



New Beginnings Schools Foundation
Department of Student Services

Special Education Handbook
Policies, Procedures, and Guidelines

Revised 5/2/17

TABLE OF CONTENTS

	<u>Page</u>
PREFACE	1
CHAPTER I	
CHILD SEARCH AND CHILD FIND ACTIVITIES	2
A. Child Search Responsibilities and Assurances	2
B. Child Search Activities	2
C. Responsibilities of the RTI Coordinator.....	2
CHAPTER II	
STUDENT EVALUATIONS AND APPRAISAL SERVICES	4
A. Response to Intervention Committee (RTI)	4
1. Composition of the RTI Committee.....	4
2. Purpose of the RTI	4
3. Response to Intervention Program	5
4. The Leadership Team	5
5. RTI Intervention Tiers	6
6. RTI Documentation	7
B. Initial Evaluations	7
1. Pupil Appraisal Personnel.....	7
2. Parent Consent	7
3. LEA Refusal to Evaluate	8
4. Timelines.....	8
5. Determination of Eligibility	8
C. Re-Evaluations.....	9
1. Parent Consent	9
2. Timelines.....	9
3. Waivers	10
D. Independent Educational Evaluations.....	11
CHAPTER III	
FREE AND APPROPRIATE PUBLIC EDUCATION	12
A. Free Appropriate Public Education.....	12
1. Provision of FAPE	12
2. FAPE Exclusions	12
3. New Beginnings Schools Foundation Assurances.....	12
B. Early Intervening Services.....	13

TABLE OF CONTENTS

	<u>Page</u>
CHAPTER IV	
MEDICATION FOR SPED STUDENTS	14
A. Administration of Medication.....	14
B. Process for Requesting Administration	14
1. Medical Order	14
2. Parent Request	15
3. Container.....	15
4. Labels.....	15
C. Administration of Medication: General Provisions	16
D. Nurse Responsibilities	16
E. Parent Responsibilities.....	17
F. Field Trips	17
G. Student Self-Medication	18
1. Asthma or the Use of Auto-Injectable Epinephrine.....	18
2. General Provisions.....	18
3. Self-administration.....	19
H. Student Confidentiality	19
CHAPTER V	
INDIVIDUALIZED EDUCATION PLAN (IEP)	20
A. Definition of an IEP	20
B. Types of IEPs.....	20
1. Initial IEP	20
2. Review IEP	20
3. Interim IEP	21
C. IEP Team Participants.....	21
1. Team Members	21
2. Transition Services IEP Team Participants.....	22
3. IEP Team Attendance	22
4. Parent Notice/Participation	22
5. Surrogate Parents	23
D. Components and Development of an IEP.....	24
1. General Student Information.....	24
2. Consideration of Special Factors	24
3. Instructional Plan Documentation.....	24
4. Accommodations	25
5. Program Services	25
6. IEP Review/Revision	25

TABLE OF CONTENTS

	<u>Page</u>
E. Least Restrictive Environment (LRE)	25
1. LRE Requirements.....	26
2. Continuum of Alternative Placements	26
3. Placement/Least Restrictive Environment.....	26
4. Site Determination	27
F. Assurances	27
1. Progress Report.....	27
2. Age of Majority.....	28
3. Parent/Student Consent for Services.....	28
G. Amendments to the IEP	28
H. Parent Disagreement/Revocation of Services	28
I. IEP Timelines.....	29
1. Initial IEPs	29
2. Interim IEPs	29
J. Promotion/Graduation.....	29
1. Requirements for Promotion.....	29
2. Requirements for Graduation.....	30
K. Transition Services.....	31
1. Definition of Transition	31
2. Transition Planning.....	32
3. Procedures and Responsibilities	32
4. Follow-Up to Transition Services.....	33
L. Transfer Students	33
CHAPTER VI	
ASSISTIVE TECHNOLOGY.....	34
A. Definition of Assistive Technology.....	34
1. Assistive Technology May Be a Device and/or a Service.....	34
2. Assistive Technology Differs from Instructional Technology	34
B. Assistive Technology Screening.....	35
C. Assistive Technology Assessment	36
D. IEP Team Assistive Technology Consideration	37
E. Assistive Technology IEP Documentation	37
F. Assistive Technology Equipment.....	38
CHAPTER VII	
STATEWIDE ASSESSMENTS.....	39
A. Types of Assessments.....	39
1. LEAP 2025.....	39

TABLE OF CONTENTS

	<u>Page</u>
2. LAA1	39
3. LAA2	40
4. End-of-Course Tests	41
B. Assessment Accommodations	41
C. IEP Team Involvement	42
CHAPTER VIII	
EXTENDED SCHOOL YEAR SERVICES.....	43
A. ESY Eligibility Criteria.....	43
1. Regression-Recoupment	43
2. Critical Point of Instruction	43
3. Special Circumstances	44
B. IEP Team Responsibilities.....	45
C. Provision of ESY Services	45
CHAPTER IX	
RELATED AND SUPPORT SERVICES.....	47
A. Types of Related Services.....	47
B. Eligibility Requirements and IEP Decisions.....	47
CHAPTER X	
PROCEDURES FOR TRANSFER SPECIAL EDUCATION STUDENTS	48
A. Enrollment and Entry	48
B. Transferring from one LEA to another	48
C. Transferring from Out of State	48
D. Releasing Jurisdiction and Transfer of Records	49
E. SER DatABASE	49
CHAPTER X	
PROCEDURAL SAFEGUARDS	51
A. Opportunities to Examine Records	51
1. Access and Confidentiality of Records.....	51
2. Amending Records.....	51
B. Notice of Procedural Safeguards.....	52
C. Transfer of Parental Rights at the Age of Majority.....	52

TABLE OF CONTENTS

Page

CHAPTER XI

EARLY RESOLUTION AND DUE PROCESs 53

- A. Informal Complaints 53
- B. Early Resolution Process (ERP)..... 53
- C. Formal Complaints..... 54
- D. Mediation 54
- E. Due Process..... 55

CHAPTER XII

SERVICES FOR STUDENTS WHO ARE GIFTED OR TALENTED 56

- A. Definition 56
- B. Assurances 56

PREFACE

New Beginnings Schools Foundation strives to provide all students with an educational program that promotes optimal development of the student's potential and individual needs while addressing each student's specific, individual exceptionalities. This handbook is a resource for school personnel to assist students with disabilities to meet these goals. The handbook is also intended to provide special education staff members, teachers, and parents with a better understanding of the Individuals with Disabilities Education Act (IDEA) and New Beginnings Schools Foundation's policies, and to assist staff in the design, implementation, and monitoring of compliant programs for students with disabilities.

As provided by state law, students with disabilities enrolled in public schools are entitled to a free and appropriate public education (FAPE) in the least restrictive environment. This may include regular and/or special education services; related aids, modifications, and/or accommodations; and related services to address the unique needs of each student. At New Beginnings Schools Foundation, we strive to educate all students with disabilities with non-disabled students to promote inclusion. This inclusion allows all students to be challenged by high expectations and build relationships with a representative group of their peers. Inclusion also provides all students with the opportunity to learn tolerance and compassion, and communicates that each individual is a valued member of society.

New Beginnings Schools Foundation is also committed to preventing teacher and/or student harassment. Once the administration is made aware of instances of harassment, bullying, or retaliation by a staff member or peer, **immediate action** must be taken to stop such actions, prevent similar instances from occurring, and address the specific problems associated with the behaviors.

CHAPTER I

CHILD SEARCH AND CHILD FIND ACTIVITIES

The Louisiana Department of Education requires that each district has policies and procedures in place to ensure that all Louisiana students with disabilities are located, identified, and evaluated. This process is accomplished by New Beginnings Schools Foundation through Child Search and coordinated by the RTI Coordinator.

A. Child Search Responsibilities and Assurances

New Beginnings Schools Foundation identifies, locates, and evaluates all students between the ages of birth through 21 years who might be in need of special education and related services. This includes individuals residing within Orleans Parish even if they are homeless or wards of the state.

Individuals addressed through Child Search include:

- Students enrolled in an educational program operated by or under the jurisdiction of New Beginnings Schools Foundation;
- Children not enrolled in a school (excluding students who have graduated with a regular high school diploma);
- Students who are suspected of having an exceptionality and in need of special education, even though they have advanced from grade to grade;
- Students who are highly mobile, including migrant students;
- Students who are suspected of being gifted and/or talented; and
- Students for whom an outside evaluation is submitted.

B. Child Search Activities

Child Search activities may include:

- Referring a student for evaluation;
- Providing parents* with information regarding typical child development;
- Following students who have received Special Education services but have dropped out of school. Those students may be encouraged to return to school by coordinating services with the designated school representative.

C. Responsibilities of the RTI Coordinator

The RTI Coordinator is responsible for:

- Through Child Search, seeking students with special needs who may need assistance;
- Providing information and linkage to various community resources;
- Collaborating with other agencies providing information and knowledge of school resources to teachers, parents and the community;
- Giving presentations on typical child development and Special Education programs that are available;
- Collecting data on all Child Search referrals and ensuring evaluations are conducted;
- Ensuring all information collected is confidential;
- Tracking data to ensure compliance with LDE requirements. All data collected are

- maintained in a safe and confidential manner;
- Providing the parent* of each student initially identified as suspected of having a disability and in need of special education services with a copy of the procedural safeguards afforded under IDEA. The parent* is provided an opportunity for an explanation of the safeguards; and
 - Tracking dropout information, offering services, and encouraging the student to return to school.

* The term parent refers to parents or those who have legal guardianship of the student.

CHAPTER II

STUDENT EVALUATIONS AND APPRAISAL SERVICES

When a student experiences difficulties either academically or behaviorally that impede his/her ability to succeed, the school engages in the process of systematically reviewing the student's progress and how he/she should be taught. In some instances, the intervention reveals that the student might need an evaluation to determine if additional services are warranted.

The Louisiana Department of Education ("LDE") has outlined specific requirements in *Bulletin 1508, Pupil Appraisal Handbook* that must be followed in conducting initial evaluations and reevaluations. Bulletin 1508 identifies the criteria that must be met in order to classify a student with an exceptionality after receiving a comprehensive multidisciplinary evaluation conducted by qualified examiners.

A. Response to Intervention Committee (RTI)

The RTI Committee is a general education problem solving, decision-making group that meets on a scheduled basis to review referrals from teachers, parents or other professionals of students who are experiencing difficulty in school due to academic and/or behavior concerns. Parents are invited to the RTI meeting when their child is being discussed. Documentation of efforts to secure parent participation is maintained by the district.

1. Composition of the RTI Committee

RTI Committees at New Beginnings Schools Foundation consist of the following individuals:

- Principal or designee
- RTI Chairperson, as appointed by principal
- Student's teacher(s)
- Dean of Students
- Guidance Counselor
- Social Worker
- Special Education Coordinator
- School Nurse

In addition, the following individuals are invited to the RTI meeting:

- The student's parent(s)
- Others as needed (e.g., Speech Pathologist, Interventionist, Instructional Coach)

The RTI Committee meets as needed. Upon receipt of the RTI referral, the RTI Chairperson will include the concern regarding the student on the RTI Meeting Agenda. Upon receipt of the RTI referral, the classroom teacher is given the Teacher Checklist to gather necessary documents for review.

2. Purpose of the RTI

A student is referred to the RTI Committee when a member of the instructional team or the parent feels there may be a need for additional support or services to meet a student's

academic, behavioral, or health needs. The RTI Committee reviews and analyzes screening data in order to determine what options are available to meet the needs of a student.

Classroom teachers and/or other instructional specialists conduct screening activities that help determine appropriate instructional strategies to program and implement the curriculum for that student. This screening is not to be considered an evaluation to determine eligibility for special education and related services, but only the first step in a process.

Once all screening data are reviewed, the RTI Committee determines the most beneficial option for a student. These options may include:

- a. No further action needed;
- b. Implementation of additional interventions and/or continuation of current interventions;
- c. Referral to Section 504 committee to determine eligibility for 504 services and an Individualized Accommodation Plan;
- d. Referral to pupil appraisal staff for other support services; or
- e. Referral to pupil appraisal staff for an individual evaluation.

3. Response to Intervention Program

For students exhibiting academic, behavioral, or social concerns, New Beginnings Schools Foundation will put the student into the RTI program. If the student does not demonstrate sufficient improvement, an initial evaluation will be conducted. An initial evaluation may also be conducted under extraordinary circumstances or as a result of a parent's written request. The RTI process may include

- a. Universal (district and/or school wide) screenings of academic and behavior areas in order to identify those students who need additional monitoring and/or interventions;
- b. Research based/validated instructional and behavioral supports provided in general education settings;
- c. Multiple tiers of research based/validated interventions that are geared to specific student needs;
- d. Collaboration among school site staff in the design, implementation and monitoring of interventions;
- e. Follow-up and monitoring of interventions to inform future decisions; and
- f. Documentation of parent involvement.

