

**SPECIAL EDUCATION POLICIES AND PROCEDURES
UNDER IDEA '97**

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SECTION 1: FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

Policy:

Northland Preparatory Academy, a public secondary level charter school, ensures that all children with disabilities within the age groups authorized by the charter who enroll in the school have the right to a free appropriate public education (FAPE). This includes children with disabilities who are advancing from grade to grade. FAPE shall also be provided to children who have been suspended or expelled from school in accordance with Title 34 of Federal Regulations (34 CFR) 300.300 (a) and 300.121 (e). Special education and related services are provided at public expense, under public supervision and direction, and without charge. They meet the standards of the State for secondary school education and are provided in conformity with an individualized education program (IEP) that meets IDEA requirements of 34 CFR 300.340-300.350.

Procedures:

Free appropriate public education (FAPE) (34 CFR 300.121)

FAPE will be made available to each child with disabilities who is in need of special education and related services even though the child is advancing from grade to grade [34 CFR 300.121(a) and 300.121(e) (1)]. The determination that a child is eligible for special education must be made on an individual basis by the group responsible within the public agency for making those determinations.

Services in accordance with 34 CFR 300.121 will be made available for a child with a disability who has been removed from his or her current educational placement for disciplinary reasons for more than 10 school days.

FAPE will be made available to children who have graduated, but have not been awarded a regular high school diploma (34 CFR 300.122).

SECTION 2: CHILD FIND

Policy:

All children with disabilities who are in need of special education and related services will be identified, located and evaluated (34 CFR 300.125).

Procedures:

Northland Preparatory Academy will maintain documentation of the public awareness efforts to inform parents of enrolled children of the availability of special education services [34 CFR 300.125 and Arizona Administrative Code (AAC) R7-2-401].

Records of newly enrolled children will be screened to determine which children are currently receiving needed special education and related services. This includes highly mobile children with disabilities and those who are suspected of having a disability under 34 CFR 300.7 and are in need of special education, even though they are advancing from grade to grade. (34 CFR 300.125)

Screening activities will be implemented for all newly enrolled children and those transferring in without sufficient records. This will be completed within 45 days of enrollment and will include consideration of academic or cognitive, vision, hearing, communication, emotional and psychomotor domains [AAC R7-2-401 (c)].

Northland Preparatory Academy will maintain documentation and annually report the number of children with disabilities within each disability category that have been identified, located and evaluated (34 CFR 300.125). The collection and use of data to meet these requirements are subject to the confidentiality requirements of 34 CFR 300.560- and 300.577.

Northland Preparatory Academy will refer parents of children aged birth through two years who are suspected of having a disability to the Arizona Early Intervention Program for evaluation and, if appropriate, services.

SECTION 3: EVALUATION AND ELIGIBILITY DETERMINATION

Policy:

A full individual initial evaluation will be conducted before the initial provision of special education and related services to a child with a disability (34 CFR 300.531). The evaluation will determine if the child is a “child with a disability” under 34 CFR 300.7, 300.531, and ARS-15-761 as well as determine the educational needs of the child.

A re-evaluation of each child will be conducted every three years in accordance with 34 CFR 300.532, 300.534 through 300.536.

Procedures:

Evaluations will be conducted in accordance with the requirements of IDEA. When necessary, a qualified evaluator will be contracted by Northland Preparatory Academy.

The child’s MET/IEP team and other qualified professionals will review existing evaluation data, collect additional data, if necessary, and use the results of the evaluation to determine the category of eligibility and the need for special education and related services (34 CFR 300.7, 300.534, 300.535, or ARS 15-761 and 15-766. The results of the evaluation will be used to develop the initial IEP or to review and revise an existing IEP (34 CFR 300.340, 300.350 and ARS 15-761).

Procedures for initial evaluation (34 CFR 300.531 and 300.532)

Tests and other evaluation materials used to assess a child will be selected and administered so as not to be discriminatory on a racial or cultural basis and will be provided and administered in the child’s native language or other mode of communication, unless it is clearly not feasible to do so. Materials and procedures used to assess a child with limited English proficiency will be selected and administered to measure the extent to which the child has a disability and needs special education, rather than measuring the child’s English language skills.

