



Good Foundations Academy IDEA Policies and Procedures

Prepared By

Document Owner(s)	Project/Organization Role
Peggy Downs	Headmaster
Karen Kowalski	Special Education Consultant

IDEA Policies and Procedure Manual Version Control

Version	Date	Author	Change Description
1.0		J Moos	Initial Policy
2.0	6/9/2011	K Kowalski	Editing and Formatting
3.0	1/14/2013	K Kowalski	Revised to Discrepancy Model Minor Editing and Formatting

I. GENERAL PROVISIONS (USBE SER I)

A. Policies and Procedures.

Good Foundations Academy, 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. Good Foundations Academy (GFA) under the Elementary and Secondary Education Act (ESEA) of 1965 Section 5210(1)) and USBE SER I.E.6 is a public school that functions as 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 at Good Foundations Academy 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 GFA.
- 2. **Student Support Team** is a team of professionals knowledgeable about a student's progress in the general curriculum. The team will include but not be exclusive of an administrator, student's general education teacher, other qualified professionals and the parent.
- 3. **Parent** is a biological or adoptive parent; a guardian, but not the State if the student is a ward of the State; a person acting in the place of a parent of a student (such as a grandparent, stepparent, or other relative) with whom the student lives; or a person who is legally responsible for the student's welfare; or a surrogate who has been appointed in accordance with these Rules.
- 4. Consistent with State law, a foster parent may act as a parent under Part B of the IDEA if the following three conditions are met:
 - a. The biological or adoptive parents' authority to make educational decisions on the student's behalf has been extinguished under State law.
 - b. The foster parent is willing to make the educational decisions required of parents under these Rules.
 - c. Foster parent has no interest that would conflict with the interests of the student. The biological or adoptive parent, when attempting to act as the parent and when more than one party is qualified to act as a parent, must be presumed to be the parent unless said parent does not have legal authority to make educational decisions for the student. If a judicial decree or order identifies a specific person or persons to act as the "parent" of a student or to make a educational decisions on behalf of a student, then such a person or persons shall be determined to be the parent for purposes of these Rules.
- 5. **Surrogate Parent** is appointed when the parent or legal guardian cannot be identified and/or the student is a ward of the State, in the custody of the public child welfare agency, and the student is in need of a representative of their educational rights.
- 6. GFA also follows all the other applicable definitions as outlined in I.E. Definitions (300.4-300.45), page 2 of the Utah State Board of Education Special Education Rules (USBE SER) available at www.schools.utah.gov/sars .

7. Free Appropriate Public Education (FAPE) is education offered by GFA after completing the Referral, Evaluation, and Eligibility Processes and finding a student eligible for special education and related services; FAPE is defined for an individual eligible student in a draft Individualized Education Plan (IEP). GFA holds an IEP meeting with the parent to discuss and refine the draft IEP and make an offer of FAPE which is the implementation of this individualized plan at no expense to the parent.

C. Budget Information and Categories.

Good Foundations Academy provides budget information and budget categories in its annual application for IDEA Part B funding submitted to the Utah State Office of Education (USOE).

D. Assurances.

Students are admitted to Good Foundations Academy based solely on the lottery and other requirements under the Utah State Code and the USBE Administrative Rules for Good Foundations Academy 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 USOE annually with the application for IDEA Part B funding.

E. General program description.

Good Foundations Academy is located at 5101 South 1050 West, Riverdale, UT. The facility sits on 3.33 acres of land. The building is 24,500 square feet with a gymnasium, cafeteria, library, administrative offices, computer lab, 20 classrooms and 1 breakout room (for sub-grouping of students). GFA is chartered to enroll 425 students in grades K-6.

GFA was founded by a group of parents all sharing a desire to provide a more challenging academic program for all students. Founding board members researched many schools to identify best practices and effective curriculum programs. The school has partnered with a successful charter school called Liberty Common School, in Fort Collins, Colorado. Liberty Common School has shared resources, expertise and support for Good Foundations Academy, and continues to serve as a partner and mentor to teachers, board members, and administration.

GFA is following the Core Knowledge Sequence for instruction at all grade levels. This curriculum delineates content and skills to be taught in Language Arts, Math, History & Geography, Science, Music, and Art. This curriculum meets or exceeds Utah Core Curriculum Standards. In addition, Good Foundations Academy (GFA) is implementing Singapore Math, and Riggs Phonics and SRA/Open Court for reading instruction. GFA will use a Response To Intervention (RTI) model to identify at risk children. The RTI

information will also be used to help identify students who may be students with a disability requiring special education or special education and related services or students with a disability needing modifications and or related services as defined by Section 504 Federal Regulations.