4. The Leadership Team

A school's leadership team, designated by the principal, provides support to teachers and staff to accommodate the needs of all students in the general education setting, and is responsible for the student and school progress in the areas of behavior and academics. Throughout the school year, the Leadership Team will monitor data, ensure consistency in the intervention process, and make decisions about student instruction based on the data review. To accomplish this, the principal may assign to team sub-sets the responsibility of addressing specific organizational needs of the school community. A member of the core leadership team may lead or assist sub-set teams to provide consistent leadership in all school initiatives. Sub-set teams may include, but are not limited to: RTI, PBIS, Referral, and School Improvement.

- a. As part of the process, a RTI leadership team is established to assist in the implementation of interventions and the collection of data to determine effectiveness of interventions.
- b. The School Team:
 - Assists school personnel to identify students who face challenges to academic success through Universal (school-wide) Screening;
 - Provides teachers and support staff with the support and materials necessary to implement research-based interventions in the general education setting;
 - Facilitates the intervention process;
 - Assists teachers in monitoring the progress of students receiving interventions;
 - Assists with analyzing data from the intervention process; and
 - Participates in data-driven decisions about the student's progress.

5. RTI Intervention Tiers

Universal screening is conducted first to determine which students need tiered interventions. Examples of Universal screening instruments at New Beginnings Schools Foundation may include STAR, Aimsweb, Review 360, and PBIS systems. Universal screening is conducted school-wide to determine which students are “at-risk” for not meeting grade level expectations, including behavior expectations. Review of screening data will identify students in need of specific supports so that appropriate Tier 1 interventions may be designed and implemented. The LDE has adopted a three tier model for interventions:

Tier 1

Includes the provision of general classroom instruction and strategies that are provided to all students. Tier 1 interventions may include the implementation of a school-wide literacy program, inclusion of computer assisted technology across a grade level, the implementation of School Wide Positive Behavior Interventions and Supports (PBIS), etc.

Tier 2

Includes the provision of instruction and strategies of a more intense nature that are provided to a smaller group of students (i.e., those students resistant to interventions utilized at Tier I level). Tier 2 interventions may include small group instruction on specific deficit areas, reading tutorials, math/science remedial labs, computer labs, behavior focus groups, reinforcement systems, etc. Review of intervention data will indicate if interventions are successful or if there is a need to design new Tier 2 interventions or move to Tier 3 interventions.

Tier 3

Includes the provision of intensive instruction and strategies to a small group of students (i.e., those students resistant to both Tiers 1 and 2 interventions). Tier 3 interventions may include one on one or very small group instruction/support on specific deficit areas or specially designed behavior intervention systems. Review of intervention data will indicate if the interventions are successful or if there is a need to refer a student to the RTI for possible consideration for an individual evaluation. The

systematic implementation of RTI helps ensure that interventions are targeted to meet the needs of a specific group of students. Review of intervention data determines the effectiveness of interventions to assist in future decisions.

6. RTI Documentation

Implementation of interventions is required before a student may be referred for a special education evaluation unless the student is suspected of having a low incidence exceptionality or is a danger to self or others.

Documentation of all RTI activities is required. Individual teachers and support staff collect instructional and behavioral data on how students respond to interventions and monitor the ongoing implementation of interventions. The RTI leadership team reviews collected data on the overall implementation of the RTI process before making any decisions regarding a special education evaluation.

B. Initial Evaluations

A parent of a student or any member of the child's educational team may initiate a request for an initial evaluation. An initial evaluation is conducted to determine if the student has a disability or needs a related service. It is a systematic process of review, examination and interpretation of intervention efforts (i.e., RTI data), test results, interviews, observations, and relevant functional and developmental information, including information from the parent. The determination of whether a student is an exceptional student and the nature and extent of needed special education and related services, including individual educational, behavioral, or social needs, is based on the multidisciplinary evaluation. The evaluation components will vary based on the suspected exceptionality, review of screening data, and data collected during the evaluation process.

1. Pupil Appraisal Personnel

Individual student evaluations are conducted by LDE certified Pupil Appraisal personnel. These individuals may include:

- a. Educational Diagnostician
- b. Certified School Psychologist
- c. Speech/Language Pathologist
- d. Qualified School Social Worker
- e. Audiologist
- f. Occupational Therapist
- g. Physical Therapist
- h. School Nurse

2. Parent Consent

Parent consent is required before an initial individual evaluation may be conducted. Every reasonable effort is made to obtain consent to conduct an initial evaluation and documentation of those efforts are maintained.

New Beginnings Schools Foundation will document at least three (3) attempts to contact the parent on the communication log in the student's cumulative folder.

Written prior notice via mail is always the first attempt at contact followed by phone call, letter via certified mail, and/or home visit.

If a parent does not provide consent or fails to respond to a request for consent, New Beginnings Schools Foundation may, but is not required to, pursue an initial evaluation by utilizing procedural safeguards such as mediation or due process. If the parent fails to provide consent or refuses consent and New Beginnings Schools Foundation does not utilize procedural safeguards to obtain consent, the student shall not be evaluated.

Informed parent consent is not required for a student who is a ward of the state if New Beginnings Schools Foundation cannot discover the whereabouts of the parent or if parental rights have been terminated by legal/court actions. The school shall document all efforts to locate the parent.

3. LEA Refusal to Evaluate

New Beginnings Schools Foundation must give prior written notice to parents when it refuses to initiate the identification, evaluation or educational placement of a student for whom the parent has made a specific request. The notice is given in a language/mode understandable to the parents and is provided in a timely manner to ensure parent participation. The Procedural Safeguards section of this handbook outlines what is contained in the written notice.

4. Timelines

Initial evaluations are conducted within 60 business days from receipt of parental consent. Timeline extensions are not allowed unless both New Beginnings Schools Foundation and the parent agree, in writing, to an extension. If both the parent and New Beginnings Schools Foundation believe significant progress towards completion of the evaluation is being made, but additional time is needed, they may agree to extend the timelines. An end of school year extension requires parental consent.

New Beginnings Schools Foundation or the Pupil Appraisal Team will contact the parent via phone in order to discuss the purpose of the extension. If both are in agreement, the parent and a representative from New Beginnings Schools Foundation or the Pupil Appraisal Team will meet with the parent in person to obtain signed consent documenting the agreement of the extension on behalf of the parent, the school, and the Pupil Appraisal Team.

5. Determination of Eligibility

The multidisciplinary team utilizes a variety of sources in determining whether a student is a student with a disability. These sources may include aptitude and achievement test results, parent input, teacher recommendations, review of RTI data, as well as information about the student's physical condition, social or cultural background, and adaptive behavior.

Once the evaluation is completed, the evaluation team analyzes the evaluation data with parental input to make a determination. A copy of the integrated evaluation report is provided and interpreted to the parent at no cost to the parent. An Individualized Education Program (IEP) based on the evaluation shall be developed within 30 calendar days after the completion and dissemination of the evaluation to plan the specialized instruction and related services that the student will need.

A student shall not be classified as a student with a disability if assessment data indicate that the primary reason for determining eligibility was based on either:

- a. Lack of appropriate instruction in reading and/or math or
- b. Demonstrated limited English proficiency which as defined as students who do not have the clearly developed English language skills of comprehension, speaking, reading and writing necessary to receive instruction only in English at a level substantially equivalent to students of the same age or grade whose primary language is English. When possible assessments should be conducted in the student's primary language.

This determination of either of the above shall be made during the screening process before an individual evaluation is initiated.

C. Re-Evaluations

Students receiving special education services are re-evaluated, usually every three years, to determine if the student continues to be a student with a disability and/or to determine necessary special instruction and related services.

1. Parent Consent

Parent consent is required before a re-evaluation is conducted. New Beginnings Schools Foundation will document at least three (3) attempts to contact the parent on the special education folder's communication log in the student's special education folder. Written prior notice via mail is always the first attempt at contact followed by phone call, or letter via certified mail, and/or home visit.

If the parent responds and refuses to consent to the re-evaluation, New Beginnings Schools Foundation will not re-evaluate the student and may exit him//her from special education services at the appropriate time. However, New Beginnings Schools Foundation may opt to pursue the re-evaluation by using consent override procedures such as mediation or due process.

Parent consent for a re-evaluation is not required when New Beginnings Schools Foundation can demonstrate that every reasonable effort was made to obtain consent but the parent failed to respond to the request.

Parent consent is not required for instructional staff to review existing instructional data or to administer tests that are given to all students (both with and without disabilities) unless these tests require parent consent for all students.

2. Timelines

- a. A re-evaluation must occur at least once every three years when necessary as noted below:
 - (i) A triennial evaluation may be necessary if there are not adequate data to determine whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals in the IEP and to participate, as appropriate, in the general education curriculum.

- (ii) A triennial evaluation may be necessary for students with developmental delays, hearing impairments, traumatic brain injury, or visual impairments.
 - (iii) For students whose only exceptionality is gifted or talented, the re-evaluation may be accomplished through the IEP process at the time of the IEP review meeting. Informed parental consent for the re-evaluation must be sent to parents prior to the IEP review meeting in which the re-evaluation will be conducted. If no concerns are evident with the student's current program, no evaluation report is required. This discussion will be documented on the IEP form, and a copy of the IEP form will be forwarded to Pupil Appraisal Personnel.
- b. A re-evaluation does not occur more than once a year unless both the parent and New Beginnings Schools Foundation agree otherwise.
- (i) When New Beginnings Schools Foundation determines that the educational or related service needs, including improved academic achievement and functional performance of the student, warrant a re-evaluation;
 - (ii) When the student's teacher or parent requests a re-evaluation;
 - (iii) When a significant change in placement is proposed, which means moving the student to a more restrictive environment, where the student will be in the regular class less than 40% of the day; or
 - (iv) When a student is no longer suspected of having an exceptionality. This includes students with just an exceptionality of speech and language impairment.

New Beginnings Schools Foundation is not required to conduct a re-evaluation of an exceptional student who transfers into its jurisdiction from another jurisdiction in Louisiana and has a current evaluation. Should the receiving LEA question the accuracy or the appropriateness of the student's classification, a re-evaluation may be initiated after an IEP has been developed and the student is receiving special education and related services.

3. Waivers

When the parent and New Beginnings Schools Foundation agree that a re-evaluation is unnecessary, the justification for not reevaluating the student shall be documented with written agreement by the parent and New Beginnings Schools Foundation.

The following is required to waive a triennial re-evaluation:

- a. Sufficient Evidence that the Student
 - Is making adequate progress in classroom;
 - Continues to have a disability;
 - Continues to need special education and related services;
 - Is making progress in meeting IEP goals; and
 - Is participating, as appropriate, in the general education curriculum.
- b. Documentation that no additional data is needed;

- c. Written notification to the parent indicating that a re-evaluation may be requested;
- d. Written request to parent to waive the triennial re-evaluation;
- e. Written parental consent to waive the triennial re-evaluation;
- f. Data entered into SER (date of consent may not occur earlier than six months before the evaluation expiration date); and
- g. Documentation that the School has waived the reevaluation.

D. Independent Educational Evaluations

Parents are entitled to an independent educational evaluation (IEE) if they disagree with the evaluation conducted by New Beginnings Schools Foundation. New Beginnings Schools Foundation will provide the parent with information about where an IEE may be obtained and inform them that the IEE will be conducted without cost to them. A parent is entitled to only one IEE at public expense each time the district conducts an evaluation. Once New Beginnings Schools Foundation agrees to the parent's request, the school and/or district is responsible for ensuring that an IEE is conducted. New Beginnings Schools Foundation may make inquiries but may not require the parent to indicate the reason(s) why he or she objects to the district's evaluation.

If New Beginnings Schools Foundation disagrees with the request (i.e., determines its own evaluation is appropriate), it will file a due process hearing request with the LDE. If the final hearing decision supports the appropriateness of New Beginnings Schools Foundation's evaluation, the parent still has a right to an IEE but not at New Beginnings Schools Foundation's expense. If the hearing decision upholds the request for an IEE, it will be provided at no cost to the parent.

The results of the IEE will be considered by New Beginnings Schools Foundation whether it was conducted at no cost to the parent or the parent paid for the IEE. The school and/or district still have the authority to determine if the IEE meets Bulletin 1508 criteria.

