.321, and implemented in the Least Restrictive Environment, pursuant to Sec. 300.114. The term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§300.320 through 300.324, pursuant to Sec. 300.320.

The Charter School shall ensure that all children with disabilities enrolled in the Charter School, regardless of the severity of their disabilities, and who are in need of special education

and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine necessary special education and related services for students currently receiving special education and related services.

The Charter School must be able to document that children with disabilities, who are in need of special education programs and services, are identified and evaluated through published Child Find activities in accordance with 22 Pa. Code §711.21, a pertinent portion of which is set forth below:

Each charter school's or cyber charter school's written policy must include:

- (1) Public awareness activities sufficient to inform parents of children applying to or enrolled in the charter school or cyber charter school of available special education services and programs and how to request those services and programs. Written information shall be published in the charter school or cyber charter school handbook and web site.
- (2) Systematic screening activities that lead to the identification, location and evaluation of children with disabilities enrolled in the charter school or cyber charter school.

Basic screening procedures might include, but are not limited to, hearing and vision tests as well as grade level tests of academic performance.

For Child Find the school puts out an annual public notice of special education services and programs, and chapter 15/section 504 services.

The Charter School also complies with the Family Educational Rights and Privacy Act (20 U.S.C. §1232g; 34 CFR Part 99) ("FERPA"), which is a Federal law that protects the privacy of student education records, which includes special education records. Parental consent must be obtained before personally identifiable information is disclosed to parties, other than officials of participating agencies in accordance with Sec. 300.622(b)(1) of the IDEA, unless the information is contained in education records, and the disclosure is authorized without parental consent under 34 CFR part 99, in accordance with §300.622(a).

The Charter School recognizes that:

- Children with disabilities must be admitted to the Charter School on the same basis as children without disabilities.
- Upon admitting a child with a disability, the Charter School must provide services to address the child's specific needs.
- When a child with an IEP transfers to the Charter School, the Charter School is responsible upon enrollment for ensuring that the child receives special education and related services in conformity with the IEP, either by adopting the existing IEP or by developing a new IEP for the child in accordance with the requirements of IDEA, as set forth within the timelines in 22 Pa. Code §711.41.
- To meet the requirements of federal law, the Charter School may provide the services itself, or contract with another entity, such as an intermediate unit or a private licensed entity or individual to provide services, in accordance with the individual needs of the student, per the child's IEP, least restrictive environment requirements, and all criminal and child abuse clearance requirements.

Contact the Charter School CEO, or designee for questions about the Charter School Special Education program, the evaluation/reevaluation process, including forms for the Permission to Evaluate ("PTE") and Reevaluate ("PTRE"), and for the Parents Procedural Safeguards regarding consent for the evaluation and reevaluation processes, or for any matters concerning the IEP process and special education,. For a copy of the Procedural Safeguards Notice, contact the Charter School CEO or designee. The CEO or designee is directed to implement all procedures in accordance with this policy.

To the extent that anything in this policy could be construed to conflict with the school's charter or applicable state and/or federal laws, the applicable state and/or federal laws and/or charter control.



# OLD

## CRISPUS ATTUCKS CHARTER SCHOOL

No. 113

SECTION: Programs

TITLE: SPECIAL EDUCATION

ADOPTED: September 22, 2014

REVISED:

113 SPECIAL EDUCATION	
1. Purpose Title 22 Sec. 4.28, 12.1, 12.4, 14.102, 14.104 34 CFR Sec. 300.1	The district shall offer each student with a disability education programs and services that appropriately meet the student's needs for educational, instructional, transitional, and related services. A student who requires special education shall receive programs and services according to an individualized education program (IEP). The IEP shall provide access to the district's general curriculum and participation in state and local assessments, including supplemental aids and services that permit the student to be educated, to the maximum extent appropriate, with their nondisabled peers. The district shall provide a continuum of placement options to appropriately meet the needs of students with disabilities.
2. Definitions SC 502 Title 22 Sec. 14.101 20 U.S.C. Sec. 1401 34 CFR Sec. 300.8	<b>Students with disabilities</b> - school-aged children within the jurisdiction of the district who have been evaluated and found to have one or more disabilities as defined by law, and who require, because of such disabilities, special education and related services. School-aged children who have identified disabilities but do not require special education may be entitled to accommodations or services or to enroll in courses of study in the district which serve students with disabilities pursuant to other law or Board policy.
Title 22 Sec. 14.131 34 CFR Sec. 300.320- 300.324	<b>Individualized Education Program (IEP)</b> - the written educational statement for each student with a disability that is developed, reviewed and revised in accordance with federal and state laws and regulations.
20 U.S.C. Sec 1401 34 CFR Sec 300.30	<b>Parent/Guardian</b> – For purposes of this policy and Board policies related to special education, parent/guardian shall have the definition of <b>parent</b> in IDEA statute and regulations, which includes a biological or adoptive parent of a child; a foster parent, unless prohibited by state law or regulations; a guardian authorized to act as the child's parent, in accordance with law or regulations; an individual acting in place of a parent, including a grandparent or other relative, with whom the child lives or an individual legally responsible for the child's welfare; or an appointed surrogate parent, in accordance with law and regulations.

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<p>Page 2 of 6  3. Authority  SC 1372  Title 22  Sec. 4.28, 12.1,  12.41,  14.101 et seq  20 U.S.C.  Sec. 1400 et seq  29 U.S.C.  Sec. 794  42 U.S.C.  Sec. 12101 et seq  34 CFR  Part 300</p>	<p>The Board directs that all resident students with disabilities shall be identified, evaluated, and provided with appropriate educational programs and services, in accordance with federal and state laws and regulations. The district shall establish and implement a system of procedural safeguards and parental notification as part of its Special Education Plan.</p>
<p>Title 22  Sec. 4.13, 14.104</p>	<p>The district's Special Education Plan shall include procedures for identifying and educating students with disabilities and shall be aligned with the Strategic Plan adopted by the Board.</p>
<p>SC 1372  Title 22  Sec. 14.104</p>	<p>The Board shall determine the facilities, programs, services and staff that will be provided by the district for the instruction of students with disabilities, based upon the identified needs of the district's special education population.</p>
<p>Title 22  Sec. 14.104</p>	<p>In order to maintain an effective Special Education Plan, the Board may participate in special education programs of Lincoln Intermediate Unit No. 12.</p>
<p>4. Delegation of Responsibility</p>	<p>The CAO or designee is directed to annually recommend to the Board the employment and retention of necessary, qualified staff and provision of required facilities, programs and services to provide for the needs of students with disabilities.</p> <p>The CAO or designee shall develop procedures for evaluating the effectiveness of the district's Special Education Plan and shall periodically report to the Board the criteria and results of such evaluation.</p>
<p>5. Guidelines  Title 22  Sec. 4.28, 14.145  20 U.S.C  Sec. 1414  34 CFR  Sec. 300.320-  300.327</p>	<p>Each student with a disability shall be educated pursuant to an IEP which shall provide an appropriate education in the least restrictive environment, in accordance with federal and state regulations.</p> <p>The district prohibits discrimination based on disability. Students with disabilities are entitled to receive services and accommodations which will permit them to participate in district programs, services and activities as required by law.</p>

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<p>Title 22 Sec. 14.104 34 CFR Sec. 300.201 et seq</p>	<p>The district's Special Education Plan shall comply with the requirements of state and federal law and regulations. The district shall establish procedures to ensure the plan is updated and implemented as necessary. The Special Education Plan shall address:</p> <ol style="list-style-type: none"> <li>1. Educational plans.</li> <li>2. Child find.</li> <li>3. Identification of special education programs that are operated in the district, those operated in the district by the Intermediate Unit, vocational schools and other agencies.</li> <li>4. Staff and parent/guardian training.</li> <li>5. Assessments.</li> <li>6. Screening.</li> <li>7. Criteria the district will use to identify specific learning disabilities.</li> <li>8. Evaluation.</li> <li>9. Re-evaluation.</li> <li>10. Individualized Education Program (IEP), including examples of supplementary aids and services provided by district.</li> <li>11. Extended School Year services (ESY).</li> <li>12. Behavior support.</li> <li>13. A full continuum of educational placements and evidence that placements in other than regular education settings are not based on lack of resources, facilities, staff or for administrative convenience.</li> <li>14. Disciplinary placements.</li> <li>15. Facilities.</li> <li>16. Early intervening services, if provided by the district.</li> <li>17. Procedural safeguards.</li> <li>18. Confidentiality of information.</li> <li>19. Highly qualified staff.</li> <li>20. Maintenance of information concerning students with disabilities, services provided,</li> </ol>
<p>34 CFR Sec. 99.21, 300.510- 300.516, 300.619</p>	



<p>Title 22 Sec. 14.104</p>	<p>If the district is identified with significant disproportionality, the Special Education Plan shall include prevention measures for inappropriate over identification and disproportionate representation by race or ethnicity of children with disabilities.</p> <p><u>Fiscal And Program Compliance</u></p> <p>The CAO or designee shall establish procedures to ensure that the district complies with all federal and state law and regulations and program requirements for special education-related funding and reimbursement.</p> <p>The district may coordinate with Lincoln Intermediate Unit No. 12 to establish procedures, fulfill reporting requirements and participate in applicable programs.</p> <p><u>Child Find</u></p> <p>The district will notify its families of its special education services and how to access them. Systematic screening procedures will be used to identify, locate, and evaluate students for services</p>
<p>Title 22 Sec. 15.9 34 CFR Sec. 300.611- 300.627</p>	<p><u>Confidentiality</u></p> <p>The district shall maintain a system of safeguards to protect the confidentiality of students' educational records and personally identifiable information when collecting, storing, disclosing and destroying student records. District staff shall maintain the confidentiality of student records and personally identifiable information, as required by law and regulations.</p> <p>The district may release, without parent/guardian consent, educational records that the district has designated as directory information. The district shall obtain written parent/guardian consent prior to releasing a student's educational records when prior consent is required by law, regulations or Board policy.</p> <p>The district shall notify parents/guardians prior to destroying personally identifiable information in a student's record that is no longer relevant or necessary for providing educational services to the student.</p> <p><u>Recording Of Meetings</u></p> <p>Except as specifically provided for within this policy, the district prohibits audio, video and electronic recording of meetings between parents/guardians and district teachers, paraprofessionals, program specialists, consultants, or administrators. An attempt to record a meeting by a parent/guardian after a verbal prohibition by district staff shall result in immediate termination of the meeting and may result in ejection from district property and possible prosecution. The district shall permit audio recording of a meeting when a participant submits, at least five (5) days prior to the meeting, documentation that substantiates:</p> <ol style="list-style-type: none"><li>1. Participant has a disability that significantly limits his/her ability to meaningfully</li></ol>

understand or participate in the meeting's intended decision-making and recording is the only feasible means of accommodating the limitation.

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2. Individual has a legitimate interest in attending the meeting but for good cause is unable to do so, and recording is the only feasible means by which s/he can meaningfully understand and participate in the decision-making.

The district may permit video taping of a meeting when written consent is given by all participants at the meeting.

When an exception to recording a meeting is granted, the district employee responsible for the meeting shall arrange to record the meeting by similar means. Such recording shall be considered part of the student's educational record and be subject to relevant law and regulations.

The district shall inform parents/guardians when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the student. After notice, such information shall be destroyed upon parental request.

References:

School Code – 24 P.S. Sec. 502, 1371,1372

State Board of Education Regulations – 22 PA Code Sec. 4.13, 4.28, 12.1, 12.4, 12.41, 14.101 et seq., 15.9

Family Educational Rights and Privacy Act – 20 U.S.C. Sec. 1232g

Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.

Section 504 of the Rehabilitation Act – 29 U.S.C. Sec. 794

Americans With Disabilities Act – 42 U.S.C. Sec. 12101 et seq.

Family Educational Rights and Privacy, Title 34, Code of Federal Regulations – 34 CFR Part 99

Individuals With Disabilities Education, Title 34, Code of Federal Regulations – 34 CFR Part 300

Pennsylvania Training and Technical Assistance Network – [www.pattan.net](http://www.pattan.net)

**OLD**

## Crispus Attucks Charter School

### EXCLUSIONS: SUSPENSIONS AND EXPULSIONS POLICY NO. 113.1

Adopted: September 22, 2014      Revised: March 28, 2022

There are special rules in Pennsylvania for excluding children with disabilities for disciplinary reasons as set forth in Chapter 711 of Title 22 of the Pennsylvania Code as well as the Procedural Safeguards Notice available through PaTTAN. The Board of Trustees of the Crispus Attucks Charter School (“Charter School”) directs compliance with these requirements and directs the CEO or his/her designee to implement procedures necessary to effectuate the following:

#### **AUTHORITY OF SCHOOL PERSONNEL (34 CFR §300.530)**

##### **1. Case-by-case determination**

Charter School personnel may consider any unique circumstances on a case-by-case basis, when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a child with a disability who violates a school code of student conduct.

##### **2. General**

To the extent that they also take such action for children without disabilities, school personnel may, for not more than 10 consecutive school days, remove a child with a disability (other than a child with mental disability) who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension. School personnel may also impose additional removals of the child of not more than 10 consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement (see **Change of Placement Because of Disciplinary Removals** for the definition, below) or exceed 15 cumulative school days in a school year. Once a child with a disability has been removed from his or her current placement for a total of **10** school days in the same school year, the Charter School must, during any subsequent days of removal in that school year, provide services to the extent required below under the sub-heading **Services**.

##### **3. Additional authority**

If the behavior that violated the student code of conduct was not a manifestation of the child’s disability (see **Manifestation Determination**, below) and the disciplinary change of placement would exceed 10 consecutive school days,

school personnel may apply the disciplinary procedures to that child with a disability in the same manner and for the same duration as it would to children without disabilities, except that the school must provide services to that child as described below under **Services**. The child's IEP Team determines the interim alternative educational setting for such services. Under PA special education regulations, a disciplinary exclusion of a student with a disability for more than 15 cumulative school days in a school year will be considered a pattern so as to be deemed a change in educational placement (explained under Change of Placement Because of Disciplinary Removals). The Charter School is required to issue a NOREP/Prior Written Notice to parents prior to a removal that constitutes a change in placement (removal for more than 10 consecutive days or 15 cumulative days).

#### **4. Services**

The services that must be provided to a child with a disability who has been removed from the child's current placement may be provided in an interim alternative educational setting. A charter school is only required to provide services to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who has been similarly removed. Students may have the responsibility to make up exams and work missed while being disciplined by suspension and may be permitted to complete these assignments within guidelines established by their charter school.

