

CRISPUS ATTUCKS  
CHARTER SCHOOL

No. 113  
SECTION: Programs  
TITLE: SPECIAL EDUCATION  
ADOPTED: September 22, 2014  
REVISED:

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

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

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

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

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

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

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

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

References:

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

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

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

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

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

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

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

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

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

**CRISPUS ATTUCKS  
CHARTER SCHOOL**

No. 113.1

SECTION: Programs

TITLE: DISCIPLINE OF STUDENTS  
WITH DISABILITIES

ADOPTED: September 22, 2014

REVISED:

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

<p>3. Authority Title 22 Sec. 14.143 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530</p>	<p>The Board directs that the district shall comply with provisions of the Individuals With Disabilities Education Act (IDEA) and federal and state regulations when disciplining students with disabilities for violations of district policy or school rules and regulations. No student with a disability shall be subjected to a disciplinary change in placement if the student's particular misconduct is a manifestation of his/her disability. However, under certain circumstances a student may be placed in an interim alternative educational setting by school personnel or the IEP team could, if appropriate, change the student's educational placement to one which is more restrictive than the placement where the misconduct occurred.</p> <p><u>Provision Of Education During Disciplinary Exclusions</u></p>
<p>Title 22 Sec. 12.6(e) 20 U.S.C. Sec. 1412(a) 34 CFR Sec. 300.530(b), (d)</p>	<p>During any period of expulsion, or suspension from school for more than ten (10) cumulative days in a year, or placement in an interim alternative educational setting for disciplinary reasons, a student with a disability shall continue to receive a free and appropriate education, in accordance with law.</p>
<p>3. Guidelines  Title 22 Sec. 12.6, 14.143 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530, 300.536</p>	<p><u>Suspension From School</u></p> <p>A student with a disability may be suspended for ten (10) consecutive and fifteen (15) cumulative days of school per school year, regardless of whether the student's behavior is a manifestation of his/her disability. Such suspension shall not constitute a change in the student's educational placement. Also, use of interim alternative educational settings permitted by law does not constitute a change in educational placement for these purposes.</p> <p><u>Changes In Educational Placement/Manifestation Determinations</u></p>
<p>Title 22 Sec. 14.143 34 CFR Sec. 300.530</p>	<p>For disciplinary exclusions which constitute a change in educational placement, the district shall first determine whether the student's behavior is a manifestation of his/her disability. Expulsion, or exclusion from school for more than fifteen (15) cumulative days in a year, or patterns of suspensions for substantially identical behaviors constitute changes in educational placements requiring a manifestation determination. For students with mental retardation, any disciplinary suspension or expulsion is a change in educational placement.</p>
<p>Title 22 Sec. 14.143 34 CFR Sec. 300.530(c)</p>	<p>A student with a disability whose behavior is not a manifestation of his/her disability may be disciplined in accordance with Board policy, district rules and regulations in the same manner and to the same extent as students without disabilities. The district shall comply with a parental request for review within forty-five (45) days following receipt of the request.</p>

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



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

**CRISPUS ATTUCKS  
CHARTER SCHOOL**

No. 113.2

SECTION: Programs

TITLE: BEHAVIOR SUPPORT

ADOPTED: September 22, 2014

REVISED:

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

<p>4. Guidelines</p>	<p>Effective techniques to: modify the contextual influences of behavior (i.e. setting events and immediate antecedent events); teach socially appropriate alternative skills; and reduce problem behavior will be employed. Positive techniques shall be attempted prior to the use of more intrusive or restraining measures and will also be monitored along with improvements in the student's general health and well-being as a result of positive behavior support. A least to most intrusive hierarchy of strategies will be utilized.</p> <p>The behavior support plan for a student with an IEP must be designed/implemented in accordance with Pennsylvania Department of Education (PDE) Guidelines for Effective Behavior Support. Specifically, a multicomponent approach to modify contextual influences, teach alternative skills, and reduce problem behavior is to be documented in the Behavior Improvement Plan. Evaluation procedures must also be present.</p> <p>Positive rather than negative measures shall form the basis of behavior support programs. The types of intervention chosen for a particular student shall be the least intrusive necessary. Aversive techniques, restraints or discipline procedures may not be used as a substitute for an educational program, for the convenience of staff or employed as punishment, and may not be included in the IEP.</p> <p>The use of physical restraint when implemented as a protective procedure must be documented as a part of a student's crisis management plan in the student's Behavior Improvement Plan with his/her IEP. Restraints used to control acute or episodic aggressive behavior may be used only when the student is acting in a manner as to be a clear and present danger to him/herself, other students, or employees, and only when less restrictive measures and techniques have been proven to be or are less effective. The use of restraints to control the aggressive behavior of an individual student shall cause a meeting of the IEP team to review the current IEP for appropriateness and effectiveness.</p> <p>District personnel will be trained in the use of specific procedures, methods, and techniques for the utilization of physical restraint as a protective procedure and shall be certified in crisis intervention strategies.</p> <p>If the use of physical restraint is considered for use as a protective procedure as a part of the crisis management plan, the Behavior Improvement Plan may be reviewed by a human rights review committee for positive effective techniques to assure the dignity and rights of the student are being considered.</p> <p>The use of reduction-oriented consequence strategies, including the crisis management plan, may not be employed as punishment for the convenience of staff, or as a substitute for an educational program.</p> <p>Mechanical restraints, which are used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions, may be included in the IEP only when recommended by a qualified medical professional and agreed upon by the student's parents/guardians. Mechanical restraints shall prevent a student from injuring him/herself or others, or promote normative body positioning and physical functioning.</p>
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<p>Title 22 Sec. 14.133</p>	<p>The following aversive techniques of handling behavior are considered inappropriate and may not be used in educational programs:</p> <ol style="list-style-type: none"> <li>1. Corporal punishment.</li> <li>2. Punishment for a manifestation of a student's disability</li> <li>3. Locked rooms, locked boxes, other locked structures or spaces from which the student cannot readily exit.</li> <li>4. Noxious substances.</li> <li>5. Deprivation of basic human rights, such as withholding meals, water or fresh air.</li> <li>6. Serial suspensions.</li> <li>7. Treatment of a demeaning nature.</li> <li>8. Electric shock.</li> <li>9. Methods implemented by untrained personnel.</li> <li>10. Methods that have not been outlined in the plan.</li> </ol>
<p>5. Delegation of Responsibility</p>	<p>The district, in conjunction with the IEP team, must obtain parent/guardian approval through the IEP process for all procedures identified within the student's individualized Behavior Improvement Plan as a part of the IEP.</p> <p>The district assures that it will provide adequate training and support to appropriate personnel in the use of specific procedures, methods, and techniques as outlined in state regulations and PDE Guidelines for Effective Behavior Support. Training will be updated, as appropriate.</p> <p>The CAO or designee is responsible for ensuring that agreed upon behavior support plans within IEPs for students are implemented in a consistent manner, and this policy is implemented in compliance with applicable state regulations. To achieve this end, the CAO or designee shall establish administrative guidelines.</p>
<p>PA Code Title 22 Sec. 14.133</p>	

**CRISPUS ATTUCKS  
CHARTER SCHOOL**

No. 113.3  
SECTION: Programs  
TITLE: SURROGATE PARENTS  
ADOPTED: September 22, 2014  
REVISED:

113.3 SURROGATE PARENTS	
<p>1. Authority 20 U.S.C. Sec. 1400 et seq 34 CFR Sec. 300.519</p>	<p>The Crispus Attucks Charter School policy on the use and training of surrogate parents has been adopted to comply with IDEA. The district recognizes that in the process of a child’s education, parents play an important role in safeguarding the rights of a handicapped child. To ensure those rights where children are wards of the state or where parents are unknown or unavailable, the Crispus Attucks Charter School may identify those children and appoint an individual to represent the child in matters of education.</p>
<p>2. Definition</p>	<p>A surrogate parent is a trained individual acting in place of a parent in matters of education, to a child assigned by the school district, to ensure that the child’s rights for a free public and appropriate education are developed and maintained.</p> <p>In order to identify students in need of surrogate parents, the school district shall utilize the services of the intermediate unit and/or services of district personnel to maintain an ongoing search of records to identify those handicapped, or children thought to be handicapped, to determine the need for a surrogate parent.</p> <p>The intermediate unit and/or district personnel shall provide training for surrogates which will include acquainting the surrogate parent with:</p> <ol style="list-style-type: none"> <li>1. The student.</li> <li>2. Description of the current educational program.</li> <li>3. Identifying key people in the school system.</li> <li>4. Familiarizing the surrogate with the procedures for IEP development, due process and confidentiality of records.</li> <li>5. Familiarizing the surrogate with comparable educational programs provided by the school district and intermediate unit.</li> </ol>

Following training and assignment, members of the I.U. staff will be available for ongoing consultation for the Crispus Attucks Charter School on an “as needed” basis.

References:

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

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

**CRISPUS ATTUCKS  
CHARTER SCHOOL**

No. 113.4

SECTION: Programs

TITLE: CONFIDENTIALITY OF  
SPECIAL EDUCATION STUDENT  
INFORMATION

ADOPTED: September 22, 2014

REVISED:

<p>1. Authority</p> <p>34 CFR Sec. 300.611- 300.627</p> <p>34 CFR Sec. 300.520, 300.625</p> <p>2. Definitions</p> <p>34 CFR Sec. 300.611</p> <p>34 CFR Sec. 99.3</p> <p>20 U.S.C. Sec. 1232g 34 CFR Sec. 99.3 Pol. 216</p>	<p><b>113.4 CONFIDENTIALITY OF SPECIAL EDUCATION STUDENT INFORMATION</b></p> <p>The Board recognizes the need to protect the confidentiality of personally identifiable information in the education records of students with disabilities. The information collected shall be used only for educational purposes and for the means for providing all students a free and appropriate public education.</p> <p>The district shall maintain a system of safeguards to protect the confidentiality of students' educational records and personally identifiable information when collecting, retaining, disclosing and destroying student special education records, in accordance with Board policy, state requirements, and federal and state law and regulations.</p> <p>The rights provided by this policy apply to parents/guardians of students who receive special education programming and services from the district or an outside program provided through the district.</p> <p>Destruction shall mean the physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.</p> <p>Disclosure shall mean to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.</p> <p>Education Records, for purposes of this policy, shall include the records and information covered under the definition of education records in the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations.</p>
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<p>34 CFR Sec. 99.3</p>	<p>Personally identifiable information includes, but is not limited to:</p> <ol style="list-style-type: none"> <li>1. The name of a student, the student's parents/guardians or other family members.</li> <li>2. The address of the student or student's family.</li> <li>3. A personal identifier, such as the student's social security number, student number, or biometric record.</li> <li>4. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.</li> <li>5. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.</li> <li>6. Information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.</li> </ol>
<p>3. Guidelines</p>	<p><u>Parental Access Rights</u></p>
<p>34 CFR Sec. 99.10, 300.613</p>	<p>The district shall permit parents/guardians to inspect and review any education records relating to their child(ren) that are collected, retained, or used by the district in connection with providing special education services to the student.</p> <p>The district shall comply with a parental request to inspect and review education records without unnecessary delay and before any meeting regarding an Individualized Education Program (IEP); any impartial due process hearing relating to the identification, evaluation, educational placement, or the provision of a free and appropriate public education (FAPE) to a student; a hearing related to the discipline of the student; and a resolution meeting.</p>
<p>34 CFR Sec. 99.4, 300.613</p>	<p>The district shall presume a parent/guardian has authority to inspect and review records relating to his/her child unless it has been provided documentation that the requesting parent/guardian does not have this authority under applicable state law.</p>
<p>34 CFR Sec. 99.10, 300.613</p>	<p>The district shall comply with a parental request for review within forty-five (45) days following receipt of the request.</p> <p>A parent's/guardian's right to inspect and review education records includes the right to:</p> <ol style="list-style-type: none"> <li>1. A response from the district to reasonable requests for explanations and interpretations of the records;</li> <li>2. Request that the district provide copies of the records if failure to provide copies would effectively prevent the parent/guardian from exercising the right to inspect and review the records; and</li> </ol>