CHAPTER III

FREE AND APPROPRIATE PUBLIC EDUCATION

The IDEA requires that a free appropriate public education (FAPE) be provided to all eligible students with disabilities residing in Louisiana who are between the ages of 3 and 21, including students who have been suspended or expelled from school. New Beginnings Schools Foundation provides special education services for its eligible students who reside within Orleans Parish.

A. Free Appropriate Public Education

FAPE includes the provision of special education and related services, including supplementary aids and services, to eligible students at no cost to the parent. These services must conform to the child's Individual Education Plan (IEP) in the least restrictive environment (LRE) and be consistent with the standards established by the State Education Agency (SEA).

1. Provision of FAPE

FAPE is available to eligible students with identified disabilities through their 21st birthday. If a student turns 22 years old after the school year begins, she/he is entitled to complete the remainder of the current school year.

2. FAPE Exclusions

FAPE does not need to be provided for:

- a. a student not identified as having a qualifying disability;
- b. A student age 18 through 21 who is incarcerated, who was not identified as a student with a disability, and did not have an IEP prior to the incarceration;
- c. A student who has graduated from high school with a regular high school diploma. *(If the student with a disability exited with a Certificate of Achievement or other alternative degree, the student is eligible to receive FAPE through his or her 21st year even if he or she previously exited the system);* or
- d. A student parentally placed in a private school.

3. New Beginnings Schools Foundation Assurances

- a. Educational programs and services, available to students without disabilities, will be made available to students with disabilities such as art, music, industrial arts, consumer homemaking, and vocational education.
- b. Assistance technology devices and/or services will be provided when determined appropriate by the IEP Team so that the student may benefit from the educational program. This includes the purchase of assistive technology devices to be used by the student in the home if the IEP Team determines the student must have access to the devices in order to receive or benefit from FAPE. Hearing aids worn in school by students with hearing impairments should be monitored to ensure they are functioning properly.

- c. Free extended school year services (ESY) will be available to students whose IEP Teams determine, on an individual basis, that ESY is needed in order for the student to receive or benefit from FAPE.
- d. Nonacademic and extracurricular services and activities will be provided in the manner necessary to allow inclusion.
- e. To the extent that physical education services are provided to students without disabilities, appropriate physical education services will be provided to students with disabilities. Specially designed physical education must be provided if prescribed in the IEP.

B. Early Intervening Services

Early intervening services may be provided to students not currently identified as needing special education or related services but who need additional academic and behavioral support to be successful in the general education curriculum. New Beginnings Schools Foundation may develop and coordinate early intervening services to students in PK through 12th grade.

Early intervening services will not cause a delay in the provision of FAPE or in the evaluation of a student suspected of having a disability. Conversely, participating in early intervening services will not create or guarantee a right to FAPE or an individual evaluation for a student.

CHAPTER IV MEDICATION FOR SPED STUDENTS

The prescription of medication for students with disabilities may not be a condition of school attendance. New Beginnings Schools Foundation may provide data to parents regarding the student's academic and behavioral performance. Although the school may encourage the parent to discuss the behavioral and/or performance issues with the student's physician, no school representative may never suggest or even discuss medicating the student. No staff may suggest that a student see a psychiatrist. All medical information received must be kept confidential and in a secure place.

A. Administration of Medication

1. The administration of medication to students during the school day and extended care must be in compliance with state law and regulations.

2. School medication orders shall be limited to medications which must be administered during the school day. Parents may come to school and administer medication to their children at any time during the school day following submission of proper physician's authorization for medications and arrangements with the school principal.

Medications which may be considered as acceptable under this policy:

- a. Medication to modify behavior (e.g., Ritalin, when the sustained action form of this medication is not effective.)
- b. Severe allergic reactions - must have specific written instructions from a physician.
- c. Anticonvulsive medication.
- d. Medication for asthma.
- e. Medication given in extenuating circumstances.
- f. Non-prescription (over-the-counter) drugs will only be given if medical certification of extenuating circumstances and prescription is obtained.
- g. Antibiotics and other short-term medications will not be given at school, unless so ordered by a physician, dentist, or authorized prescriber.
- h. Other specific illnesses that require medication.

B. Process for Requesting Administration

The conditions in this Section must be met before any employee, other than a registered nurse or licensed medical physician, may administer medication or the student may self-medicate.

1. Medical Order

The school must have a current and completed physician's *Medication Order* for each medication, on separate forms, from a Louisiana, or adjacent state, licensed physician, dentist, or other authorized healthcare prescriber. A form with a physician's/dentist's/other authorized prescriber's stamp shall not be accepted. Faxed orders may be accepted only if original orders are received within five (5) business days.

The Order shall include:

- a. The student's name;
- b. The name and signature of the physician/dentist/other authorized prescriber;
- c. Physician's/dentist's/other authorized prescriber's business address, office phone number, and emergency phone numbers;
- d. Student's medical diagnosis;
- e. Name, amount of each school dose, time of school administration, route of medication, and reason for use of medication; and
- f. A written statement of the desired effects and the child specific potential adverse effects.

2. Parent Request

The parent must provide a written authorization for the school to administer each medication and must provide a new request at the beginning of each school year, and new orders dated before July of that school year shall not be accepted. The authorization for each medication must include:

- a. The student's name;
- b. Clear instructions;
- c. Prescription number, if any;
- d. Current date;
- e. Name, degree, frequency, and route of medication;
- f. Name of physician, dentist, or other authorized healthcare prescriber;
- g. Printed name and signature of parent or guardian;
- h. Emergency phone number of parent or guardian; and
- i. Statement granting or withholding release of medical information.

3. Container

Each medication shall be provided in a container that meets acceptable pharmaceutical standards and includes the following information:

- a. Name of pharmacy;
- b. Address and telephone number of pharmacy;
- c. Prescription number;
- d. Date dispensed;
- e. Name of student;
- f. Clear directions for use, including the route, frequency, and other as indicated;
- g. Drug name and strength;
- h. Last name and initial of pharmacist;
- i. Cautionary auxiliary labels, if applicable; and
- j. Physician's/dentist's/other authorized prescriber's name.

4. Labels

Labels of prepackaged medications, when dispensed, shall contain the following information in addition to the regular pharmacy label:

- a. Drug name;
- b. Dosage form;
- c. Strength;

- d. Quantity;
- e. Name of manufacturer and/or distributor; and
- f. Manufacturer's lot or batch number.

C. Administration of Medication: General Provisions

1. The principal must designate at least two (2) employees to receive training and administer medications in each school. Documentation of the training must be kept on file.
2. Once trained, the school employee who administers medication may not decline to perform such service at the time indicated, unless exempted in writing by the MD or RN.
3. During the period when the medication is administered the person administering medication must be relieved of all other duties except for observing the student.
4. Each student must be observed by a school employee for a period of 45 minutes following the administration of medication. This observation may occur during instruction time.
5. Except in life-threatening situations, unlicensed but trained school personnel may not administer injectable medications.
6. All medications must be stored in a secured locked area or locked drawer with limited access except by authorized school personnel.
7. Only oral, inhalant, topical ointment for diaper rash, and emergency medications must be administered at school by unlicensed but trained school personnel.
8. School medication orders must be limited to medications which cannot be administered before or after school hours.
9. Any classroom teacher shall not be assigned to administer medications to students unless stipulated in a contract. However, a teacher may volunteer in writing to administer medications to his/her own students.

D. Nurse Responsibilities

1. The school nurse, in collaboration with the principal, shall supervise the implementation of the school policies for the administration of medications in schools to ensure the safety, health and welfare of the students.
2. The school nurse shall be responsible for the training of nonmedical personnel who have been designated to administer medication. The training must be at least six (6) hours and should minimally include:
 - a. Proper procedures for administration of medications including controlled substances;
 - b. Storage and disposal of medications;
 - c. Appropriate and correct record keeping; and

- d. Appropriate actions when unusual circumstances or medication reactions occur.
 - e. How to arrange the safe delivery by an adult of the medication to and from school in the properly labeled container as dispensed by the pharmacist. If the medication is not properly labeled and does not match the physician's order exactly, it will not be given.
3. The school nurse shall insure that:
- a. All aerosol medications must be delivered to the school in premeasured dosage.
 - b. The parent provided no more than a thirty-five (35) school day supply of medication in a properly labeled container to be kept at school.
 - c. The initial dose of a medication must be administered by the student's parent/legal guardian outside the school jurisdiction with sufficient time for observation for adverse reactions.

E. Parent Responsibilities

- 1. Cooperate in counting the medication with the designated school personnel who receive it and sign the designated receipt form;
- 2. Cooperate with school staff to provide for safe, appropriate administration of medications to students, such as positioning, and suggestions for liquids or foods to be given with the medication;
- 3. Assist in the development of the emergency plan for each student;
- 4. Comply with written and verbal communication regarding school policies;
- 5. Grant permission for school nurse/physician/ dentist/other authorized prescriber consultation; and
- 6. Remove or give permission to destroy unused, contaminated, discontinued, or out-of-date medications according to the school guidelines.

F. Field Trips

- 1. If the parent of a student on medication does not request in writing that medication be administered on a pending field trip, the student cannot attend the field trip.
- 2. If the parent/legal guardian of a student requests in writing that medication be administered on a pending field trip, either a person certified to administer medication must go on the field trip or a nurse must be on call while the field trip is being taken.
- 3. In the event that a certified employee is not available, the parent or a non-School Board employee designee (designated in writing by the parent/legal guardian) may attend the field trip to administer medication. Otherwise, the student may not attend the field trip.

G. Student Self-Medication

Only those medical conditions which require immediate access to medications to prevent a life threatening or potentially debilitating situation shall be considered for self-administration of medication.

1. Asthma or the Use of Auto-Injectable Epinephrine

Self-administration of medications by a student with asthma or the use of auto-injectable epinephrine by a student at risk of anaphylaxis shall be permitted by the School Board, provided the student's parent or other legal guardian provides the school in which the student is enrolled with the following documentation:

- a. Written authorization for the student to carry and self-administer such prescribed medications.
- b. Written certification from a licensed medical physician or other authorized prescriber that the student:
 - (i) Has asthma or is at risk of having anaphylaxis and
 - (ii) Has received instruction in the proper method of self-administration of the student's prescribed medications to treat asthma or anaphylaxis.
- c. A written treatment plan from the student's licensed physician or other authorized prescriber for managing asthma or anaphylactic episodes. The treatment plan shall be signed by the student, the student's parent or other legal guardian, and the student's physician or other authorized prescriber. The treatment plan shall contain the following information:
 - (i) The name, purpose, and prescribed dosage of the medications to be self-administered.
 - (ii) The time or times the medications are to be regularly administered and under what additional special circumstances the medications are to be administered.
 - (iii) The length of time for which the medications are prescribed.

2. General Provisions.

- a. The required documentation shall be maintained in the office of the school nurse or other designated school official. New Beginnings Schools Foundation shall inform the parent or other legal guardian of the student in writing that the school and its employees shall incur no liability as a result of any injury sustained by the student from the self-administration of medications used to treat asthma or anaphylaxis and the parent shall sign a statement to that effect.
- b. Permission for the self-administration of asthma medications or use of auto-injectable epinephrine by a student shall be effective only for the school year in which permission is granted. Permission for self-administration of asthma medications or the use of auto-injectable epinephrine by a student shall be granted by New Beginnings Schools Foundation each subsequent school year, provided all of the requirements of this part of the policy are fulfilled.
- c. Upon obtaining permission to self-administer asthma medication or to

use auto-injectable epinephrine, a student shall be permitted to possess and self-administer such prescribed medication at any time while on school property or while attending a school sponsored activity. A student who uses any medication permitted by this policy in a manner other than as prescribed shall be subject to disciplinary action; however, such disciplinary action shall not limit or restrict such student's immediate access to such prescribed medication.

- d. A student who has been granted permission to self-administer medication by New Beginnings Schools Foundation shall be allowed to carry and store with the school nurse or other designated school official an additional conflict inhaler or auto-injectable epinephrine, or both, at all times.

3. Self-administration

Self-administration of other medications by a student may be permitted by New Beginnings Schools Foundation, provided that:

- a. A *Medication Order* from the physician or authorized prescriber and from the student's parent or guardian shall be on file and communication with the prescriber has been established;
- b. The school nurse has evaluated the situation and deemed it to be safe and appropriate, documented this on the student's cumulative health record, and has developed a medical administration plan for general supervision. The administration plan may include observation of the procedure, student health counseling and health instruction regarding the principles of self-care;
- c. The principal and appropriate staff are informed that the student is self-administering the prescribed medication;
- d. The medication is handled in a safe, appropriate manner;
- e. The school principal and the school-employed registered nurse determine a safe place for storing the medication;
- f. The medication must be accessible if the student's health needs require it, and this information is included in the medication administration plan.
- g. Some medication should have a backup supply readily available;
- h. The student records the medication administration and reports unusual circumstances (as a general rule the student must record all dates and times he/she is self-medicating during school hours. The medication log shall be kept in the main office where the student shall record this information unless otherwise noted on the student's Individual Administration Plan);
- i. The school-employed registered nurse and/or the designated employee monitors the student.