A child with a disability who is removed from the child's current placement for more than 10 consecutive school days must:

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

After a child with a disability has been removed from his or her current placement for 10 school days during one school year, or if current removal is for 10 consecutive school days or less, and if the removal is not a change of placement (see definition below), then school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.



If the removal is a change of placement (see definition below), the child's IEP Team determines the appropriate services to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

#### **5. Manifestation determination**

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct (except for a removal that does not constitute a change in educational placement i.e., is for 10 consecutive school days or less and not a change of placement), the Charter School, the parent, and relevant members of the IEP Team (as determined by the parent and the Charter School) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

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

If the Charter School, the parent, and relevant members of the child's IEP Team determine that either of those conditions were met, the conduct must be determined to be a manifestation of the child's disability.

If the Charter School, the parent, and relevant members of the child's IEP Team determine that the conduct in question was the direct result of the Charter School's failure to implement the IEP, the Charter School must take immediate action to remedy those deficiencies.

#### **6. Determination that behavior was a manifestation of the child's disability**

If the Charter School, the parent, and relevant members of the IEP Team determine that the conduct was a manifestation of the child's disability, the IEP Team must either:

- a. Conduct a functional behavioral assessment, unless the Charter School had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or
- b. If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

Except as described below under the sub-heading Special circumstances, the Charter School must return the child to the placement from which the child was

removed, unless the parent and the Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

## 7. **Special circumstances**

Whether or not the behavior was a manifestation of the child's disability, school personnel may remove a student to an interim alternative educational setting (determined by the child's IEP Team) for up to 45 school days, if the child:

- a. Carries a weapon (see the Definitions below) to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of the Charter School;
- b. Knowingly has or uses illegal drugs (see the **Definitions** below), or sells or solicits the sale of a controlled substance, (see the **Definitions** below), while at school, on school premises, or at a school function under the jurisdiction of the Charter School; or
- c. Has inflicted serious bodily injury (see the **Definitions** below) upon another person while at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a charter school.

## 8. **Definitions**

- a. *Controlled substance* means a drug or other substance identified under schedules I, II, III, IV, or V in section 202 (c) of the Controlled Substances Act (21 U.S.C. 812(c)).
- b. *Illegal drug* means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.
- c. *Serious bodily injury* has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.
- d. *Weapon* has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

## 9. **Notification**

On the date it makes the decision to make a removal that is a change of placement of the child because of a violation of a code of student conduct, the Charter School must notify the parents of that decision and provide the parents with a procedural safeguards notice.

## **Change of Placement Because Of Disciplinary Removals**

A removal of a child with a disability from the child's current educational placement is a change of placement requiring a NOREP/prior written notice if:

1. The removal is for more than 10 consecutive school days; or
2. The removal is for 15 cumulative school days total in any one school year;
3. The child has been subjected to a series of removals that constitute a pattern because:
  - a. The series of removals total more than 10 school days in a school year;
  - b. The child's behavior is substantially similar to the child's behavior in previous incidents that resulted in a series of removals;
  - c. Of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another; and

Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by the Charter School and, if challenged, is subject to review through due process and judicial proceedings.

### **Determination of Setting**

The IEP team must determine the interim alternative educational setting for removals that are **changes of placement**, and removals under the headings *Additional authority* and *Special circumstances*, above.

#### **1. General**

The parent of a child with a disability may file a due process complaint (see above) to request a due process hearing if he or she disagrees with:

- a. Any decision regarding placement made under these discipline provisions; or
- b. The manifestation determination described above.

the Charter School may file a due process complaint (see above) to request a due process hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

#### **2. Authority of hearing officer**

A hearing officer that meets the requirements described under the sub-heading Impartial Hearing Officer must conduct the due process hearing and make a decision.

The hearing officer may:

- a. Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of the requirements described under the heading Authority of School Personnel, or that the child's behavior was a manifestation of the child's disability; or

- b. Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

These hearing procedures may be repeated, if the Charter School believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

Whenever a parent or charter school files a due process complaint to request such a hearing, a hearing must be held that meets the requirements described under the headings **Due Process Complaint Procedures, Hearings on Due Process Complaints**, except as follows:

1. The LEA must arrange for an expedited due process hearing, which must occur within 20 school days of the date the hearing is filed and must result in a determination within 10 school days after the hearing.
2. Unless the parents and the Charter School agree in writing to waive the meeting, or agree to use mediation, a resolution meeting must occur within 7 calendar days of receiving notice of the due process complaint. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 calendar days of receipt of the due process complaint.

A party may appeal the decision in an expedited due process hearing in the same way as they may for decisions in other due process hearings.

When, as described above, the parent or the Charter School has filed a due process complaint related to disciplinary matters, the child must (unless the parent and the State Educational Agency or the Charter School agree otherwise) remain in the interim alternative educational setting pending the decision of the hearing officer, or until the expiration of the time period of removal as provided for and described under the heading **Authority of School Personnel**, whichever occurs first.

### **Special Rules for Students with Intellectual Disability**

The disciplinary removal of a child with an intellectual disability for any amount of time is considered a change in placement and requires NOREP/Prior Written Notice (if the disciplinary event does not involve drugs, weapons and/or serious bodily injury). A removal from school is not a change in placement for a child who is identified with an intellectual disability when the disciplinary event involves weapons, drugs, and/or serious bodily injury. According to certain assurances the Commonwealth entered into related to the PARC consent decree, the Charter School

may suspend on a limited basis a student with an intellectual disability who presents a danger to himself or others upon application and approval by the Bureau of Special Education, and only to the extent that a student with a disability other than an intellectual disability, could be suspended.

## **Protections for Children Not Yet Eligible for Special Education and Related Services**

### **1. General**

If a child has not been determined eligible for special education and related services and violates a code of student conduct, but the Charter School had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred, that the child was a child with a disability, then the child may assert any of the protections described in this notice.

### **2. Basis of knowledge for disciplinary matters**

**A charter school must be deemed to have knowledge that a child is a child with a disability if, before the behavior that brought about the disciplinary action occurred:**

- a. The parent of the child expressed concern in writing that the child is in need of special education and related services to supervisory or administrative personnel, or a teacher of the child;
- b. The parent requested an evaluation related to eligibility for special education and related services under Part B of the IDEA; or
- c. The child's teacher, or other Charter School personnel expressed specific concerns about a pattern of behavior demonstrated by the child directly to the Charter School's director of special education or to other supervisory personnel of the Charter School.

### **3. Exception**

**A charter school would not be deemed to have such knowledge if:**

- a. The child's parent has not allowed an evaluation of the child or refused special education services; or
- b. The child has been evaluated and determined to not be a child with a disability under Part B of the IDEA.

### **4. Conditions that apply if there is no basis of knowledge**

If prior to taking disciplinary measures against the child, a charter school does not have knowledge that a child is a child with a disability, as described above under the sub-headings **Basis of knowledge for disciplinary matters** and **Exception**, the child may be subjected to the disciplinary measures that are applied to children without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the Charter School, and information provided by the parents, the Charter School must provide special education and related services in accordance with Part B of the IDEA, including the disciplinary requirements described above.

## **B. REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES**

### **1. The state and federal regulations do not:**

- a. Prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities; or
- b. Prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

Subsequent to a referral to law enforcement, an updated functional behavior assessment and positive behavior support plan are required.

### **2. Transmittal of records**

If a charter school reports a crime committed by a child with a disability, the charter school: must ensure that copies of the child's special education and disciplinary records are transmitted for consideration by the authorities to whom the agency reports the crime; and may transmit copies of the child's special education and disciplinary records only to the extent permitted by FERPA.

## NON-DISCRIMINATION

The Charter School shall not discriminate in its discipline policies or practices on the basis of intellectual ability, status as a person with a disability, proficiency in the English language or any other basis that would be illegal under applicable state and/or federal laws.

The CEO or his/her designee is directed to develop procedures and practices related to the use of positive behavioral interventions and supports, and procedural safeguards and to ensure that those policies and procedures are implemented.

to the extent that anything in this policy could be construed to conflict with the school's charter or applicable state and/or federal laws, the applicable state and/or federal laws and/or charter control.

**CRISPUS ATTUCKS  
CHARTER SCHOOL**

**OLD**

No. 113.1

SECTION: Programs

TITLE: DISCIPLINE OF STUDENTS  
WITH DISABILITIES

ADOPTED: September 22, 2014

REVISED:

113.1 DISCIPLINE OF STUDENTS WITH DISABILITIES	
<p>1. Purpose Title 22 Sec. 14.133</p>	<p>The district shall develop and implement positive Behavior Support Plans and programs for students with disabilities who require specific interventions to address behaviors that interfere with learning.</p>
<p>Title 22 Sec. 14.133, 14.143 34 CFR Sec. 300.530</p>	<p>Students with disabilities who violate the Code of Student Conduct, or engage in inappropriate behavior, disruptive or prohibited activities and/or actions injurious to themselves or others, shall be disciplined in accordance with state and federal laws and regulations and Board policy and, if applicable, their Individualized Education Program (IEP) and Behavior Support Plan.</p>
<p>2. Definitions</p>	<p>Students with disabilities - school-aged children within the jurisdiction of the district who have been evaluated and found to have one or more disabilities as defined by law, and who require, because of such disabilities, special education and related services.</p>
<p>Title 22 Sec. 12.6 Title 22 Sec. 12.6</p>	<p>Suspensions from school - disciplinary exclusions from school for a period of one (1) to ten (10) consecutive school days.</p>
<p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(g)</p>	<p>Expulsions from school - disciplinary exclusions from school by the Board for a period exceeding ten (10) consecutive school days and may include permanent exclusion from school.</p>
	<p>Interim alternative educational settings - removal of a student with a disability from his/her current placement. Interim alternative educational settings may be used by school personnel for up to forty-five (45) school days for certain infractions committed by students with</p>



disabilities. The IEP team shall determine the interim alternative educational setting.



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<p>3. Authority Title 22 Sec. 14.143 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530</p>	<p>The Board directs that the district shall comply with provisions of the Individuals With Disabilities Education Act (IDEA) and federal and state regulations when disciplining students with disabilities for violations of district policy or school rules and regulations. No student with a disability shall be subjected to a disciplinary change in placement if the student's particular misconduct is a manifestation of his/her disability. However, under certain circumstances a student may be placed in an interim alternative educational setting by school personnel or the IEP team could, if appropriate, change the student's educational placement to one which is more restrictive than the placement where the misconduct occurred.</p> <p><u>Provision Of Education During Disciplinary Exclusions</u></p>
<p>Title 22 Sec. 12.6(e) 20 U.S.C. Sec. 1412(a) 34 CFR Sec. 300.530(b), (d)</p>	<p>During any period of expulsion, or suspension from school for more than ten (10) cumulative days in a year, or placement in an interim alternative educational setting for disciplinary reasons, a student with a disability shall continue to receive a free and appropriate education, in accordance with law.</p>
<p>3. Guidelines  Title 22 Sec. 12.6, 14.143 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530, 300.536</p>	<p><u>Suspension From School</u></p> <p>A student with a disability may be suspended for ten (10) consecutive and fifteen (15) cumulative days of school per school year, regardless of whether the student's behavior is a manifestation of his/her disability. Such suspension shall not constitute a change in the student's educational placement. Also, use of interim alternative educational settings permitted by law does not constitute a change in educational placement for these purposes.</p>
<p>Title 22 Sec. 14.143 34 CFR Sec. 300.530</p>	<p><u>Changes In Educational Placement/Manifestation Determinations</u></p> <p>For disciplinary exclusions which constitute a change in educational placement, the district shall first determine whether the student's behavior is a manifestation of his/her disability. Expulsion, or exclusion from school for more than fifteen (15) cumulative days in a year, or patterns of suspensions for substantially identical behaviors constitute changes in educational placements requiring a manifestation determination. For students with mental retardation, any disciplinary suspension or expulsion is a change in educational placement.</p>
<p>Title 22 Sec. 14.143 34 CFR</p>	<p>A student with a disability whose behavior is not a manifestation of his/her disability may be disciplined in accordance with Board policy, district rules and regulations in the same manner and to the same extent as students without disabilities. The district shall comply</p>

Sec. 300.530(c)	with a parental request for review within forty-five (45) days following receipt of the request.
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	<p><u>Parent/Guardian Appeals From Disciplinary Actions/Request For Hearing By District For Students Who Are A Danger To Themselves Or Others</u></p> <p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.532</p> <p>A due process hearing may be requested by a parent/guardian of a student with a disability who disagrees with a disciplinary placement or manifestation determination, or by the district if the district believes that the current placement is substantially likely to result in injury to the student or others. On parent/guardian appeal, or when the district requests a due process hearing, the hearing officer may return the student to the placement from which s/he was removed or order his/her removal to an appropriate interim alternative educational setting for up to forty-five (45) school days if the hearing officer determines that maintaining the child's current placement is substantially likely to result in an injury to the student or others. The district shall provide parents/guardians, upon request, a list of the types and locations of education records collected, maintained, or used by the district.</p> <p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.533</p> <p>Placement during appeals of disciplinary actions shall be in the interim alternative educational setting pending the decision of the hearing officer or expiration of the time period set for the disciplinary exclusion from the student's regular placement unless the district and the parent/guardian agree otherwise.</p> <p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.534</p> <p>Students who have not been identified as disabled may be subject to the same disciplinary measures applied to students without disabilities if the district did not have knowledge of the disability. If a request for evaluation is made during the period the student is subject to disciplinary measures, the evaluation shall be expedited.</p> <p><u>Administrative Removal To Interim Alternative Educational Setting For Certain Infractions</u></p> <p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(g)</p> <p>School personnel may remove a student with a disability, including mental retardation, to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability if the student:</p> <p>18 U.S.C. Sec. 930 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(i)</p> <p>1. Carries a weapon to or possesses a weapon at school, on school property, or at school functions under the jurisdiction of the district. For purposes of this provision, weapon is defined as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half (2 ½) inches in length.</p> <p>20 U.S.C. Sec. 1415(k)</p> <p>2. Knowingly possesses or uses illegal drugs, as defined by law, or sells or solicits the sale of a controlled substance, as defined by law, while at school, on school property, or at</p>
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21 U.S.C. Sec. 812(c) 34 CFR Sec. 300.530(i)	school functions under the jurisdiction of the district.
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113.1 DISCIPLINE OF STUDENTS WITH DISABILITIES - Pg. 4

18 U.S.C. Sec. 1365(h)(3) 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(i)	<p>3. Has inflicted serious bodily injury upon another person while at school, on school property, or at school functions under the jurisdiction of the district. For purposes of this provision, serious bodily injury means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.</p> <p><u>Referral To Law Enforcement</u></p>
20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.535	<p>The district shall report crimes committed by a student with a disability to the appropriate authorities in the same manner as it reports crimes committed by students without disabilities.</p> <p>References:</p> <p>School Code – 24 P.S. Sec. 510</p> <p>State Board of Education Regulations – 22 PA Code Sec. 12.6, 14.133, 14.143</p> <p>Crimes Code, Possession of Firearms and Dangerous Weapons – 18 U.S.C. Sec. 930</p> <p>Crimes Code, Definition, Serious Bodily Injury – 18 U.S.C. Sec. 1365(h)(3)</p> <p>Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.</p> <p>Controlled Substances Act – 21 U.S.C. Sec. 812</p> <p>Individuals With Disabilities Education, Title 34, Code of Federal Regulations – 34 CFR Part 300</p>

# Crispus Attucks Charter School

## POSITIVE BEHAVIOR SUPPORT POLICY NO. 113.2

Adopted: September 22, 2014      Revised: March 28, 2022

In accordance with applicable state regulations, including Title 22 Pa. Code Chapter 711.46, the Board of Trustees ("Board") of the Crispus Attucks Charter School ("Charter School") has established this policy to effectuate a program of positive behavior support at the Charter School.

