

Special Education Policies & Procedures

1. General Provisions

1.1. Policy

St. George Academy, a Local Education Agency (LEA) in the State of Utah, in providing the education of students with disabilities enrolled in its school, has in effect, policies, procedures, and programs that are consistent the Utah State Board of Education Rules (Utah State Board of Education, 2020).

1.2 Definitions

St. George Academy has adopted all the definitions as found in USBE, pages 1-49.

1.3 Budget Information and Categories

St. George Academy provides detailed budget information and budget categories in its annual application for IDEA Part B funding submitted to the Utah State Board of Education (USBE) 34 CFR section 300.301-376; USBE SER IX A.

1.4 Assurances

Students are enrolled in St. George Academy without restrictions due to race, color, gender, national origin, disability status, or religion. Assurances with regard to compliance with IDEA Part B, as well as the National Instructional Materials Accessibility Standard, and compliance with other Federal laws including “New Restrictions on Lobbying”, “Debarment, Suspension, and Other Responsibility Matters,” and Drug-Free Workplace Act of 1988 are submitted to the USBE annually.

1.5 Free Appropriate Public Education (FAPE). 34 CFR 300.101; USBE SER I.E.17

Free appropriate public education (FAPE) means special education or special education related services that;

- a. Are provided at public expense, under public supervision and direction, without charge;
- b. Meet the standards of the USBE and IDEA Part B;
- c. Include preschool, elementary school, and secondary school education in school districts in Utah; and
- d. Are provided in conformity with an individualized Education Program (IEP) that meets the requirements of IDEA Part B.

1.6 Full Education Opportunity Goal (FEOG). 34 CFR 300.109; USBE SER IX.A.2.d.(2)(c)

St. George Academy hereby affirms the goal of providing a full educational opportunity to all students with disabilities determined eligible for special education or special education and related services under the IDEA and USBE SER, of the ages between three and 22, and in accordance with

all of the timeline requirements of the IDEA with respect to the identification, location, evaluation, and provision of FAPE.

2. Identification, Location, and Evaluation of Students

2.1. Child Find. 34 CFR section 300.101, 111; USBE SER II.A.

St. George Academy has policies and procedures to ensure that all student with disabilities are identified, located, and evaluated, regardless of the severity of the disability including;

- a. Students who are highly mobile;
- b. Students who have been suspended or expelled from school;
- c. Students who have not graduated from high school with a regular high school diploma; and
- d. Students who are suspected of being a student with a disability and who need special education or special education related services even though they are advancing from grade to grade.
- e. Students in State custody/care.
- f. Students in nursing homes.
- g. This includes a practical method for determining which students are currently receiving needed special education or special education and related services.

3. Child Find Procedures. 34 CFR section 300.131; USBE SER IXII.A.4.

3.1. SGA will conduct the following procedure to ensure that any student in need of special education services will receive it.

- a. Our enrollment form includes a form wherein parents can disclose whether or not a student has a current or past enrollment in special education services,
- b. Parents are asked annually through our weekly newsletter to disclose whether or not a student has a current or past enrollment in special education services,
- c. All staff will be trained annually in SGA's Child Find procedures, which includes referral to interventions with our RTI team.
- d. Notices will be placed in the student handbook and on all course disclosure documents inform parents of the rights of students with disabilities and how to access special education services.

4. Initial Evaluation and Procedures

4.1. Teachers, school staff and parents may request a referral for a student to be evaluated for special education services.

4.2. Before the referral may be submitted by faculty and staff, faculty must document at least three classroom Tier I and Tier II interventions that are unsuccessful and refer the student for Tier III

intervention. If the Tier III intervention is unsuccessful over a reasonable amount of time, the school will refer the student for a formal special education evaluation.