H. Student Confidentiality

Because all student information shall be kept confidential, the parent shall be required to sign the *Authorization for Release of Confidential Information* form, so that health information can be shared between the School Board and health care providers.

CHAPTER V

INDIVIDUALIZED EDUCATION PLAN (IEP)

IDEA and Bulletin 1706 require that every eligible student with a disability be offered a free appropriate public education (FAPE). FAPE is provided through an Individualized Education Program (IEP) in the Least Restrictive Environment (LRE). New Beginnings Schools Foundation follows Bulletin 1530, Louisiana's IEP Handbook for Students with Exceptionalities, in scheduling and developing IEPs.

A. Definition of an IEP

1. The IEP is a written educational plan and a commitment to provide FAPE. Specifically, the IEP document serves as:

- A commitment of resources necessary to enable a student with disabilities to receive special education and related services;
- An opportunity for parents and educators to work together to identify the educational needs of students and the services that must be provided so the student may benefit from FAPE;
- A compliance/monitoring document which may be used by authorized monitoring staff to determine whether the student is receiving FAPE in the LRE; and
- An evaluation device to assist in determining the extent of the student's progress toward meeting projected outcomes.

2. A student's IEP is accessible to all administrators, teachers and related service providers who are responsible for implementation of the IEP.

3. At the completion of developing an IEP, administrators, teachers and related service providers shall be informed of their specific responsibilities in implementing the IEP, including the accommodations, modifications and supports that must be provided as outlined on the IEP.

B. Types of IEPs

1. Initial IEP

The *Initial* IEP is developed for a student with an exceptionality who has met criteria for one or more exceptionality outlined in *Bulletin 1508, Pupil Appraisal Handbook*, and who has never received special education services, except through an interim IEP, from an approved Louisiana school/program.

2. Review IEP

The *Review* IEP is developed for a student with an exceptionality who has been receiving special education services through an existing IEP. It is reviewed and revised at least annually, or more frequently if needed, to consider the appropriateness of the program, placement, progress in the general education curriculum or any related services needed by the student.

3. Interim IEP

- a. The Interim IEP is developed for a student:
 - (i) Who has severe or low incidence impairments documented by a qualified professional concurrent with the conduct of an initial evaluation according to the *Bulletin 1508, Pupil Appraisal Handbook*.
 - (ii) Who transfers from out-of-state without a current Louisiana compliant evaluation and was receiving special education services in that state, concurrent with the conduct of an initial evaluation according to the *Bulletin 1508, Pupil Appraisal Handbook*.
 - (iii) Who was a former special education student, through the age of 22, who left the public school without completing their public education by obtaining a state diploma, concurrent with the conduct of an initial evaluation according to the *Bulletin 1508, Pupil Appraisal Handbook*.
- b. An interim IEP must be authorized by the Special Education Administrator and/or the IEP Facilitator and developed only in concurrence with conducting an evaluation. The Interim IEP shall state that the student will exit from the special education program if the student is found to be ineligible for special educational services according to the criteria in *Bulletin 1508, Pupil Appraisal Handbook*. If the student is eligible for special educational services, an initial IEP/placement meeting will be conducted within 30 calendar days from the date of dissemination of the written evaluation to the LEA's special education administrator.

C. IEP Team Participants

1. Team Members

Each IEP Team should include:

- a. At least one general education teacher of the student if the student attends general education classes or may possibly attend general education classes. General education teachers provide input into the discussion on:
 - (i) The need for positive behavioral interventions and supports
 - (ii) The need for supplementary aids, services, accommodations and modifications appropriate for general education settings;
- b. At least one special education teacher or provider of services to the student;
- c. An officially designated representative of New Beginnings Schools Foundation. The ODR is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of the students. The ODR is knowledgeable about the general education curriculum and can commit resources to implement the IEP. New Beginnings Schools Foundation identifies individuals who will serve as the ODR and disseminates this information within the school and/or district. The student's special education teacher does not serve as ODR

- on the student's IEP Team;
- d. Other individuals at the discretion of the parent(s) or New Beginnings Schools Foundation who can provide input into the needs of the students; and
- e. The student when it is appropriate.
- f. For Initial IEPs, an evaluation representative is required.
- g. For Review IEPs, an individual who can interpret the evaluation results, such as a Pupil Appraisal staff member and/or a special education instructor.

2. Transition Services IEP Team Participants

In addition to the individuals listed above, the student is invited to attend the IEP Team meeting if transition services will be discussed. The parent is notified through the IEP meeting notification letter that the student will be invited to the IEP Team meeting. If the student does not attend the IEP Team meeting, steps are taken to ensure that the student be allowed to provide input into the development of the plan relative to his/her preferences and interests.

Before an adult service agency is invited to an IEP Team meeting where transition services are to be discussed, New Beginnings Schools Foundation shall first obtain parent consent (or student consent if student is 18 years of age or older) using the appropriate form. (See Appendix).

3. IEP Team Attendance

All individuals listed as required members of an IEP Team must attend and participate in the development of the entire IEP plan. However, if both the parent and New Beginnings Schools Foundation agree, in writing, that attendance by a member is not needed because the specific curriculum area or discipline is not being addressed (i.e., no changes or modifications are being made), the individual may be excused from attending all or part of the meeting.

Excusals are documented on the Letter of Prior Notice. (See Appendix).

4. Parent Notice/Participation

For purposes here, "parent" is defined as a biological or adoptive parent of a child, a foster parent, a guardian who acts as the child's parent or is authorized to make educational decisions for the child (other than the state if the student is a ward of the state), an individual acting in the place of a biological or adoptive parent (such as a grandparent, stepparent, or other relative with whom the child lives), or a surrogate parent appointed to act in the child's behalf. A surrogate parent is appointed if the student is a ward of the state.

The school shall send the parents a Letter of Prior Notice at least ten calendar days in advance of the IEP Team meeting. The written notice to the parent shall include the purpose of the meeting (e.g., development of annual IEP, development of transition plan, discussion of discipline issues, etc.); the mutually agreed upon time and location of the meeting; who will be in attendance; explain that the parents may negotiate time and place of meeting; state that their consent is required before an initial placement is made; and that all student information is confidential.

In extenuating circumstances, the 10-day notice may be waived but only with the approval of the parent. Students fifteen years of age and older shall receive their own notice of the IEP meeting. It indicates that the purpose of the meeting will be to discuss transition services. The notice also informs the student of any adult service agencies invited to participate in the IEP Team meeting.

Every effort is made, and documented, to ensure parent attendance at the IEP Team meeting. The Parent Participation Documentation form must be completed including logs of attempted or actual telephone calls, copies of correspondence sent, or documentation of visits made to the parent's home or place of employment. New Beginnings Schools Foundation will document at least three (3) attempts to contact the parent on the IEP Meeting Due Process Communication Log in the student's special education folder. Written prior notice via mail is always the first attempt at contact followed a phone call, letter via certified mail, and/or home visit.

If a parent(s) is unable to attend, the school will conduct the IEP meeting and secure parental participation in the meeting via telephone.

New Beginnings Schools Foundation shall document efforts to ensure that parents understand notices of IEP Team meetings and the actual IEP Team meeting proceedings. For parents who are deaf or who do not speak English, New Beginnings Schools Foundation will arrange for an interpreter.

5. Surrogate Parents

A surrogate parent is assigned to a student by New Beginnings Schools Foundation when:

- No parent can be identified;
- New Beginnings Schools Foundation cannot locate the parent;
- The student is a ward of the State; or
- The student is an unaccompanied homeless youth.

A surrogate parent is assigned within 30 calendar days, when practicable, after determining the need. If the student is a ward of the state, the judge overseeing the student's case may assign a surrogate parent. If in foster care, the foster parent shall be considered the student's parent and no surrogate is required.

Any individual may be assigned as a surrogate parent as long as they are not an employee of the LDE, LEA or other agency involved in the education or care of the student. This individual may not have any personal or professional interests that conflict with the best interests of the student, and she/he must possess skills necessary to adequately represent the student. If an unaccompanied homeless youth, a staff member of an emergency shelter or transitional shelter may be assigned temporarily to be that student's surrogate parent until a regular surrogate parent is assigned.

D. Components and Development of an IEP

1. General Student Information

- a. The student's strengths;
- b. The concerns of the parents;
- c. Results of evaluations;
- d. Academic, developmental, and functional needs of the student; the need for supplementary aids and services; and
- e. Progress or lack of progress in the general education curriculum within the regular and/or special class setting.

2. Consideration of Special Factors

- a. A brief description of the behavior concerns/issues and the use of positive behavioral interventions and supports for a student whose behavior impedes his or her educational program and learning or that of others;
- b. Language needs of a student who has limited English proficiency;
- c. The need for Braille for a student who is blind or visually impaired 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 that student;
- d. Consider the communication and language needs of the student. For 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 a full range of needs, including opportunities for direct instruction in the student's language and communication mode;
- e. The need for assistive technology services and devices; and
- f. The health needs of the student.

3. Instructional Plan Documentation

- a. Present levels of academic achievement and functional education curriculum including baseline data from formal and informal assessments.
- b. Measurable, standards-based annual goals that indicate what the student should be able to achieve in one IEP year related to the student's involvement and progress in the general education curriculum and based on results from baseline data.
 - (i) Short term objectives are required for students with significant cognitive disabilities at all ages and grade levels
 - (ii) Short term objectives are required for students participating in Louisiana Alternate Assessment 1 (LAA 1)
- c. Method of measurement to be used to indicate the student's progress toward meeting the annual goal.

- d. Identify personnel responsible for implementing goal.

4. Accommodations

- a. Accommodations and modifications involve a wide range of techniques and support systems that help students with exceptionalities access the general education curriculum. Accommodations and modifications are designed based on the way students learn and how they are assessed. They may be provided in five general areas:
 - (i) Instructional methods and materials Assignments and classroom assessments
 - (ii) Time demands and Scheduling
 - (iii) Learning Environment
 - (iv) Use of special communication systems
 - (v) Indicated on the IEP by checking the appropriate boxes.
 - (vi) Testing accommodations and modifications will also be provided in order to enable students to participate in state and district assessments. All changes to any standardized test procedures will be limited to those explicitly allowed in the test manual and must be documented on the IEP.
- b. All teaching staff will provide accommodations and modifications in the classroom as outlined in the student's IEP. Professional Development trainings will be conducted in the areas of methodology, individualized instruction, classroom management, inclusion, and explanation of the different exceptionalities when needed.

5. Program Services

- a. Indicate the dates for special education and related services to begin and the level, frequency, location and duration of those services.
- b. Identify the student's participation in regular class(es) and activities with non-disabled peers.
- c. Identify supports needed for school personnel.
- d. Identify criteria for Extended School Year (ESY).
- e. The LAA2 is only available to students who have entered a high school cohort in 2013-2014 or before and those students will continue to have access to the LAA2 graduation exams.

6. IEP Review/Revision

A student's IEP shall be reviewed at least annually to determine if the student is achieving the annual goals. When revising the IEP, the team addresses the student's progress or lack of progress in the general education curriculum and achievement of the annual goals. All components are updated to address current needs and services.

E. Least Restrictive Environment (LRE)

New Beginnings Schools Foundation assures that students with disabilities are educated to the maximum extent appropriate with students without disabilities in regular educational environments. Special education classes, special school campuses or other removals from regular educational environments occur only when the nature or severity of the disability is

such that education in general education classes, even with the use of supplementary aids and services, cannot be achieved satisfactorily.

1. LRE Requirements

- a. Students with disabilities are educated with students without disabilities to the maximum extent appropriate.
- b. Students with disabilities are removed from general education environments only if the nature or severity of the disability prohibits satisfactory achievement in general education even with the provision of supplementary aids and services.
- c. A continuum of alternative educational placements is available to meet the needs of students with disabilities. Inclusive nonacademic and extracurricular services and activities, including meals and recess periods, are provided to allow students with disabilities to participate with students without disabilities.

2. Continuum of Alternative Placements

A continuum of alternative educational placements is available to meet the needs of students with disabilities at New Beginnings Schools Foundation. The continuum includes instruction in general education classes, special education classes, and home instruction. Supplementary services such as resource room or itinerant instruction are provided in conjunction with the general education class placement.

The IEP Team determines the most appropriate placement on the continuum for each student. Emphasis is on placing students in general education settings. Only when the IEP goals and services/supports outlined on the IEP cannot be implemented satisfactorily in general education setting is a student assigned to a special education setting.