The Board of Directors at GFA believes strongly that an annual self-improvement plan is essential to improving the education program. Each year the Board assesses GFA'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. Good Foundations Academy (GFA) follows the requirements of IDEA 2004 and USBE SER III.O as follows:
 - a. Students with disabilities in grades K-6 who attend GFA a public charter school and their parents shall retain all rights under Part B of the IDEA and the USBE SER.
 - b. GFA 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. GFA, 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 Education Final Regulations for the Individuals with Disabilities Education Act of 2004 (IDEA) August 2006 and additional regulations of December 2008.
2. FAPE includes:
 - a. Education provided at public expense, under public supervision and direction, and without charge to the parents;
 - b. Standards that meet the laws, rules, and regulations of USOE and Part B of the IDEA;
 - c. Kindergarten and elementary school, K-6 education in Utah; and
 - d. Conformity with an Individualized Education Program (IEP) that meets the requirements of Part B of the IDEA and USBE SER.

G. Full Educational Opportunity Goal (FEOG).

Good Foundations Academy 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 Part B and the USBE SER, of the ages served by Good Foundations Academy between grades K-6 and in accordance with all of the time line 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)

GFA has policies and procedures to ensure that all students with disabilities enrolled in the grades K-6, 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, regardless of the severity of the disability, are identified, located, and evaluated. This includes:

- Informing all parents registering or inquiring about registering a student at GFA of Child Find as it relates to: State and Federal laws; GFA has a responsibility to assist in identifying siblings or community members younger than Kindergarten or older than 6th grade that may have a disability that requires special education and/or special education and related services; and sharing information regarding local school districts and agencies that could assist them in the identification of those students with a disability needing special education and/or special education and related services.
- A method of identification of students entering GFA who have already been identified as students in need of special education and/or special education and related services as outlined by IDEA 2004 and USBOE SER.
- A procedure for identification of students enrolled at GFA that may qualify as a student with a disability who requires special education and/or special education and related services.

B. Child Find Procedures.

GFA conducts the following procedures to ensure that students suspected of having a disability are identified and located:

1. Annual training of all staff that includes information on Child Find obligations and how to refer students that may have a disability that requires special education or special education and related services.
2. All parents registering or inquiring about registering at GFA will receive a brochure outlining State and Federal guidelines about Child Find and the importance of identification of students with a disability at any age. It will include contact information for State agencies, local school districts, local Department of Health, agencies of the USOE, and other agencies that would assist in the identification of siblings or community members younger than Kindergarten or older than 6th grade that may have a disability that requires special education or special education and related services.

3. If a parent or staff member is concerned about a student who does not attend GFA, the parent or staff member will be provided the Child Find Brochure and referred to the district of the student's parent's residence.
4. Steps for referral of a student suspected of having a disability will be included in the student/parent handbook along with a statement of GFA's commitment to follow/implement all State and Federal laws regarding the education of students with disabilities requiring special education or special education and related services.
5. Students already identified, who have an existing IEP when entering/registering at GFA, will be identified:
 - a. Via verbal information from parent, guardian or prior teacher.
 - b. Through affirmative answers to written questions that are part of the enrollment application. The application asks whether a student has received special education or special education and related services at the student's previous school or during prior educational programming.
 - c. Affirmative response to verbal questions asked of parents during registration. The question is "Has the student being enrolled received any services beyond the regular program in the previous school?"
 - d. Upon a parent(s) or guardian responding in the affirmative to a or b above, a phone or fax contact is made with the previous school within 14 days (Utah Code Annotated (UCA) 53A-11-504). The purpose of the call is to locate and request copies of the student's special education records be sent to GFA as soon as possible. The previous school shall comply within 30 school days to comply.
 - e. After 30 days has lapsed and no records have been received by GFA, a written request and another verbal request will be made to the student's former school. If necessary, multiple requests will be continued until records have been received by GFA.
 - f. GFA follows all the procedures detailed in the In-State and Out-of-State Transfer Student Checklist of the USOE.
6. Students enrolled at GFA who are suspected of having disabilities but who have not been previously identified or determined eligible for special education or special education and related services will be identified via a referral process described in Section C on page 5 of this document. All Referral processes will comply with State and Federal guidelines.

C. Referral.

When a parent, staff member, or person knowledgeable about a student, observes/notes that a student is not progressing in the general curriculum at an expected rate, the following interventions will be implemented.

1. Classroom teacher implements pre-referral interventions. If classroom interventions do not positively affect the student's progress in the general curriculum, the teacher initiates the school's Response to Intervention Strategies. Data is collected regarding the results of the teacher interventions and progress is noted. The teacher should attempt a variety of interventions and consider a Student Support Team meeting to review the student's present level of performance and gain input from other qualified staff. The parent should always be informed of concerns and the interventions the teacher will be using. The parent may or may not be part of the SST meeting if one is determined to be appropriate.

Note: Teacher interventions may not be used to delay an evaluation request that has been received by the school either verbally or in writing.

