

Early Light Academy Charter School Special Education Policies and Procedures

Governing Board

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This Policies and Procedures Manual ensures the implementation of special education services in Early Light Academy Charter School. It is to be used in coordination with the Utah State Board of Education Rules (August 2007), the Utah State Office of Education Special Education Guidelines (August 2008) for Specific Learning Disabilities, Least Restrictive Behavioral Interventions, and Caseload.

**Early Light Academy
11709 South Vadiana Drive
South Jordan, Utah 84095**

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General Policy Statement

Early Light Academy Charter School Special Education

It is the policy of Early Light Academy to adhere to and comply with federal and state laws and rules as they pertain to students with disabilities and the provision of a free appropriate public education to all students within the school, regardless of the nature or severity of the disability.

Due process rights of students with disabilities and their parents under IDEA 2004, Section 504 of the Rehabilitation Act and ADA are required. Students may be identified as disabled under the latter two of these laws even though they may not require specialized educational services. Confidentiality of student information and access to student files will meet the standards of the Family Educational Rights and Privacy Act (FERPA) and the Utah Ethics Act.

Early Light Academy Charter School is required to develop Special Education policies and procedures in the following areas:

- Specific Learning Disabilities (SLD) Eligibility
- Least Restrictive Behavioral Interventions (LRBI)
- Caseloads

Early Light Academy recognizes the *Guidelines* set forth by the Utah State Office of Education on each of these areas and accepts them as best practice; following them as set forth. Early Light Academy Charter School's Special Education Policies and Procedures (December 2009) are on file in the school's manual book and at the Utah State Office of Education.

The purpose of this manual policy is to ensure students with disabilities or suspected disabilities will be identified, evaluated, and provided appropriate educational services and/or accommodations within the definitions of IDEA 2004, Americans with Disabilities Act (ADA) or Section 504.

References:

- Individuals with Disabilities Education Improvement Act (IDEA 2004)
- Utah State Board of Education Special Education Rules (August 2008)
- Utah State Board Administrative Rule
- Utah Code
- Section 504 of the Rehabilitation Act
- Americans with Disabilities Act (ADA)
- Family Educational Rights and Privacy Act (FERPA)

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I. GENERAL PROVISIONS (USBE SER I)

A. Policies and Procedures.

Early Light Academy Charter School, in providing for the education of students with disabilities enrolled in its school, has in effect policies, procedures, and programs that are consistent with the Utah State Board of Education Special Education Rules (USBE SER) as described in this Policies and Procedures Manual.

B. Definitions.

1. Charter School (Elementary and Secondary Education Act (ESEA) of 1965 Section 5210(1)). (USBE SER I.E.6) A public school that functions as an LEA, unless it is a school of an LEA, that:
 - a. Is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of the ESEA;
 - b. Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;
 - c. Operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;
 - d. Provides a program of elementary or secondary education, or both;
 - e. Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;
 - f. Does not charge tuition;
 - g. Complies with the Age Discrimination Act of 1975, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Part B of the Individuals with Disabilities Education Act (IDEA);
 - h. Is a school to which parents choose to send their students, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

- i. Agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;
 - j. Meets all applicable Federal, State, and local health and safety requirements;
 - k. Operates in accordance with State law; and
 - l. Has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.
2. Early Light Academy Charter School has adopted all of the other applicable definitions as found in USBE SER I.E.1-44.

C. Budget Information and Categories.

Early Light Academy Charter School provides detailed budget information and budget categories in its annual application for IDEA Part B funding submitted to the Utah State Office of Education.

D. Assurances.

Students are admitted to Early Light Academy Charter School based solely on the lottery and other requirements under the Utah Code and the USBE Administrative Rules for Charter Schools, and without restrictions due to race, color, gender, national origin, disability status, or religion. Assurances with regard to compliance with IDEA Part A and Part B, as well as the National Instructional Materials Accessibility Standard, and compliance with other Federal laws including “New Restrictions on Lobbying, “Debarment, Suspension, and Other Responsibility Matters,” and the Drug-Free Workplace Act of 1988 are submitted to the Utah State Office of Education (USOE) annually with the application for IDEA Part B funding.

E. General program description.

Early Light Academy Charter School is located at 11709 S. Vadania Dr. in South Jordan, Utah. The facility sits on about 5.5 acres of land. The building is approximately 59,000 square feet with a gymnasium/multipurpose room, library, administrative offices, computer lab, 30 classrooms, a regulation-sized soccer field, eleven break-out rooms, special education office and instructional rooms, and a separate building for grades seven through nine.

Early Light Academy Charter School was designed to accommodate a maximum enrollment of 675 students in grades K-8, with the enrollment projected to increase to 750 with the addition of ninth grade at the beginning of the 2010 school year. The Utah Core Curriculum is the foundation for the curriculum in all grade levels, with core instructional methods, supplementary materials and the K12 curriculum used for daily instruction in math, science, history and art.

Early Light Academy Charter School was founded by a group of parents all sharing a desire to be more intimately involved in their children's education. Each of the founding members served on a school community council, sharing commonalities in how they would like to have had a greater voice in the decisions that are made regarding the education of their children. Founding members selected a balanced literacy design for language arts including leveled and guided reading instructional methods as well as grade level math with time scheduled for math enrichment as an integral part of the curriculum and means of delivering that instruction. Instructional design also includes the use of computer technology and Smart Boards to expand teacher and student access to resources and better presentations and to enhance learning.

The Governing Board at Early Light Academy Charter School believes strongly that an annual self-improvement plan is essential to improving the education program. Each year the Board assesses Early Light Academy Charter School's performance as it relates to academic performance, its vision, and UPASS, with the self-assessment driving the goals and objectives for each annual improvement plan.

- F. Free Appropriate Public Education (FAPE).
1. Early Light Academy Charter School follows the requirements of Charter Schools and Their Students (USBE SER III.O)
 - a. Students with disabilities ages 3 through 21 who attend public charter schools and their parents retain all rights under Part B of the IDEA and the USBE SER.
 - b. Early Light Academy Charter School is an LEA that receives funding under Part B, and is responsible for ensuring that all of the requirements of Part B of the IDEA and these Rules are met.
 - c. Early Light Academy Charter School, a public charter school, provides a Free Appropriate Public Education (FAPE) to all eligible students with disabilities in conformity with the requirements of the Utah State Board of Education Special Education Rules (USBE SER) and the United States Department of Edu-

cation Final Regulations for the Individuals with Disabilities Education Act of 2004 (IDEA) August 2006.

2. Free appropriate public education (FAPE). (USBE SER I.E.15) Special education and related services that:
 - a. Are provided at public expense, under public supervision and direction, and without charge;
 - b. Meet the standards of the USOE and Part B of the IDEA;
 - c. Include preschool, elementary school, and secondary school education in Utah; and
 - d. Are provided in conformity with an Individualized Education Program (IEP) that meets the requirements of Part B of the IDEA and these Rules.

G. Full Educational Opportunity Goal (FEOG).

Early Light Academy Charter School hereby affirms the goal of providing a full educational opportunity to all students with disabilities determined eligible for special education or special education and related services under the IDEA and the USBE SER, of the ages served by the Charter School and in accordance with all of the timeline requirements of the IDEA with respect to the identification, location, evaluation, and provision of a free appropriate public education.

II. IDENTIFICATION, LOCATION, and EVALUATION of STUDENTS SUSPECTED of HAVING DISABILITIES

A. Child Find. (USBE SER II)

Early Light Academy Charter School has policies and procedures to ensure that all students with disabilities enrolled in the grades the school serves, including students who are highly mobile, students who have been suspended or expelled from school, and those who are suspected of being a student with a disability and who are in need of special education or special education and related services even though they are advancing from grade to grade, and regardless of the severity of the disability, are identified, located, and evaluated. This includes a practical method for determining which students are currently receiving needed special education or special education and related services.