3. Placement/Least Restrictive Environment

Educational environments for students, ages 6 through 21, provide for a continuum of environments from least to most restrictive except for students who are deaf or hard of hearing or for students who are gifted and/or talented.

- a. *Inside the general education class 80% or more of the day*
This placement includes general education class settings with either special education/related services provided within the general class setting or outside the general class setting, or general education class settings with special education services provided in a resource room.
- b. *Inside the general education class, no more than 79% of the day and no less than 40% of the day*
This placement includes resource room settings where special education/related services are provided or resource room settings with the student receiving part-time instruction in a general education class setting.
- c. *Inside the general education class less than 40% of the day*
This placement allows for self-contained special education classrooms with part-time instruction in general education classes provided to the student or self-contained special education classrooms with full-time

- special education instruction provided. Both options are provided on a general education school campus.
- d. *Separate school*
This placement includes schools that only provide services to student with disabilities, either private or public schools, at which the student spends more than 50% of the time.
 - e. *Residential Facility*
This placement includes public and private residential schools for students with disabilities or public and private residential schools for student with disabilities who attend for more than 50% of the school day and then spend the rest of the time in a separate day school or in regular school buildings.
 - f. *Hospital/Homebound*
Students in hospital or homebound placements will receive at least 4 hours of special education services weekly.

4. Site Determination

The actual school site where IEP services will be provided is determined at the IEP Team meeting or within 10 calendar days of the IEP Team meeting.

F. Assurances

1. Progress Report

Progress Reports shall be completed for each instructional goal every nine weeks when report cards are issued.

It is the responsibility of the special education teacher of record to prepare and send the report of progress home to parents. It is the responsibility of the general education teacher to provide data from the classroom to assist in documenting progress towards IEP goals. The special education teacher of record will utilize data from a variety of sources, as specified by the student's IEP, to determine if adequate progress towards the instructional goals is being made. The progress report document in SER will be used to record progress report information.

Should a student not make expected sufficient progress, the special education teacher should determine the cause for the lack of progress. If necessary, the IEP will be reconvened and accommodations, modifications, supports, increased service minutes in inclusion, resource, or special settings, and/or goals will be changed to accurately reflect the student's needs. Should the lack of adequate progress be a result of failure to provide identified accommodations and modifications as specified on the IEP as determined by the IEP Team, then appropriate administrative action will be taken.

A copy of the progress report and collected data to inform the progress report will be placed in the student's IEP folder and/or the progress monitoring folder along with the general education attendance, progress report, report card, progress monitoring data, and teacher collaboration logs. The special education teacher will notify the parents of their child's progress. All communications will be documented on the communications log in the special

education folder.

2. Age of Majority

Beginning at least one year before the student reaches the age of majority, or when the student reaches seventeen years of age, the school shall inform the parents and the student that the parent's rights under Part B of the Act will transfer to the student, unless the student is determined incompetent under state law.

3. Parent/Student Consent for Services

The IEP team must consult with the special education administrator or designee before recommending extra personnel (i.e. child specific paraprofessional) or specialized equipment/materials.

The IEP will be reviewed by the Team before it is submitted electronically to the Special Education Reporting System (SER). After the IEP is made official and submitted to SER, the IEP is signed by the meeting participants including the parents.

G. Amendments to the IEP

Changes may be made to the student's IEP if procedural guidelines are met and both the parent and the school agree to amend or modify the student's current IEP. If so, the IEP Team is not required to reconvene.

- 1.** The IEP team must be informed of the changes made to the IEP if the IEP is not reconvened.
- 2.** Amendments or modifications to the current IEP are developed in a written document and submitted electronically to SER.
- 3.** The amended IEP is retained in the IEP folder with copies provided to the parents, all service providers, and general education teachers.

H. Parent Disagreement/Revocation of Services

A parent may *revoke* consent for special education services. If a parent revokes consent (and not just disagrees), New Beginnings Schools Foundation shall immediately cease providing services and give the parent notice that all services have ceased with their revocation. If at a later date the parent requests services or requests that the student be re-evaluated, an initial evaluation is necessary to determine eligibility for special education.

A parent's *disagreement* with IEP services and/or placement as outlined on the IEP does not amount to a revocation of consent for services under IDEA. Even if the parent disagrees with services, New Beginnings Schools Foundation will implement the IEP and notify the parents of their rights to pursue resolution through the LDE's complaint or due process procedures.

I. IEP Timelines

1. Initial IEPs

- a. For students with initial evaluations, an IEP must be developed within 30 calendar days of the dissemination date of the integrated multidisciplinary report to the SPED administrator.
- b. Within these 30 days, a Letter of Prior Notice of the IEP Team meeting is sent to the parents and each service provider at least 10 days prior to the scheduled meeting.
- c. If the initial evaluation report was completed within 30 days prior to summer recess, the school may request in writing to delay the IEP meeting until the first week of school. Parents may choose to meet during summer recess.
- d. An IEP Team meeting is held to develop the Initial IEP.
- e. The IEP Team must review annually each IEP to determine if goals are being met and to revise as needed. (b) The same notification procedures for Initial IEPs should be followed.
- f. Special education and related services will begin within 10 days of the development of the initial IEP.
- g. The IEP will be reviewed by the Team before it is submitted electronically to the Special Education Reporting System (SER). After the IEP is made official and submitted to SER, it is signed by the meeting participants.
- h. Copies of initial IEPs must be given to the parents at the end of the IEP meeting.
- i. Copies of initial IEPs must be given to all related service providers within one week of completion.

2. Interim IEPs

- a. The Interim IEP shall be developed within 10 school days of student entering the LEA.
- b. The IEP will be reviewed by the Team before it is submitted electronically to the Special Education Reporting System (SER). After the IEP is made official and submitted to SER, it is signed by the meeting participants.

J. Promotion/Graduation

When appropriate, IEP teams shall determine promotion possibility and may establish an alternative pathway for fulfilling graduation requirements, pursuant to regulations set forward in Chapter 4 of *Bulletin 1530 – Louisiana’s IEP Handbook for Students with Exceptionalities*. A student’s eligibility for Act 833 will be documented on the *Act 833* form and included in the student’s special education folder. (See Appendix).

1. Requirements for Promotion

- a. IEP teams can determine whether a student with a disability should be promoted to the next grade level (1) if that student fails to meet state or

local established performance standards on any assessment for purposes of promotion, and (2) if the student has not otherwise met the local requirements for promotion or did not score at or above the basic achievement level on the English language arts or mathematics components of the required state assessment and at or above the approaching basic achievement level on the other in the school year immediately prior to each grade.

- b. IEP committee must determine if promotion is warranted by determining (1) whether the student has met the goals on his or her IEP; (2) if the student has met minimum skills/competencies necessary for promotion as defined by the IDEP; and (3) the teacher has recommended promotion.
- c. When determining whether the student should be promoted under 1(a), the IEP Team must:
 - (i) Identify rigorous educational goals for the student;
 - (ii) Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
 - (iii) Include intensive instructional program;
 - (iv) Provide innovative methods to promote the student's advancement including flexible scheduling, alternative learning environments, online instruction, or other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability; and
 - (v) Identify a course of study that promotes college or workforce readiness, or both, career placement and advancement, and transition from high school to postsecondary education or work placement.

2. Requirements for Graduation

Students with disabilities shall be afforded the same opportunities to pursue a standard diploma and to exit with all course credits, honors, and financial awards as other students. A student is not guaranteed a diploma and shall meet either the standard requirements for graduation or those established by his IEP team to be awarded a diploma. Only diplomas earned by students who have pursued the regular academic state standards and who have earned all state-required Carnegie credits shall be considered regular diplomas in the state and district accountability system, pursuant to federal laws and regulations.

- a. By the end of eighth grade, the IEP team of a student with a disability shall begin to develop an individual graduation plan pursuant to Bulletin 741 and the provisions of Chapter 4 of *Bulletin 1530 – Louisiana's IEP Handbook for Students with Exceptionalities*.
- b. If a student with a disability has not met state-established benchmarks on state assessments for any two of the three most recent school years prior to high school, or for the two most recent administrations of any state-established assessments required for graduation, the IEP team may determine whether the student is required to meet state or local established performance standards on any assessment for purposes of

- graduation.
- c. When an IEP team determines that state-established benchmarks on the required state assessments will not be a condition for graduation for a student, it shall:
- (i) Within 30 days of the start of the next school year or course, establish minimum performance requirements in the student's IEP relevant to graduation requirements. The LDE shall make available a list of multiple appropriate assessments and guidance for use in establishing minimum score requirements on the assessments that an IEP team may, but shall not be required to, use for this purpose. The IEP team shall consider establishing minimum performance requirements for annual academic and functional goals designed to meet the student's needs that result from the student's disability and that will enable the student to be involved in and make progress in the general education curriculum, and to meet other educational needs of the student that result from the student's disability, including the student's postsecondary goals related to training, education, employment, and where appropriate, independent living skills.
 - (ii) Provide the student and his or her parent with information related to how requirements that vary from standard expectations may impact future educational and career options.
 - (iii) Require the student to successfully complete IEP goals and requirements and to ensure that the student meets at least one of the following conditions:
 - (a) Employment in integrated, inclusive work environments, based on the student's abilities and local employment opportunities, in addition to sufficient self-help skills to enable the student to maintain employment without direct and continuous educational support from the school district.
 - (b) Demonstrated mastery of specific employability skills and self-help skills that indicate that he does not require direct and continuous educational support from the school district.
 - (c) Access to services that are not within the legal responsibility of public education or employment or education options for which the student has been prepared by the academic program.

K. Transition Services

1. Definition of Transition

Transition is defined as a coordinated set of activities within a results-oriented process focused on improving the academic and functional achievement movement from school to post-school activities education, training, employment, independent living, and/or community participation based on the individual's needs, strengths, preferences, and interests. This includes instruction, related services, community experiences, the development of employment

and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

2. Transition Planning

Any student with a disability at risk of an early school exit should be considered for transition services. At-risk factors include (but are not limited to) students with unsatisfactory grades, poor attendance, and behavior problems. Transition services shall begin no later than the first IEP to be in effect when the student turns 16 years of age.

The school must receive permission from the parent or age of majority students before inviting adult agencies personnel to IEP meetings (e.g., Louisiana Rehabilitation Service (LRS), Social Security Administration (SSA), and Office for Citizens with Developmental Disabilities (OCDD)). Without permission, adult agencies cannot attend the IEP meeting. Parents or age of majority students may revoke consent, at any time, for any given agency participation.

3. Procedures and Responsibilities

The teacher shall:

- a. Invite the student and parent/guardian to the IEP meeting. Keep documentation of the invitation;
- b. Request permission from parent/guardian or age of majority (18) student, when appropriate, to invite an adult agency or outside service provider to IEP meeting;
- c. Be responsible for collecting and making available at the meeting all pertinent information concerning the student, including evaluation reports, previous IEPs, specialist reports, assessments, interest inventories, information from other service providers, classroom information, and vocational training information;
- d. Introduce members and explain each person's role in developing the transition plan focusing the discussion at the meeting on desired post school outcomes and adult options which promote the concepts of having choices, living an integrated life, and being as independent as possible;
- e. Discuss targeted areas to identify the most typical and independent adult outcome considered possible for the student. Determine which areas the student will require transition planning and assistance. Add other areas if indicated according to student needs, preferences, and interests. Determine the necessity for instruction/related services, community experiences, employment, and post school adult living objectives, and functional vocational, evaluation and daily living skills;
- f. For each area which requires transition planning, formulate action steps necessary for the completion of the transition plan recommendations. Identify family and community support services available or needed to achieve the outcomes and how the linkages will be made to these services. Coordinate the transition services to promote attainment of movement from school to post school activities. In the absence of a

recommended support service, the team members will develop alternative approaches to achieve the desired outcome.;

- g. Document adult agency linkage when adult agency did not participate;
- h. Complete the transition plan based on the committee's decisions; and
- i. Implement the transitional plan and monitor its effectiveness.

4. Follow-Up to Transition Services

A school system designee will monitor the transition plan to ensure that timelines are being met. This will necessitate contacting all parties responsible for completing action steps. If progress is not acceptable, or an agency fails to provide agreed upon services, the school will reconvene the IEP team to develop alternative strategies and revise the IEP accordingly.

The designee will collect follow-up data after graduation to evaluate the effectiveness of the transition process and make needed changes to the transition process. This data may include information on postsecondary education, employment status, living arrangements, community access, and quality of life. These post-graduate outcomes will be documented in the Post-School Transition Plan in SER.