2. Student did not progress as anticipated with teacher interventions as supported by data. A school level Response to Intervention Program is then considered. The program would assist the student to remediate and/or increase the progress in the general curriculum. At completion of the intervention (or before if student is not progressing adequately in the general curriculum), the Student Support Team (SST) will meet to review the student's progress and determine if the information/data indicates the student is progressing adequately, would benefit from another research based intervention or should be suspected of being a student with a disability in need of special education or special education and related services.

Note: The Response to Intervention Program may not be used to delay an evaluation request that has been received by the school either verbally or in writing.

3. A parent, staff, or other individual knowledgeable about the student, who suspects (1) a student to be a student with a disability that requires special education or special education and related services to progress in the general curriculum or (2) a student that requires equal access to the curriculum and/or school via modifications or modifications and related services, should contact the school (this is stated in parent handbook and all staff will receive annual training) and make a request for an evaluation. That request may be made verbally via phone or in person and/or in writing via mail, email, or a personally delivered letter.

OR

A parent, staff, or other individual knowledgeable about a student contacts GFA via phone, in person, in writing via mail, email, or personally delivered letter to the school and states that a student needs an evaluation for special education services.

4. GFA staff person, upon receiving a parental request verbally or in writing for an evaluation of a student as described in #3, must contact the Special Education Case Manager (SECM) who must:
 - a. Document the request in writing on GFA’s “Request for Evaluation Form” and have it signed by the person making the request for evaluation.
 - b. Within a reasonable time GFA convenes the Student Support Team (SST) and responds to the request. The SST may include an Administrator, Regular Education Classroom Teacher, other individuals who have knowledge of the student, and possibly the parent.

OR

In some instances the team members could collaborate without a formal meeting and make a response to the request for evaluation as outlined above and below.

AND

Document the SST response in writing in the form of a Written Prior Notice (WPN) to the parent within a reasonable time after the signed request for evaluation is received by GFA. If the person making the request is another member of the school staff, that person will discuss the referral for evaluation with the parent prior to submitting it. The WPN to the parent must include:

- A Description of the proposed or refused action,
 - Explanation of why the action is proposed or refused,
 - Description of other options considered,
 - Reasons these options were rejected,
 - Description of the evaluation procedures, tests, records, or reports used as a basis for the proposed/refused action,
 - Other relevant factors.
- c. The SST team decision would be one of the following:
 - To schedule an evaluation or SST meeting including the parent to review current student performance and determine: whether the information indicates the student is or is not progressing in the general curriculum; and the student is in need of an evaluation to determine if the student is a student with a disability in need of special education or special education and related services to progress in the general curriculum, or
 - To schedule an evaluation meeting, including the parent, to establish if an evaluation is needed to determine whether the student is a student (1) with a physical or mental impairment that substantially limits one or more major life activity, or (2) has a record of such a impairment; or (3) should be regarded as having such an impairment and need of a Section 504 Modification Plan to be able to access the general curriculum on equal basis with his/her peers, or

- Determine that the student is not progressing in the general curriculum and needs an evaluation to determine if he/she is a student with a disability in need of special education or special education and related services to progress in the general curriculum, or
- Determine that the student is progressing in the general curriculum and not in need of an evaluation at this time.

(Documentation of student performance could include Utah's Performance Assessment System for Students (UPASS) State Assessments, classroom records/assessments/data, school records, prior formal evaluations, the student's progress in the general curriculum, and other forms of information the team feels is appropriate and meets State and IDEA statutes.)

D. Evaluation

1. Evaluation Team

If the SST determines that an evaluation team meeting is to be held or that evaluations are to be completed, an Evaluation Team:

- a. Meeting is held as soon as possible.
- b. A notice of the Evaluation Team 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 parent know that they may bring others who have knowledge of the student to the meeting.
- c. Will include, but not be limited to, the Student Service Coordinator and or designee, Administrator and or designee, regular education teacher, parent, and any other individuals that may have knowledge of the student.
- d. Will determine (if not already determined by the SST meeting) that evaluations are to be completed by reviewing all current performance and information relating to the student's progress in the general curriculum. Documentation of student performance could include Utah State Assessments, classroom records/assessments/data, school records, prior formal evaluations, the student's progress in the general curriculum, and other forms of information the team feels is appropriate and which follow the State and Federal guidelines. The Evaluation team will then determine whether to follow (1) the IDEA process for identification and evaluation procedures for a student suspected of a disability affecting his or her performance in the general curriculum and a need for special education or special education and related services to progress or (2) the evaluation and identification procedures for a Section 504 modification plan for students with a disability affecting one of the major life functions and access to the general curriculum.

- e. Will determine the evaluations needed to be completed or information gathered to determine if a student (1) is a student with a disability affecting one of the major life functions, (2) has a record of such an impairment, and/or (3) is regarded as having such an impairment and needs a Section 504 Modification Plan to be able to access the general curriculum.
- f. Will determine the types of testing that need to be completed to determine if a student is a student with a disability in need of special education or special education and related services to progress in the general curriculum.