B. Child Find Procedures.

Early Light Academy Charter School conducts the following procedures to ensure that students suspected of having a disability are identified and located:

1. Finding students who have been receiving needed special education or special education and related services.
 - a. The enrollment application includes questions about whether a student has received special education or special education and related services in the previous school or educational program.
 - b. Parents are asked during registration if the students received any services beyond the regular program in the previous school.
 - c. If parents respond in the affirmative, a phone contact is made with the previous school to locate the special education records.
 - d. Early Light Academy Charter School follows all the procedures detailed on the In-State and Out-of-State Transfer Student Checklist of the USOE.
 - e. For students entering kindergarten, additional procedures are in place as part of the annual kindergarten screening/round-up which will include but not be limited to vision and hearing screenings, and math and reading readiness skills assessment.

2. In identifying and locating students who are suspected of having a disability but have not been previously identified or determined eligible for special education or special education and related services, Early Light Academy Charter School implements the following procedures:
 - a. Annual training of all staff on the Child Find obligation and how to be alert for observed behaviors that suggest a suspected disability.
 - b. Notice in a student or parent handbook of the referral procedures and of the availability of services for eligible students with disabilities.
 - c. If a parent or staff member is concerned about a student, that parent or staff member is referred to the Teacher Assistance Team (TAT) who will review student data and recommend appropriate interventions. Review of student progress will be monitored to determine if interventions have been sufficient to address the concerns. Parents will be kept informed about the progress noted during these pre-referral interventions. Additional interventions may be suggested.
 - d. After an appropriate interval of time, the TAT, together with the referring parent and staff member, will determine whether or not to make referral for special education evaluation.

C. Referral.

1. Procedure.

When a parent or staff member suspects a student may have a disability, the following referral procedure is implemented:

- a. Teachers take suggestions of the TAT and implement pre-referral interventions and provide documentation of the results to the Special Education Department.
- b. Note: Pre-referral interventions may not be used to substantially delay an evaluation for eligibility.
- c. If school personnel are making the referral, attach documentation of contacts with the parents about the concerns regarding the student's educational performance.
- d. The referral form is given to the principal, who reviews existing data including pre-referral intervention results on the stu-

dent and determines if the referral should go forward for a full evaluation. If it is decided that the evaluation should take place, the principal assigns a staff member to oversee/conduct the evaluation. If the referral is not going to result in a full evaluation, the principal instructs the special education director to send the parent a Written Prior Notice of Refusal to take the action of conducting an evaluation.

D. Evaluation.

1. Parental Consent.

Prior to initiating a full and complete individual evaluation, parental consent is required. The consent informs the parent that the evaluation is being proposed because the student is suspected of having a disability that affects his educational performance and that he/she may be eligible for special education or special education and related services. The consent indicates the areas in which the evaluation team will conduct tests or administer other assessment tools to the student. Consent for evaluation must not be construed as consent for provisions of special education services.

Reasonable efforts to obtain parental consent are made and documented by the Charter School. Early Light Academy Charter School follows the requirements of USBE II.C.4 with respect to parents who cannot be located.

Parental consent is not required before administering a test or other evaluation that is given to all students, or before conducting a review of existing data. Neither is it required for screening activities such as visits to the classroom by the special education teacher, psychologist, SLP or OT.

2. Written Prior Notice.

The parent is given Written Prior Notice that the evaluation will take place. (See Section IV.C of this Policy and Procedures Manual for required components of Written Prior Notice.) Written Prior Notice is embedded in the Early Light Academy Charter School Consent for Evaluation form.

3. Evaluation Timeline.

When the signed parental consent or refusal of consent for evaluation is received at the school, the special education teacher writes the date it was received on the form to document the beginning of the

timeline for the evaluation. The Charter School completes all evaluations within 45 school days of receiving the consent. The 45 school day timeline does not apply if the parent fails to produce the student for the evaluation. If the student enrolls in the Charter School after the timeframe has started in a previous LEA, the Charter School must make sufficient progress to ensure prompt compliance in accordance with a written agreement with the parent as to when the evaluation will be completed.

Early Light Academy Charter School may make a decision to refuse to evaluate if that evaluation seems unjustified but the refusal to evaluate must include data to justify that refusal.

4. Evaluation Process.

a. Review of Existing Data.

When conducting an initial evaluation (when appropriate), the evaluation team considers existing data on the student's educational performance. This may include student records of grades, courses completed, statewide test results, LEA-wide test results, classroom assessments, teacher interviews, observations, notes in the student's cumulative file, and any other information available.

b. Administration of Additional Assessments.

In addition, the special education staff administers assessments in other areas as part of a full and individual initial evaluation, as indicated on the Consent for Evaluation, in order to determine eligibility and the student's educational needs. The test administration follows all of the requirements of the USBER SER II.F-H, including:

- Use of a variety of assessment tools
- Use of more than one procedure
- Use of technically sound instruments
- Selection of tools that are not discriminatory on a racial or cultural basis
- Administration in student's native language or mode of communication
- Use of assessments for the purposes intended and in accordance with the publisher's administration standards
- Administration by trained and knowledgeable personnel
- Use of tools that assess what they purport to measure and not just the student's disability

- Assessment in all areas related to the student’s suspected disability
- Comprehensive assessment, not just in areas commonly associated with the specific disability

c. Evaluation Requirements.

Evaluations for students suspected in each of the 13 areas of disability include the requirements for evaluation procedures and assessment of student performance in specific areas identified in USBE SER II.J.1-13.

E. Reevaluation Procedures. (USBE SER II.G)

1. Early Light Academy Charter School conducts a reevaluation of each student with a disability when the educational or related services needs, including improved academic achievement and functional performance, of a student warrant a reevaluation; or if the student’s parent or teacher requests a reevaluation.
2. Parental consent for reevaluations.
 - a. Early Light Academy Charter School obtains informed parental consent prior to conducting any reevaluation of a student with a disability, if the reevaluation includes the administration of additional assessments to the student.
 - b. If the parent refuses to consent to the reevaluation, the LEA may, but is not required to, pursue the reevaluation by using the consent override procedures provided in the procedural safeguards, and including mediation or due process procedures.
 - c. The reevaluation may be conducted without parental consent if the school can demonstrate that it made reasonable attempts to obtain such consent and the student's parent has failed to respond. A written record of the attempts is maintained in the student’s special education file.

F. Additional Requirements for Initial Evaluation and Reevaluation Procedures. (USBE SER II.H)

1. As part of any initial evaluation (if appropriate) and as part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must review existing evaluation data on the student. This review may be conducted without a formal meeting. The special education teacher/case manager may review and discuss the existing data with team members and the parent individually. Existing data

may include evaluations and information provided by the parents of the student; current classroom-based, local or State assessments, and classroom-based observations; observations by teachers and related services providers; grades; attendance, and other information regarding the student's current educational performance.

2. The IEP team and appropriate other qualified professionals, based on their data review and input from the student's parents, identifies what additional data, if any, are needed to determine whether the student is or continues to be a student with a disability and the educational needs of the student, and
 - a. The present levels of academic achievement and related developmental needs of the student;
 - b. Whether the student needs special education and related services; or, in the case of a reevaluation of a student, whether the student continues to need special education and related services; and
 - c. Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.
3. If the IEP team and other qualified professionals, as appropriate, determine that no additional data are needed to determine continuing eligibility and student needs, the parents are given Written Prior Notice of that decision and of their right to request additional assessment. Early Light Academy Charter School then prepares a new Evaluation Summary Report, including new and previous data as appropriate, and sends a Notice of Meeting for Eligibility Determination. A new Eligibility Determination form is completed and signed by the team, and the parents are given Written Prior Notice of that determination along with a copy of the Evaluation Summary Report and the Eligibility Determination documents. Written Prior Notice is embedded in the Eligibility Determination document.
4. If the parent requests additional assessment as part of the reevaluation, Early Light Academy Charter School conducts assessment in the areas of educational functioning requested. When the additional assessment is completed, the Charter School then prepares a new Evaluation Summary Report, including new and previous data as appropriate, and sends a Notice of Meeting for Eligibility Determination. A new Eligibility Determination form is completed and signed by the team, and the parents are given Written Prior Notice of that

determination along with a copy of the Evaluation Summary Report and the Eligibility Determination documents. Written Prior Notice is embedded in the Eligibility Determination document.