L. Transfer Students

Reasonable steps shall be taken to obtain the records of all transfer students, including the IEP and other records related to special education and related services. An Entry Checklist will be completed for each student assigned and entering New Beginnings Schools Foundation at any point during the year. (See Appendix).

FAPE is provided to students with current IEPs who transfer during the current school year from other public agencies within the state of Louisiana. Services comparable to those listed on the other public agency's IEP shall be implemented as soon as the student enrolls. New Beginnings Schools Foundation may adopt the IEP as is or develop and implement a new IEP within 10 days of the student's enrollment at New Beginnings Schools Foundation.

New Beginnings Schools Foundation shall either review the current out-of-state evaluation for compliance or conducts a Bulletin 1508 evaluation. Afterwards, the IEP team shall develop and implement a new IEP based on evaluation results and previous IEP services.

CHAPTER VI

ASSISTIVE TECHNOLOGY

The school shall address assistive technology when it is required as part of a student's special education services, related services, or supplementary aids and services. New Beginnings Schools Foundation follows the procedures outlined by the LDE in "A Framework for Conducting Assistive Technology Consideration, Screening & Assessment."

A. Definition of Assistive Technology

1. Assistive Technology May Be a Device and/or a Service

- a. An Assistive Technology Device is any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a student with a disability. The term does not include a medical device that is surgically implanted, or the replacement of that device.
- b. An Assistive Technology Service is any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:
 - (i) The evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment;
 - (ii) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students with disabilities;
 - (iii) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
 - (iv) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing educational and rehabilitation plans and programs;
 - (v) Training or technical assistance for a student with a disability, or, if appropriate, that student's family; and
 - (vi) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that student.

2. Assistive Technology Differs from Instructional Technology

- a. Instructional Technology is the theory and practice of design, utilization, management, and evaluation of processes and resources for learning and includes any type of technology or strategy that is used in the teaching and learning process.
- b. Assistive technology is a type of instructional technology that is specifically identified for a person with a disability who requires a device or service in order to receive a FAPE.
- c. A technology is considered "assistive technology" if the student would

- be unable to independently participate in a task or access the resources in the environment relevant to his/her IEP goals without the technology.
- d. If the student's use of instructional technology requires a modification or accommodation to the way in which it is typically used, then it is considered assistive technology.
 - e. When the student is accessing or applying technology in the manner or method typically used by his/her peers, the technology would not be considered as assistive technology.

B. Assistive Technology Screening

1. An assistive technology screening is performed using a checklist, the Louisiana Assistive Technology Screening, to determine whether a student may benefit from assistive technology or whether further assessment is required. A student is screened:

- a. During the screening component as part of the pre-referral.
- b. During the reevaluation process to review assistive technology needs using the above checklist.
- c. During the time of IEP development, review, and revision. Screening results must be documented and reported through one of the following processes:
- d. For screenings during the initial pupil appraisal evaluation or reevaluation that indicate either assistive technology is not needed or that "low tech" solutions may be implemented, information regarding the screening must be documented in the evaluation. When the IEP is developed for a student needing assistive technology, the assistive technology solutions reviewed by the team must be documented on the IEP.
- e. For screenings that occur as a result of IEP consideration and indicate that no further assessment is required, the screening should be placed in the student's IEP folder.
- f. For screenings that occur as a result of IEP consideration and indicate that current assistive technology strategies are adequate, the assistive technology documentation must be included in the IEP.
- g. When the screening process has been completed and results indicate that further assessment is needed, the student should be referred for an assistive technology assessment and the screening should be included as part of the referral packet.
- h. The teacher must provide the completed checklist to the Pupil Appraisal Staff.

2. New Beginnings Schools Foundation mandates that this checklist be reviewed and completed for all students with low incidence disabilities. Only areas that are preventing a student from accomplishing his/her IEP goals need to be addressed. The Assistive Technology Consideration Checklist indicating possible assistive technology should be attached to the IEP and placed in the student's special education folder.

3. If the team determines that the student requires assistive technology that is readily available in the student's educational environment, the use of that technology should be documented on the IEP.

C. Assistive Technology Assessment

1. Upon receipt of a completed referral, an Assistive Technology assessment will be conducted in consultation with the student's educational team, including the parent. The information gathered through the screening and referral process will guide the assessment by identifying the specific areas that need to be examined. The following areas may be considered depending on the targeted need areas:

- a. Physical Functioning/Motor Abilities
- b. Fine Motor Skills
- c. Communication Functioning
- d. Vision/Hearing
- e. Academic Functioning
 - Reading
 - Math
 - Learning and Studying
 - Composing Written Material
 - Motor Aspects of Writing
- f. Recreation and Leisure
- g. Vocational Functioning
- h. General Health
- i. Self-Help

2. Input from the following team members along with the student's parent and educational team may be considered:

- a. Assistive Technology Facilitator
- b. Occupational Therapist
- c. Physical Therapist
- d. Speech/Language Pathologist
- e. Audiologist
- f. Pupil Appraisal Nurse
- g. Teacher of the Visually Impaired

3. If the assessment is part of a pupil appraisal initial or reevaluation, then a written summary of the results including recommendations is submitted to the special education staff that will disseminate the results to the IEP team.

4. When the assistive technology assessment has been conducted outside of the pupil appraisal initial evaluation or reevaluation process, then a copy of that report shall be sent to pupil appraisal and to the special education staff, who should meet with the IEP team members to discuss the recommendations.

D. IEP Team Assistive Technology Consideration

1. The consideration process begins with the IEP team reviewing information about the student, any issues he/she may have in accessing the curriculum, and his/her progress toward completing educational goals. The team should consider the following questions:

- What is the task the student needs to accomplish?
- What is the student's present level of performance on the task?
- How is the student's disability affecting his/her performance?
- Where (in what environment/setting) does this task need to be done?
- Are there strategies/accommodations/technology already being used?
- Are the strategies/accommodations/technology already being used adequate?

2. In cases where the team is unsure of the need, appropriateness, or the availability of assistive technology the team shall refer the student for an assistive technology assessment.

3. If an initial evaluation has addressed the need for assistive technology, the IEP team should review the recommendations of the assessment and document the team's decisions on the IEP. An IEP team member should contact the Pupil Appraisal Staff to confirm the assistive technology decisions. Equipment will be assigned to the student as indicated.

4. In cases where assistive technology needs have already been determined through the assessment process and technology has been implemented but, at the time of a review IEP or any time during the year, the team determines that the current technology is not adequate and the team needs assistance, the Louisiana Assistive Technology Screening should be submitted to the Pupil Appraisal Staff for review and follow-up support. A member of the Pupil Appraisal Staff will contact the IEP team leader to provide support.

E. Assistive Technology IEP Documentation

1. The results of the Assistive Technology Consideration Checklist should be documented in the Assistive Technology section of General Student Information. When appropriate, assistive technology may be integrated into goals and objective statements and transition planning.

2. When the IEP team determines the use of Assistive Technology is necessary, it shall be documented in the Accommodations section of the IEP. The type or category of equipment should be identified rather than a specific brand or device to allow greater choice in selecting the technology that meets the particular needs of the students, or allows for trial usage of various brands.

3. If the IEP team determines that assistive technology is required as a component of standardized assessment, the technology must be indicated in the IEP area for standardized testing accommodations and modifications.

4. When an assistive technology service is indicated, it may be written in the Program Services area of the IEP. If the service is a component of another service already listed (e.g., Speech Therapy, Occupational Therapy or Special Education Service), the assistive technology service should not be listed separately.

F. Assistive Technology Equipment

When Assistive Technology Equipment is assigned to a specific student, a member of the special education staff will provide necessary equipment training to the IEP team as needed. The equipment will remain with the student as long as the student is eligible for special education services, receives services from New Beginnings Schools Foundation, and the equipment is effective. Equipment no longer needed by the assigned student should be returned to the special education staff at the New Beginnings Schools Foundation. If at any time there is a problem with the equipment or the IEP team needs additional training, a request for support with a summation of the problem should be emailed to the special education staff.

CHAPTER VII

STATEWIDE ASSESSMENTS

Students with disabilities in grades seven through twelve will participate in all statewide testing programs regardless of disability category. Any statewide testing program must allow students with disabilities to use accommodations that have been identified by the IEP Team.

Statewide assessments include:

- The Louisiana Educational Assessment Program (LEAP 2025)
- The LEAP Alternate Assessment, Level 1 (LAA1)
- The LEAP Alternate Assessment, Level 2 (LAA2)
- End of Course Tests (EOC)

Students take the test that corresponds to their enrolled grade level, and the IEP Team makes the annual decision regarding which test a student will be administered. No student is exempted from participating in the statewide testing program.

A. Types of Assessments

1. LEAP 2025

The LEAP 2025 is a criterion-referenced test administered at grades 3-8. This test measures how well a student has mastered the state content standards in English Language Arts, Mathematics, Science and Social Studies.

Students receive one of 5 ratings indicating performance on the assessment: Advanced, Mastery, Basic, Approaching Basic, or Unsatisfactory.

2. LAA1

LAA1 was developed to assess students with significant cognitive disabilities. It is a performance-based assessment designed for students whose instructional program is aligned with the Louisiana Extended Standards. The Extended Standards are extensions of selected state content standards, benchmarks and GLEs, and are organized by grade spans: 7-8 and 9-11. Students address the Extended Standards from three Complexity Levels: Level 1, 2, 3. The levels are descriptions of ways the student may access the academic content identified by the Extended Standard.

Only students who are functioning three or more standard deviations below the mean in cognitive functioning and/or adaptive behavior are eligible to participate in LAA1 as determined by the IEP Team. After a review of documentation, the IEP Team completes *the LEAP Alternate Assessment, Level 1 Participation Criteria Grades 3 -11* form. The IEP Team must agree that

- a. The student has a disability that significantly impacts cognitive functioning and/or adaptive behavior;
- b. The student requires extensive modified instruction aligned with the Louisiana Standards to acquire, maintain, and generalize skills; and
- c. The decision to include the student in LAA1 is not solely based on:
 - The student's placement;
 - Excessive or extended absences;

- Disruptive behavior;
- English language proficiency;
- Student's reading level;
- Student's disability according to Bulletin 1508;
- Social, cultural, and/or economic differences;
- Anticipated impact on school performance scores;
- Administrative decision; and
- The expectation that the student will not perform well on the LEAP, EOC or LAA 2.

Students who participate in LAA1 are not eligible for a standard high school diploma. LAA1 students will progress towards a Certificate of Achievement. LAA1 students may participate in the Pre-GED/Skills Option Program based on meeting eligibility criteria.

3. LAA2

The LAA2 assesses students who are functioning at least three grade levels below the actual grade level in which they are enrolled. LAA 2 is based on modified academic achievement standards and designed specifically for students with persistent academic disabilities who have been identified as special education students. LAA2 is a criterion-referenced assessment for students who have entered a high school cohort in 2013-2014 or before, as those students will continue to have access to the LAA2 graduation exams, and whose instructional program is aligned with the Louisiana Content Standards. Students may participate in both LAA2 and the on-level testing program (i.e., LEAP, EOC).

The IEP Team determines whether a student will participate in LAA2 in one or more content areas and also participate in on-level LEAP, EOC for the remaining content areas. After a review of documentation, the IEP Team completes the *LEAP Alternate Assessment, Level 2 Participation Criteria for Grades 4 - 11* form. The IEP Team must agree that all criteria listed on the form are met. The criteria are as follows:

- a. The student entered a high school cohort in 2013-2014 or before, as those students will continue to have access to the LAA2 graduation exams.
- b. The student scored at the unsatisfactory level in English Language Arts and/or Mathematics on the previous year's EOC or participated in LAA1 or LAA2.
- c. The student's IEP reflects a functioning grade level in English Language Arts (including reading) and/or Mathematics at least three grade levels below the enrolled grade level.
- d. The student's instructional program is predominately academic in nature, and may include application of academic content across environments to ensure generalization of skills.
- e. The decision to test the student in LAA2 is not based on:
 - (i) Disability category
 - (ii) Placement setting
 - (iii) Administratively determined.