2. Parental Consent and Consent Forms.

- a. Prior to initiating a full and complete individual evaluation, parental consent is required in written form.
- b. Although the parent has been invited and, if possible, has participated in the Evaluation Team meeting, a Consent for Evaluation Form will be provided to the parent at the end of the meeting. The Consent Form will document that the evaluation is being proposed because the student is suspected of having a disability that adversely affects the student's educational performance and that he/she may be eligible for special education or special education and related services in order to progress in the general curriculum.
- c. A Consent Form must indicate the areas in which the evaluation team will conduct tests or administer other assessment tools and strategies to the student.
- d. Consent for evaluation must not be construed as consent for provision of special education services.
- e. Reasonable efforts to obtain parental consent are to be made and documented. Efforts cannot be limited to any one type of attempt but include at least 3 different forms of contact including writing via U.S. postal service, personal contact to home or place of work, and/or phone contact.
- f. GFA follows the requirements of USBE II.C.4 with respect to: students that are a ward of the State; parents who cannot be located; parents who do not provide consent and use of procedural safeguards; reviewing existing data as part of an evaluation or reevaluation.
- g. 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.

3. Written Prior Notice (WPN) & the Consent Form

Along with the Consent Form the parent is given a WPN that the evaluation will take place. (See Section **C REFERRAL**, 4(b) of this Policy and Procedures Manual for required components of Written Prior Notice.)

4. **Evaluation Timeline.**

- a. When the signed parental consent or refusal of consent for evaluation is received in the School Office, the office staff will date stamp the form and submit it to the SECM.
- b. The date the school received the consent for evaluation is the beginning of the timeline for the evaluation.
- c. Good Foundations Academy 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.
- d. If the student enrolls in the charter school after the timeline has started in a previous LEA, Good Foundations Academy must make sufficient progress to ensure prompt compliance in accordance with a written agreement from the former LEA. If the timeline will be delayed because of the previous LEA's lack of progress and the need for GFA to progress with the actual evaluation, a written agreement in the form of a WPN will be provided to the parent.
- e. Upon completion of the evaluation or reevaluation, the Eligibility Team (Evaluator or a designee qualified to interpret the Evaluator's written report, Administrator or designee, SECM, Parent, Special Education teacher, and other individuals with knowledge concerning the evaluation and eligibility of the student) shall meet to determine eligibility within a reasonable time.
- f. A Reevaluation may not be conducted more than once a year, unless the parent and GFA agree and **must** occur at least once every three years, unless the parent and GFA agree that a reevaluation is not necessary.
- g. A parent can request an Independent Educational Evaluation (IEE) at public expense after GFA has completed its initial evaluation or reevaluation if the parent is not in agreement with the evaluation.
- h. Upon completion of the evaluation or reevaluation, the Eligibility Team shall meet to determine eligibility within a reasonable time.

5. **Evaluation Process.**

- a. Review of Existing Data is described and defined in D Evaluation 1(c).
- b. In the administration of additional assessments, 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 USBE 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 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. Good Foundations Academy 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 warrants a reevaluation; or if the student's parent or teacher requests a reevaluation.
2. Parental consent for reevaluations.
 - a. Good Foundations Academy 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 GFA 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 and 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. Any initial evaluation (if appropriate) and as part of any reevaluation, the Evaluation Team:
 - a. Reviews existing evaluation data on the student. This review may be conducted without a formal meeting.
 - b. May review and discuss the existing data with team members and the parent individually.
 - c. Existing data includes 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 Evaluation Team based on their data review and input from the student's parents, identifies what additional data, if any, are needed to determine:
 - a. Whether the student is or continues to be a student with a disability and the educational needs of the student;
 - b. The present levels of academic achievement and related developmental needs of the student;
 - c. 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
 - d. 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. At the end of the evaluation process, an Evaluation Summary Document is prepared by the SECM. The Summary will contain a summary of each test completed and any and all data collected that will be used to consider Eligibility. The Summary, if possible, is sent home with the Notice of Meeting for the Eligibility Determination.
4. If the Evaluation Team determines that current information available is sufficient to determine eligibility and additional information is not needed to conduct an Eligibility Meeting to determine whether the student is still eligible for special education or special education and related services, the parents are given WPN of that decision and of their right to request additional assessment.

5. If the parent requests additional assessment as part of the reevaluation, GFA conducts assessment in the areas of educational functioning requested. When the additional assessment is completed, Good Foundations Academy prepares a new Evaluation Summary Report, including new and previous data as appropriate, and sends a copy of the Evaluation Summary to the parent with the Notice of Meeting for Eligibility Determination.
6. Evaluations **must** be completed prior to considering a change in eligibility or rescinding a student's eligibility for special education or special education and related services.
7. 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. Eligibility Determination.