5. Evaluations before change in eligibility.

Early Light Academy Charter School evaluates students with disabilities before determining that students are no longer eligible for special education or special education and related services.

6. Parental consent is not required before:

- a. Reviewing existing data as part of an evaluation or a reevaluation; or
- b. Administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

G. Evaluation Timelines.

1. An initial evaluation must be completed within 45 school days of the date the school receives parental consent for the evaluation.
2. Upon completion of the evaluation or reevaluation, the IEP team and other appropriate professionals determine eligibility within a reasonable time.
3. A reevaluation:
 - a. May not be conducted more than once a year, unless the parent and Early Light Academy agree otherwise; and
 - b. Must occur at least once every three (3) years, unless the parent and Early Light Academy agree that a reevaluation is unnecessary.

H. Eligibility Determination.

1. Notice of Meeting.

Upon completion of the evaluation, the special education director/teacher arranges a meeting of the eligibility team at a mutually agreeable time and place. A Notice of Meeting will be sent to the parent and other members of the team stating the meeting purposes, time, place, who is expected to be in attendance, and letting the par-

ent know that they may bring others who have knowledge of the student to the meeting.

2. Evaluation Summary Report.

The special education director/teacher collects all of the results of the evaluation, and writes a summary report of the evaluation information. This Evaluation Summary Report is part of the Early Light Academy Charter School's Eligibility Determination document for each disability category.

3. Eligibility Team Membership.

The eligibility team shall include a group of qualified professionals and the parent. In the Early Light Academy Charter School, this may include the special education teacher, regular education teacher, speech-language pathologist, school psychologist, occupational therapist, physical therapist, and others who have conducted parts of the evaluation, as appropriate.

4. Eligibility Categories, Definitions, and Criteria.

The Early Light Academy Charter School has adopted the definitions, evaluation requirements, and eligibility criteria in USBE SER.II.J.1-13.

5. For the category of Specific Learning Disability (SLD)
Early Light Academy Charter School has selected Method B: Severe Discrepancy Method (i.e., the identification of a severe discrepancy between aptitude (intelligence) and achievement).

- a. Early Light Academy Charter School will refer to the elements outlined for Method B of the *USOE Guidelines for Specific Learning Disabilities Manual*. If a student is referred by a parent or staff member Early Light Academy Charter School follows all of the procedures of the USBE SER and *the USOE Guidelines for Specific Learning Disabilities Manual* for referral and initial evaluation.
- b. A discrepancy method approach is utilized for all students suspected of having a Specific Learning Disability at Early Light Academy. This includes students referred for evaluation by parents, staff, and administrators in collaboration with TAT, as well as students who are not achieving adequate or the student's age or State-approved grade-level standards, or are not making adequate yearly progress toward the grade level of expecta-

tions in one or more of the areas of specific learning disability (i.e., oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation and mathematics problem-solving).

- Parents are informed of the right to request an evaluation for eligibility at any time if they suspect their student has a disability, and of the State’s policies regarding the amount and nature of students performance data that will be collected, the general education services that are provided, and strategies for increasing the student’s rate of learning. Documentation that parents received this information is in the student’s file.
- c. Early Light Academy Charter School ensures that every opportunity to learn or lack of progress is not due to lack of instruction. This involves the expectation that multi-tiered instruction and interventions will be attempted prior to referral for a special education evaluation.
- Early Light Academy provides high quality, research-based instruction delivered by qualified staff in the general education setting. Early Light Academy has adopted state-approved core curriculum materials at all grade levels.
 - Early Light Academy utilizes multiple tiers of research-based interventions to address individual student difficulties. Some students will need supplemental interventions that are aligned to the core curriculum in order to achieve at a proficient level. A few students will need more intensive interventions aligned to the core curriculum. Early Light Academy has identified research-based supplemental and intensive interventions. Specific decision rules are used to determine when a student need supplemental or intensive interventions based on progress-monitoring data.
 - Early Light Academy ensures effective implementation by having support systems in place: leadership, problem-solving teams, data management systems, collaboration, professional development, and measures of fidelity. System supports facilitate collaboration within grade levels, content

areas, and across the school; the effective use of data for decision making; and ongoing professional learning. System supports also ensure that instructional programs and interventions are used with fidelity (i.e., implemented in the manner in which they were intended for the desired results to be achieved).

d. Informing Parents.

Early Light Academy Charter School believes parents can provide a critical perspective on students, thus increasing the likelihood that interventions prior to a referral for special education will be effective. For this reason, Early Light Academy makes a concerted effort to involve students as early as possible, beginning with instruction in the core curriculum. This is done through traditional methods such as parent-teacher conferences, regularly scheduled meetings, or other methods.

e. Indicators of the Need for a Referral for Further Evaluation for Suspected Specific Learning Disabilities.

When the general education teacher believes that the student is not making adequate progress, even when supplemental interventions have been implemented with fidelity and over time, the teacher will complete the *Documentation of Response to Intervention Form* and schedule a time to discuss the student's progress with the TAT.

- The TAT reviews the interventions attempted and documented on the *Documentation of Response to Intervention Form* and employs a problem-solving approach to determine if additional interventions should be attempted or if a referral for special education is warranted.

f. When a decision is made for a formal referral for a special education evaluation, whether by the school or the parent, parents must be notified and written permission obtained. The school team must:

1. Complete the *Referral Form*;
2. Follow the procedural safeguards for *Written Prior Notice and Consent for Initial Evaluation*;

3. Provide the parent with a copy of the Procedural Safeguards;
 4. Obtain written prior consent for evaluation in the additional areas determined needed.
- g. Early Light Academy Charter School shall ensure that a comprehensive evaluation is conducted for a student referred for special education.
- The comprehensive evaluation must use a variety of technically sound assessment tools and strategies to gather relevant functional, developmental, social/behavioral, and academic information about the student, including information provided by the parent. It is not permissible to use any single measure or assessment as the sole criterion for determining whether the student has a specific learning disability.
 - Early Light Academy Charter School must ensure that the student is observed in the student's learning environment (including the general education classroom setting) to document the student's academic performance and behavior in the areas of difficulty. The team may decide to use information from an observation in routine classroom instruction and monitoring of the student's performance that was done before the student was referred for an evaluation; or have at least one member of the team conduct an observation of the student's academic performance in the general education classroom after the student has been referred for an evaluation and parental consent is obtained.
- h. When all evaluation data have been collected, a group of qualified professionals and the parents meet to review the data and determine eligibility. This evaluation/eligibility team must include:
1. The student's general education teacher or, if the student does not have a general education teacher, a general education classroom teacher qualified to teach a student of his or her age.

2. At least one person qualified to conduct individual diagnostic examinations of students, such as a special education teacher, a reading teacher/specialist, a speech-language pathologist, or a school psychologist.
 3. The student's parent(s)/guardian.
- h. An eligibility team consisting of parents and qualified professionals including the student's general education teacher and an individual qualified to conduct individual diagnostic examinations determines whether the student is a student with a Specific Learning Disability by reviewing all data, looking for gaps in learning, why interventions have failed, whether the disability has an adverse effect on educational performance, and if specialized instruction is needed for the student to succeed, in accordance with the eligibility determination requirements of USBE SER II.
- i. Specific documentation for the eligibility determination (300.311).