### DEFINITIONS:

*Aversive techniques*--Deliberate activities designed to establish a negative association with a specific behavior.

*Positive behavior support plan*--A plan for students with disabilities who require specific intervention to address behavior that interferes with learning. A positive behavior support plan shall be developed by the individualized education program ("IEP") team and be based on a functional behavior assessment and become part of the student's IEP. These plans include methods that utilize positive reinforcement and other positive techniques to shape a student's behavior, ranging from the use of positive verbal statements as a reward for good behavior to specific tangible rewards.

#### *Restraints –*

(i) The application of physical force, with or without the use of a device, for the purpose of restraining the free movement of a student's body. The term does not include briefly holding, without force, of a student to calm or comfort him, guiding a student to an appropriate activity, or holding a student's hand to safely escort him from one area to another.

(ii) Excluded from this definition are hand-over-hand assistance with feeding or task completion and techniques prescribed by a qualified medical professional for reasons of safety or for therapeutic or medical treatment, as agreed to by the student's parents and specified in the IEP. Devices used for physical or occupational therapy, seatbelts in wheelchairs or on toilets used for balance and safety, safety harnesses in buses, and functional positioning devices are examples of mechanical restraints which are excluded from this definition.

### **POSITIVE BEHAVIOR SUPPORT:**

Positive rather than negative measures shall form the basis of positive behavior support programs to ensure that all of the Charter School's students shall be free from demeaning treatment, the use of aversive techniques and the unreasonable use of restraints.

Positive techniques required for the development, change and maintenance of behavior shall be the least intrusive necessary.

### **FUNCTIONAL BEHAVIOR ASSESSMENT:**

Behavior support programs and plans shall be based on a functional assessment of behavior ("FBA") and utilize positive behavior techniques. When an intervention is needed to address problem behavior, the types of intervention chosen for a particular student must be the least intrusive necessary.

The IDEA does not provide specific guidelines and recommendations concerning how to conduct an FBA. However, the Charter School follows, among other things, guidelines from PaTTAN regarding the FBA process which "is frequently used to determine the nature and extent of the special education and related services that the child needs, including the need for a positive behavior support plan. As with other individualized evaluation procedures, and consistent with 34 CFR §300.300 (a) and (c), parental consent is required for an FBA to be conducted as part of the initial evaluation or a reevaluation."

### **RESTRAINTS:**

Per PDE, the use of restraints is considered a measure of last resort, only to be used after other less restrictive measures, including de-escalation techniques.

Restraints to control acute or episodic aggressive or self-injurious behavior may be used only when the student is acting in a manner as to be a clear and present danger to himself, to other students or to employees, and only when less restrictive measures and techniques have proven to be or are less effective.

In the event that the need to use restraint cannot be reasonably anticipated for a particular student, or the parents/guardians refuse to provide consent therefore, appropriately trained staff may use such restraint when the student is acting in a manner that constitutes a clear and present danger to him/herself, to other students, or to employees.

### **NOTIFICATION OF USE OF RESTRAINT AND PROCEDURES:**

The use of restraints to control the aggressive behavior of an individual student shall cause the Charter School to notify the parent of the use of restraint and shall cause a meeting of the IEP team within 10 school days of the inappropriate behavior causing the use of restraints in order to review the effectiveness and appropriateness of the current IEP, unless the parent, after written notice, agrees in writing to waive the meeting. At this meeting, the IEP team shall consider whether the student needs a functional behavioral assessment, reevaluation, a new or revised positive behavior support plan or a change of placement to address the inappropriate behavior.

### **INCLUSION OF USE OF RESTRAINTS IN A STUDENT'S IEP:**

The use of restraints may only be included in a student's IEP when:

- (i) Utilized with specific component elements of positive behavior support.
- (ii) Used in conjunction with the teaching of socially acceptable alternative skills to replace problem behavior.
- (iii) Staff are authorized to use the procedure and have received the staff training required.
- (iv) There is a plan in place for eliminating the use of restraint through application of positive behavior support.

The use of restraints may not be included in the IEP for the convenience of staff, as a substitute for an educational program or employed as punishment.

### **PROHIBITION AGAINST PRONE RESTRAINTS:**

The use of prone restraints is **prohibited** in educational programs. Prone restraints are those in which a student is held face down on the floor.

## RESTRAINT REPORTING AND PROCEDURES:

The Charter School shall maintain and report data on the use of restraints as prescribed by the Secretary of the Department of Education. The report is subject to review during cyclical compliance monitoring conducted by the Department.

## MECHANICAL RESTRAINTS:

Mechanical restraints are used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions, may be employed. The use of mechanical restraints must be recommended by a qualified medical professional, agreed to by the parent(s), and specified in the IEP. This type of restraint must be applied as recommended by qualified medical personnel. Mechanical restraints must prevent a student from injuring himself or others or promote normative body positioning and physical functioning. Charter School staff must be trained in use of mechanical restraints.

## PROHIBITION AGAINST AVERSIVE TECHNIQUES:

The following aversive techniques of handling behavior are considered inappropriate and **shall not** be used in educational programs:

- (1) Corporal punishment.
- (2) Punishment for a manifestation of a student's disability.
- (3) Locked rooms, locked boxes or other locked structures or spaces from which the student cannot readily exit.
- (4) Noxious substances.
- (5) Deprivation of basic human rights, such as withholding meals, water or fresh air.
- (6) Suspensions constituting a pattern.
- (7) Treatment of a demeaning nature.
- (8) Electric shock.

## TRAINING OF PERSONNEL

The Board of Trustees hereby directs that school personnel be trained each school year on the general use of positive behavior support, de-escalation techniques, and emergency responses.

In addition to general positive behavior support training, when students are identified as in need of these supports, individual teachers and teacher groups are notified and trained accordingly so that they can act in accordance with the student's specific

Positive Behavior Support Plan and de-escalation techniques, and respond appropriately in emergencies.

Per guidance from the Pennsylvania Department of Education, staff trainings include core training components of the positive support plan and de-escalation (restraint reduction).

## **REPORTING**

Administration is directed to write internal procedures that detail who is responsible for reporting restraints, who is responsible for notifying key administrators regarding the use of a restraint, and who is responsible for entering restraints in any PDE system to reporting on the use of restraints. Administration is further directed to comply with PDE guidelines regarding the reporting of the use of restraints. Staff trained and/or certified in a program of positive behavioral supports and de-escalation techniques, and safe physical management techniques will be designated as the individuals to intervene in crisis management situations that might require restraint of a student. Physical interventions should only be undertaken by staff persons who have successfully completed a comprehensive crisis management course that covers: crisis definition and theory; the use of de-escalation techniques; crisis communication; anger management; passive physical intervention techniques; the legal, ethical, and policy aspects of physical intervention use; decision making related to physical interventions and debriefing strategies.

Parental notification should occur within one school day of a restraint incident unless other procedures are written in the student's IEP for students with disabilities.

Any restraint that results in an injury to a student and/or staff person must be reported to the CEO who will comply with any requirement to report the injury to the Bureau of Special Education or other reporting requirements.

## **ADDITIONAL REQUIREMENTS AND ADMINISTRATIVE PROCEDURES**

The CEO or his/her designee is directed to ensure that behavior support programs administered at the Charter School are in accordance with Title 22 Pa. Code Chapter 711, including the training of personnel for the use of specific procedures, methods and techniques, and for having written procedures on the use of behavior support techniques and obtaining parental consent prior to the use of restrictive or intrusive procedures or restraints.

The CEO or his/her designee is further directed to make professional development opportunities provided by the Bureau of Special Education available to train staff regarding Positive Behavior Support.



The CEO or his/her designee is charged with using the most updated forms available through the Bureau of Special Education related to positive behavior support, including the use of any forms promulgated for functional behavior assessments and behavior support plans.

### **REFERRALS TO LAW ENFORCEMENT**

An updated functional behavior assessment and positive behavior support plan shall be required subsequent to a referral to law enforcement, including revisions to the IEP, for a student with a disability who has a positive behavior support plan.

For a student with a disability who does not have a positive behavior support plan, subsequent to notification to law enforcement, the Charter School shall convene the student's IEP Team to consider whether a behavior support plan should be developed to address the student's behavior, in accordance with law, regulations and Board policy.

To the extent that anything in this policy could be construed to conflict with the school's charter or applicable state and/or federal laws, the applicable state and/or federal laws and/or charter control.

CRISPUS ATTUCKS  
CHARTER SCHOOL

**OLD**

No. 113.2

SECTION: Programs

TITLE: BEHAVIOR SUPPORT

ADOPTED: September 22, 2014

REVISED:

113.2 BEHAVIOR SUPPORT	
1. Purpose	The district believes in the use of positive behavior support. This policy is designed to enable students with individualized educational programs (IEPs), who need a behavior support program, to benefit from their free appropriate education program within the least restrictive environment.
2. Authority Title 22 Sec. 14.133	A behavior support program shall be developed for eligible students whose actual or anticipated behavior, as determined by the IEP team, is a manifestation of the student's disability and for students who have been identified as seriously and emotionally disturbed.
3. Definition Title 22 Sec. 14.133	<p>Application of the behavior support program shall not constitute a change in the student's educational placement.</p> <p>The following terms shall have these meanings, unless the context clearly indicate otherwise:</p> <p>Aversive techniques - deliberate activities designed to establish a negative association with a specific behavior.</p> <p>Behavior support - development, change and maintenance of selected behaviors through the systematic application of behavior change techniques.</p> <p>Positive techniques - methods that utilize positive reinforcement to shape a student's behavior, ranging from the use of positive verbal statements as a reward for good behaviors to specific tangible rewards.</p>

Restraints - devices and techniques designed and used to control acute or episodic aggressive behaviors or to control involuntary movements or lack of muscular control due to organic causes or conditions; the term includes physical and mechanical restraints.

# OLD

## 113.2 BEHAVIOR SUPPORT- Pg. 2

### 4. Guidelines

Effective techniques to: modify the contextual influences of behavior (i.e. setting events and immediate antecedent events); teach socially appropriate alternative skills; and reduce problem behavior will be employed. Positive techniques shall be attempted prior to the use of more intrusive or restraining measures and will also be monitored along with improvements in the student's general health and well-being as a result of positive behavior support. A least to most intrusive hierarchy of strategies will be utilized.

The behavior support plan for a student with an IEP must be designed/implemented in accordance with Pennsylvania Department of Education (PDE) Guidelines for Effective Behavior Support. Specifically, a multicomponent approach to modify contextual influences, teach alternative skills, and reduce problem behavior is to be documented in the Behavior Improvement Plan. Evaluation procedures must also be present.

Positive rather than negative measures shall form the basis of behavior support programs. The types of intervention chosen for a particular student shall be the least intrusive necessary. Aversive techniques, restraints or discipline procedures may not be used as a substitute for an educational program, for the convenience of staff or employed as punishment, and may not be included in the IEP.

The use of physical restraint when implemented as a protective procedure must be documented as a part of a student's crisis management plan in the student's Behavior Improvement Plan with his/her IEP. Restraints used to control acute or episodic aggressive behavior may be used only when the student is acting in a manner as to be a clear and present danger to him/herself, other students, or employees, and only when less restrictive measures and techniques have been proven to be or are less effective. The use of restraints to control the aggressive behavior of an individual student shall cause a meeting of the IEP team to review the current IEP for appropriateness and effectiveness.

District personnel will be trained in the use of specific procedures, methods, and techniques for the utilization of physical restraint as a protective procedure and shall be certified in crisis intervention strategies.

If the use of physical restraint is considered for use as a protective procedure as a part of the crisis management plan, the Behavior Improvement Plan may be reviewed by a human rights review committee for positive effective techniques to assure the dignity and rights of the student are being considered.

The use of reduction-oriented consequence strategies, including the crisis management plan, may not be employed as punishment for the convenience of staff, or as a substitute for an educational program.

Mechanical restraints, which are used to control involuntary movement or lack of muscular

control of students when due to organic causes or conditions, may be included in the IEP only when recommended by a qualified medical professional and agreed upon by the student's parents/guardians. Mechanical restraints shall prevent a student from injuring him/herself or others, or promote normative body positioning and physical functioning.

**OLD**

113.2 BEHAVIOR SUPPORT- Pg. 3

<p>Title 22 Sec. 14.133</p>	<p>The following aversive techniques of handling behavior are considered inappropriate and may not be used in educational programs:</p> <ol style="list-style-type: none"><li>1. Corporal punishment.</li><li>2. Punishment for a manifestation of a student's disability</li><li>3. Locked rooms, locked boxes, other locked structures or spaces from which the student cannot readily exit.</li><li>4. Noxious substances.</li><li>5. Deprivation of basic human rights, such as withholding meals, water or fresh air.</li><li>6. Serial suspensions.</li><li>7. Treatment of a demeaning nature.</li><li>8. Electric shock.</li><li>9. Methods implemented by untrained personnel.</li><li>10. Methods that have not been outlined in the plan.</li></ol> <p>The district, in conjunction with the IEP team, must obtain parent/guardian approval through the IEP process for all procedures identified within the student's individualized Behavior Improvement Plan as a part of the IEP.</p> <p>The district assures that it will provide adequate training and support to appropriate personnel in the use of specific procedures, methods, and techniques as outlined in state regulations and PDE Guidelines for Effective Behavior Support. Training will be updated, as appropriate.</p>
<p>5. Delegation of Responsibility</p>	<p>The CAO or designee is responsible for ensuring that agreed upon behavior support plans within IEPs for students are implemented in a consistent manner, and this policy is implemented in compliance with applicable state regulations. To achieve this end, the CAO or designee shall establish administrative guidelines.</p>

PA Code Title 22 Sec. 14.133	
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**OLD**

# Crispus Attucks Charter School

## SURROGATE PARENT POLICY NO 113.3

Adopted: September 22, 2014      Revised: March 28, 2022

The Board of Trustees of the Crispus Attucks Charter School (“Charter School”) must ensure that an individual is assigned to act as a surrogate of a child when no parent or person acting as the parent can be identified, or Charter School, after reasonable efforts, cannot locate the parent, or the child is an unaccompanied homeless youth as defined in the McKinney-Vento Homeless Assistance Act, 42 U.S.C. Sec. 11434 a(6).