1. Notice of Meeting is sent upon the completion of the evaluation. The SECM arranges a meeting of the Eligibility Team at a mutually agreeable time and place.
2. A Notice of Meeting is 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 parent know that they may bring others who have knowledge of the student to the meeting.
3. The Evaluation Summary Report is completed by the SECM and includes summaries of each evaluation completed, any data collected, and any prior reports to be used as part of the eligibility determination. The Evaluation Summary Report if possible has been sent to the parent prior to the meeting and is also reviewed at the Eligibility Determination meeting and attached to the Eligibility Determination document.
4. Eligibility Team Membership includes a group of qualified professionals and the parent. At GFA, this may include the special education teacher, regular education teacher, speech-language pathologist, school psychologist, occupational therapist, physical therapist, and others who have conducted evaluations, or have information regarding the student's evaluation results and/or possible eligibility for special education.
5. Eligibility Categories, Definitions, and Criteria of GFA have been adopted from the definitions, evaluation requirements, and eligibility criteria in USBE SER.II.J.1-13 including all 13 eligibility categories.

6. For the category of **Specific Learning Disability (SLD)**, GFA has selected Method B. Discrepancy Method. Data from the RTI approach for all students as described below is considered in combination with the confidence level from targeted, norm-referenced assessment, as identified in the ESTIMATOR© manual used with the Discrepancy method and all other existing student data. If a student is referred by a parent or staff member, GFA follows all of the procedures of the USBE SER and this Manual for referral and initial evaluation.
 - a. An RTI approach is used for all students in Good Foundations Academy, and all parents are informed that this is the approach used in reading and math. In addition, parents are informed of the right to request an evaluation for eligibility at any time if they suspect their student has a disability,
 - b. For an initial referral, data are considered that demonstrate that prior to, or as part of, the referral process, the student was provided appropriate instruction in regular education settings, delivered by qualified personnel.
 - c. For an initial referral, data-based documentation of repeated assessments of achievement, at reasonable intervals reflecting formal assessment, of student progress is provided to the student’s parents. Data may include DIBELS, Utah CRTs, NWEA data, classroom assessment, program-embedded assessments, and others.
 - d. Data from Dynamic Indicators of Basic Early Literacy Skills (DIBELS) and program assessments from the reading curriculum are used to inform instruction for students in grades K-3. DIBELS progress monitoring is used for students below benchmark. Assessments from Northwest Evaluation Association, Measure of Academic Progress (NWEA) are used to monitor student progress in grades 2 – 6, in math, reading, and language usage. Students not meeting benchmarks will be provided additional instructional support, including individual instruction, small group instruction, modified assignments, and/or extra time.
 - e. If students are not achieving adequately for the student’s age or State-approved grade-level standards, or are not making adequate progress toward the grade level expectations in one or more of the areas of specific learning disability—oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, and mathematics problem solving—classroom teachers document interventions implemented in the general education classroom and the results of the interventions.
 - f. Parents are notified by the teacher frequently when a student is struggling academically. Parent notification is given for any student in Title I targeted assistance. If the interventions are not successful, a referral or evaluation is made as outlined in II.C-D of this document.

- g. If at any time in the process of interventions the parent requests special education testing GFA will have a meeting with the parent to determine if GFA should begin evaluation for eligibility for special education. If the evaluation process is started, all of the requirements and procedures in Section II of this Manual are followed. If it is determined that an evaluation will not be conducted, the parent is given a Written Prior Notice of Refusal to conduct the evaluation as described in Section II.C.
- h. Good Foundations Academy has received and will continue to receive professional development on RTI strategies and procedures.
- i. For an initial evaluation, Good Foundations Academy administers appropriate assessments which meet all the criteria in Section II of this Manual. The student must score above the intellectual disability range on a standardized, norm-referenced individually administered achievement measure. Data from the assessments are used for input needed in the ESTIMATOR disk. The ESTIMATOR disk provides data to GFA on the likelihood that there is a severe discrepancy between the student's ability and the student's achievement. Good Foundations Academy uses this information along with norm-referenced tests and other existing data, including classroom observations, to determine possible gaps in learning.
- j. GFA ensures that the student is observed in the student's learning environment (including the regular 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 regular classroom after the student has been referred for an evaluation and parental consent is obtained.
- k. 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.
- l. Specific documentation for the eligibility determination (300.311). Documentation of the determination of eligibility with a specific learning disability will contain a statement of the
 - (1) basis for making the determination;

- (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) whether student does not achieve adequately for student's age or to meet State-approved grade level standard; and, for the RTI Method selected by GFA;
- (5) whether the student is not making sufficient progress to meet age or State-approved grade-level standards (RTI).

The documentation will document the determination of the team concerning the effect 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.

- m. The eligibility team must refer to the USOE Specific Learning Disability Guidelines.
 - 1. 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 GFA 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 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.
2. Evaluations before Change in Eligibility. (USBE SER II.H.6)
 - a. GFA 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.