The TAT's documentation of the determination of eligibility must:

Contain a statement of the (1) basis for making the determination including that the student does not achieve adequately for student's age or to meet State-approved grade-level standards in one or more of the eligible areas, when provided with learning experiences and instruction appropriate for the student's age or State-approved grade-level standard; (2) the relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student's academic functioning; (3) the educationally relevant medical findings, if any; (4) the determination of the team concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the student's achievement level; and (5) documentation if a severe discrepancy between the student's achievement and intellectual ability which includes:

- a. The student's performance on a standardized, norm-referenced, individually administered achievement measure in the area of the suspected disability, and

- b. That the student scored above the intellectual disability range on a standardized, norm-referenced, individually administered measure of intellectual ability, and
 - c. The comparison of the standard scores on the tests of achievement and intellectual ability. The documentation must include a report that states that the team can be 93 percent confident that there is a severe discrepancy between the student's expected achievement score and the obtained achievement score, based on the Utah ESTIMATOR software.
 - j. The eligibility team must refer to the *USOE Specific Learning Disability Guidelines*.
- 6. Determining Eligibility. (USBE SER II.)
 - a. Using the criteria for each category of disability as described above, the eligibility team shall determine:
 - (1) Whether the student has a disability that
 - (2) Adversely affects his educational performance, and
 - (3) Whether the student requires special education or special education and related services.

Special education is defined (USBE SER I.E.38) as specially designed instruction to meet the unique needs of a student with a disability and may include related services if they meet the definition of special education.

Specially designed instruction (USBE SER I.E.39) is adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability, and to ensure access of the student to the general curriculum, so that the student can meet educational standards of the Charter School that apply to all students.

- b. Disclaimers. (USBE SER) A student must not be determined to be a student with a disability if the determinant factor is:

- (1) Lack of appropriate instruction in reading, including the essential components of reading instruction (phonemic awareness, alphabetic principle, vocabulary, comprehension, and fluency);
 - (2) Lack of appropriate instruction in math; or
 - (3) Limited English proficiency.
- c. The determination of eligibility is documented on the appropriate “Team Evaluation Summary Report and Written Prior Notice of Eligibility Determination” form with signatures of team members.
 - d. If the disability is determined to be a Specific Learning Disability, any team member who disagrees with the rest of the team’s decision may put his reasons in writing.
 - e. Parents are provided with a copy of the Team Evaluation Summary Report and Written Prior Notice of Eligibility Determination document.
7. Evaluations before Change in Eligibility. (USBE SER II.H.6)
- a. Early Light Academy Charter School evaluates a student with a disability before determining that the student is no longer an eligible student with a disability.

III. IEP DEVELOPMENT and SERVICE DELIVERY.

Early Light Academy Charter School implements the following policies and procedures to address the IEP requirements of USBE SER III.I-U.

A. IEP Team Meeting.

Within 30 calendar days of the determination of eligibility, the special education teacher/case manager shall arrange a meeting of the IEP team to develop an IEP at a place and time that is mutually convenient to the parent and Early Light Academy Charter School. A Notice of Meeting will be sent to the parent and other members of the team stating the purposes, time, place, who is expected to be in attendance, and letting the parent know that the parent or Early Light Academy Charter School may bring others who have knowledge or special expertise about the student to the meeting. The determination of knowledge or expertise of the invited person is made by the party who invited that person.

B. Parental Opportunity to Participate.

1. Parents are expected to be participants along with school team members in developing, reviewing, and revising the IEP. This includes providing critical information about needs and strengths of their student, contributing to discussions about the student's needs for special education, determining how the student will be involved and make progress in the general curriculum, deciding how the student will participate in the state- and Charter School-wide assessments, and deciding what services the Early Light Academy Charter School will provide and in what settings.
2. Early Light Academy Charter School documents in writing its attempts to get parental participation in IEP meetings. If the parent cannot attend, participation by other means such as teleconference may be used. Parents must be given whatever help they need to understand the proceedings of the IEP meetings, such as interpreters. If Early Light Academy Charter School cannot obtain parental participation, it proceeds with the development of the IEP as required by Part B of the IDEA and USBE SER.

C. IEP Team.

The team shall consist of the parent, the special education teacher and regular education teacher of the student, a representative of Early Light Academy Charter School, a person who can interpret the results of the evaluation, and the student when appropriate. Neither the special education teacher nor Early Light Academy may also be the parent. Other team members may be added when they are likely to provide services to the student. The represent-

ative of Early Light Academy must meet Early Light Academy's administrator standards, and have knowledge of the general education curriculum and of the availability of resources of Early Light Academy.

D. IEP Team Attendance. (USBE SER III.F)

1. A required member of the IEP team is not required to attend all or part of a particular IEP team meeting if the parent of a student with a disability and the Charter School agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.
2. A required member of the IEP team may be excused from attending all or part of a particular IEP meeting when the meeting does involve a modification to or discussion of the member's area of the curriculum or related services, if the parent and the LEA consent to the excusal in writing; and the member submits written input into the development of the IEP to the parent and the IEP team, prior to the meeting.

E. IEP Timelines.

1. An IEP is in effect for each identified student with a disability prior to the beginning of the school year.
2. Each student's IEP is reviewed and revised at least annually. The IEP Team reviews the IEP at least annually to determine whether the annual goals for the student are being achieved. The Team may decide to meet at the request of the parent or other IEP Team member to revise the IEP to address lack of expected progress toward annual goals and lack of progress in the general curriculum, the results of any reevaluation, information about the student provided to or by the parents, the student's anticipated needs, or other matters.
3. An IEP is developed within 30 calendar days of initial determination that a student is an eligible student with a disability.
4. Once parental consent for the initial provision of special education or special education and related services is obtained, the special education services, related services, and supplementary aids and services are provided as soon as possible.

F. Transfer Students.

Early Light Academy Charter School provides a student transferring from another LEA in or out of the state with comparable services to those listed

on an existing IEP while it determines next needed steps in accordance with the In-State and Out-of-State Transfer Student Checklist of the USOE.

G. IEP Development and Content.

1. The IEP Team will develop an IEP that is reasonably calculated to confer a free appropriate public education for the student.
2. In developing the IEP, the IEP team must consider the student's strengths, parental concerns, evaluation results, academic development and functional needs, and special factors.
3. The IEP must include:
 - a. A statement of the student's present level of academic achievement and functional performance, including baseline data on his achievement and how the student's disability affects his access and progress in the general curriculum for his age or grade level.
 - b. Measurable annual goals, along with short term objectives when helpful or required, based on the present level statement that enable the student to be involved and make progress in the general education curriculum and addressing each of the student's educational needs resulting from the student's disability.
 - c. How progress on the goals will be measured and reported to the parents on a periodic basis.
 - d. The special education and related services, and the supplementary aids and services, the student needs to address his goals and make progress in the general curriculum. The services are based on peer-reviewed research to the extent practicable.
 - e. Program modifications and supports for the student and the teacher in the regular education classroom.
 - f. The dates that services, accommodations, and program modifications will begin and end (no more than one year from the date of the IEP); and the frequency, location, and amount of each service listed. Services listed must be specific, such as "reading comprehension," not "resource."

- g. Consideration of special factors as follows:
- (1) In the case of a student with limited English proficiency, consider the language needs of the student as those needs relate to the student's IEP;
 - (2) In the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student;
 - (3) Consider the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode;
 - (4) Consider whether the student needs assistive technology devices and services; and
 - (5) In the case of a student whose behavior impedes the student's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.
 - (A) When making decisions on behavioral interventions, the IEP team must refer to the *USOE Special Education Least Restrictive Behavior Interventions (LRBI) Guidelines* for information on research-based intervention procedures in order to protect the safety and well-being of students with disabilities, provide protection for students, teachers, other school personnel, Early Light Academy Charter School, and the USOE, and ensure that parents are involved in the consideration and selection of behavior interventions to be used with their students.
 - (B) When an emergency situation occurs that requires the immediate use of moderately or highly intrusive interventions to protect the student or others from

harm, the staff shall complete and submit the emergency contact information to Early Light Academy Charter School director or principal and notify the student's parents within 24 hours.