20 U.S.C. § 1401 Definitions:

The term “Parent” means –

- a) a natural, adoptive, or foster parent of a child (unless a foster parent is prohibited by state law from serving as a parent);
- b) a guardian (but not the State if the child is a ward of the State);
- c) an individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare; or
- d) except as used in sections 1415(b)(2) and 1439(a)(5) of this title, an individual assigned under either of those sections to be a surrogate parent.

42 U.S.C. § 11434A McKinney-Vento Homeless Assistance Act, Education for Homeless Children and Youths – Definitions:

The term “homeless children and youths” means –

- a) individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1) of this title); and
- b) includes:
  - i. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or, are awaiting foster care placement;
  - ii. children and youths who have a primary nighttime residence that is a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302(a)(2)(C) of this title);

- iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, sub-standard housing, bus or train stations, or similar settings; and,
- iv. migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

The Charter School must have a method of determining whether or not a child needs a surrogate parent, and for assigning a surrogate parent to the child as well as ensuring that surrogates are trained and have adequate knowledge to serve in this capacity.

The Charter School may select a surrogate parent in any way permitted under State law, but must ensure that a person selected as a surrogate is not an employee of the State Educational Agency ("SEA"), Charter School or any other agency that is involved in the education or care of the child, such as the child welfare agency, adoption agency, etc. This means that a "house parent," or other employee of a public child welfare agency or private child welfare provider agency, school district, charter school, state educational agency, or a facility where the child lives is not eligible. Whenever possible, a surrogate parent should be someone who already knows and has a trusting relationship with the youth and must have knowledge and skills that ensure that he or she will adequately represent the child.

For a child who is a ward of the State (in Pennsylvania this would be a foster child or a child in the custody of a public child welfare agency, as Pennsylvania does not have a definition of a "ward of the state"), a surrogate may be appointed by a judge overseeing the child's care or by Charter School. The surrogate must have no personal or professional interest that conflicts with the interest of the child the surrogate parent represents. The surrogate parent must have knowledge and skills that ensure adequate representation of the child. The surrogate parent may represent the child in all matters relating to the identification, evaluation, educational placement and provisions of FAPE to the child.

When Does the Charter School need to appoint a surrogate?

- 1) No parent, guardian, current foster parent, or relative caregiver (relative acting in place of the parents with whom the child lives) can be located
- 2) Parent's right to make educational decisions for the child have been terminated by the court, and no guardian, current foster parent, or relative caregiver (relative with whom the child lives) can be located and the child does not have a court-appointed education decision maker or surrogate parent.
- 3) The child is an unaccompanied homeless youth under 42 U.S.C. § 11434A.

If a child is or may be eligible for special education or early intervention services, the IDEA requires the child's school district, charter school, cyber charter school or early intervention agency to ensure that the child has an active birth or adoptive parent or other person authorized by the IDEA or a court to make decisions for him or her. The person who is designated to act as the "parent" under the IDEA is entitled to participate in all of the meetings and make all relevant decisions. If the charter school cannot locate a biological or adoptive parent or other IDEA Parent from the list below, then it must appoint a "surrogate parent" within 30 calendar days. In some cases, a child may appear to have more than one IDEA parent from the list below and the Charter School will need to determine which person is the legally-authorized decision maker.

Under the IDEA, potential IDEA Parents include:

- A biological or adoptive parent;
- A foster parent;
- An individual who has the authority to act as the child's parent or who has the authority to make education decisions for the child (such as an Educational Decision Maker "EDM");
- A family member with whom the child lives who is acting as a parent (such as a grandparent or stepparent);
- A guardian who is legally responsible for the child's welfare (but not any employee of a child welfare agency); or
- A surrogate parent assigned by the local educational agency (such as the school district or charter school).

If a court has not limited the biological/adoptive parent's authority to make education decisions, the Charter School must recognize that parent as the person authorized to make education decisions for the child so long as he or she is "attempting to act as the parent." If the parent is not "attempting to act as the parent" (for example, is not responding to notices or attending meetings), and the child has a foster parent or one of the other potential "IDEA parents" listed above, the Charter School must then treat that person as the child's IDEA Parent and allow that person to participate in meetings, give or deny consent, and make early intervention or special education decisions for the child. The "IDEA Parent" can challenge the Charter School's proposals through the mediation and due process hearing procedures.

If the child has a "parent" under the IDEA (see list above), the Charter School does not need to "appoint" that person as the child's surrogate parent. Unlike a juvenile court judge, who can appoint another person as EDM to act in the best interest of the child even if the child has a parent, a Charter School cannot appoint another person to make decisions for the child if the child has a "parent." If, however, a court has



appointed an EDM, the EDM makes educational decisions for the child regardless of whether the biological/adoptive parent wants to serve in that role or whether there are other potential “parents” under the IDEA who are ready to serve that role. *If a court has appointed an EDM, that person trumps all other potential “parents” under the IDEA.*

The Charter School must take steps to ensure that the child’s rights are protected if:

- 1) The Charter School does not know who the parent is;
- 2) The Charter School cannot locate the parent after making reasonable efforts to get in touch with them, such as calling and sending letters on multiple occasions;
- 3) The child has no “parent” under the IDEA (see above); or
- 4) The child is an “unaccompanied homeless youth” as defined by 42 U.S.C. § 11434A

Once a Charter school has determined that an enrolled child needs a surrogate parent, it must assign a surrogate parent within 30 calendar days. To meet its 30-day obligation, a Charter School should try to maintain a pool of trained surrogate parents who are available for children in need. Charter Schools may enter into interagency agreements with its local child welfare agency to identify children in need of surrogate parents and potential candidates to fill this role.

Exceptions to General Rule Prohibiting Caseworker/Employee of Agency to be Surrogate:

There are two exceptions to the general rule that an EDM or surrogate parent cannot be an employee of an agency involved in the care or education of the child for children aged 3 or older:

1) A caseworker or other agency employee can consent to an initial evaluation in very limited circumstances. Written consent of a parent is required before a child can first be evaluated to determine eligibility for special education services.

However, the IDEA permits a school to start the initial evaluation without obtaining parent permission if the child is in the custody of the child welfare agency, is not living with the parent or with a foster parent, and *one* of the following applies:

- The school documents that it has made repeated attempts but cannot locate the parents;
- The parents’ rights have been terminated; or
- The birth parents’ rights to make education decisions have been suspended by a judge and the judge has appointed an individual to consent to the initial evaluation.

NOTE: In this limited circumstance only, the judge can appoint a person to give this consent who is an employee of an agency involved in the education or care of the child, such as the county or a private provider child welfare agency. However, if the child is ultimately determined to be eligible, that person cannot consent to starting special education services. Therefore the Charter School or the court must immediately begin the process of appointing an EDM or surrogate parent who can consent to the provision of special education services while determining if the child is eligible.

2) A temporary surrogate parent can be appointed for an “unaccompanied homeless youth.” These are youth who are not in the physical custody of a parent or guardian and who do not have a fixed, regular, and adequate nighttime residence. For such youth, the staff of an emergency shelter, transitional shelter, independent living program, or street outreach program may be appointed as a “temporary surrogate parent” (even if that person is an employee of an agency involved in the care or education of the youth) *until such time as a surrogate parent who meets the usual requirements can be appointed.*

Who can be a Surrogate Parent?

- 1) A person of good character;
- 2) a person at least 18 years of age;
- 3) a person who possesses reasonable abilities to make decisions regarding a student’s educational needs;
- 4) a person committed to acquainting his/herself with a student’s educational needs, the student’s rights under the Individuals with Disabilities Education Act, and the Pennsylvania educational system;
- 5) a person committed to advocating a free appropriate public education for the child in the least restrictive environment and agree to fulfill the responsibilities listed below;
- 6) a person who has no vested interest that would conflict with the interests of the student;
- 7) a person is not an employee of any agency responsible for the education of care of the child; and
- 8) a person who lives within geographic proximity to the student, which will enable that person to discharge his/her obligations as a surrogate parent.

Responsibilities of a Surrogate Parent:

- 1) Participate in the surrogate training session(s);
- 2) Request and participate in all applicable meetings relating to the provision of services and educational placement of the child (including individualized education program (IEP) meetings, evaluation reviews and manifestation determinations, etc.);
- 3) Approve or disapprove of the student's IEP;
- 4) Engage in ongoing communication, verbally or in writing with the student, the student's teacher and the student's school;
- 5) Assert student's rights to due process and to compliance with the IEP as appropriate;
- 6) Contact the surrogate parent trainer if further assistance is required or if surrogate parent no longer wishes to assume the educational responsibility for the child;
- 7) Ensure the child receives a free appropriate public education in the least restrictive environment.

The CEO or designee is directed to develop procedures that may be necessary to implement this policy.

To the extent that anything in this policy could be construed to conflict with the school's charter or applicable state and/or federal laws, the applicable state and/or federal laws and/or charter control.

CRISPUS ATTUCKS  
CHARTER SCHOOL

**OLD**

No. 113.3

SECTION: Programs

TITLE: SURROGATE PARENTS

ADOPTED: September 22, 2014

REVISED:

113.3 SURROGATE PARENTS	
1. Authority 20 U.S.C. Sec. 1400 et seq 34 CFR Sec. 300.519	<p>The Crispus Attucks Charter School policy on the use and training of surrogate parents has been adopted to comply with IDEA. The district recognizes that in the process of a child's education, parents play an important role in safeguarding the rights of a handicapped child. To ensure those rights where children are wards of the state or where parents are unknown or unavailable, the Crispus Attucks Charter School may identify those children and appoint an individual to represent the child in matters of education.</p>
2. Definition	<p>A surrogate parent is a trained individual acting in place of a parent in matters of education, to a child assigned by the school district, to ensure that the child's rights for a free public and appropriate education are developed and maintained.</p> <p>In order to identify students in need of surrogate parents, the school district shall utilize the services of the intermediate unit and/or services of district personnel to maintain an ongoing search of records to identify those handicapped, or children thought to be handicapped, to determine the need for a surrogate parent.</p> <p>The intermediate unit and/or district personnel shall provide training for surrogates which will include acquainting the surrogate parent with:</p> <ol style="list-style-type: none"><li>1. The student.</li><li>2. Description of the current educational program.</li><li>3. Identifying key people in the school system.</li></ol>

	<p>4. Familiarizing the surrogate with the procedures for IEP development, due process and confidentiality of records.</p> <p>5. Familiarizing the surrogate with comparable educational programs provided by the school district and intermediate unit.</p>
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	<p>Following training and assignment, members of the I.U. staff will be available for ongoing consultation for the Crispus Attucks Charter School on an “as needed” basis.</p> <p>References:</p> <p>Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq</p> <p>Individuals With Disabilities Education, Title 34, Code of Federal Regulations – 34 CFR Part 300</p>
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**OLD**

# CRISPUS ATTUCKS CHARTER SCHOOL

No. 113.4

SECTION: Programs

TITLE: CONFIDENTIALITY OF SPECIAL  
EDUCATION STUDENT INFORMATION

ADOPTED: September 22, 2014

REVISED:

113.4 CONFIDENTIALITY OF SPECIAL EDUCATION STUDENT INFORMATION	
<p>1. Authority</p> <p>34 CFR Sec. 300.611- 300.627</p> <p>34 CFR Sec. 300.520, 300.625</p> <p>2. Definitions</p> <p>34 CFR Sec. 300.611</p> <p>34 CFR Sec. 99.3</p> <p>20 U.S.C. Sec. 1232g</p> <p>34 CFR Sec. 99.3</p> <p>Pol. 216</p>	<p>The Board recognizes the need to protect the confidentiality of personally identifiable information in the education records of students with disabilities. The information collected shall be used only for educational purposes and for the means for providing all students a free and appropriate public education.</p> <p>The district shall maintain a system of safeguards to protect the confidentiality of students' educational records and personally identifiable information when collecting, retaining, disclosing and destroying student special education records, in accordance with Board policy, state requirements, and federal and state law and regulations.</p> <p>The rights provided by this policy apply to parents/guardians of students who receive special education programming and services from the district or an outside program provided through the district.</p> <p>Destruction shall mean the physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.</p> <p>Disclosure shall mean to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.</p> <p>Education Records, for purposes of this policy, shall include the records and information</p>

covered under the definition of education records in the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations.