Good Foundations Academy 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 SECM 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 GFA. 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 the GFA 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 school-wide assessments, and deciding what services Good Foundations Academy will provide and in what settings.
2. GFA documents in writing all attempts to get parental participation in IEP meetings. Contact efforts must be in a variety of means as personal contact, via mail, or phone. If the parent cannot attend, participation by other means such as teleconference may be used. Parents must be given whatever is needed to understand the proceedings of the IEP meetings, including but not limited to interpreters. If GFA cannot obtain parental participation, the IEP team proceeds with the development of the IEP as required by Part B of the IDEA and USBE SER and makes attempts to contact parent after the meeting via written, personal, phone, mail contact to inform them of the decisions of the IEP meeting and its offer of FAPE.

C. IEP Team.

The team shall consist of the parent, the special education teacher, regular education teacher of the student, a GFA Administrator or designee who can make decisions regarding allocation of programming and services and has knowledge of the general education curriculum, and of the availability of resources of GFA, the SECM, a person who can interpret the results of the evaluation and assessments, and the student when appropriate. Other team members may be added when they are likely to provide services to the student.

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 an Administrator of GFA 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 an Administrator of GFA consent to the excuse in and the member submits written input into the development of the IEP to the parent and the IEP team, prior to the meeting on the Excused from Attending IEP Form.

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.

Good Foundations Academy 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 and short term objectives 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.
 - i. 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, the Good Foundations Academy, and the USOE, and ensure that parents are involved in the consideration and selection of behavior interventions to be used with their students.
 - ii. 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 GFA Administrator and notify the student's parents within 24 hours
 - a) If a behavior requiring emergency procedures occurs more than once per week, two times in a month, or four times in a year, it is a pattern that must be addressed in the IEP and/or a behavior intervention plan.
 - b) Parents may appeal a determination of emergency procedures or implementation of emergency procedures by a written request to a GFA Administrator. The Administrator or related service providers with knowledge of the incident will review with two other teachers the implementation and/or emergency procedures and make a final decision regarding them. The final decision will be provided to the parent in writing.
 - iii. GFA ensures that all appropriate staff members receive the training necessary to effectively implement a continuum of behavioral interventions and supports.
 - iv. GFA has a Least Restrictive Behavioral Interventions (LRBI) Committee to monitor its policies for disciplinary plan/action/

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 professional staff members.

- v. As appropriate, the student should receive a functional behavioral assessment 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. The IEP will describe how the student will participate in GFA 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, Good Foundations Academy administers the following school wide assessments: DIBELS in grades K-3, and NWEA in grades 2-6. 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 the Good Foundations Academy 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) The IEP Team will identify the IEP goals and objectives 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. The team will document the goals and objectives to be worked on during ESY on the Individualized Education Plan – ESY Report.

The special education teacher will document on the Individualized Education Plan – ESY Report any available data supporting progress on each goal and objective; attendance during ESY; a summary of events if appropriate; and comments/observations.

- m. Assistive Technology. GFA 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. The SECM makes the student's IEP accessible to each regular education teacher, related service provider, and any 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. The special education teacher prepares an IEP summary including 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 after completion of the annual IEP meeting and completion of the written IEP document.

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

1. Placement decisions are made by the IEP team including the parents and other persons who are knowledgeable about the student, the meaning of the evaluation data, and the placement options. The IEP team determines the placement on the continuum of placement options where the student will receive special education or special education and related services.

2. GFA 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. GFA 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. GFA 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. Good Foundations Academy ensures that each student with a disability participates with non-disabled students in the extracurricular 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 the Good Foundations Academy.
2. Good Foundations Academy 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 IEP to be implemented, and the special education services the team has decided on to begin, written parental consent must be obtained. If the parent refuses consent for the initial provision of those services, the LEA:

- a. May not implement the IEP and may not access due process procedures in order to obtain a ruling that the services may be provided to student;
 - b. Will not be considered to be in violation of the requirement to make FAPE available to the student for the failure to provide the student with the special education and related services for which the LEA requested consent; and
 - c. Is not required to convene an IEP team meeting or to develop an IEP for the student for the special education and related services for which the LEA requested consent.
2. Good Foundations Academy 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 Good Foundations Academy, or to fail to provide a student with a FAPE.
3. If, at any time subsequent to the initial provision of special education and related services, the parent of a student with disabilities revokes consent in writing for the continued provision of special education and related services, the Good Foundations Academy Charter School:
- a. May not continue to provide special education and related services to the students, but must provide Written Prior Notice to the parent before ceasing the provision of special education and related services;
 - b. May not use the due process procedures in order to obtain agreements or a ruling that the services may be provide to the student;
 - c. Will not be considered in violation of the requirement to make FAPE available to the student, and
 - d. Is not required to convene an IEP team meeting or develop an IEP for the student.