A variety of assessment tools and strategies will be used to gather relevant functional and developmental information about the child, including information provided by the parent.

Information related to enabling the child to be involved in and progress in the general curriculum will be included. The information gathered will assist in determining whether the child is a child with a disability and in the development of the child's IEP.

Any standardized tests that are given will be validated for the specific purpose for which they are used and administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests. If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions will be included in the evaluation report.

Tests and other evaluation materials will be selected to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient. Tests will be selected and administered to a child with impaired sensory, manual, or speaking skills to accurately reflect the test results of the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

No single procedure will be used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child. The child will be assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, motor abilities, and the need for assistive technology.

The evaluation will be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified. Technically sound instruments will be used that may assess cognitive and behavioral factors, in addition to physical or developmental factors. Assessment tools and strategies will be used to provide relevant information that directly assists persons in determining the educational needs of the child.

Re-evaluation (34 CFR 300.334, 300.536, and 300.543)

A re-evaluation will be conducted every three years or if conditions warrant a re-evaluation, if the child's parent or teacher requests a re-evaluation, or before determining that the child is no longer a child with a disability.

A re-evaluation will be not required before the termination of a child's eligibility due to graduation with a regular high school diploma, or when a child exceeds the age eligibility for FAPE under the State law.

Determination of needed evaluation data for initial evaluation and reevaluation (34 CFR 300.533 and ARS 15-766)

The MET/IEP team and other qualified professionals, as appropriate, will review existing data on the child, including evaluations and information provided by the parents of the child, current classroom-based assessments and observations, and observations by teachers and related services providers.

On the basis of that review, and input from the child's parents, the MET/IEP team and other qualified professionals will identify what additional data, if any, are needed to determine eligibility.

If the determination is that no additional data are needed, Northland Preparatory Academy will notify the child's parents of that determination and the reasons for it and of the right of the parents to request an assessment to determine whether the child continues to be a child with a disability. No assessment will be required unless requested by the child's parents to determine eligibility. The MET/IEP team will provide a copy of the evaluation report and documentation of eligibility to the parents.

If additional data are needed, the MET/IEP team will provide procedural safeguards notice, prior written notice, and obtain informed parent consent. Northland Preparatory Academy will arrange for the administration of tests and other evaluation materials as may be needed to determine if the child is a child with a disability under 34 CFR 300.7 and ARS 15-761.

Determination of eligibility (34 CFR 300.533--300.536, 300.540 and ARS 15-761)

The MET/IEP team, other qualified professionals, and the parents of the child will determine whether the child has a disability, or continues to be a child with a disability, as defined in 34 CFR 300.7 and ARS 15-761.

Based on the review of data and on input from the child's parents and the MET/IEP team, the team determines:

- if the child has a category of disability, or in the case of reevaluation, if the child continues to have a disability;
- if the child needs special education and related services, or in the case of a reevaluation, if the child continues to need special education and related services;
- the present levels of performance and other educational needs of the child; and
- if any additions or modifications to the special education and related services will be needed to enable the child to meet the measurable annual goals established in the IEP and to participate in the general curriculum, as appropriate.

In interpreting evaluation data for the purpose of determining if a child is a child with a disability, the MET/IEP will draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The team will consider and document all information obtained from all of these sources.

A child may not be determined to be eligible if the determinant factor for the eligibility determination is lack of instruction in reading or math or limited English proficiency and the child does not otherwise meet the eligibility criteria under 34 CFR 300.7—300.543 and ARS 15-761.

For a child suspected of having a specific learning disability, the documentation of the team's determination of eligibility will include:

- whether the child has a specific learning disability;
- the basis for making the determination;
- the relevant behavior noted during the observation of the child;
- the relationship of that behavior to the child's academic functioning;

- the educationally relevant medical findings, if any;
- whether there is severe discrepancy between achievement and ability that is not correctable without special education and related services; and
- the determination of the team concerning the effects of environment, cultural or economic disadvantage.

Each team member will certify in writing whether the report reflects his/her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusions.

Evaluation Report

The MET/IEP team and other qualified professionals including the parents of the child will determine whether the child is a child with a category of disability or, in the case of a reevaluation, if the child continues to be a child with a disability, as defined in 34 CFR 300.7 and ARS 15-761.