113.4 CONFIDENTIALITY OF SPECIAL EDUCATION STUDENT INFORMATION - Pg. 2

<p>34 CFR Sec. 99.3</p>	<p>Personally identifiable information includes, but is not limited to:</p> <ol style="list-style-type: none"><li>1. The name of a student, the student's parents/guardians or other family members.</li><li>2. The address of the student or student's family.</li><li>3. A personal identifier, such as the student's social security number, student number, or biometric record.</li><li>4. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.</li><li>5. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.</li><li>6. Information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.</li></ol>
<p>3. Guidelines</p>	
<p>34 CFR Sec. 99.10, 300.613</p>	<p><u>Parental Access Rights</u></p> <p>The district shall permit parents/guardians to inspect and review any education records relating to their child(ren) that are collected, retained, or used by the district in connection with providing special education services to the student.</p> <p>The district shall comply with a parental request to inspect and review education records without unnecessary delay and before any meeting regarding an Individualized Education Program (IEP); any impartial due process hearing relating to the identification, evaluation, educational placement, or the provision of a free and appropriate public education (FAPE) to a student; a hearing related to the discipline of the student; and a resolution meeting.</p>
<p>34 CFR Sec. 99.4, 300.613</p>	<p>The district shall presume a parent/guardian has authority to inspect and review records relating to his/her child unless it has been provided documentation that the requesting parent/guardian does not have this authority under applicable state law.</p>
<p>34 CFR Sec. 99.10, 300.613</p>	<p>The district shall comply with a parental request for review within forty-five (45) days following receipt of the request.</p>
	<p>A parent's/guardian's right to inspect and review education records includes the right to:</p> <ol style="list-style-type: none"><li>1. A response from the district to reasonable requests for explanations and interpretations of the records;</li></ol>



2. Request that the district provide copies of the records if failure to provide copies would effectively prevent the parent/guardian from exercising the right to inspect and review the records; and

113.4 CONFIDENTIALITY OF SPECIAL EDUCATION STUDENT INFORMATION - Pg. 3

34 CFR Sec. 99.12, 300.615	<p>3. Have a representative inspect and review the records.</p> <p>If an education record includes information on more than one (1) student, the parents/guardians shall have access only to the information relating to their child or shall be informed of the information in the record.</p>
34 CFR Sec. 300.616	<p>The district shall provide parents/guardians, upon request, a list of the types and locations of education records collected, maintained, or used by the district.</p>
34 CFR Sec. 99.12, 300.615	<p><u>Fees</u></p> <p>The district may charge a fee for copies of records that are made for parents/guardians so long as the fee does not effectively prevent parents/guardians from exercising their right to inspect and review those records.</p> <p>The district shall not charge a fee to search for or to retrieve information in response to a parental request.</p>
34 CFR Sec. 300.614	<p><u>Record Of Access</u></p> <p>The district shall keep a record of parties obtaining access to education records collected, maintained, or used in providing special education to students with disabilities, except access by parents/guardians and authorized district employees.</p> <p>The district's record of access shall include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.</p>
34 CFR Sec. 99.20, 300.618	<p><u>Amendment Of Records Upon Parental Request</u></p> <p>If a parent/guardian believes that information in the student's education records is inaccurate, misleading or violates the privacy or other rights of the student, the parent/guardian may request that the district amend the information.</p> <p>The district shall decide whether to amend the information within a reasonable period of time from receipt of the request.</p> <p>If the district declines to amend the information in accordance with a parental request, the district shall inform the parent/guardian of the refusal and advise the parent/guardian of the right to a hearing.</p>
34 CFR	<p><u>Records Hearing</u></p> <p>The district shall, on request, provide parents/guardians with an opportunity for a hearing to</p>

Sec. 99.21, 300.510- 300.516, 300.619	challenge information in the student's education records to ensure that the information is not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. The district recognizes that parents/guardians who believe that there is a due process violation relating to an alleged violation of confidentiality may also request a special education due process hearing.
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113.4 CONFIDENTIALITY OF SPECIAL EDUCATION STUDENT INFORMATION - Pg. 4

34 CFR Sec. 99.22, 300.621	<p><u>Hearing Procedures</u></p> <p>A hearing to challenge information in education records must meet the following requirements:</p> <ol style="list-style-type: none"> <li>1. The district shall hold the hearing within a reasonable time after receiving the request for a hearing.</li> <li>2. The district shall give the parent/guardian reasonable advanced written notice of the date, time, and place of the hearing.</li> <li>3. The hearing may be conducted by any individual, including a district official, who does not have a direct interest in the outcome of the hearing.</li> <li>4. The district shall give the parent/guardian a full and fair opportunity to present relevant evidence. The parent/guardian may, at his/her own expense, be assisted or represented by one (1) or more individuals of his/her choice, including an attorney.</li> <li>5. The district shall inform parents/guardians of its decision in writing within a reasonable period of time after the hearing.</li> <li>6. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.</li> </ol>
34 CFR Sec. 99.21, 300.620	<p><u>Result Of Hearing</u></p> <p>If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the student's privacy or other rights, the district shall amend the information accordingly and inform the parent/guardian in writing.</p> <p>If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights, the district shall inform the parent/guardian of the parent's/guardian's right to place in the student's records a statement commenting on the information and/or providing any reasons for disagreeing with the district's decision.</p> <p>Any explanation placed in the student's records shall be:</p> <ol style="list-style-type: none"> <li>1. Maintained by the district as part of the student's records as long as the record or contested portion is maintained by the district; and</li> <li>2. Included with the record or contested portion if the record or contested portion are disclosed to any party.</li> </ol>

113.4 CONFIDENTIALITY OF SPECIAL EDUCATION STUDENT INFORMATION - Pg. 5

	<p><u>Storage, Retention And Destruction Of Information</u></p> <p>34 CFR Sec. 300.623 The district shall store all education records and personally identifiable information of students receiving special education services in such a way as to protect the confidentiality and integrity of the records and information, prevent unauthorized access to and disclosure of records and information, and ensure compliance with other legal and regulatory requirements regarding records retention.</p> <p>34 CFR Sec. 300.623 The district shall maintain, for public inspection, a current listing of the names and positions of those district employees who have access to personally identifiable information.</p> <p>In order to comply with state compliance monitoring requirements, the district shall maintain education records for students receiving special education services for at least six (6) years.</p> <p>34 CFR Sec. 300.624 The district shall inform parents/guardians when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the student. After notice, such information shall be destroyed upon parental request.</p> <p>34 CFR Sec. 99.10 No education record shall be destroyed if there is an outstanding request to inspect or review the record or if a litigation hold exists.</p> <p>34 CFR Sec. 300.624 The district shall maintain a permanent record of the student's name, address, and phone number, his/her grades, attendance record, classes attended, grade level completed, and year completed.</p> <p>34 CFR Sec. 300.623 The district shall ensure the destruction of education records in a manner that protects the confidentiality and privacy rights of the student and his/her family.</p> <p><u>Disclosure To Third Parties</u></p> <p>34 CFR Sec. 99.30, 99.31, 300.622 The district shall obtain parental consent before disclosing personally identifiable information to parties other than school district officials with a legitimate educational interest or other educational institutions that provide special education services to the student for the purposes of meeting a requirement of law or regulation unless the information is contained in education records and the disclosure is permitted without parental consent under law and regulations.</p> <p>34 CFR Sec. 300.622 Parental consent must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.</p> <p>34 CFR Sec. 300.622 If a student is enrolled, or is going to enroll in a private school that is not located in the district of the parent's/guardian's residence, parental consent must be obtained before any personally identifiable information about the student is released between officials in the</p>
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district where the private school is located and officials in the district of the parent's/guardian's residence.

113.4 CONFIDENTIALITY OF SPECIAL EDUCATION STUDENT INFORMATION - Pg. 6

<p>4. Delegation of Responsibility 34 CFR Sec. 300.623</p> <p>34 CFR Sec. 300.623</p>	<p>In order to maintain the confidentiality of the educational records and personally identifiable information of students with disabilities, the Board designates the CAO to coordinate the district's efforts to comply with this policy and applicable laws and regulations.</p> <p>All district employees collecting or using personally identifiable information shall receive training or instruction regarding Board policy, administrative regulations, and state and federal law and regulations regarding confidentiality of education records and personally identifiable information.</p> <p>References:</p> <p>Family Educational Rights and Privacy Act – 20 U.S.C. Sec. 1232g</p> <p>Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.</p> <p>Family Educational Rights and Privacy, Title 34, Code of Federal Regulations – 34 CFR Part 99</p> <p>Individuals With Disabilities Education, Title 34, Code of Federal Regulations – 34 CFR Part 300</p> <p>Pennsylvania Department of Education Individuals with Disabilities Education Act Part B LEA Policies and Procedures under 34 C.F.R. §§300.101 - 300.176 (2009)</p>
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Revised & Renumbered  
to 815 June 25, 2018

BOARD OF TRUSTEES POLICY  
No. 115  
Section: Programs  
Title: Acceptable Use of Computers,  
Networks, & the Internet  
Date Adopted: January 10, 2001

**Section 1. Purpose:** The CAYBCS supports the educational use of the Internet and other computer networks in the School's instructional programs to facilitate learning and teaching through communication and access to information and research. The Internet offers unique and diverse resources to students and staff. It is an "electronic highway" connecting thousands of computers all over the world. Our goal in providing these services to staff and students is to promote educational excellence in schools by resource sharing, innovation, and communication.

The use of the Internet and the School's computer network facilities are to be consistent with the CAYBCS curriculum as well as the varied instructional needs, learning styles, abilities, and development levels of students.

**Section 2. Authority:** All computer and network use must be in compliance with the policies and procedures established by the CAYBCS. The electronic information available to students and staff via the Internet does not imply endorsement of the content by the School, nor does the School guarantee the accuracy of information received on the Internet.

CAYBCS shall not be responsible for any information that may be lost, damaged, or unavailable when using the network or for any information that is received via the Internet.

CAYBCS shall not be responsible for any unauthorized charges or fees resulting from access to the Internet.

CAYBCS reserves the right to log and to monitor network use and file server space utilization by users.

The CAYBCS establishes that the use of the Internet is a privilege, not a right. Inappropriate, unauthorized, or illegal use may result in cancellation of those privileges and may result in appropriate disciplinary action, up to and including expulsion and/or legal action.

**Section 3. Guidelines:** The use of the network account must be in support of education and research consistent with the educational objectives of the CAYBCS.

Network accounts may be used only by the authorized owner of the account and for its intended and authorized purpose. Network users shall respect the privacy and rights of other users on the system.

The use of the network and/or the Internet in an appropriate, illegal, or unethical manner is prohibited. Prohibited uses include, but are not limited to, the following:

1. Use of the network(s) to facilitate illegal activity, for commercial or financial gain, political lobbying, or product advertisement.
2. Use of the network(s) for E-Mail and communication that is not School or educationally related.
3. Use of the network(s) for hate mail, discriminatory remarks, or offensive or inflammatory communication.
4. Use of the network(s) to access obscene or pornographic material.
5. Use of the network(s) to transmit material likely to be offensive or objectionable to the recipients.
6. Use of the network(s) to intentionally obtain or modify files, passwords, or data belonging to other users or to misrepresent other users on the network(s) or the Internet.
7. use of the network(s) for fraudulent copying, communications, or modifications of materials or software in violation of copyright laws and license agreements. Any data uploaded or downloaded from the network(s) shall be subject to "fair use" guidelines.
8. Use of the network(s) for loading or use of unauthorized games, programs, files or other electronic media.
9. Use of the network(s) for destruction, modification, or abuse of network hardware and/or software.
10. Use of the network(s) will be permitted only when a student and parent/guardian sign a statement indicating that they understand the network policies and procedures and agree to abide by them and accept the consequences for prohibited use.

**Section 4. Delegation of Responsibility:** With access to computers and people all over the world also comes the availability of material that may not be considered to be of educational value in the context of the school setting. The School shall make every effort to ensure that this educational resource is utilized responsibly by students and staff through formal and informal monitoring, electronic methods, etc. Ultimately it will be the responsibility of each person to utilize the Internet appropriately.

Administrators, teachers and staff have a professional responsibility to work together to help students develop the intellectual skills necessary to discriminate among information resources, to identify information appropriate to their age, and to meet their educational goals.

Students and staff have the responsibility to respect and protect the rights of every other user in the School and on the Internet.

The CAO or his/her designee(s) shall be responsible to devise procedures to implement this policy and to establish rules and regulations for the operation of computer networks and the Internet which are cost effective, educational justified, and age appropriate.

## **Crispus Attucks Charter School**

### **ENGLISH AS A SECOND LANGUAGE/BILINGUAL PROGRAM POLICY NO. 138**

Adopted: June 26, 2017

Revised: March 26, 2018

#### **Purpose:**

In accordance with the Board of Trustees' ("Board") philosophy to provide a quality educational program to all students, the Crispus Attucks Youthbuild Charter School ("Charter School") shall provide an appropriately planned instructional program for identified students whose dominant language is not English. When the Every Student Succeeds Act (ESSA) was signed on December 10, 2015, reauthorizing the Elementary and Secondary Education Act of 1965 (which was amended by the No Child Left Behind Act of 2001), it changed the terminology to identify such students as English Learners (ELs). English Learners ("ELs") are the students who require English as a Second Language ("ESL") service by the Charter School.

The purpose of the program shall be to increase the English language proficiency of ELs so they can attain the state academic standards within the ESL program setting as well as within the regular classroom environment, to provide equal opportunities for ELs to participate in extra-curricular activities, and to provide the cultural, social and emotional supports for ELs to adapt to this new cultural setting.

#### **Authority**

The Board declares it their policy to provide an equal opportunity for all students, including ELs, to achieve their maximum potential through the curriculum, instruction, and programs offered in the Charter School. At no time shall the Charter School, including the Board, permit, condone, encourage or facilitate discrimination against students during the course of recruitment, admissions and enrollment, instruction, counseling and daily interactions with Charter School faculty and staff. Equal Education Opportunity Act, 20 U.S.C.A. § 1703; Title VI, Civil Rights Act of 1964, 42 U.S.C.A. § 2000d, et seq.

#### **Definition:**

ESSA defines an "English learner" as an individual who, among other things, has difficulties in speaking, reading, writing, or understanding the English language to the extent that it may be sufficient to deny the individual the ability to meet challenging state academic standards. The term "English learner," when used with respect to an individual, means an individual – (A) who is aged 3 through 21; (B) who is enrolled or preparing to enroll in an elementary school or secondary school; (C)(i) who was not



born in the United States or whose native language is a language other than English; (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual – (i) the ability to meet the challenging State academic standards; (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or (iii) the opportunity to participate fully in society. (ESEA Section 8101(20)).

ELs are from diverse linguistic and cultural backgrounds. The Charter School must equip them with the skills to function, compete, and prosper in American society. EL students must develop academic skills along with their general program peers while also learning English. As EL students are in transition from their native language to English, the emphasis must be on developing academic skills that comply with Pennsylvania State Standards.

**Responsibility:**

The Charter School shall adopt an instructional program for each EL student for the purpose of facilitating the student's achievement of English proficiency and academic standards ("ESL Program"). 22 Pa. Code. § 4.26. All students who may be ELs must be assessed within the first thirty (30) days of enrollment at the Charter School, or within fourteen (14) days of mid-year transfer. The CEO and the director of the ESL Program ("ESL Director") shall implement and supervise an ESL Program that meets the legal requirements for ESL Program compliance under federal and Pennsylvania law, especially:

1. Based on an educational theory recognized as sound by some experts in the field or considered by experts as a legitimate experimental strategy;
2. Reasonably calculated, including provisions for resources and personnel, to implement the theory effectively; and
3. Evaluated and adjusted where needed to ensure language barriers are actually being overcome.

20 U.S.C.A. § 6812. The ESL program will come under the direction of the ESL Director. The ESL Director will be responsible for the assurance of the implementation of the program and that proper Charter School policies and procedures are being followed. The CEO and the ESL Director will be responsible for informing Charter School staff with instructional strategies and cultural needs of students who will receive ESL

instruction. ESL teaching resource materials will be obtained by the ESL Director and kept in his/her office for reference for both program and non-program teachers.

All teachers instructing within the ESL Program shall hold the requisite certification and endorsements required by Pennsylvania law. Bilingual teachers must demonstrate academic language proficiency both in English and in the language of instruction. 22 Pa. Code §403; 20 U.S.C.A. §6826.