- (C) Early Light Academy Charter School ensures that all appropriate staff members receive the training necessary to effectively implement a continuum of behavioral interventions and supports.
 - (D) Early Light Academy Charter School has established an LRBI Committee to monitor its policies for disciplinary plans, actions and behavioral intervention procedures, protections and safeguards. This Committee reviews the use of highly intrusive interventions as well as the effectiveness of and need for additional staff training. The Committee is composed of a school administrator, a parent and two other members of the professional staff.
 - (E) As appropriate, the student should receive a functional behavioral assessment (FuBA) and behavior intervention services and modifications that are designed to address the behavior.
- h. If the IEP team in considering the special factors described above decides that a student needs a particular device or services for educational purposes, which could be an intervention, accommodation, or other program modification in order to receive a FAPE, the team must include these in the IEP.
 - i. How the student will participate in LEA-wide and statewide assessments. While every student with a disability must participate, an individual student may be determined to participate with some accommodations based on his disability, or with modifications. Students who have the most significant cognitive disabilities, and meet other criteria in the USOE Assessment Participation and Accommodation Policy, may be assessed with Utah's Alternate Assessment (UAA). The IEP Team must indicate this on the IEP Assessment Addendum, along with the reason that the student cannot otherwise participate in the statewide assessment program.
 - j. In addition to the required elements of the statewide assessment program, Early Light Academy Charter School will administer the following school-wide assessments: the K12 Math

and Science Inventory and benchmark testing, Fountas and Pinnell Guided Reading Assessment, and regular math curriculum assessments in grades K-8. All students, including students with identified disabilities, are included in these assessments. Students with disabilities may participate in the assessments with appropriate accommodations and modifications as determined by the IEP Team and documented in the student's IEP. Alternate assessments for individual students, as determined by the student's IEP Team and documented in the student's IEP, are provided for students who cannot participate in the school-wide assessment in any other way.

- k. How the student will participate in physical education services, specially designed or adapted if necessary.
- l. Each IEP team must determine whether the student will need Extended School Year (ESY) services in order to receive a free appropriate public education.
 - (1) This determination in Early Light Academy Charter School will be based on regression and recoupment data collected over at least two breaks in the school year consisting of 4 or more week days when there is no school.
 - (2) If the student's recovery from measured regression on pinpointed skills directly related to the IEP goals takes so long that he would not receive FAPE without services during the summer or other school break, the IEP Team must find him eligible for ESY services.
 - (3) In addition to data showing regression and recoupment, determination qualification can also be based on a consideration of critical needs and student performance and progress compared to a trajectory of learning.
 - (4) In the case of Autism, maintenance of learning and social/behavioral routines in addition to new skill development may also be considered critical enough to justify ESY.
 - (5) The IEP Team shall develop a written document that indicates which IEP goals the student will work on during the ESY, what services will be provided, how long and how often the ESY services will be provided, and the setting(s) in which the services will be provided.

- m. **Assistive Technology.** Early Light Academy Charter School makes assistive technology devices or assistive technology services, or both, available to a student with a disability if required as part of the student's special education, related services, or supplemental aids and services. School-purchased assistive technology devices may be used in the student's home, if the IEP Team determines, on a case-by-case basis, that assistive technology in the home is required for the student to receive a FAPE.

H. **IEP Team Access to IEP Information.**

- 1. Early Light Academy Charter School makes the student's IEP accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. Each teacher and provider is informed of his or her specific responsibilities related to the implementation of the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.
- 2. Early Light Academy Charter School prepares a summary of the present level of academic achievement and functional performance, goals, services, and program modifications and supports for each teacher of the student. This summary is provided to the teacher prior to the time of initial implementation of the IEP as well as annual updates as appropriate.

I. **Placement in the Least Restrictive Environment (LRE). (USBE SER III.P)**

- 1. Placement decisions are made by a group of persons, including the parents and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. This group may be the IEP Team, including the parent. The group determines the placement on the continuum of placement options where the student will receive special education or special education and related services.
- 2. Early Light Academy Charter School ensures that the parents of each student are members of any group that makes decisions on the education placement of their student. If unable to get the parents to participate, after repeated and documented attempts, the team may need to proceed with a placement decision. However, no initial placement and provision of services may be put in place without written parental consent.

3. Placement is determined at least annually, based on the student's present levels of performance, goals, services, and program modifications as detailed in the IEP.
4. Identified students with disabilities shall receive the special education or special education and related services in the Least Restrictive Environment to the maximum extent appropriate to meet the student's needs. This means that the student will not be removed from the regular education classroom, with regular education peers, unless the IEP Team determines that due to the nature and severity of the disability, the student's educational needs cannot be addressed satisfactorily in the regular education environment, even with the use of supplementary aids and services.
5. The Early Light Academy Charter School provides the IDEA required range of placement options, including placement in the regular education classroom, with or without itinerant services; placement in a special class; placement in a special school; placement in a residential program, and homebound or hospitalized placement.
6. Early Light Academy Charter School provides supplementary services, such as resource or itinerant instruction, in conjunction with placement in the regular education classroom, when needed.

J. Nonacademic Settings, Activities, and Services. (USBE SER III.U-V)

1. The Early Light Academy Charter School ensures that each student with a disability participates with nondisabled students in the extra-curricular services and activities to the maximum extent appropriate to the student's needs. This includes meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school, referrals to agencies that provide assistance to individuals with disabilities and employment of students, and other activities and services of Early Light Academy Charter School.
2. Early Light Academy Charter School ensures that each student with a disability has the supplementary aids and services determined by the student's IEP Team to provide the nonacademic and extracurricular services and activities in such a way that students with disabilities are given an equal opportunity to participate.

K. Parental Consent for Initial Placement and Provision of Services. (USBE SER III.T)

1. In order for the initial IEP to be implemented and the special education services the team has decided on to begin, written parental con-

sent must be obtained. If the parent refuses consent for the provision of those services, Early Light Academy may not implement the IEP and may not access due process procedures.

2. Early Light Academy Charter School does not use a parent's refusal to consent to one service or activity to deny the parent or student any other service, benefit, or activity of Early Light Academy, or to fail to provide a student with a FAPE.

L. Documentation of Participation.

1. All members of the IEP team will sign the IEP document indicating that they participated in the development of the IEP. A parent's signature on the IEP does not mean that the parent is in full agreement with the content of the IEP and does not abrogate the parental right to access the Procedural Safeguards of the IDEA.
2. If Early Light Academy, despite at least two documented attempts, is unsuccessful in having parental attendance at the meeting, the rest of the IEP team shall proceed with the meeting.
3. Parents may participate via telephone conference or video conference.
4. Parents will be provided with a copy of the completed IEP, and Written Prior Notice of Early Light Academy Charter School's intent to implement the program and services in the IEP. This Notice is embedded in the IEP form. If Early Light Academy refuses to include in its offer of FAPE as detailed on the IEP services or program modifications the parent has requested, a Written Prior Notice of that refusal is provided to the parent.

M. Changes to the IEP.

1. Changes to the IEP may be made at the request of any member of the IEP Team in a meeting or by amendment to the existing IEP.
2. Changes may be needed if there is new information about the student's performance.
3. Amendments to the IEP without a team meeting may be made only with the agreement of t Early Light Academy Charter School and the parent.
 - a. Amendments such as a change in the amount of a special education or related service that is no more than 30 minutes per week, a change of location that is no more than 60 minutes per

- b. The transition services, including courses of study, needed to assist the student in reaching the student's post-secondary goals.

3. Transfer of rights at age of majority.

Not applicable given the grade levels served at Early Light Academy Charter School.

P. Graduation. (USBE VII.C)

Not applicable; Early Light Academy Charter School does not serve high school.