The evaluation report will include:

- a review of current evaluations, including types of tests and results of those tests;
- an educational history including the reason for referral, current classroom-based assessments, and observations by teachers and related service providers;
- information provided by the parents, including medical and developmental history; and
- determination of whether the child's educational problems are related to or resulting from educational disadvantage.

It will also include general information pertaining to:

- whether the child has a category of disability or, in the case of reevaluation if the child continues to be a child with a category of disability;
- the present levels of performance and educational needs;
- whether the child needs special education and related services or continues to need special education and related services; and
- whether any additions and modifications to special education and related services are needed to meet the measurable annual goals established in the IEP and to participate, as appropriate, in the general curriculum.

The MET/IEP team will provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

SECTION 4: INDIVIDUALIZED EDUCATION PROGRAMS (IEP)

Policy:

An IEP will be developed and implemented for each eligible child served by Northland Preparatory Academy and each eligible child placed in or referred to a private school or facility by Northland Preparatory Academy (34 CFR 300.342-300.347 and 300.349).

Procedures:**When an IEP must be in effect (34CFR 300.342) and IEP meetings (34 CFR 300.343)**

An individualized education program (IEP) will be in effect for each child with a disability at the beginning of each school year (CFR 300.342)

An IEP will be in effect before special education and related services are provided to an eligible child under 34 CFR 300.342. A meeting to develop an IEP for the child with a disability will be conducted within 30 days of a determination that the child needs special education and related services. The IEP will be implemented as soon as possible following the IEP meeting.

Meetings will be initiated and conducted for the purpose of developing, reviewing, and revising the IEP of a child with a disability (34 CFR 300.311, 300.343-300.344, and 300.346-300.349). One or both parents of the child with a disability will be invited to each IEP meeting and will be afforded the opportunity to participate (34CFR 300.344-300.345).

The child's IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. Each teacher and provider will be informed of his or her specific responsibilities related to implementing the child's IEP and of the specific accommodations, modifications, and supports that will be provided for the child in accordance with the IEP (34 CFR 300.342).

Review and revision of the IEPs [34 CFR 300.343 (c)]

The IEP team will review the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved. The IEP team will revise the IEP as appropriate to address any lack of expected progress toward the annual goals described in 34 CFR 300.347(a) and in the general curriculum, the results of any reevaluation conducted under 34 CFR 300.536, information about the child provided to or by the parents as described in 34 CFR 300.533(a)(1), the child's anticipated needs, or other matters.

IEP team (34 CFR 300.344)

The IEP team for each child with a disability will include:

- the parents of the child;
- at least one regular education teacher of the child;
- at least one special education teacher of the child, or if appropriate, at least one special education provider of the child; and
- a representative of Northland Preparatory Academy who is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of Northland Preparatory Academy.
- an individual who can interpret the instructional implications of evaluation results;

It may also include:

- at the discretion of the parent or Northland Preparatory Academy, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. The determination of whether an individual has knowledge or

- special expertise shall be made by the party (parent or Northland Preparatory Academy) who invited the individual to be a member of the team; and
- the child, if appropriate.

Transition Service Participants (34CFR 300.344)

A child of any age will be invited to his or her IEP meeting if the purpose is consideration of transition services needs or transition service. If the student does not attend the IEP meeting, Northland Preparatory Academy will take other steps to ensure that the student's preferences and interests are considered.

Northland Preparatory Academy also will invite a representative of any other agency that is likely to be responsible for providing or paying for transition services. If an agency invited to send a representative to a meeting does not do so, Northland Preparatory Academy will take other steps to obtain participation of the other agency in the planning of any transition services.

Parent participation (34CFR 300.345)

Parents will be present or afforded the opportunity to participate in each IEP meeting. Efforts will include notifying parents of the meeting early enough to ensure that they will have an opportunity to attend and scheduling the meeting at a mutually agreed time and place. The meeting notice will indicate the purpose, time, and location of the meeting and who will be in attendance and will inform the parents of the provisions in 34 CFR 300.344(a)(6) and (c) relating to participation of other individuals on the IEP team who have knowledge or special expertise about the child.