- 4.3. Parents will be notified when a special education evaluation is requested by faculty and given a written prior Notice of Refusal before the testing takes place.
 - 4.4. Parents may request evaluation for special education services without the faculty referral process.
 - 4.5. If a pre-existing medical diagnosis warrants evaluation for special education services, the faculty referral process is not required.
 - 4.6. A member of the special education team will be assigned to provide notice to the parent, collect the required permission documents from the parent for the evaluation, and oversee the evaluation process.
 - 4.7. If a parent signs the Notice of Refusal, no special education evaluation will occur.
5. Reevaluation Procedures
- 5.1. A reevaluation occurs upon parent, adult student, or faculty request if the student's academic and/or behavior warrants reevaluation.
 - 5.2. A reevaluation may not occur more than once per year.
 - 5.3. Parental or adult student consent is required for reevaluations.
6. Evaluation Timelines
- 6.1. An initial evaluation must be completed within 45 school days of the request for special education evaluation.
 - 6.2. Reevaluations must be completed within 45 school days of the request.
7. Eligibility Determination procedures
- 7.1. Notice of meeting is delivered to all required parties, LEA representative, core teachers, special education teacher and parent/guardian of the student.
 - 7.2. An evaluation summary is submitted to the team, that
 - 7.2.1. Discloses all relevant information as to the student's present levels, academically, medically and behaviorally,
 - 7.2.2. And provides with supportive data as to the student's identified disability and evidence that the schools RTI supports and interventions proved unsuccessful for the student's academic or behavioral success.
 - 7.2.3. Proof that the student's disability adversely affects the student's educational performance must be provided in order for the student to qualify for special education services.
 - 7.2.4. The evaluation summary must include at least one observation of the student by qualified special education staff of the student in the student's educational environment.

7.3. After the LEA representative, core teachers, special education teacher and parent/guardian of the student meet to discuss the evaluation summary, eligibility for special education services will be determined.

8. IEP Development and Delivery

8.1. Parental or Adult Student Opportunity to Participate

8.1.1. The parent and student are expected to participate in the development, review and implementation of the IEP.

8.2. IEP Team Membership

8.2.1. Team membership is made up of LEA representative, core teachers, Special Education teacher, parents/guardians of the student and the student.

8.3. IEP Team Attendance

8.3.1. Core teachers are only required to attend the first portion of the IEP which includes present levels of achievement, relevant subject matter goals and strategies to help the student succeed, including accommodations or modifications.

8.4. Notice of Meeting

8.4.1. Special Education Coordinator is to notify IEP team and parents at least five school days prior to meeting.

8.4.2. Special Education Coordinator is to provide consent to test/evaluate after a student has been identified as at-risk for academic failure.

8.4.3. IEP Development and Content

8.4.3.1. The IEP Team develops an IEP that addresses each of the student's needs based on the student's disability to provide a free appropriate public education for the student.

8.4.3.2. In developing the IEP, the IEP Team must consider the student's strengths, parent(s) or adult student input for enhancing the student's education, evaluation results, academic, developmental, and functional needs of the student, and special factors.

8.4.3.3. The IEP must include the student's present levels of academic and/or behavioral achievement, measurable annual goals, how those goals will be measured, when that measurement will be reported to parents, academic modifications and/or accommodations and access to assistive technology, how the student will participate in statewide assessments, and whether or not the student will need access to extended year services.

8.4.4. IEP Team Access to IEP Information

8.4.4.1. SGA ensures that all teachers and support staff of any student receiving special education will have access to that student's relevant IEP information in ASPIRE or other digital format and

8.4.4.2. That all core teachers will be included in IEP meetings and decisions and,

8.4.4.3. All outside support members will have access to the relevant information in a student's IEP to promote the success of the student.

8.4.5. Placement in the Least Restrictive Environment

8.4.5.1. SGA requires that all students have a minimum of four core classes, once of each in mathematics, science, social science and language arts.

8.4.5.2. Core classes will be assigned according to the skill level of each IEP student with the collaboration of the special education teacher, core teacher, and parent.

8.4.5.3. IEP students will have access to support services through SGA's academic support program.

8.4.6. Non-Academic Setting, Activities, and Services

8.4.6.1. SGA ensures that all students with disabilities have the same access to extracurricular activities and opportunities as non-disabled student to the maximum extent appropriate to the student's needs.

8.4.7. Parental or Adult Student Consent for Initial Placement and Provision of Services

8.4.7.1. An IEP program may not be implemented until SGA has received the appropriate consent forms from the parent/guardian.