Q. Least Restrictive Behavior Interventions (LRBI).

Early Light Academy Charter School follows all parts of the USOE LRBI Guidelines as written. In particular, the Early Light Academy Charter School implements the following procedures:

1. Emergency situations: In an emergency situation, school staff may need to intervene using an intensive, individualized intervention to ensure the safety of students and staff. An emergency is described as one that involves danger to others, danger to self, or threatened abuse toward others, self. Emergency procedures should only be used by staff trained and competent in their use. Staff must notify parents within 24 hours of the use of emergency intervention procedures. Staff shall complete and submit the emergency contact information to the Special Education Director within 24 hours (Utah State Office of Education Special education Rules III (b)(5)(c)).
2. Pattern of behavior: If a behavior requiring emergency procedures occurs more than: once per week, two times in a month or four times in a year the behavior should no longer be considered an emergency or crisis and should be addressed in the IEP and/or BIP. Additionally, the allowable instances of a behavior requiring emergency procedures are cumulative in number, regardless of whether a different intensive, individual intervention is used.
3. Appeals process: Early Light Academy Charter School has formed a LRBI Committee to monitor their policies for disciplinary plans, actions and behavioral intervention procedures, protections and safeguards. The LRBI Committee regularly review use of intensive (highly intrusive) interventions in the Early Light Academy's data for effectiveness of intensive, individual interventions and personnel training needed for implementation of a continuum of beha-

vioral interventions and supports. Early Light Academy's Special Education Director or designee is the designated chairperson and includes membership of:

- Early Light Academy Charter School's Special Education Director or an administrative designee; and
- No fewer than two other professionals with behavioral knowledge; and
- A parent of a student with disabilities, appointed by the local Special Education Director.

Best practice suggests that the LRBI Committee should serve as the first line of appeal for parents and professionals when conflict arises concerning recommended behavioral interventions. Specific timeline recommendations for appeals are found on p. 28 of the USOE LRBI Guidelines.

4. Provisions for staff training: An ongoing staff development program related to the development of student behavior expectations, effective instructional practices for teaching and reinforcing behavior expectations, and effective intervention strategies. As teachers are trained to implement effective classroom management strategies and school-wide PBIS, the emphasis will be on:
 - Preventing behavioral problems by establishing expectations/rules, teaching and reinforcing appropriate behavior for all students and staff while consistently correcting behavioral errors and re-teaching behavioral skills. This focus on prevention encourages appropriate behavior and helps schools and school staffs avoid a pattern of punishment and reaction to behavioral problems on a case-by-case basis.
 - Creating support systems readily available to identify and address the needs of students who are at risk of developing behavioral and/or academic problems. Efforts to integrate behavior and academic instruction at the school-wide and classroom level are best practice. Recent studies have demonstrated that there is a predictive relationship between academics and behavior in that success or proficiency in one domain closely predicts success in the other. Further research shows that the integration of early intervention reading skills and positive behavior intervention and supports programming results in reduced behavioral difficulties and increased academic achievement.

- Providing high levels of support to students with chronic behavioral and/or academic problems.

Copies of the USOE guidelines for LRBI will be made available to the staff and the following components for creating a school-wide system of proactive and positive behavioral interventions as found in the USOE guidelines will also serve as the critical steps: Establish Expectations/Rules, Explicitly Teach Expectations/Rules, Reinforce Expectations/Rules and Correct Behavioral Errors

5. Procedures for monitoring LRBI policies: When selecting an intensive, individualized intervention and certain supplemental interventions, it is best practice that the IEP team process be augmented with the following steps to implement, monitor and adjust behavior interventions and supports. Behavior interventions can be addressed in the IEP or on a formal BIP. Recommended Implementation and Monitoring of Behavioral Intervention Practices for IEP Teams include the following steps:

- Prior to selecting and implementing an intervention, operationally define the target behavior and appropriate replacement behavior.
- Except for situations when the behavior is extreme (e.g., self-abuse or assaultive behavior) and immediate intervention is required, collect baseline data for a minimum of three sessions or days prior to implementation of a behavior intervention.
- Prior to implementing a selected intervention, ensure staff members are trained on the intervention procedure to encourage a high level of fidelity and consistency with the intervention implementation.
- Plan for appropriate data collection and monitoring of both student response to intervention and staff consistency with the intervention.
- If a student fails to respond to the intervention, consider conducting a functional behavior assessment (FuBA) to inform future intervention selection and adjustment of current intervention practices.
- When a highly intrusive intervention is selected, the team should submit to Early Light Academy's LRBI Committee documentation of less intensive/intrusive interventions and the plan for more intensive/intrusive interventions.

R. Private School Placements by Early Light Academy Charter School. (USBE SER VI.A)

Before Early Light Academy Charter School places a student with a disability in, or refers a student to, a private school or facility, or a public or private residential program in order to provide a FAPE to the student, it initiates and conducts a meeting to develop an IEP for the student, with a representative of the private school in attendance. The costs of such placements, including non-medical care and room and board, are at no cost to the parents.

S. Students with Disabilities Enrolled by their Parents in Private Schools when FAPE is at Issue. (USBE SER VI.C)

If the parents of a student with a disability who had previously received special education or special education and related services from Early Light Academy Charter School enroll the student in a private school without the consent of or referral by the school, Early Light Academy Charter School is not required to pay for the cost of that placement if the school made a FAPE available to the student. Disagreements between the parents and Early Light Academy Charter School regarding the availability of a program appropriate for the student and the question of financial reimbursement are subject to the State complaint and due process complaint procedures in USBE SER IV.G-V. Early Light Academy Charter School follows other requirements in USBE SER VI.C as written.

IV. PROCEDURAL SAFEGUARDS

Early Light Academy Charter School, consistent with the requirements of Part B of the IDEA and the USBE Special Education Rules, has established, maintains, and implements Procedural Safeguards for students with disabilities and their parents.

A. Opportunity for Parental Participation in Meetings.

The Early Light Academy Charter School affords parents the opportunity to participate in all decisions related to the location, identification, evaluation, and provision of FAPE for their student, including decisions related to the Discipline requirements of Part B of the IDEA. This includes arranging meetings at a mutually convenient time and place, providing Notice of Meeting at least two days prior to a scheduled meeting, and making at least two documented attempts to obtain parent participation in meetings.

B. Independent Educational Evaluation (IEE). (USBE SER IV.C)

1. Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by Early Light Academy Charter School responsible for the education of the student in question.
2. Early Light Academy Charter School has established and implements the following policies and procedures related to independent educational evaluations that meet the requirements of Part B of the IDEA and the USBE SER.
 - a. The parents of a student with a disability have the right to obtain an independent educational evaluation of the student at public expense if they disagree with an evaluation obtained by Early Light Academy Charter School.
 - b. Early Light Academy Charter School provides to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and Early Light Academy's criteria applicable for independent educational evaluations. In addition, the Early Light Academy Charter School considers any other evaluator or agency proposed by the parent to conduct the IEE if the examiner and the evaluation meet Early Light Academy Charter School's criteria. A qualified examiner is one who meets the USOE criteria for qualified personnel as a special education teacher, school psychologist, psychologist with expertise in administration and analysis of assessments, or other equivalent qualifications as determined by Early Light Academy Charter School. Criteria for the evaluation are that the evaluation pro-

cedures meet all of the same standards as those listed in Section II.D-H of this Policy and Procedures Manual. The Early Light Academy Charter School either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

- c. Early Light Academy Charter School ensures that when a parent requests an IEE, either Early Light Academy files a due process complaint to request a hearing to show that its evaluation is appropriate, or that the independent educational evaluation is provided at public expense, unless the evaluation obtained by the parent does not meet Early Light Academy Charter School's criteria as described above. If a due process complaint decision finds Early Light Academy Charter School's evaluation was appropriate, an IEE obtained by the parent is considered by the team, but is not provided at public expense.
- d. Additional protections for the parent of a student with a disability and for t Early Light Academy Charter School are followed as written in USBE SER IV.C.3(c-h).