Language Instruction Educational Programs ("LIEPs") Title III of the ESEA replaces the expectation in the ESEA, as amended by NCLB, that LIEPs be "scientifically based" with a new expectation - that LIEPs be "effective." A LEA must:

- Use Title III funds for effective approaches and methodologies for teaching ELs (ESEA Section 3115(a));
- Increase the English proficiency of ELs by providing effective language instruction educational programs that meet the needs of ELs and demonstrate success in increasing (A) English language proficiency; and (B) student academic achievement (ESEA Section 3115(c)(1));
- Use Title III funds in ways that build its capacity to continue to offer effective language instruction educational programs that assist English learners in meeting challenging State academic standards (ESEA Section 3113(b)(3)(E)); and
- Include in its local plans for a Title III subgrant a description of the effective programs and activities that will be provided, including language instruction educational programs (ESEA Section 3116(b)(1)).

#### **ESL Program:**

The goals of the Charter School's ESL Program are to assist the EL students in using English, per 20 U.S.C.A. §6812:

1. To communicate in social settings;
2. To achieve academically in all content areas; and
3. In socially and culturally appropriate ways.

The CEO and the ESL Director shall implement and supervise the ESL Program, and further ensure that the ESL Program meets the legal requirements for ESL program compliance. The CEO and the ESL Director, in conjunction with appropriate certified ESL teachers, shall develop and disseminate written procedures regarding the ESL Program. The procedures shall include, but will not be limited to, the following:

1. Detailed program goals;
2. Student enrollment/transfer procedures (i.e., Home Language Survey);

3. Assessment procedures within 30 days of enrollment/transfer for program entrance, measuring progress in gaining English proficiency, and program exiting;
4. Accommodations for EL students in the general education classroom;
5. Grading policies; and
6. List of resources, including support agencies and interpreters.

20 U.S.C.A. § 6826. The ESL Program shall include daily instruction for EL students, supporting the ESL Program's goals, and will receive curriculum aligned with Pennsylvania standards. 22 Pa. Code. § 4.26. Language instruction shall correspond to each EL student's English proficiency level, which shall include both direct language instruction and adaptation of instruction in all content classes. The exact hours of direct language instruction will be determined based on each EL student's needs. All ESL instruction shall be part of each EL student's daily schedule, and will not interfere with or prohibit each EL student's instruction in all grade level content classes.

All EL students will be placed in appropriate grade level content classes. Each EL student will receive instruction in all content areas, as other students in the class. Each EL student will receive additional supplemental support and instruction from ESL teachers periodically for Language Arts class and for necessary content area classes. An ESL teacher will assist the classroom teacher in identifying and implementing teaching strategies that will help each EL student achieve academic success in the classroom comparable to their non-EL peers. During the initial period of language acquisition and development, the Charter School may grade the EL student on a pass/fail basis comparable to their non-EL peers if necessary.

The WIDA Consortium's English Language Development (ELD) Standards help educators determine students' English language proficiency levels and how to appropriately challenge them in reaching higher levels.

WIDA will also assist teachers by giving Model Performance Indicators, which include:

- a. The language function, or how students will use language to demonstrate proficiency (e.g. Depth of Knowledge, Bloom's Taxonomy),
- b. The grade level content or standards that students will learn or meet, and
- c. The supports or instructional strategies / scaffold to assist students in accessing the content.

The Pennsylvania English Language Proficiency Standards shall be incorporated in both ESL instruction and grade level content classes.

## **Program Goals and Objectives:**

The Charter School has developed the following goals and objectives for the ESL Program, based on WIDA English Language Proficiency Standards of each student:

**Goal 1:** To use English to communicate in social settings.

Objective: By the end of the school year, EL students will improve and increase their ability to use English to participate in social interactions. This will be evidenced by observation of EL students in cooperative learning activities, playground interactions and personal conversation.

Objective: By the end of the school year, EL students will improve and increase their ability to interact, through and with spoken and written English for personal expression and enjoyment. This will be evidenced by personal writing journals and book choice with reading log.

**Goal 2:** To use English to achieve academically in all content areas.

Objective: By the end of the school year, EL students will improve and increase their ability to use English to interact in the classroom, evidenced by conversations with ESL teachers, observations of students in cooperative group settings, and observations of students in social interactions, report cards and test results.

Objective: By the end of the school year, EL students will improve and increase their ability to use English to obtain, construct and provide subject matter information in spoken and written form. This will be evidenced by an increase in standardized testing content area scores, a portfolio of EL student work, and ESL teachers' observations of the EL students' ability to pose questions and have discussions in content area classes.

**Goal 3:** To use English in socially and culturally appropriate ways.

Objective: By the end of the school year, EL students will improve and increase their ability to use the appropriate language variety, register, and genre according to the audience, purpose and setting. This will be evidenced by EL student academic presentations, observations of EL students' social conversations with peers, and conversations with ESL teachers.

Objective: By the end of the school year, EL students will improve and increase their ability to use nonverbal communication appropriate to audience, purpose and setting. This will be evidenced by observations of EL students by ESL teachers.

The success of the ESL program will be measured by: EL students increasing scores within their level of the program; EL students testing to the next level of the program; and EL students testing out of the program as evidenced by yearly WIDA English Language Proficiency Standards testing. Success will also be measured by an increase in academic scores on a content area standardized test. 22 Pa. Code § 403; 20 U.S.C.A. § 6841. The ESL Director will also look at student portfolios and ESL teacher narratives to demonstrate progress of each EL student.

Attendance policies will be the same for EL students as for English-speaking students.

The Student Handbook will clearly state the Charter School's policy and expectations regarding the ESL Program.

#### **Enrollment of EL Students:**

EL students and families shall be provided translation and interpretation services to the extent needed to assist with the enrollment process. All students seeking first time enrollment in the Charter School shall be given a Home Language Survey in accordance with requirements of the U.S. Department of Education's Office for Civil Rights. Enrollment of a student may not be delayed in order to administer the Home Language Survey. The completed survey shall be filed in each student's permanent record folder through graduation. 22 Pa. Code § 11.11(e).

Based on the Home Language Survey responses, each student shall be assessed for potential placement in an ESL Program within 30 days of school or within 14 days of enrollment if a student enrolls after the first day of school.

#### **Identification & Placement of EL Students:**

##### Entry Criteria

The Charter School will use the WIDA-ACCESS Placement Test (W-APT) to assess newly enrolled students for placement in the ESL program. The W-APT results will be one indicator for placement in the ESL program. Additional criteria for placement in the ESL program include: educational and cultural backgrounds, interviews with families, and native language literacy. Other indicators shall include current or previous grades, performance on state assessments, and Charter School-based formative or summative assessments. This ESL-Program eligibility criterion is aligned with requirements established by the Pennsylvania Department of Education.

Student placement in the ESL Program and designated instruction time (WIDA levels of English language proficiency: 1. Entering, 2. Beginning, 3. Developing, 4. Expanding, 5. Bridging and 6. Reaching) will comply with program guidelines and will be based upon the instructional need of each ESL student. Instructional placement will be age and grade appropriate.

Parents may request an EL student to be excused from the ESL Program if the instruction conflicts with the family's religious beliefs, or for any reason and must be made clear to the EL's Parents. 22 Pa. Code § 4.4(d)(3).

All EL students shall have access to and should be encouraged to participate in all Charter School educational programs, opportunities, and extracurricular activities available. Equal Education Opportunity Act, 20 U.S.C.A. § 1703; Title VI, Civil Rights Act of 1964, 42 U.S.C.A. § 2000d, et seq.

**Required Exit Criteria (see Reclassification Guidance):**

- 1) 4.5 or higher on ACCESS for ELs Composite (overall) Score.
- 2) At least one (1) ESL teacher recommendation for reclassification (exit) and one (1) content teacher. In the absence of an ESL teacher, two (2) recommendations for reclassification (exit) from two (2) different content teachers will be accepted.

Once an EL student exits the ESL Program, he/she will be monitored for four years. The law requires the Charter School to maintain a description of the progress made by children in meeting challenging State academic content and student academic achievement standards for each of the four years after such children are no longer receiving services. Such monitoring of students shall begin as soon as the student exits an ESL/Bilingual program. For students who exit a program at the end of the school year, monitoring will begin the following school year. The progress of the exited EL student will be monitored at quarterly intervals throughout the academic year, utilizing collaborative conversations regarding progress monitoring of the exited EL students between content and ESL teacher. A review of the following items can provide evidence of a student's academic progress:

- Report card grades
- Predictive test progress
- Standardized test scores
- Classroom work samples
- Writing samples

During the four-year monitoring period, any student encountering academic difficulty that is determined to be because of English language proficiency skills may be re-designated and returned to an ESL/Bilingual education program. However, such re-designation should only occur after collaboration between the ESL teacher and content teachers has ensured that effective and appropriate core curriculum instruction, including differentiation and interventions has been implemented. Content and ESL teacher input is critical in determining whether re-designation is the appropriate support to enable the former EL to succeed.

### **Notifications to Parent(s)/Guardian(s) of ELs:**

Title I requires that every LEA that uses funds under either Title I or Title III for services to ELs must provide a parent with notification that outlines their child's identification as an EL and placement in an LIEP. (ESEA Section 1112(e)(3)).

Initial notification should include:

- 1) Detailed description of the LIEP as outlined in the BEC, including a description of its intended benefits for children and an explanation of its effectiveness (this description should include information on screening, identification, and placement of ELs)
- 2) Description of the EL identification process and the reason that their child was identified as an EL
- 3) Their child's current English proficiency level and a description of what that means
- 4) Information explaining their right to refuse enrollment of their child in the LIEP

Annual notification should include:

- 1) Notification of their child's continued participation in the LIEP
- 2) Description of the LIEP including its intended benefits for their children and an explanation of its effectiveness
- 3) Notification of their right to refuse services as outlined in the BEC
- 4) Description of any Title III supplemental services being offered (if applicable)
- 5) Notification of their right to refuse Title III supplemental services (if applicable)

The initial notification must be provided no later than 30 calendar days after the beginning of the school year or within the first two weeks of placement in an LIEP for students who enroll after the start of the school year. (ESEA Section 1112(e)(3)(A), 1112(e)(3)(B)). The notice and information provided must be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand. (ESEA Section 1112(e)(4)).

### **Assessment of ESL Students:**

In accordance with Pennsylvania academic standards and Charter School academic standards, the Charter School will monitor the progress of EL students and will provide appropriate accommodations within the content areas to ensure achievement of the academic standards and curricular goals. 22 Pa. Code § 403; 20 U.S.C.A. § 6842. The ESL Director will oversee the review, both annual and periodic, of EL students.

Pennsylvania's assessments shall be administered to all EL students annually to measure progress and determine each EL student's English language proficiency for each language domain (Reading, Writing, Speaking and Listening/Understanding). Each designated ESL teacher will complete the annual grading and evaluation process for EL students (English, Reading and Language Arts). Other considerations will include EL student portfolios and teacher narratives regarding observations of each EL student. Students with immigrant status who have lived in the United States for less than one year are exempt from participating in the PSSA and local assessments.

Throughout the course of the year, individual student progress will be evaluated on a continuous basis with each ESL teacher and the classroom teacher. Each teacher will modify EL students' learning plans to ensure academic success for each EL student.

A standardized form will be kept in each EL student's permanent record folder through graduation. The form shall identify the date, level, and English proficiency score upon entering the ESL Program; report(s) of progress toward ESL Program goals; and academic standardized test scores. A narrative from the designated ESL teacher, regarding each EL student's progress toward satisfying the ESL Program objectives, will also be part of the data collection and review process.

An EL student may not be retained in a grade level based solely on his/her lack of English language proficiency. Before an EL student is retained in a grade, the ESL Director must demonstrate that all appropriate modifications were made to instruction and assessment in order to allow the EL student's meaningful access to the grade level content curriculum as well as to promote ESL instruction.

### **EL Students with Disabilities**

All EL students shall be eligible for special education services. All procedures for the screening, evaluation, IEP, and the provision of services and/or instruction for EL students must be in compliance with governing state and federal laws and regulations. However, the Charter School, as LEA, must ensure that their program is effective before referring the child for evaluation. The questions should be asked to determine if a Student should be evaluated for IDEA disability or a Section 504 Plan:



- Is ESL instruction sufficient in quantity and quality?
- Is the core ESL instructional program effective and aligned to the proficiency level of the student, and the English Language Proficiency Standards?
- Is planned instruction in the content areas delivered according to the English language proficiency level of the student and the English Language Proficiency Standards, and are appropriate ESL-related adaptations/modifications are provided by content teachers?
- Collaboration exists between the ESL and content teachers?
- Instruction and home-school communication is culturally responsive?

A current practice with many LEAs is to hire a bilingual psychologist to implement an IQ test of a student. The problem arises when the results are used as the only criteria to make identification and placement decisions without having a complete profile of the child, e.g.:

- Has the student received any instruction in the native language?
- What is the student's dominant language?
- How many years of instruction has the student had in English?
- How is the student progressing in ESL instruction? How is the student progressing in comparison to other ELs (like peers)...not compared to native speakers of English.
- Was a translator/interpreter used during assessment? If yes, was the test developed for the use of a translator/interpreter?
- Was the student born in the US?
- Was the student transient? What amount of time were they in school (in and outside the US)?
- What is the level of acculturation?
- Has the assessor acknowledged the impact of cultural and linguistic diversity on assessment performance? e.g., increased processing time, cultural bias, gaps in vocabulary and prior knowledge, false cognates, etc.

The IEP team for an EL student shall include either the ESL Director or an appropriately certified ESL teacher, or at a minimum, the IEP team shall receive input from either the ESL Director or the appropriate ESL teacher when appropriate. In Pennsylvania, the ESL Program Specialist (PK-12) is the add-on certificate for teachers who provide English as a Second Language instruction. The ESL teacher has the training, expertise, and experience to:

- Analyze and interpret English language proficiency assessment results of Focusing on English language proficiency levels and calculating language proficiency growth using the scaled scores;
- Identify the student's language strengths and needs;
- Provide essential guidance related to the process of second language acquisition, communication with families, cultural responsiveness, and reduction of language barriers;
- Provide information concerning the ecology of the student (e.g., first language literacy, cultural and educational background, length of time in the U.S., interrupted education, mobility, acculturation stages, socio-economic status).

The IEP team for an EL student shall consider the need for ESL instruction as it addresses the EL student's needs related to the provision of a Free and Appropriate Public Education. In determining an EL student's needs, the IEP team shall consider both special education services and ESL instruction simultaneously. Special education services do not replace ESL instruction. LEAs must not identify or determine that ELs are students with disabilities because of their limited English language proficiency.