8.4.8. Documentation of Participation

8.4.8.1. All members of the IEP Team must sign the IEP documentation, physically or electronically, to indicate their participation in the development of the IEP. If someone is not able to be present due to unforeseen circumstances but is able to be present by phone or other electronic medium, this should be documented on the IEP signature page as well as in the notes.

8.4.8.2. A parent's signature does not indicate they are in full agreement with the content of the IEP and does not abrogate the parent's or adult's right to access the IDEA Procedural Safeguards, per USBE SER III.E.11.

8.4.8.3. Parent(s) may participate via telephone or video conference.

8.4.8.4. Parent(s) will be provided with a copy of the completed IEP at no cost and Written Prior Notice of the school's intent to implement the program and services in the IEP.

8.4.9. Changes to the IEP

- 8.4.9.1. Changes can be made in a meeting or by amending the existing IEP, at the request of any member of the IEP.
- 8.4.9.2. Amendments to the IEP without a team meeting may be made only with the agreement of St. George Academy and the parents/guardian/adult student.
- 8.4.10. Procedural Safeguards are made available to each parent/guardian/adult student prior to every IEP meeting. These procedural safeguards include, but are not limited to the following:
 - 8.4.10.1. Opportunity for parental or adult student participation in meetings: Adult student/parent will be invited to each annual IEP meeting. If three separate meetings are scheduled (for the same annual meeting) with no reciprocating contact from the parent/adult student, the meeting will be held without the adult student/parent.
 - 8.4.10.2. Independent Educational Evaluation (IEE): means that an evaluation will be conducted by a qualified examiner who is not employed by SGA. The cost of the IEE will be covered by SGA.
 - 8.4.10.3. Written Prior Notice: will be given to the parent/adult student at least five school days before it is proposed to initiate or change the identification, evaluation, or educational placement of the student.
 - 8.4.10.4. Procedural Safeguard Notice: A copy of the Procedural Safeguard Notice is made available to the parent/adult student at or before the IEP meeting each year. This notice is also made available to the parent/adult student upon initial referral as well as any time the parent/adult student requests another copy.
 - 8.4.10.5. Dispute Resolution: If a parent/adult student is not in agreement with action taken by a teacher or the special education team, they are invited to setup a meeting with the SGA Administration team. If the Administration team is not able to resolve their concerns a complaint can be sent to the state through <http://www.schools.utah.gov>. SGA will continue to work with the parent/adult student to ensure all paperwork is filled out correctly and that the state complaint is received and processed appropriately.
 - 8.4.10.6. Transfer of Rights: Before a student turns 18, students, parents, and a school representative are required to sign a document stating that each understands the rights of the student will transfer to the student on their 18th birthday, unless a parent files for guardianship with the courts and the student is determined to be incompetent under the State law.
 - 8.4.10.7. Confidentiality of Information: St George Academy takes appropriate action to ensure the protection and confidentiality of all personally identifiable data, information, and records collected by SGA faculty and staff. Information will only be shared with faculty and staff who have direct working access with the student or file completion.
 - 8.4.10.8. Discipline Procedures. Discipline Procedures for Students with Disabilities: Students with disabilities who require discipline will be treated the same way as students without disabilities, up to discipline requiring suspension of less than 10 school days. If a student with a disability participates in an act requiring more

substantial consequences or multiple suspensions (over the 10 school days), a Manifestation Determination meeting will be held, which must include members of the IEP team (parents, student, special education faculty, LEA representative). This meeting is held to determine if the action taken by the student is a manifestation of the student's disability (or if the disability caused the student to act in a specific way).

8.5. Students with Disabilities in Other Settings: All students with disabilities will be encouraged to use their accommodations in all general education settings as well as special education settings. Students will be taught to advocate for themselves in a variety of settings in and out of the classroom.

9. Transitions

9.1. Transition from Part C to Part B of the IDEA: St George Academy does not participate, currently, in Part C of the IDEA (Early Intervention, birth – 2).

9.2. Transition from School to Post School: Students will be given multiple assessment to encourage their exploration of post school choices. St. George Academy works closely with government agencies, including Vocational Rehabilitation, under the Department of Workforce Services, to assist in the transition from High School to University or other Post School opportunities.