- 3. An independent educational evaluation conducted at Early Light Academy Charter School's expense becomes the property of the Early Light Academy, in its entirety.

C. Written Prior Notice.

Early Light Academy Charter School provides Written Prior Notice to parents a reasonable time before it proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or provision of a free appropriate public education to the student. The notice includes: a description of the action proposed or refused, an explanation of reasons for the proposal or refusal, a description of evaluations or other information the proposal or refusal is based on, a statement that the parents and eligible student have protection under the Procedural Safeguards and how to obtain a copy of the Safeguards, sources of assistance to understand Part B of the IDEA, a description of other options the IEP Team considered and why the other options were rejected, and a description of other relevant factors to the proposal or refusal. The Written Prior Notice is provided in understandable language and in the parents' native language or other mode of communication.

D. Procedural Safeguards Notice.

A copy of the Procedural Safeguards is given to the parent once a year at the annual IEP review, and is also given to the parent upon initial referral or parental request for evaluation, upon receipt of the first State complaint or due process complaint in that school year, and upon request by the parent at any

time. Early Light Academy Charter School uses the USOE Procedural Safeguards Notice that is posted on the USOE website, www.schools.utah.gov. The special education director/teacher provides a brief explanation of the main provisions of the Procedural Safeguards to the parents at consent for evaluation, eligibility determination, and annual IEP meetings.

This notice contains an explanation of the procedural safeguards related to independent educational evaluations, written prior notice, parental consent, access to educational records, opportunity to present and resolve complaints through State complaint or due process complaint procedures, opportunity for t Early Light Academy Charter School to resolve the complaint, availability of mediation, student's placement during pendency of hearings, procedures for students placed in an interim alternative educational setting, requirements for unilateral placement of student in private schools at public expense, hearings on due process complaints, civil actions, attorney's fees. This notice is in language understandable to the parents.

E. Parental Consent.

Informed written parental consent is obtained for evaluation and reevaluation, initial placement/provision of special education, and for release of records to certain parties. Efforts to obtain consent are documented in writing. No student receives special education or special education and related services without the signed initial consent for placement in the student file. Other relevant parental consent requirements are addressed in Sections II and III of this Policies and Procedures Manual.

F. Dispute Resolution.

Early Light Academy Charter School follows the Dispute Resolution requirements of the USBE SER described in IV.G-U as written. These include the procedures for State Complaints, Mediation, Due Process Complaints, Resolution Process, Due Process Hearings, Civil Actions, Attorney's Fees, and Student's Status during Proceedings.

G. Surrogate Parents.

Early Light Academy Charter School assigns a surrogate parent for a student when the parent cannot be identified or cannot be located, the parent's rights to make educational decisions has been taken away by a court, the student is a ward of the state, or the student is an unaccompanied homeless youth. The surrogate parent meets the requirements of USBE SER IV.V.5-8. Early Light Academy Charter School maintains contact with the Utah Parent Center for assistance in obtaining names of trained surrogates, and maintains a list of surrogate parents who are available when needed, including those sent by Early Light Academy to be trained.

H. Confidentiality of Information. (USBE SER IV.X)

Early Light Academy Charter School takes appropriate steps to ensure the protection of the confidentiality of any personally identifiable data, information, and records it collects or maintains related to Part B of the IDEA.

1. Definitions. As used in these safeguards:
 - a. *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
 - b. *Education records* means the type of records covered under the definition of “education records” in 34 CFR 99, implementing regulations for the Family Educational Rights and Privacy Act of 1974, 20 USC 1232g (FERPA).
 - c. *Participating agency* means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.

2. Access rights.
 - a. Early Light Academy Charter School permits parents to inspect and review any education records relating to their student that are collected, maintained, or used by Early Light Academy. Early Light Academy Charter School complies with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing, or resolution session, and in no case more than 45 calendar days after the request has been made.
 - b. The right to inspect and review education records includes the right to:
 - (1) A response from Early Light Academy Charter School to reasonable requests for explanations and interpretations of the records;
 - (2) Request that Early Light Academy Charter School provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
 - (3) Have a representative of the parent inspect and review the records.

- c. Early Light Academy Charter School may presume that the parent has authority to inspect and review records relating to his or her student unless the school has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

3. Record of access.

Early Light Academy Charter School keeps a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized employees of Early Light Academy) in each student’s special education file, including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. If any education record includes information on more than one student, Early Light Academy Charter School ensures that the parents of a student has the right to inspect and review only the information relating to their student or to be informed of that specific information.

4. List of types and locations of information.

On request, Early Light Academy Charter School provides parents with a list of the types and locations of education records collected, maintained, or used by the Charter School. This list is maintained in the office at Early Light Academy Charter School and includes the designation of special education student files to be kept in the special education director’s office and state assessments (CRT) records to be kept in the assessment director’s files and student cumulative files.

5. Amendment of records at parent’s request.

- a. A parent who believes that information in the education records collected, maintained, or used under Part B of the IDEA is inaccurate or misleading or violates the privacy or other rights of the student may request Early Light Academy Charter School that maintains the information to amend the information. Early Light Academy must decide whether to amend the information within a reasonable period of time of receipt of the request. If Early Light Academy decides to refuse to amend the information, it must inform the parent of the refusal and advise the parent of the right to a hearing on the matter.
- b. Early Light Academy Charter School, on request, provides an opportunity for a hearing to challenge information in education

records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. If, as a result of the hearing, Early Light Academy decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it must amend the information accordingly and so inform the parent in writing.

If, as a result of the hearing, Early Light Academy Charter School decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it must inform the parent of the right to place in the records it maintains on the student a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the Early Light Academy. Any explanation placed in the records of the student under this section must be maintained by the Early Light Academy as part of the records of the student as long as the record or contested portion is maintained; and if the records of the student or the contested portion is disclosed by Early Light Academy Charter School to any party, the explanation must also be disclosed to the party. Early Light Academy follows the hearing procedures described in USBE SER IV.12 as written.

7. Release and disclosure of records.

Parental consent is not required for disclosure of records to officials of agencies collecting or using information under the requirements of Part B of the IDEA, to other school officials, including teachers within the school who have been determined by Early Light Academy Charter School to have legitimate educational interests, to officials of another school or school site in which the student seeks or intends to enroll, or for disclosures addressed in referral to and action by law enforcement and judicial authorities, for which parental consent is not required by 34 CFR 99.

All Utah Local Education Agencies (LEAs) include in the annual Procedural Safeguards notice that it is their policy to forward educational records of a student with disabilities without parental consent or notice to officials of another school or school district in which a student seeks or intends to enroll.

Written parental consent is obtained prior to releasing any records to any other person or agency not listed above.

8. Safeguards.

- a. Early Light Academy Charter School protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
- b. The principal of Early Light Academy Charter School assumes responsibility for ensuring the confidentiality of any personally identifiable information.
- c. Staff members at Early Light Academy Charter School who collect or use personally identifiable information receive training or instruction regarding the State's policies and procedures in USBE SER IV.X and 34 CFR 99 on an annual basis.
- d. Early Light Academy Charter School maintains, for public inspection, a current listing of the names and positions of those employees within the school who may have access to personally identifiable information on students with disabilities. This list is posted on the cabinet in which students' special education files are maintained and updated annually.

9. Destruction of information.

Early Light Academy Charter School informs parents or the student age 18 or older when personally identifiable information collected, maintained, or used under Part B of the IDEA is no longer needed to provide educational services to the student. Information no longer needed must be destroyed at the request of the parents or student age 18 or older. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. Each student's records may be considered "no longer needed to provide educational services" and may be destroyed three (3) years after the student graduates or three (3) years after the student turns 22.