4. End-of-Course Tests

- a. The testing scores of high school students who take End-of-Course (EOC) tests in six subjects: Algebra 1, Geometry, English II, English III, Biology, and U.S. History are categorized into the following achievement levels:
 - (i) Excellent: A student demonstrates superior performance of the course content.
 - (ii) Good: A student demonstrates mastery of course content and is well prepared for the next level of coursework in the subject.
 - (iii) Fair: A student demonstrates only the fundamental knowledge and skills needed for the next level of coursework in the subject.
 - (iv) Needs Improvement: A student does not demonstrate the fundamental knowledge and skills needed for the next level of coursework in the subject.
- b. End-of-Course tests comprise between 15% and 30% of the student's final grade in the subject. School districts determine the percentage. Beginning with the 2010-2011 school year, to earn a standard high school diploma, students entering high school must earn a score of Fair or above on three End-of-Course tests, including one in each category – Algebra 1 or Geometry, English II or English III, and Biology or U.S. History. Alternate criteria for graduation as described by Act 833 and referenced above can be applied for the End-of-Course tests.
- c. Students with exceptionalities or disabilities who have passed two End-of-Course tests may be eligible for a waiver of the third exam required for graduation.
- d. Students entering a high school cohort prior to fall 2014 and eligible for LAA2 may choose to take the LAA2 tests to meet graduation requirements if they do not pass the End-of-Course tests.

B. Assessment Accommodations

Students with disabilities are provided testing accommodations recommended by the IEP Team. Accommodations allowed for LEAP 2025, LAA1, LAA2, or EOC are the same as those provided to the student on a regular basis in his or her normal instructional program. The following test accommodations may be used:

- Braille
- Large Print
- Answers Recorded
- Assistive Technology
- Extended Time
- Communication Assistance
- Transferred Answers
- Individual/Small Group Administration
- Test Read Aloud
- Other (as documented by the IEP Team and does not breach test security or invalidate the meaning of the test score or purpose of the test).
-

C. IEP Team Involvement

1. The IEP Team makes all decisions regarding the type of test a student will take and the kinds of accommodations that may be needed by reviewing instructional data and considering the type of testing program in which the student participated in previous years. This review assists the Team in determining the appropriate test for the current year.

2. The type of test a student will take may change from one year to the next depending on the decision of the IEP Team.

3. The LAA1 Participation Criteria form and the LAA2 Participation Criteria form are used to document a student's eligibility for either LAA1 or LAA2.

4. Accommodations checked in the testing section of the IEP document should match the accommodations checked on the Accommodations Page of the IEP document.

CHAPTER VIII EXTENDED SCHOOL YEAR SERVICES

New Beginnings School Foundation will provide Extended School Year (“ESY”) services at no cost to the parent as needed to provide FAPE to students with disabilities. Extended School Year services include special education instruction and/or related services that are provided beyond the normal school year to students who meet eligibility criteria and in accordance with their IEP.

ESY services are available to all students between the ages of 3 and 21 who have a current Bulletin 1508 disability classification, current IEP, and who meet eligibility criteria. The decision for ESY eligibility should be made no sooner than January 1 and no later than the onset of the ESY services for the current school year (i.e., before the ESY Program begins). After a student has been determined eligible for ESY services, the IEP Team is responsible for designing the Extended School Year Program (ESYP).

A. ESY Eligibility Criteria

There are three criteria under which a student may be eligible for an ESYP: Regression-Recoupment, Critical Point of Instruction, and Special Circumstances.

1. Regression-Recoupment

The Regression-Recoupment criterion is applied to students at all ages and grade levels, including preschool students, with significant cognitive disabilities (e.g., students participating in LAA1) or students who function like students with significant cognitive disabilities. In addition, the Regression-Recoupment criterion may be applied for any student, regardless of disability classification, who has difficulty with the recoupment of previously learned skills or skill components.

When the IEP Team applies the Regression-Recoupment criterion to a student who is not an Alternate Assessment student (i.e., LAA 1), the IEP Team shall target specific critical goals and/or objectives on the IEP on which to base the eligibility determination. Data are collected on these goals and/or objectives during the school year is used to determine if the student has a regression-recoupment problem and, therefore, is in need of an ESYP during the summer.

In applying Regression-Recoupment, the IEP Team collects data before and after instructional breaks of at least five instructional days. The highest score reached of at least two data points in a two-week period before the break is compared to the highest score reached (of at least two data points) within two weeks after the break. The team uses this data to determine if after a break of five non-instructional days, the student fails to regain the performance level she/he had reached before the break.

2. Critical Point of Instruction

All other students with disabilities are considered for ESYP eligibility under the Critical Point of Instruction (CPI) criterion. There are two components to CPI: CPI-1 and CPI-2.

- a. CPI-1 criterion is applicable to those students who without the provision of an ESYP are at risk of losing general education class time or increasing special education service time because of a lack of academic or social skill development.

In applying CPI-1 criterion, the IEP Team determines that the student is at a critical stage in mastering the general education curriculum and that without ESYP the student will not be able to maintain the current level of services outlined on the regular school year IEP.

- b. CPI-2 criterion is applicable to those students who, without the provision of an ESYP, will be at risk of losing significant progress made during the acquisition, fluency, maintenance, and/or generalization of skills relevant in the pursuit of critical life areas (i.e., self-help, community access, or social/behavioral skill areas). Behaviors to be considered under CPI-2 include self-injurious, ritualistic, and/or aggressive behaviors that negatively impact the health, wellbeing and/or delivery of instruction to the student.

In applying CPI-2 criterion, the IEP Team determines that the student requires an ESYP in order to achieve meaningful benefit in goals related to self-help, community access, or social/behavioral skill areas. The IEP Team determines that the impact of providing ESYP services could enable the student to maintain and/or achieve grade level expectations and/or reduce the loss of skill acquisition, fluency and/or maintenance.

Students determined eligible because of behavioral skills should have goals and/or objectives on the IEP to address those behaviors. Documentation considered by the IEP Team includes a description of the behavior, baseline data, copy of the behavior intervention plan (BIP), and when available, a copy of the functional behavior analysis (FBA).

3. Special Circumstances

IEP Teams may choose to apply the Special Circumstances (SC) criterion to students for whom any of the following are applicable:

- a. *Employment*

A student 16 through 21 years old is considered for ESYP when there is job performance documentation that indicates the student needs support to maintain paid employment. "Paid employment" means that the student is receiving commensurate/minimum wage or the student has an alternate wage certificate from the Department of Labor that allows the student to be paid at a reduced rate. The IEP Team ensures there are vocational/employment goals and/or objectives on the student's current IEP and that there is a statement from the student's employer indicating his/her intent to employ the student during the summer months.

- b. *Transition to Post-School Outcomes*
This Special Circumstance is used to consider students who are transitioning from school to an adult services outcome. The IEP Team considers students who are expected to exit New Beginnings Schools Foundation and the entire school system at the end of the current school year but still have incomplete action steps and corresponding IEP goals that are the responsibility of New Beginnings Schools Foundation. If the student still is in need of services to complete the actions steps, she/he may be eligible for ESY services.
- c. *Excessive Absences*
The IEP Team uses Excessive Absences to consider whether a student is eligible for ESYP if the student has been absent in excess of 25 days during the school year for health-related conditions and was not provided hospital/homebound services.
Documentation must be provided to indicate that the student has failed to make projected progress on critical IEP goals and/or objectives and that this failure may have a significant impact on the student's overall educational progress.
- d. *Extenuating Circumstances*
There may be unusual situations when ESY services are needed but the student does not meet any of the eligibility criteria, such as engaging in self-injurious behavior. The IEP Team will use professional judgment to determine if documentation exists to indicate the student needs ESY in order to receive FAPE or to prevent the student from losing skills that will restrict the student's ability to function as independently as possible in the future.

B. IEP Team Responsibilities

The IEP Team reviews instructional data collected during the school year and applies the ESY criteria to determine if a student is eligible for ESY services. The IEP Team determines if the student is eligible/ineligible and notifies parents of the decision. Once a student has been determined eligible for ESY services, the IEP Team is responsible for designing the ESYP by completing the ESY form of the IEP document. The ESYP is designed based on the individual needs of the student. New Beginnings Schools Foundation does not design one program of a set duration for all eligible students. If the eligibility decision is not made at the time of the IEP Team meeting, then the IEP will be amended prior to the start of ESY services to add the specific services to be provided during the ESYP.

All notification requirements for scheduling an IEP to consider ESY services. If the parent is not in attendance at the meeting when eligibility is determined, she/he will receive notification of the determination decision and be informed of his/her due process rights and procedures.

C. Provision of ESY Services

New Beginnings Schools Foundation's special education administration is responsible for scheduling the beginning and ending date options and the days of the week of an ESYP that accommodate each student's ESY needs as outlined on the IEP. Once the IEP Team has

determined the specific goals and/or objectives the student needs to address during the ESYP, New Beginnings Schools Foundation designs a program that accommodates each student in terms of length of program, location, and transportation. New Beginnings Schools Foundation may allow students to remain at an ESY site longer than the time indicated on the ESY section of the IEP due to transportation limitations. In that case, a comment will be made on the ESY section of the IEP to indicate this reason.

New Beginnings Schools Foundation's ESY instructional staff will collect data on student performance during the ESY program and send a copy of the completed progress report to parents. Progress reports will be completed at least once during the provision of ESY services, and provided to the parents within ten business days after the completion of ESY. A copy of the completed progress report(s), along with the ESY section of the IEP, will be placed in the student's IEP folder. Once the ESYP for all students has ended, New Beginnings Schools Foundation evaluates the ESYP for that summer to determine its effectiveness from both the students' and the district's perspectives.

CHAPTER IX RELATED AND SUPPORT SERVICES

Related services means transportation and developmental, corrective, and other supportive services that are required so that a student with an exceptionality may benefit from special educational services.

A. Types of Related Services

Related services include:

1. Social Work Services in Schools
2. School Health Services
3. Speech/Language Pathology and Audiological Services
4. School Psychological Services
5. Physical and Occupational Therapy
6. Recreation including Therapeutic Recreation
7. Early Identification and Assessment of Disabilities in Students
8. Counseling Services including Rehabilitation Counseling
9. Assistive Technology Devices and Services
10. Orientation and Mobility Services
11. Medical Services for Diagnostic or Evaluation Purposes
12. Parental Counseling and Training

B. Eligibility Requirements and IEP Decisions

New Beginnings Schools Foundation employs a full-time School Social Worker and School Nurse to provide services as needed. Other related services may be contracted out at the expense of New Beginnings Schools Foundation when:

1. A student is assigned to New Beginnings Schools Foundation whose IEP indicates a need for related services
2. A student's evaluation indicates the need for related services not provided through school personnel.

The related services will be discussed at the IEP meeting with the IEP team. The related services will be documented on the IEP, the student will be provided minutes to address the related services, and necessary accommodations will be made to ensure involvement in the general education curriculum with the support of special education and related services support.

CHAPTER X

PROCEDURES FOR TRANSFER SPECIAL EDUCATION STUDENTS

New Beginnings Schools Foundation enrolls students throughout the course of the school year as they are assigned by the OneApp process. Students can only enroll at new beginnings schools foundation by being initially assigned by the EnrollNOLA office.

A. Enrollment and Entry

1. At the beginning of each school year or upon enrollment of a student, each public agency must have an IEP in effect for each child with a disability within its jurisdiction.

2. To ensure appropriate and proper enrollment, the Entry Checklist will be used to initiate special education services upon enrollment to New Beginnings Schools Foundation. (See Appendix).

3. All students enrolling at New Beginnings Schools Foundation, will be cross-checked in the Special Education Reporting System (SER) to determine if the student has a current evaluation and IEP using the following data points:

- a. Student Name
- b. Birthdate
- c. Social Security Number
- d. Unique ID

B. Transferring from one LEA to another

1. If a child with a disability who had an IEP that was in effect in a previous public agency in the same State transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency either

- a. Adopts the child's IEP from the previous public agency; or
- b. Develops, adopts, and implements a new IEP that meets the applicable requirements.

2. Students who have been receiving special education in one LEA in Louisiana who transfer to New Beginnings shall be enrolled in the appropriate special education program with the current IEP or the development of a review IEP within five school days of the transfer.

C. Transferring from Out of State

If a child with a disability, who had an IEP that was in effect in a previous public agency in another State, transfers to New Beginnings School Foundation within the same school year, it must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous public agency), until New Beginnings School Foundation:

1. Conducts an evaluation (if determined to be necessary by the new public agency); and
2. Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements.

D. Releasing Jurisdiction and Transfer of Records

1. Services will be closed in SER, thus allowing other LEAs to pick up jurisdiction, on the date that the student provides New Beginnings Schools Foundation a withdrawal from or when New Beginnings Schools Foundation is provided notification via a records request, Salesforce update, or other communication from the Recovery School District and other LEAs or school districts to close services.

2. To facilitate the transition for a child:
 - a. The new public agency in which the child enrolls must take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous public agency in which the child was enrolled; and
 - b. The previous public agency in which the child was enrolled must take reasonable steps to promptly respond to the request from the new public agency.