For a student with a disability beginning at age 14 (or younger, if appropriate) the notice will also indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student required in 34 CFR 300.347(b)(1) and will indicate that Northland Preparatory Academy will invite the student.

For a student with a disability beginning at age 16 (or younger, if appropriate) the notice will indicate that a purpose of the meeting is the consideration of needed transition services for the student required in 34 CFR 300.347(b)(6). It will indicate that Northland Preparatory Academy will invite the student and identify any other agency that will be invited to send a representative.

If neither parent can attend, Northland Preparatory Academy will use other methods to ensure parent participation, including individual or conference telephone calls.

A meeting may be conducted without a parent in attendance if Northland Preparatory Academy is unable to convince the parents that they should attend. In this case Northland Preparatory Academy will have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls made or attempted and the results of those calls, copies of correspondence sent to the parents and any responses received, and detailed records of visits made to the parent's home or place of employment and the results of those visits.

Northland Preparatory Academy will take whatever action is necessary to help the parent understand the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

Northland Preparatory Academy will give the parent a copy of the child's IEP at no cost to the parent.

Development, review, and revision of IEP (34 CFR 300.346)

In developing each child's IEP, the IEP team will consider the strengths of the child and the concerns of the parents for enhancing the education of their child, the results of the initial or most recent evaluation of the child, and, as appropriate, the results of the child's performance on any general State or district-wide assessment programs.

In consideration of special factors, the IEP team will also:

- in the case of a child whose behavior impedes his or her learning or that of others, consider strategies (including positive behavioral interventions, strategies, and supports) to address that behavior;
- in the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
- in the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille) that instruction in Braille or the use of Braille is not appropriate for the child;
- consider the communication needs of the child;
- in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, and academic level and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and
- consider whether the child requires assistive technology devices and services.

If the IEP team, in considering the special factors, determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team will include a statement to that effect in the child's IEP.

The regular education teacher of a child with a disability, as a member of the IEP team, will to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of appropriate positive behavioral interventions and strategies for the child and of supplementary aids and services, program modifications, or supports for school personnel that will be provided for the child, consistent with CFR 300.347(a)(3).

Content of IEP (34 CFR 300.347)

The IEP for each child with a disability will include:

- a statement of the child's present levels of educational performance, including how the child's disability affects the child's involvement and progress in the general curriculum;
- a statement of measurable annual goals (statement of amount of progress expected), including benchmarks (major milestones), or short-term objectives (measurable intermediate steps), related to meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum (i.e., the same curriculum as for nondisabled children) and to meeting each of the child's other educational needs that result from the child's disability;
- a statement of the special education and related services to be provided;
- a statement of supplementary aids and services to be provided to the child or on behalf of the child (services provided to the parents or teachers of the child to help them more effectively work with the child);
- a statement of the program modifications or supports for school personnel that will be provided for the child to advance appropriately toward attaining the annual goals, to be involved and progress in the general curriculum and to participate in extracurricular and other nonacademic activities (LRE), and to be educated and participate with other children with disabilities and nondisabled children in extracurricular and other nonacademic activities (LRE);
- an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and other nonacademic activities (LRE);
- a statement of any individual accommodations and modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment (LRE);
- if the IEP team determines that the child will not participate in a particular State or district-wide assessment of student achievement (or part of an assessment), a statement of why that assessment is not appropriate for the child and how the child will be assessed;
- the projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications; and
- a statement of how the child's progress toward the annual goals will be measured and how the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of their child's progress toward the annual goals and the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

The IEP will include transition service planning as follows:

- for each student with a disability beginning at age 14 (or younger), a statement of the transition service needs of the student under the applicable components of the student's IEP that focus on the student's courses of study (such as participation in advanced-placement courses or a vocational education program);
- for each student beginning at age 16 (or younger), a statement of needed transition services for the student;
- if appropriate, a statement of the interagency responsibilities or any needed linkages.

The statement of transition service needs will be updated annually.

Beginning at least one year before a student reaches the age of 18, the student's IEP will include a statement that the parents and the student have been informed of the rights, if any, that will transfer to the student on reaching the age of 18, consistent with 34 CFR 300.517).