<p>34 CFR Sec. 99.12, 300.615</p>	<p>3. Have a representative inspect and review the records.</p> <p>If an education record includes information on more than one (1) student, the parents/guardians shall have access only to the information relating to their child or shall be informed of the information in the record.</p>
<p>34 CFR Sec. 300.616</p>	<p>The district shall provide parents/guardians, upon request, a list of the types and locations of education records collected, maintained, or used by the district.</p>
<p>34 CFR Sec. 99.12, 300.615</p>	<p><u>Fees</u></p> <p>The district may charge a fee for copies of records that are made for parents/guardians so long as the fee does not effectively prevent parents/guardians from exercising their right to inspect and review those records.</p> <p>The district shall not charge a fee to search for or to retrieve information in response to a parental request.</p>
<p>34 CFR Sec. 300.614</p>	<p><u>Record Of Access</u></p> <p>The district shall keep a record of parties obtaining access to education records collected, maintained, or used in providing special education to students with disabilities, except access by parents/guardians and authorized district employees.</p> <p>The district’s record of access shall include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.</p>
<p>34 CFR Sec. 99.20, 300.618</p>	<p><u>Amendment Of Records Upon Parental Request</u></p> <p>If a parent/guardian believes that information in the student’s education records is inaccurate, misleading or violates the privacy or other rights of the student, the parent/guardian may request that the district amend the information.</p> <p>The district shall decide whether to amend the information within a reasonable period of time from receipt of the request.</p> <p>If the district declines to amend the information in accordance with a parental request, the district shall inform the parent/guardian of the refusal and advise the parent/guardian of the right to a hearing.</p>
<p>34 CFR Sec. 99.21, 300.510- 300.516, 300.619</p>	<p><u>Records Hearing</u></p> <p>The district shall, on request, provide parents/guardians with an opportunity for a hearing to challenge information in the student’s education records to ensure that the information is not inaccurate, misleading, or otherwise in violation of the student’s privacy or other rights. The district recognizes that parents/guardians who believe that there is a due process violation relating to an alleged violation of confidentiality may also request a special education due process hearing.</p>

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

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

<p>4. Delegation of Responsibility 34 CFR Sec. 300.623</p> <p>34 CFR Sec. 300.623</p>	<p>In order to maintain the confidentiality of the educational records and personally identifiable information of students with disabilities, the Board designates the CAO to coordinate the district's efforts to comply with this policy and applicable laws and regulations.</p> <p>All district employees collecting or using personally identifiable information shall receive training or instruction regarding Board policy, administrative regulations, and state and federal law and regulations regarding confidentiality of education records and personally identifiable information.</p> <p>References:</p> <p>Family Educational Rights and Privacy Act – 20 U.S.C. Sec. 1232g</p> <p>Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.</p> <p>Family Educational Rights and Privacy, Title 34, Code of Federal Regulations – 34 CFR Part 99</p> <p>Individuals With Disabilities Education, Title 34, Code of Federal Regulations – 34 CFR Part 300</p> <p>Pennsylvania Department of Education Individuals with Disabilities Education Act Part B LEA Policies and Procedures under 34 C.F.R. §§300.101 - 300.176 (2009)</p> <p>Bureau of Special Education Letter to School Entities on Retention Of Records, Dated November 9, 2009</p>
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