E. SER DatABASE

The SER database will be maintained according to the SER User Guide provided by the Louisiana Department of Education and specifically in the following ways:

1. An accurate roster will be maintained in SER of all students within New Beginnings Schools Foundation's jurisdiction.
2. Student records will be maintained and kept current in SER including but not limited to the evaluations, IEPs, and primary and/or related services.
3. IEPs will be directly developed in the SER System.
4. Progress Reports will be developed quarterly and directly written in the SER system attached to the appropriate IEP.
5. SER reports will be run as necessitated by the Louisiana Department of Education and on a monthly calendar created by the special education department at New Beginnings Schools Foundation to ensure that New Beginnings Schools Foundation is current with annual IEP meeting dates, re-evaluation dates, and compliance with local, state, and federal standards.

6. Students will be kept within New Beginnings Schools Foundation's jurisdiction until a terminal exit, such as receiving a high school diploma, transfer to regular education, or the like, is entered into the SER system.

7. Moreover, students who have dropped out of New Beginnings Schools Foundation and not have enrolled in another LEA or district will remain on New Beginnings Schools Foundation's jurisdiction report with services closed. These students and their families will be contacted via mail at their last known address and via phone at their last known number in order to offer them a triennial re-evaluation upon the appropriate re-evaluation date. If the student or family does not respond after two attempts, the decline date will be entered into the system and the student will be terminally closed.

8. Procedures to exit students will be followed according to the SER/SIS Exit Crosscheck document provided by the Louisiana Department of Education.

CHAPTER X PROCEDURAL SAFEGUARDS

State law provides the procedural safeguards that must be assured to students with disabilities and their parents.

A. Opportunities to Examine Records

A parent has the right to inspect and review any education records relating to his/her child that the LDE or New Beginnings Schools Foundation has collected, used and maintained. The request may be made by mail or in person. Upon request from a parent, New Beginnings Schools Foundation provides the parent with a list of the types and locations of education records collected, used and maintained on their child by the school.

Requests by parents to inspect records should be granted without unnecessary delay and not more than 45 days after the request. Parents, or their representatives, have the right not only to inspect the records, but also to receive an interpretation of the records.

Parents will be provided a copy of their child's educational records upon request only when a failure to do so provide a copy of the records would effectively prevent the parent from inspecting or reviewing the records. New Beginnings Schools Foundation does not charge a fee for requested records of students with disabilities.

1. Access and Confidentiality of Records

- a. New Beginnings Schools Foundation keeps records on all students with disabilities in a confidential and secure manner. If records contain information on more than one student, New Beginnings Schools Foundation will maintain the confidentiality of the other students during the inspection.
- b. An access sheet is placed in the front of any file containing student records. The access sheet is to document all parties who have reviewed a student's records, the date on which the records were accessed, and the reason for the access.
- c. New Beginnings Schools Foundation must obtain written parent permission before releasing the student's personally identifiable information to parties outside of the school or district who are not involved in providing services. If a student has reached the age of majority, then consent by the student is obtained before releasing information.

2. Amending Records

A parent may ask the school to amend their child's education records she/he believes inaccurate or misleading information is contained in the records, or that information in the records violates the privacy of the student. Within a reasonable time period, New Beginnings Schools Foundation will review the request and determine whether to amend the records. If the request is denied, New Beginnings Schools Foundation will notify the parent and advise him/her of the right to a local hearing.

During the hearing, New Beginnings Schools Foundation may agree that the information should be amended. The parent will be notified in writing of the favorable decision, and the record shall be amended. If New Beginnings Schools Foundation determines that the parent's request is unfounded (i.e., information is not inaccurate or misleading), the parent is informed of his/her right to place a statement in the student's records that outlines the reasons for disagreeing with the decision. This statement becomes a part of the student's record for as long as the specific information is contested.

B. Notice of Procedural Safeguards

The *Louisiana's Educational Rights of Children with Disabilities* should be given to the parent of a student with a disability at the IEP update meeting, upon initial referral for evaluation, or whenever the parent files a complaint or Due Process Hearing Request with the LDE in a language/mode understandable to the parents.

The *Louisiana's Educational Rights of Children with Disabilities* lists the procedural safeguards relating to: Independent Educational Evaluations (IEE)

1. Prior written notice
2. Parental consent
3. Access to education records
4. Opportunity to present and resolve complaints through the Due Process procedure
5. Availability of mediation
6. Student placement during Due Process period
7. Procedures related to interim alternative educational setting (IAES) placements
8. Unilateral placement by parents of students in private schools at public expense
9. Hearings on Due Process Hearing requests
10. Civil actions
11. Attorney's fees.

C. Transfer of Parental Rights at the Age of Majority

A student with a disability reaching the age of majority, as defined by the State (i.e., age 18), is afforded those rights guaranteed under Part B of the IDEA. Unless a student has been interdicted or the subject of a tutorship legal proceeding, all rights under Part B of the IDEA shall transfer to the student. Both the parent and the student receive prior notice that when the student turns 18 years of age, these rights shall transfer to the student. This requirement also applies to students who are incarcerated in a juvenile or adult correctional facility.

A parent may allege that the student lacks the ability to provide informed consent with regard to his/her educational program. The student has the right to dispute this claim either orally, in writing, or by another method of communication. If this is the case, the student retains all rights. If the student does not object to the parent's request, the parent shall retain the student's educational rights.

CHAPTER XI EARLY RESOLUTION AND DUE PROCESS

The LDE has outlined procedures to follow when handling both informal and formal complaints regarding the provision of FAPE to students with disabilities that New Beginnings Schools Foundation follows:

A. Informal Complaints

To address informal complaints, New Beginnings Schools Foundation has implemented an Early Resolution Process (ERP) and identified a local ERP representative (ERPR) to promptly and orderly address complaints and work towards resolutions. The Special Education Administrator or designee is the ERP representative.

B. Early Resolution Process (ERP)

The ERP provides New Beginnings Schools Foundation with an opportunity to resolve informal disputes that arise between parents and New Beginnings Schools Foundation related to the identification, evaluation, educational placement, or provision of FAPE to students with disabilities.

When a complaint is received by New Beginnings Schools Foundation, the ERPR attempts to resolve the complaint within 15 calendar days and affect a written and signed resolution agreement. An extension beyond the 15 days is taken only if both New Beginnings Schools Foundation and the parent agree in writing. A complaint may be filed by a parent, an adult child, or other individual on behalf of the student and may be verbal or in writing. New Beginnings Schools Foundation does not require the complaint to be submitted in a written format. As soon as a complaint is received, the ERPR notifies the parent of the timelines for early resolution. If resolution is not achieved within 15 days, the ERPR informs the parent of the other dispute resolution processes available through the LDE (e.g., mediation, Due Process). The ERPR maintains a log documenting all complaints received and the resolution outcomes. The above timelines are followed because IDEA requires that resolution of parental complaints occurs within 60 calendar days of receipt of the complaint. The 15 days allotted to New Beginnings Schools Foundation affords the LDE enough time to continue the resolution process in the event the complaint is not resolved at the district level.

Verbal and other informal complaints or allegations received by the LDE are forwarded to New Beginnings Schools Foundation's ERPR within 2 calendar days so that New Beginnings Schools Foundation has the opportunity to reach resolution on the complaint before the LDE becomes involved. The ERPR are followed as directed by State Department. Early Resolution is handled by the Special Education Administrator and/or designee.

C. Formal Complaints

1. The parent, an adult student, or New Beginnings Schools Foundation may submit a formal written complaint to the LDE if they believe a provision of the FAPE has been violated or was not provided to a student with a disability within one year of the alleged non-compliance. The complaint must be in writing and include statements regarding the alleged violation, specifics regarding the student, the nature of the problem, and any remedies being sought. The parent must send a copy of the complaint to the Recovery School District (or to the parent if New Beginnings Schools Foundation is filing) at the same time he or she files the complaint with the LDE. If the parent has not previously attempted to resolve the issue through the informal complaint process (i.e., Early Resolution), the LDE will refer the complaint to New Beginnings Schools Foundation's ERPR who then has 15 days to negotiate a signed written resolution.

2. If the ERPR is unable to resolve the issue, the LDE has 45 days from the expiration of the ERP process to review the complaint and issue a written decision that addresses any allegations not resolved during the ERP process. The LDE will send a written decision to both New Beginnings Schools Foundation and the parent. If areas of noncompliance are identified, they will be addressed immediately by New Beginnings Schools Foundation.

3. A request for reconsideration of the decision regarding a formal complaint may be made by New Beginnings Schools Foundation through the Special Education Administrator or designee or by the parent if either feels the LDE has made an error in its decision. A written request must be received by the LDE within 10 calendar days of the receipt of the LDE's. A panel of individuals appointed by the LDE shall have 30 calendar days to review the reconsideration request and make a final written determination. If a request for reconsideration is not received within 10 calendar days of the receipt of the LDE's report, the LDE decision becomes final. Request for reconsideration must be requested.

C. Mediation

Mediation is available to allow New Beginnings Schools Foundation and parents to resolve their disputes prior to filing a Due Process complaint. New Beginnings Schools Foundation first attempts to resolve disputes through its informal complaint management system, Early Resolution Process (ERP). If the dispute between the parent and New Beginnings Schools Foundation continues, either party may ask for mediation. Mediation is voluntary for both parties and may not used to deny or delay a parent's right to a Due Process hearing.

Mediations are conducted by a qualified and impartial mediator who has been trained and assigned by the LDE but who is not an LDE employee. The LDE maintains a list of individuals who are qualified mediators and assigns them to disputes on a rotational basis. The cost for mediations is incurred by the LDE, and the mediation sessions shall be held in a timely manner and in a location convenient to both parties.

Decisions that are agreed to and signed by both parties are legally binding. A written, signed mediation agreement is enforceable in any State court of competent jurisdiction. Discussions that occur during mediation are confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings of any Federal court or State court.

D. Due Process

1. A parent, adult student, or New Beginnings Schools Foundation may file a Request for a Due Process Hearing on disputes related to the identification, evaluation, educational placement or provision of FAPE to a student with a disability. The Request for Due Process must be filed within one year of the alleged violation of FAPE.

2. Due Process requests must be in writing and include the name of the student, home address, name of school, a description of the alleged violation, and a suggestion for remedy. A Due Process Hearing is not held until these requirements are met. If New Beginnings Schools Foundation believes the written request for Due Process does not meet these requirements, it must notify the hearing officer assigned by the LDE within 15 days.

3. Once New Beginnings Schools Foundation receives a Request for Due Process, it must respond in writing to the parent within 10 days with an explanation of the reasons for the actions taken relative to the complaint issues. Within 15 days of receipt of the request for Due Process, New Beginnings Schools Foundation schedules a meeting with the parents and relevant IEP Team members to discuss the parents' reason for the Due Process Hearing Request. The purpose of this meeting is to provide New Beginnings Schools Foundation an opportunity to resolve the dispute that is the basis for the Due Process Hearing Request. New Beginnings Schools Foundation then has 30 days to attempt to resolve the dispute to the satisfaction of the parents. If resolution is not achieved, the Due Process Hearing will proceed.

4. During the Due Process Hearing, both the parents and New Beginnings Schools Foundation present documentation to support their respective positions on the complaint issues. The LDE appointed hearing officer determines if the student, for whom the Due Process Hearing Request was filed, received or was denied FAPE. Decisions made by the hearing officer are considered final unless either the parent or New Beginnings Schools Foundation generates an appeal through a civil action in any state court within 90 days from the date of the hearing officer's decision.

7. During Due Process procedures, the student remains in his or her current educational placement as per the IEP in place at the time of the Due Process request unless both the parent and New Beginnings Schools Foundation agree to a different placement or the school or other students' safety is put at risk.

CHAPTER XII

SERVICES FOR STUDENTS WHO ARE GIFTED OR TALENTED

A. Definition

Gifted Children and youth are students who demonstrate abilities that give evidence of high performance in academic and intellectual aptitude.

Talented means possession of measurable abilities that give clear evidence of unique talented in visual or performing arts (including Music and Theatre), or both.

B. Assurances

New Beginnings Schools Foundation provides programs and services that meet the unique cognitive, social, and emotional needs of gifted and talented students, preparing them to succeed in a global society. Students who are gifted have learning needs that go beyond what is traditionally offered in the regular classroom. The nature of their abilities, demonstrated or latent, requires differentiated learning experiences and opportunities for them to maximize their potential. Teachers will utilize the Compacting the Curriculum strategy, which allows students that already know the content to move forward in other more challenging areas. Talented students will be provided enrichment opportunities based on their unique, specific set of skills and abilities in order to grow and develop their talent.

Gifted/Talented (G/T) students are entitled to receive FAPE to meet the unique needs of the child student that has been specifically designed for that student.