10. Students' rights at age of majority.

Not Applicable.

J. Discipline.

Early Light Academy Charter School follows the Discipline requirements and procedures described in USBE SER V.A-K as written.

V. LEA ELIGIBILITY and RESPONSIBILITIES

A. Participation in assessments and reporting of assessment results.

All students enrolled in Early Light Academy Charter School, including students with disabilities, participate in the statewide testing program and the school-wide testing program. Participation requirements in the USOE Assessment Participation and Accommodation Policy are followed. The IEP Team determines how a student with disabilities will participate, and accommodations needed, if any. Results of statewide assessments are posted on the USOE website annually.

B. Public participation in policies and procedures development.

This Policy and Procedures Manual, as well as any future changes to the contents, are presented to Early Light Academy Charter's School Board in a public meeting for review and input. The agenda for Early Light Academy Charter School board meetings is posted at least one week prior to each meeting as required by state law.

C. Public posting of USOE monitoring results.

Results of monitoring from the Utah Program Improvement Planning System are posted on the USOE website annually.

D. Methods of ensuring services.

Early Light Academy Charter School ensures that each eligible student with a disability enrolled in the school receives the services included in the IEP through a systematic process of review of IEPs and monitoring of service delivery by Early Light Academy personnel and contracted service providers.

E. Supervision.

All personnel of Early Light Academy Charter School are supervised by appropriately qualified staff as determined by Early Light Academy's School Board.

F. Use of Part B funds.

Early Light Academy Charter School follows the requirements of USBE SER IX.B in ensuring the appropriate use of funds under Part B of the IDEA. Early Light Academy Charter School participates in the single audit process required by State law that includes an audit of Part B funds.

G. Personnel standards.

All special education and related services personnel of Early Light Academy Charter School meet the educator licensing requirements of the USOE for the positions in which they work, as described in the USBE SER IX.H and the Highly Qualified requirements of the USOE State Plan under No Student Left Behind and Educator Licensing – Highly Qualified Assignment (Administrative Rule R-277-510-1 through 11). All personnel necessary to carry out Part B of the IDEA are appropriately and adequately prepared, subject to the requirements related to personnel qualifications and Section 2122 of the ESEA. Early Light Academy Charter School provides a program of professional development for all special education personnel, based on the identified skill and knowledge needs of teachers, assistants, related service providers, and others, and including targeted training for persons working with students with specific and individual needs for academic and social behavior instruction.

H. Performance goals and indicators in the State Performance Plan.

Early Light Academy Charter School participates in additional procedures and collects and provides additional information which the USOE may require in order to meet Federal reporting requirements, including suspension and expulsion rates, LRE environments, disproportionality data, and others. (USBE SER IX.A.2)

I. Early Intervening Services.

Early Light Academy Charter School uses not more than 15 percent of the amount it receives under Part B of the IDEA for any fiscal year, in combination with other amounts to develop and implement coordinated early intervening services for students in grades K-8 who are not currently identified as needing special education or special education and related services, but who need additional academic and behavioral support to succeed in a general education environment. These funds are used to carry out activities including professional development that enables school personnel to deliver scientifically based academic and behavioral interventions, as well as educational and behavioral evaluations, services, and supports.

Early Light Academy Charter School provides any and all required data on its Early Intervening Services to the USOE annually.

J. Caseload Guidelines.

Early Light Academy Charter School follows the USOE Caseload Guidelines in overseeing the caseload of each special educator, including related service providers, to ensure that a FAPE is available to all eligible students with disabilities.

K. Enforcement.

The confidentiality requirements of Part B of the IDEA are reviewed and approved as part of Early Light Academy Charter School's eligibility process.

L. Routine checking of hearing aids and external components of surgically implanted medical devices.

Early Light Academy Charter School must ensure that hearing aids worn in school by students with hearing impairments, including deafness are functioning properly. Early Light Academy must ensure that external components of surgically implanted medical devices are functioning properly.

VI. STUDENTS WITH DISABILITIES IN OTHER SETTINGS.

VIA. PRIVATE SCHOOL PLACEMENTS BY LEAs. (§300.325)

1. Developing IEPs.
 - a. Before Early Light Academy Charter School places a student with a disability in, or refers a student to, a private school or facility, Early Light Academy must initiate and conduct a meeting to develop an IEP for the student in accordance with Part B of the IDEA and these Rules.
 - b. Early Light Academy Charter School must ensure that a representative of the private school or facility attends the meeting. If the representative cannot attend, Early Light Academy must use other methods to ensure participation by the private school or facility, including individual or conference telephone calls.
2. Reviewing and revising IEPs.
 - a. After a student with a disability is placed in a private school or facility, any meetings to review and revise the student’s IEP may be initiated and conducted by the private school or facility at the discretion of Early Light Academy Charter School.
 - b. If the private school or facility initiates and conducts these meetings, Early Light Academy Charter School must ensure that the parents and an Early Light Academy representative:
 - 1) Are involved in any decisions about the student’s IEP; and
 - 2) Agree to any proposed changes in the IEP before those changes are implemented.
3. Even if a private school or facility implements a student’s IEP, responsibility for compliance with this part remains with Early Light Academy Charter School and the USOE.
4. Residential placement. (§300.104)

If placement in a public or private residential program is necessary to provide special education and related services to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

VI.B. STUDENTS WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOLS WHEN FAPE IS AT ISSUE. (§300.148)

1. Early Light Academy Charter School is not required to pay for the cost of education, including special education and related services, of a student with a disability at a private school or facility if Early Light Academy made a FAPE available to the student and the parents elected to place the student in a private school or facility. However, Early Light Academy Charter School must include that student in the population whose needs are addressed consistent with Rule VI.B.
2. Disagreements between the parents and Early Light Academy Charter School regarding the availability of a program appropriate for the student, and the question of financial reimbursement, are subject to the State complaint and due process procedures in Rule IV.G-V.
3. If the parents of a student with a disability, who previously received special education and related services under the authority of Early Light Academy Charter School, enroll the student in a private preschool, elementary school, or secondary school without the consent of or referral by Early Light Academy, a court or a hearing officer may require Early Light Academy to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that Early Light Academy had not made a FAPE available to the student in a timely manner prior to that enrollment and that the private placement is appropriate. A parental placement may be found to be appropriate by a hearing officer or a court even if it does not meet the State standards that apply to education provided by the USOE and Early Light Academy Charter School.
4. The cost of reimbursement may be reduced or denied if:
 - a. At the most recent IEP Team meeting that the parents attended prior to removal of the student from the public school, the parents did not inform the IEP Team that they were rejecting the placement proposed by Early Light Academy Charter School to provide a FAPE to their student, including stating their concerns and their intent to enroll their student in a private school at public expense; or
 - b. At least ten (10) business days (including any holidays that occur on a business day) prior to the removal of the student from the public school, the parents did not give written notice to Early Light Academy Charter School of the information described in VI.C.4.a;
 - c. Prior to the parents' removal of the student from the public school, Early Light Academy Charter School informed the parents, through the written prior notice requirements of its intent to eva-

uate the student (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the student available for the evaluation; or

- d. Upon a judicial finding of unreasonableness with respect to actions taken by the parents.
5. Notwithstanding the requirements for parents to provide notice to Early Light Academy Charter School prior to removal of the student, the cost of reimbursement:
- a. Must not be reduced or denied for failure to provide the notice if:
 - 1) The school prevented the parents from providing the notice;
 - 2) The parents had not received written prior notice of the notice requirement in VI.C.4.a-b; or
 - 3) Compliance with the notice requirements in VI.C.4.a-b would likely result in physical harm to the student; and
 - b. May, in the discretion of the court or a hearing officer, not be reduced or denied for failure to provide this notice if:
 - 1) The parents are not literate or cannot write in English; or
 - 2) Compliance with VI.C.4.a-b would likely result in serious emotional harm to the student.