9.3. Graduation: Students, through their IEP, will be guided towards the graduation plan that best fits them and their abilities. The graduation options that are considered through St. George Academy are: St. George Academy Graduation Diploma, State of Utah Graduation Diploma, or Certificate of Completion.

9.4. Termination of Services upon Reaching Age 22: If a student requires more time to accumulate credits for graduation, a student with an IEP can continue to receive services through St George Academy or another Post High program until the end of the semester that the student turns 22.

10. Responsibilities of the Utah State Board of Education

10.1. St. George Academy provides data as required for the State and Federal reports and other State functions.

11. LEA Eligibility and Responsibilities

11.1. Participation in Statewide Assessments and Reporting of Assessment Results

11.1.1. All students enrolled in St. George Academy, including students with disabilities, participate in the statewide testing program and the schoolwide testing program.

11.1.2. Participation requirements in the USBE Assessment Participation and Accommodation Policy are to be followed.

11.1.3. The IEP team will determine how a student with disabilities will participate and accommodations need, if any.

11.2. Public Participation in Policies and Procedures Development

11.2.1. This Policy and Procedures Manual, as well as any future changes to the contents are presented to St. George Academy Board in a public meeting for review and input.

- 11.2.2. The agenda for St. George Academy Board meetings are to be posted at least 24 hours prior to each meeting as required by State law.
- 11.3. Publicly Posting USBE Monitoring Results
 - 11.3.1. Results of monitoring from the Utah Program Improvement Planning System (UPIPS) are posted on the USBE website annually as required.
- 11.4. Methods of Ensuring Service
 - 11.4.1. SGA ensures that each eligible student with disabilities enrolled in the school receives the services included in the IEP through an approved process of review and monitoring of service.
- 11.5. Supervision
 - 11.5.1. All members of SGA faculty are evaluated and supervised as per USBE requirements by qualified administration.
- 11.6. Use of Part B Funds
 - 11.6.1. St. George Academy follows requirements of USBE SER IX.B to ensure the appropriate use of funds under Part B of the IDEA. This includes following requirement for students with disabilities who are covered by public benefits of insurance as written. St. George Academy participates in the single audit process required by State Law that includes and audit of Part B funds.
- 11.7. Educator License Requirements
 - 11.7.1. Professionals providing services to students with disabilities must hold a Utah Professional Educator License or Endorsement in the area they provide services. This includes special education teachers, speech language pathologists, school counselors, and other professionals.
 - 11.7.2. St. George Academy administration is responsible for the evaluation of the appropriateness of licenses and endorsements with assigning staff members.
 - 11.7.3. Special education areas of concentration are to carry license or endorsements in at least one of the following areas: Mild/Moderate disabilities, Severe disabilities, Deaf and Hearing, Blind and Visually Impaired, Deafblind. R277-504-O.
 - 11.7.4. Teachers or contracted professionals providing services in the single category of Speech Language Impairment must hold the appropriate license, endorsement, or area of concentration in the category of Speech Language Impairment. R277-506.
 - 11.7.5. Teachers assigned to teach subjects in secondary special education programs must, in addition to their special education license, meet the standards for personnel under the USBE Board Administrative Rules.
- 11.8. Performance Goals and Indicators in the State Performance Plan

11.8.1. St. George Academy collects and provides additional information which the USBE may require to meet Federal reporting requirements, including suspension and expulsion rates, LRE environments, disproportionality data, personnel information, and others.

11.9. Provision of FAPE and Caseload Guidelines

11.9.1.1. St. George Academy oversees the caseload of each special educator including support services to ensure that services and education are available to all eligible students. 34 CFR Section 300.101; USBE SER IX.F.

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

11.10.1. St. George Academy ensures that hearing aids worn in school by student with hearing impairments, including deafness, are functioning properly.

References

Utah Office of Administrative Rules, n.d. *Utah Administrative Code*. Salt Lake City: Division of Administrative Rules, pp. R277-504.

Utah State Board of Education, 2020. *Special Education Rules (SER)*. Salt Lake City: USBE.