For special education students, the term ESL Program refers to:

- Planned instruction by a qualified ESL Education teacher;
- Adaptations/modifications in the delivery of content instruction by all teachers, based on the student's English language proficiency levels and the Pennsylvania English Language Development Standards (PA ELDS) for ELs, as well as the Pennsylvania Core Standards.

LEAs must ensure that their program is sufficient in quantity and quality before referring the student for an evaluation, demonstrating evidence that:

- ESL instruction is daily, rigorous, and research-based;
- The core ESL instructional program is aligned to the English language proficiency levels of the student, and the PA English Language Development Standards;
- Grade-level planned instruction in the content areas is delivered according to the English language proficiency levels of the student and the PA English Language Development Standards, and appropriate adaptations/modifications are provided by content teachers to allow meaningful access to core curriculum;
- Collaboration is ongoing between the ESL and content teachers;
- Instruction and home-school communication are culturally and linguistically responsive.

ELs with IEPs may receive both ESL instruction and special education services simultaneously. The IEP must be developed by the IEP Team, which should include the ESL teacher as a member, or at a minimum, information provided by the ESL teacher to the IEP team.

EL students receiving special education services must submit to Pennsylvania's annual assessments. Each EL student may participate in assessments through the use of one or more state-approved accommodations appropriate to his/her disability. The IEP team may make decisions regarding assessment accommodations for EL students with disabilities, considering the following:

1. Accommodations must not invalidate the results of the assessment;
2. Accommodations may be used for the entire assessment or only for part/parts of the assessment;
3. Determinations of any accommodation must be:
  - Based on a student's disability;
  - Made by the student's entire IEP team;
  - Properly documented in the student's IEP; and
  - Properly coded on the assessment.

#### **Exit of ELs with IEPs:**

Monitoring of the EL status is required for four years after a student exits a language instruction educational program and appropriate records of student progress must be maintained. ESSA Section 3121(a)(5). Monitoring may include any or all of the following:

- Periodic review of grades
- Local assessments
- Required state assessments
- Teacher observation
- Teachers may implement appropriate interventions to assist students who are not meeting benchmarks in core content areas.
- Monitoring is not an extension of the language instruction educational program. Students who are monitored cannot be counted as ELs in any state or federal data collection systems for the purpose of acquiring state or federal funding.

- For accountability purposes, an LEA must report on the academic achievement of an EL for each year of the four years after such student has achieved English language proficiency and no longer receives ESL services. These data must include results on content assessments for reading/language arts, mathematics, and science.

### **Communications with EL Parents/Guardians**

Communications with EL parents and/or guardians must be in the parents' / guardians' preferred language and mode of communication. The Charter School will provide interpretation services (written and/or oral, depending on the preferred mode of communication). 20 U.S.C.A. § 7012.

The Elementary and Secondary Education Act ("ESEA") does not define the term "families." Families may include relatives involved in the social, emotional, and academic support of the student and expand beyond parents and guardians to include siblings, grandparents, aunts, uncles, cousins and others. As such, States, LEAs, and schools looking to involve and support families should be responsive to their students' diverse family structures. For an EL or immigrant student, extended family members may have a powerful impact on the student's academic success. In many cultures, grandparents in particular play a pivotal role in guiding and shaping household values. Providing outreach to those relatives, including through information about school programs and student progress, as well as opportunities for meaningful involvement, such as participation in school functions like family literacy nights and other such events, can have a positive impact on student learning. It is also important to consider the family situation of foster youth, unaccompanied children, and others whose "family" network may extend beyond biological relatives.

### **Requirements for pre-service and in-service professional development for teachers**

The ESSA made several important changes pertaining to preparation and professional development for teachers of ELs. First, instead of describing these programs and activities as "high-quality," as under NCLB, the statute has strengthened these provisions by clarifying that such programs and activities supported by Title III funds must be "effective."

LEAs must use Title III funds to provide effective professional development for teachers and principals of ELs that is:

- Designed to improve the instruction and assessment of ELs;
- Designed to enhance the ability of teachers and principals to understand and implement curricula, assessment measures and practices, and instructional strategies for ELs;

- Effective in increasing children's English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of teachers of ELs; and
- Of sufficient intensity and duration to have a positive and lasting impact on the teachers' performance in the classroom. This does not include one-day or short term events, unless as part of a teacher's comprehensive professional development plan that is based on a needs assessment. (ESEA Section 3115(c)(2)).

Second, the use of Title III State-level funds for professional development was previously limited to assisting personnel in meeting certification and licensing requirements for teaching ELs. States may now also provide professional development to improve teaching skills to meet the diverse needs of ELs, including how to implement effective programs and curricula to teach ELs. (ESEA Section 3111(b)(2)(B)). The professional development provided by either the State or an LEA need not be limited to teachers who teach exclusively ELs, but may be provided to all teachers who have ELs in their classrooms, to enable them to teach those ELs more effectively.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**



## **Crispus Attucks Charter School**

### **ENGLISH AS A SECOND LANGUAGE/BILINGUAL PROGRAM POLICY NO. 138**

Adopted: June 26, 2017

Revised:

#### **Purpose:**

In accordance with the Board of Trustees's ("Board") philosophy to provide a quality educational program to all students, the Crispus Attucks Youthbuild Charter School ("Charter School") shall provide an appropriately planned instructional program for identified students whose dominant language is not English. When the Every Student Succeeds Act (ESSA) was signed on December 10, 2015, reauthorizing the Elementary and Secondary Education Act of 1965 (which was amended by the No Child Left Behind Act of 2001), it changed the terminology to identify such students as English Learners (ELs). English Learners ("ELs") are the students who require English as a Second Language ("ESL") service by the Charter School.

The purpose of the program shall be to increase the English language proficiency of ELs so they can attain the state academic standards within the ESL program setting as well as within the regular classroom environment, to provide equal opportunities for ELs to participate in extra-curricular activities, and to provide the cultural, social and emotional supports for ELs to adapt to this new cultural setting.

#### **Authority**

The Board declares it to be their policy to provide an equal opportunity for all students, including ELs, to achieve their maximum potential through the curriculum, instruction, and programs offered in the Charter School. At no time shall the Charter School, including the Board, permit, condone, encourage or facilitate discrimination against students during the course of recruitment, admissions and enrollment, instruction, counseling and daily interactions with Charter School faculty and staff. Equal Education Opportunity Act, 20 U.S.C.A. § 1703; Title VI, Civil Rights Act of 1964, 42 U.S.C.A. § 2000d, et seq.

#### **Definition:**

ESSA defines an "English learner" as an individual who, among other things, has difficulties in speaking, reading, writing, or understanding the English language that may be sufficient to deny the individual the ability to meet challenging state academic standards. The term "English learner," when used with respect to an individual, means an individual — (A) who is aged 3 through 21; (B) who is enrolled or preparing to enroll in an elementary school or secondary school; (C)(i) who was not born in the United States or whose native language is a language other than English; (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and (D) whose difficulties in

speaking, reading, writing, or understanding the English language may be sufficient to deny the individual — (i) the ability to meet the challenging State academic standards; (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or (iii) the opportunity to participate fully in society. (ESEA Section 8101(20)).

ELs are from diverse linguistic and cultural backgrounds. The Charter School must equip them with the skills to function, compete, and prosper in American society. EL students must develop academic skills along with their general program peers while also learning English. As EL students are in transition from their native language to English, the emphasis must be on developing academic skills that comply with Pennsylvania State Standards.

### **Responsibility:**

The Charter School shall adopt an instructional program for each EL student for the purpose of facilitating the student's achievement of English proficiency and academic standards ("ESL Program"). 22 Pa. Code. § 4.26. All students who may be ELs must be assessed within the first thirty (30) days of enrollment at the Charter School. The CEO and the director of the ESL Program ("ESL Director") shall implement and supervise an ESL Program that meets the legal requirements for ESL Program compliance under federal and Pennsylvania law:

1. Based on an educational theory recognized as sound by some experts in the field or considered by experts as a legitimate experimental strategy;
2. Reasonably calculated, including provisions for resources and personnel, to implement the theory effectively; and
3. Evaluated and adjusted where needed to ensure language barriers are actually being overcome.

20 U.S.C.A. § 6812. The ESL program will come under the direction of the ESL Director. The ESL Director will be responsible for the assurance of the implementation of the program and that proper Charter School policies and procedures are being followed. The CEO and the ESL Director will be responsible for informing Charter School staff with instructional strategies and cultural needs of students who will receive ESL instruction. ESL teaching resource materials will be obtained by the ESL Director and kept in his/her office for reference for both program and non-program teachers.

All teachers instructing within the ESL Program shall hold the requisite certification and endorsements required by Pennsylvania law. Bilingual teachers must demonstrate academic language proficiency both in English and in the language of instruction. 22 Pa. Code §403; 20 U.S.C.A. §6826.

Language Instruction Educational Programs ("LIEPs") Title III of the ESEA replaces the expectation in the ESEA, as amended by NCLB, that LIEPs be "scientifically based" with a new expectation – that LIEPs be "effective." A LEA must:

- Use Title III funds for effective approaches and methodologies for teaching ELs (ESEA Section 3115(a));

- Increase the English proficiency of ELs by providing effective language instruction educational programs that meet the needs of ELs and demonstrate success in increasing (A) English language proficiency; and (B) student academic achievement (ESEA Section 3115(c)(1));
- Use Title III funds in ways that build its capacity to continue to offer effective language instruction educational programs that assist English learners in meeting challenging State academic standards (ESEA Section 3113(b)(3)(E)); and
- Include in its local plans for a Title III subgrant a description of the effective programs and activities that will be provided, including language instruction educational programs (ESEA Section 3116(b)(1)).

**ESL Program:**

The goals of the Charter School's ESL Program are to assist the EL students in using English, per 20 U.S.C.A. §6812:

1. to communicate in social settings;
2. to achieve academically in all content areas; and
3. in socially and culturally appropriate ways.

The CEO and the ESL Director shall implement and supervise the ESL Program, and further ensure that the ESL Program meets the legal requirements for ESL program compliance. The CEO and the ESL Director, in conjunction with appropriate certified ESL teachers, shall develop and disseminate written procedures regarding the ESL Program. The procedures shall include, but will not be limited to, the following:

1. Detailed program goals;
2. Student enrollment procedures (i.e., Home Language Survey);
3. Assessment procedures within 30 days of enrollment for program entrance, measuring progress in gaining English proficiency, and program exiting;
4. Accommodations for EL students in the general education classroom;
5. Grading policies; and
6. List of resources, including support agencies and interpreters.

20 U.S.C.A. § 6826. The ESL Program shall include daily instruction for EL students, supporting the ESL Program's goals, and will receive curriculum aligned with Pennsylvania standards. 22 Pa. Code. § 4.26. Language instruction shall correspond to each EL student's English proficiency level, which shall include both direct language instruction and adaptation of instruction in all content classes. The exact hours of direct language instruction will be determined based on each EL student's needs. All ESL instruction shall be part of each EL



student's daily schedule, and will not interfere with or prohibit each EL student's instruction in all grade level content classes.

EL students will be placed in all appropriate grade level content classes. Each EL student will receive instruction in all content areas, as other students in the class. Each EL student will receive additional supplemental support and instruction from ESL teachers periodically for Language Arts class and for necessary content area classes. An ESL teacher will assist the classroom teacher in identifying and implementing teaching strategies that will help each EL student achieve academic success in the classroom. During the initial period of language acquisition and development, the Charter School may grade the EL student on a pass/fail basis.

The Pennsylvania English Language Proficiency Standards shall be incorporated in both ESL instruction and grade level content classes.

### **Program Goals and Objectives:**

The Charter School has developed the following goals and objectives for the ESL Program.

Goal 1: To use English to communicate in social settings.

Objective: By the end of the school year, EL students will improve and increase their ability to use English to participate in social interactions. This will be evidenced by observation of ELL students in cooperative learning activities, playground interactions and personal conversation.

Objective: By the end of the school year, EL students will improve and increase their ability to interact, through and with spoken and written English for personal expression and enjoyment. This will be evidenced by personal writing journals and book choice with reading log.

Goal 2: To use English to achieve academically in all content areas.

Objective: By the end of the school year, EL students will improve and increase their ability to use English to interact in the classroom, evidenced by conversations with ESL teachers, observations of students in cooperative group settings, and observations of students in social interactions, report cards and test results.

Objective: By the end of the school year, EL students will improve and increase their ability to use English to obtain, construct and provide subject matter information in spoken and written form. This will be evidenced by an increase in standardized testing content area scores, a portfolio of EL student work, and ESL teachers' observations of the EL students' ability to pose questions and have discussions in content area classes.

Goal 3: To use English in socially and culturally appropriate ways.

Objective: By the end of the school year, EL students will improve and increase their ability to use the appropriate language variety, register, and genre according to the audience, purpose and setting. This will be evidenced by EL student academic presentations, observations of EL students' social conversations with peers, and conversations with ESL teachers.

Objective: By the end of the school year, EL students will improve and increase their ability to use nonverbal communication appropriate to audience, purpose and setting. This will be evidenced by observations of EL students by ESL teachers.

The success of the ESL program will be measured by: EL students increasing scores within their level of the program; EL students testing to the next level of the program; and EL students testing out of the program as evidenced by yearly English proficiency testing. Success will also be measured by an increase in academic scores on a content area standardized test. 22 Pa. Code § 403; 20 U.S.C.A. § 6841. The ESL Director will also look at student portfolios and ESL teacher narratives to demonstrate progress of each EL student.

Attendance policies will be the same for EL students as for English-speaking students.

The Student Handbook will clearly state the Charter School's policy and expectations regarding the ESL Program.

### **Enrollment of EL Students:**

EL students and families shall be provided translation and interpretation services to the extent needed to assist with the enrollment process. All students seeking first time enrollment in the Charter School shall be given a Home Language Survey in accordance with requirements of the U.S. Department of Education's Office for Civil Rights. Enrollment of a student may not be delayed in order to administer the Home Language Survey. The completed survey shall be filed in each student's permanent record folder through graduation. 22 Pa. Code § 11.11(e).

Based on the Home Language Survey responses, each student shall be assessed for potential placement in an ESL Program within 30 days of enrollment. A student will be exempt from assessment if the student meets two of the following three criteria:

1. Final grades of B or better in core subject areas (mathematics, language arts, science and social studies);
2. Scores on Charter School assessments that are comparable to the basic performance level on the annual Pennsylvania System of School Assessment ("PSSA"); or
3. Scores of basic in reading, writing and mathematics on the PSSA or the equivalent assessment from another state.