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 parent's rights to access the Procedural Safeguards of the IDEA.
- 2. If the Good Foundations Academy, despite at least three documented and different types of attempts, such as mail, phone, or a visitation to home or work, 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 WPN of GFA's intent to implement the IEP.

If the IEP Team writes a completed IEP without including parent suggested goals, services, or program modifications on the IEP and then offers FAPE, a WPN must be written and given to the parent stating that refusal, the reasons for the refusal, other options considered, and what tests and records were used to make that decision.

M. Changes to the IEP.

1. Changes to the IEP may be made at the request of any member of the IEP Team by holding another IEP meeting or by following the "amendment process" which allows changes to be made without holding a meeting.
2. Changes may be needed if there is new information about the student's performance.
3. Amendments to the IEP (without a team meeting) can be initiated when the Parent and a GFA Administrator or designee discuss and agree about the specific changes in question.
 - a. Examples of a change via the amendment process are: 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 week; or a goal/objective change that is the next logical step forward or backwards and is based on the student's progress.
 - b. If the change involves a move on the continuum of Least Restrictive Environment placement options, or the amount of services to be changed is more than indicated above, or a service is to be added, an IEP Team meeting is held with a Notice of Meeting to all team members.
 - c. Changes made through the amendment process follow these steps:
 - Administrator and parent discuss the change via phone;
 - a WPN is written describing the change;
 - a "Consent form for Amending an IEP without a meeting" is completed;
 - a cover letter is written giving directions about signing and returning the signed consent form by a date (5 days from date sent) ;
 - the cover letter, the WPN, and "Consent..." are sent home for the parent to sign.
 - Upon return of the Consent to Amend the IEP being returned to the school, a new IEP is completed with the changes and sent home to the parent.

- If the consent is not returned to GFA within five days, an IEP meeting notice is sent to all IEP team members and an IEP meeting is held to discuss the proposed change.
- If the IEP team agrees to the changes, the IEP is revised and a copy is provided to the parent with WPN of GFA's intent to implement.

N. Least Restrictive Behavior Interventions (LRBI).

GFA follows all parts of the USOE LRBI Guidelines as written. GFA also implements the following procedures:

1. Emergency situations: danger to others, danger to self, severe destruction of property, or threatened abuse to self, others, or property.
 - a. Procedure: remove child from situation or remove other children from vicinity, as needed; call office for support to isolate the child and de-escalate if possible; document using the Emergency Contact Form , and contact parents as soon as possible; Headmaster or designee will determine appropriate consequences.
2. Pattern of behavior:
 - a. Definition – behavior requiring emergency procedures more than once per week, two times in a month, or four times in a year constitutes a pattern of behavior.
 - b. Procedure: If a pattern is observed, the IEP Team should consider conducting a Functional Behavior Assessment (FBA) and developing a Behavioral Intervention Plan (BIP) to address the problem behavior.
3. Appeals Process: If parent disagrees with the FBA or the BIP, or if more concerns are expressed by the parent or team member a formal appeal should be made to a review committee composed of Headmaster, SECM, Teacher, and Board member.
4. Provisions for Staff Training: Staff members will be trained in issues related to Special Education, IDEA, FAPE, and LRBI through staff meetings, online training via ONTRACK, and study groups for effective classroom management.
5. Procedures for Monitoring LRBI Policies: All serious student discipline issues are tracked on the GFA Incident Report. Students on IEPs with behavior concerns are identified for easy tracking of issues and consequences. Teachers, SECM, and Headmaster meet regularly to discuss school-wide behavior issues.

O. Private School Placements by Good Foundations Academy. (USBE SER VI.A)

Before GFA 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, GFA 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.

P. 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 Good Foundations Academy enroll the student in a private school without the consent of or referral by the school, the GFA 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 GFA 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. Good Foundations Academy follows other requirements in USBE SER VI.C as written.

IV. PROCEDURAL SAFEGUARDS

GFA, 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.

GFA affords parents the opportunity to participate in all decisions related to the location, identification, evaluation, and provision of a 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 one week prior to a scheduled meeting, and making at least three documented and different types of attempts such as a visitation to home or workplace, phone calls, and/or mail to obtain parent participation in meetings.

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

1. Independent educational evaluation, an IEE, means an evaluation conducted by a qualified examiner who is not employed by GFA or responsible for the education of the student in question.
2. Good Foundations Academy has established and implements the following policies and procedures related to an IEE 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 IEE of the student at public expense if they disagree with an evaluation obtained by GFA.
 - b. GFA provides to parents, upon request for an IEE, information about where an IEE may be obtained, and the Good Foundations Academy's criteria applicable for an IEE. GFA has available a list of persons and/or agencies where an IEE may be obtained by the parent. In addition, GFA considers any other evaluator or agency proposed by the parent to conduct the IEE if the examiner and the evaluation meet Good Foundations Academy'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 GFA. Criteria for the evaluation are that the evaluation procedures meet all of the same standards as those listed in Section II.D-H of this Policy and Procedures Manual. GFA either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
 - c. GFA ensures that when a parent requests an IEE, either GFA files a due process complaint to request a hearing to show that its evaluation is appropriate, or that the IEE is provided at public expense, unless the evaluation obtained by the parent does not meet GFA criteria as described above. If a due process complaint

decision finds GFA'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 GFA are followed as written in USBE SER IV.C.3(c-h).
3. An IEE conducted at GFA's expense becomes the property of the GFA, in its entirety.

C. Written Prior Notice (WPN)

GFA provides WPN to parents in 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 WPN 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, except that a copy also is 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. Good Foundations Academy uses the USOE Procedural Safeguards Notice that is posted on the USOE website, www.schools.utah.gov/sars. The special education teacher/case manager 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 Good Foundations Academy 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 a 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.

GFA 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.

GFA 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. GFA contacts the USOE for assistance in obtaining names of trained surrogates, and maintains a list of surrogate parents who are available when needed.

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

GFA 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. GFA permits parents to inspect and review any education records relating to their student that are collected, maintained, or used by GFA. GFA 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 GFA to reasonable requests for explanations and interpretations of the records;
 - (2) Request that GFA 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. GFA 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.

GFA 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 the Good Foundations 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, GFA 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, GFA provides parents with a list of the types and locations of education records collected, maintained, or used by GFA. This list is maintained in the office at GFA.
 5. Fees.

GFA may charge a fee for copies of records that are made for parents under Part B of the IDEA if the fee does not effectively prevent the parents from exercising their right to inspect and review those records; however, it may not charge a fee to search for or to retrieve information under Part B of the IDEA.
 6. 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, misleading, violates the privacy, or other rights of the student, the parent may request GFA to amend the information. GFA must decide whether to amend the information within a reasonable period of time of receipt of the request. If GFA 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. GFA, 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, GFA 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, GFA decides that the information is not inaccurate, misleading, or otherwise in violation of the accessibility 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 Good Foundations Academy. Any explanation placed in the records of the student under this section must be maintained by GFA as part of the records of the student as long as the record or contested portion is maintained; and if the record of the student or the contested portion is disclosed by the GFA, the explanation must also be disclosed to the party. GFA 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 Good Foundations Academy 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.

GFA includes 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. GFA protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
- b. The Administrator of GFA assumes responsibility for ensuring the confidentiality of any personally identifiable information.
- c. Staff members at GFA 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. GFA, 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.

GFA 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.

The rights of privacy afforded to parents are transferred to the student who reaches the age of 18, providing the student has not been declared incompetent by a court order, including the rights with regard to education records.
- I. **Discipline.**

GFA follows the Discipline requirements and procedures described in USBE SER V.A-K as written.

V. STUDENTS WITH DISABILITIES IN OTHER SETTINGS.

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

1. Developing IEPs.
 - a. Before GFA places a student with a disability in, or refers a student to, a private school or facility, GFA 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. GFA must ensure that a representative of the private school or facility attends the meeting. If the representative cannot attend, GFA 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 GFA.
 - b. If the private school or facility initiates and conducts these meetings, GFA must ensure that the parents and a GFA administrator:
 - (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 GFA 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.

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

1. GFA 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 GFA made a FAPE available to the student and the parents elected to place the student in a private school or facility. However, GFA must include that student in the population whose needs are addressed consistent with Rule VI.B.

2. Disagreements between the parents and GFA 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 GFA, enroll the student in a private preschool, elementary school, or secondary school without the consent of or referral by GFA, a court or a hearing officer may require GFA to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that GFA 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, GFA, and other LEAs.
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 the GFA 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 GFA of the information described in VI.C.4.a;
 - c. Prior to the parents' removal of the student from the public school, GFA informed the parents, through WPN requirements of GFA's intent to evaluate 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 the GFA 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.

VI. LEA ELIGIBILITY and RESPONSIBILITIES

A. Participation in assessments and reporting of assessment results.

All students enrolled in GFA 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 the GFA in a public meeting for review and input. The agenda for GFA board meetings is posted at least twenty-four hours 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.

GFA 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 GFA personnel and contracted service providers.

E. Supervision.

All personnel of GFA are supervised by appropriately qualified staff as determined by the local GFA Board.

F. Use of Part B funds.

GFA follows the requirements of USBE SER IX.B in ensuring the appropriate use of funds under Part B of the IDEA. GFA 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 GFA 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. GFA 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.

GFA 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, disproportional data, and others. (USBE SER IX.A.2)

I. Early Intervening Services.

GFA may use 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-6 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.

GFA provides any and all required data on its Early Intervening Services to the USOE annually.

J. Caseload Guidelines.

GFA 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 the LEA eligibility process.

L. Routine Checking of Hearing Aids and External Components of Surgically Implanted Medical Devices.

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