## **Identification & Placement of EL Students:**

### Entry Criteria

The Charter School will use the WIDA-ACCESS Placement Test (W-APT) to assess newly enrolled students for placement in the ESL program. The W-APT results will be one indicator for placement in the ESL program. Additional criteria for placement in the ESL program include: educational and cultural backgrounds, interviews with families, and native language literacy. Other indicators shall include current or previous grades, performance on state assessments, and Charter School-based formative or summative assessments. This ESL-Program eligibility criterion is aligned with requirements established by the Pennsylvania Department of Education.

Student placement in the ESL Program and designated instruction time (Beginner, Intermediate, Advanced) will comply with program guidelines and will be based upon the instructional need of each ESL student. Instructional placement will be age and grade appropriate.

Parents may request an EL student to be excused from the ESL Program if the instruction conflicts with the family's religious beliefs. 22 Pa. Code § 4.4(d)(3).

All EL students shall have access to and should be encouraged to participate in all Charter School educational programs, opportunities, and extracurricular activities available. Equal Education Opportunity Act, 20 U.S.C.A. § 1703; Title VI, Civil Rights Act of 1964, 42 U.S.C.A. § 2000d, et seq.

### Exit Criteria

#### **Required Exit Criteria**

##### **Exit Criteria 1**

- **Kindergarten students** – Overall composite proficiency level score of 5.0 on an ACCESS for ELs Kindergarten Assessment (accountability score).
- **Grades 1-12 students** – Overall composite proficiency level score of 5.0 on a Tier C ACCESS 2.0 Grades 1-12 Assessment.
- **Cutoff score flexibility** is available for students in **grades 1-12** in the following special circumstance:
- Following the grade and score criteria in the table below, the W-APT may be administered between June and September to students who scored below the minimum cutoff for program exit on the January administration of the ACCESS in order to demonstrate sufficient progress to justify exit.

<b>Grade Level</b>	<b>ACCESS Score</b>	<b>Required W-APT Scores*</b>
K	<i>Cut-off score flexibility not allowable for Kindergarteners</i>	
1-5	4.6-4.9	5.0 in each domain
6-8	4.7-4.9	5.0 in each domain
9-12	4.8-4.9	5.0 in each domain

*NOTE: The W-APT may only be administered to a student once in any school year.*

*NOTE: A student must score 5.0 in each domain (listening, speaking, reading and writing). A composite proficiency score will not be used.*

- A score of PROFICIENT on the English Language Arts PSSA or Literature Keystone assessment can be used along with the other required criteria outlined in this policy (Required Exit Criteria #2 and Additional Exit Criteria #1 or #2) to justify exit for students who achieve an overall composite proficiency level score of 4.5 to 4.9 on the January administration of the ACCESS 2.0 Grades 1-12. In this case, W-APT scores are not necessary to demonstrate progress from the time of ACCESS administration to the end of the school year.

## **Exit Criteria 2**

**Score of BASIC** on the annual Pennsylvania System of School Assessment (PSSA) math or Algebra I Keystone **AND** English Language Arts PSSA or Literature Keystone.

*NOTE: PSSA and Keystone exam scores must be from the most recent academic school year.*

**Cutoff score flexibility** is available in the following special circumstances:

- For students that were administered a PSSA math and/or PSSA English Language Arts assessment in school year 2015-16 and did not score BASIC or higher, each of the remaining exit criteria must be met to exit (Required Exit Criteria #1, Additional Exit Criteria #1, Additional Exit criteria #2).
- For students that are in a grade that is not assessed with a PSSA or Keystone assessment, each of the remaining exit criteria must be met to exit (Required Exit Criteria #1, Additional Exit Criteria #1, Additional Exit criteria #2).
- For students that were opted out of participation in a PSSA or Keystone assessment due to a religious objection or conflict, each of the remaining exit criteria must be met

to exit (Required Exit Criteria #1, Additional Exit Criteria #1, Additional Exit criteria #2).

- For students transferring from other states, the results of academic achievement assessments used for accountability in other states may be considered when the academic proficiency level is comparable to BASIC on the PSSA/Keystone assessments.

**Additional Exit Criteria:**

- Final grades of C or better in core subject areas (mathematics, language arts, science and social studies).
- Scores on district-wide or local assessments that are comparable to the BASIC performance level on the math PSSA or Algebra I Keystone AND English Language Arts PSSA or Literature Keystone assessments.

Once an EL student exits the ESL Program, he/she will be monitored for four years. The law requires Charter School to maintain a description of the progress made by children in meeting challenging State academic content and student academic achievement standards for each of the four years after such children are no longer receiving services. Such monitoring of students shall begin as soon as the student exits an ESL/Bilingual program. For students who exit a program at the end of the school year, monitoring will begin the following school year. The progress of the exited EL student will be monitored at quarterly intervals throughout the academic year, utilizing collaborative conversations regarding progress monitoring of the exited EL students between content and ESL teacher.

During the four year monitoring period, any student encountering academic difficulty that is determined to be as a result of English language proficiency skills may be reclassified and returned to an ESL/Bilingual education program. However, such reclassification should only occur after collaboration between the ESL teacher and content teachers has ensured that effective and appropriate core curriculum instruction, including differentiation and interventions has been implemented. Content and ESL teacher input is critical in determining whether reclassification is the appropriate support to enable the former EL to succeed.

**Notifications to Parent(s)/Guardian(s) of ELs:**

Title I requires that every LEA that uses funds under either Title I or Title III for services to ELs must provide a parent with notification that outlines their child's identification as an EL and placement in an LIEP. (ESEA Section 1112(e)(3)). The parental notification must include:

- The reason for identification of the child as an EL;
- The child's level of English language proficiency, how the level was assessed, and the status of the child's academic achievement;

- Methods of instruction used in the program in which the child is, or will be, participating, and the methods of instruction used in other available programs, including how the programs differ;
- How the program will meet the educational strengths and needs of the child and help the child achieve English language proficiency, and meet academic standards;
- Exit requirements for the program, expected rate of transition to a classroom not tailored for EL students, and expected rate of high school graduation;
- In the case of a child with a disability, how the program meets the annual goals in the child's individualized education program (IEP); and
- Information regarding parents' right to withdraw the child from a program upon their request, and to decline enrollment or choose another program or method of instruction, if available. (ESEA 1112(e)(3)(A)).

The notification must be provided no later than 30 calendar days after the beginning of the school year or within the first two weeks of placement in an LIEP for students who enroll after the start of the school year. (ESEA Section 1112(e)(3)(A), 1112(e)(3)(B)). The notice and information provided must be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand. (ESEA Section 1112(e)(4)).

#### **Assessment of ESL Students:**

In accordance with Pennsylvania academic standards and Charter School academic standards, the Charter School will monitor the progress of EL students and will provide appropriate accommodations within the content areas to ensure achievement of the academic standards and curricular goals. 22 Pa. Code § 403; 20 U.S.C.A. § 6842. The ESL Director will oversee the review, both annual and periodic, of EL students.

Pennsylvania's assessments shall be administered to all EL students annually to measure progress and determine each EL student's English language proficiency for each language domain (Reading, Writing, Speaking and Listening/Understanding). Each designated ESL teacher will complete the annual grading and evaluation process for EL students (English, Reading and Language Arts). Other considerations will include EL student portfolios and teacher narratives regarding observations of each EL student. Students with immigrant status who have lived in the United States for less than one year are exempt from participating in the PSSA and local assessments.

Throughout the course of the year, individual student progress will be evaluated on a continuous basis with each ESL teacher and the classroom teacher. Each teacher will modify EL students' learning plans to ensure academic success for each EL student.

A standardized form will be kept in each EL student's permanent record folder through graduation. The form shall identify the date, level, and English proficiency score upon entering the ESL Program; report(s) of progress toward ESL Program goals; and academic standardized test scores. A narrative from the designated ESL teacher, regarding each EL student's progress

toward satisfying the ESL Program objectives, will also be part of the data collection and review process.

An EL student may not be retained in a grade level based solely on his/her lack of English language proficiency. Before an EL student is retained in a grade, the ESL Director must demonstrate that all appropriate modifications were made to instruction and assessment in order to allow the EL student's meaningful access to the grade level content curriculum as well as to promote ESL instruction.

### **EL Students with Disabilities**

All EL students shall be eligible for special education services. All procedures for the screening, evaluation, IEP, and the provision of services and/or instruction for EL students must be in compliance with governing state and federal laws and regulations. However, the Charter School, as LEA, must ensure that their program is effective before referring the child for evaluation. The questions should be asked to determine if a Student should be evaluated for IDEA disability or a Section 504 Plan:

- Is ESL instruction sufficient in quantity and quality?
- Is the core ESL instructional program effective and aligned to the proficiency level of the student, and the English Language Proficiency Standards?
- Is planned instruction in the content areas delivered according to the English language proficiency level of the student and the English Language Proficiency Standards, and are appropriate ESL-related adaptations/modifications are provided by content teachers?
- Collaboration exists between the ESL and content teachers?
- Instruction and home-school communication is culturally responsive?

In determining if a bilingual School Psychologist will help the evaluation team determine if the problems are related to second language acquisition or a possible disability, the Charter School must ensure that the psychologist is a trained psychologist in the assessment of ELs at all levels of English language proficiency versus a psychologist who happens to be bilingual.

A current practice with many LEAs is to hire a bilingual psychologist to implement an IQ test of a student. The problem arises when the results are used as the only criteria to make identification and placement decisions without having a complete profile of the child, e.g.:

- Has the student received any instruction in the native language?
- What is the student's dominant language?
- How many years of instruction has the student had in English?
- How is the student progressing in ESL instruction? How is the student progressing in comparison to other ELs (like peers)...not compared to native speakers of English.
- Was a translator/interpreter used during assessment? If yes, was the test developed for the use of a translator/interpreter?
- Was the student born in the US?

- Was the student transient? What amount of time were they in school (in and outside the US)?
- What is the level of acculturation?
- Has the assessor acknowledged the impact of cultural and linguistic diversity on assessment performance? e.g., increased processing time, cultural bias, gaps in vocabulary and prior knowledge, false cognates, etc.

The IEP team for an EL student shall include either the ESL Director or an appropriately certified ESL teacher, or at a minimum, the IEP team shall receive input from either the ESL Director or the appropriate ESL teacher when appropriate. In Pennsylvania, the ESL Program Specialist (PK-12) is the add-on certificate for teachers who provide English as a Second Language instruction. The ESL teacher has the training, expertise, and experience to:

--Analyze and interpret English language proficiency assessment results of Focusing on English language proficiency levels, and o Calculating language proficiency growth using the scaled scores;

--Identify the student's language strengths and needs;

--Provide essential guidance related to the process of second language acquisition, communication with families, cultural responsiveness, and reduction of language barriers;

--Provide information concerning the ecology of the student (e.g., first language literacy, cultural and educational background, length of time in the U.S., interrupted education, mobility, acculturation stages, socio-economic status).

The IEP team for an EL student shall consider the need for ESL instruction as it addresses the EL student's needs related to the provision of a Free and Appropriate Public Education. In determining an EL student's needs, the IEP team shall consider both special education services and ESL instruction simultaneously. Special education services do not replace ESL instruction. LEAs must not identify or determine that ELs are students with disabilities because of their limited English language proficiency.

For special education students, the term ESL Program refers to:

--planned instruction by a qualified ESL/Bilingual Education teacher;

--adaptations/modifications in the delivery of content instruction by all teachers, based on the student's English language proficiency levels and the Pennsylvania English Language Development Standards (PA ELDS) for ELs, as well as the Pennsylvania Core Standards. LEAs must ensure that their program is sufficient in quantity and quality before referring the student for an evaluation, demonstrating evidence that:

--ESL instruction is daily, rigorous, and research-based;

--the core ESL instructional program is aligned to the English language proficiency levels of the student, and the PA English Language Development Standards;



--grade-level planned instruction in the content areas is delivered according to the English language proficiency levels of the student and the PA English Language Development Standards, and appropriate adaptations/modifications are provided by content teachers to allow meaningful access to core curriculum;

--collaboration is ongoing between the ESL and content teachers;

--instruction and home-school communication are culturally and linguistically responsive.

ELs with IEPs may receive both ESL instruction and special education services simultaneously. The IEP must be developed by the IEP Team, which should include the ESL teacher as a member or as a minimum information provided by the ESL teacher to the IEP team.

EL students receiving special education services must submit to Pennsylvania's annual assessments. Each EL student may participate in assessments through the use of one or more state-approved accommodations appropriate to his/her disability. The IEP team may make decisions regarding assessment accommodations for ELL students with disabilities, considering the following:

1. Accommodations must not invalidate the results of the assessment;
2. Accommodations may be used for the entire assessment or only for part/parts of the assessment;
3. Determinations of any accommodation must be:
  - Based on a student's disability;
  - Made by the student's entire IEP team;
  - Properly documented in the student's IEP; and
  - Properly coded on the assessment.

#### **Exit of ELs with IEPs:**

Monitoring of the EL status is required for four years after a student exits a language instruction educational program and appropriate records of student progress must be maintained. ESSA Section 3121(a)(5). Monitoring may include any or all of the following:

- Periodic review of grades
- Local assessments
- Required state assessments
- Teacher observation
- Teachers may implement appropriate interventions to assist students who are not meeting benchmarks in core content areas.

- Monitoring is not an extension of the language instruction educational program. Students who are monitored cannot be counted as ELs in any state or federal data collection systems for the purpose of acquiring state or federal funding.
- For accountability purposes, an LEA must report on the academic achievement of an EL for each year of the four years after such student has achieved English language proficiency and no longer receives ESL services. These data must include results on content assessments for reading/language arts, mathematics, and science.

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### **Requirements for pre-service and in-service professional development for teachers**

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LEAs must use Title III funds to provide effective professional development for teachers and principals of ELs that is:

- Designed to improve the instruction and assessment of ELs;
- Designed to enhance the ability of teachers and principals to understand and implement curricula, assessment measures and practices, and instructional strategies for ELs;

- Effective in increasing children’s English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of teachers of ELs; and
- Of sufficient intensity and duration to have a positive and lasting impact on the teachers’ performance in the classroom. This does not include one-day or short term events, unless as part of a teacher’s comprehensive professional development plan that is based on a needs assessment. (ESEA Section 3115(c)(2)).

Second, the use of Title III State-level funds for professional development was previously limited to assisting personnel in meeting certification and licensing requirements for teaching ELs. States may now also provide professional development to improve teaching skills to meet the diverse needs of ELs, including how to implement effective programs and curricula to teach ELs. (ESEA Section 3111(b)(2)(B)). The professional development provided by either the State or an LEA need not be limited to teachers who teach exclusively ELs, but may be provided to all teachers who have ELs in their classrooms, to enable them to teach those ELs more effectively.