If a participating agency, other than Northland Preparatory Academy, fails to provide the transition services described in the IEP, Northland Preparatory Academy will reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

The IEP team may modify the IEP and placement of a student with a disability who is convicted as an adult under State law and incarcerated in an adult prison, if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

The IEP for a child who requires residential placement will include exit criteria that indicate when the educational placement of the child will be reviewed to determine if the child can move to a less restrictive placement [ARS 15-765(K)].

IEP accountability (34 CFR 300.350)

Northland Preparatory Academy will provide special education and related services to a child with a disability in accordance with the child's IEP and will make a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP.

SECTION 5: LEAST RESTRICTIVE ENVIRONMENT (LRE)

Policy:

To the maximum extent appropriate, students with disabilities in public or private institutions or other care facilities are educated with students who are not disabled (34 CFR 300.550). Special classes, separate schooling, or other removal of students with disabilities from the regular environment occurs only when the nature or severity of the disability is such that education in regular classes, even with the use of supplementary aids and services cannot be achieved satisfactorily (34 CFR 300.550 and AAC R7-2-401). These include aids, services, and other supports that are provided in regular education classes or other education-related settings to enable the children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with 34 CFR 300.550-300.554.

Procedures:

Continuum of educational placements (34 CFR 300.551)

A continuum of alternative placements for grades 7-12 special education and related services includes:

- regular classes with supplementary aids and services,

- regular classes with resource or itinerant support,
- special classes,
- home instruction,
- instruction in hospitals,
- instruction in institutions, and
- special schools.

Placement of a child with a disability [34 CFR 300.552 and AAC R7-2-401(G)]

Special education placement decision for a child with a disability will be made by a group of persons that includes:

- the parent(s),
- persons who are knowledgeable about the child,
- persons who are knowledgeable of evaluation data, and
- persons who are knowledgeable of placement options.

Special education placements will be determined at least annually and will be based on the child's IEP. Northland Preparatory Academy will document consideration of any potential harmful effects of the placement on the child or the quality of services.

A child with a disability will not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

Nonacademic settings and services (34 CFR 300.306 and 300.553)

The children with disabilities will have available to them the variety of educational programs and services available to non-disabled children served by Northland Preparatory Academy in nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities (34 CFR 300.305).

Children with disabilities will participate with non-disabled children in non-academic and extracurricular services and activities which may include meals, recess periods, and the services and activities to the maximum extent appropriate to the needs of that child. They will participate with non-disabled students in non-academic and extracurricular services and activities which may include counseling services, athletics, transportation, health services, recreational activities, and special interest groups or clubs sponsored by Northland Preparatory Academy. They may also be referred to agencies that provide assistance to individuals with disabilities and employment of students, including both employment by Northland Preparatory Academy and assistance in making outside employment available.

SECTION 6: PROCEDURAL SAFEGUARDS

Policy:

Northland Preparatory Academy ensures that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of free appropriate public education [34 CFR 300.500(a)].

Procedures:

Northland Preparatory Academy ensures that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child [34 CFR 300.501(c)].

The parents of a child with a disability shall be given an opportunity to inspect and review all education records with respect to the identification, evaluation, educational placement, and the provision of FAPE to the child[34 CFR 300.501(a)(1)].

A parent or a public agency may initiate a due process hearing on any of the matters described in 34 CFR 300.503(a)(1) and relating to the identification, evaluation, educational placement of a child with a disability, and provision of FAPE[34 CFR 300.507(a)(2)].

Northland Preparatory Academy ensures that the rights of a child are protected by the assignment of an individual to act as a surrogate for the parents if no parent (as defined in 34 CFR 300.20) can be identified; if Northland Preparatory Academy, after reasonable efforts, cannot discover the whereabouts of a parent, after having made three documented and reasonable attempts; or if the child is a ward of the State under the laws of the State [34 CFR 300.515(a) and ARS 15-763.01].

Parent participation in meetings (34 CFR 300.345 and 300.501)

Northland Preparatory Academy will take steps to ensure that one or both of the parents are present at each meeting or are given the opportunity to participate by notifying parents of the meeting early enough to ensure that they will have an opportunity to attend and by scheduling the meeting at a mutually agreed time and place [34 CFR 300.345(a)].

The meeting notice will indicate the purpose, time, and location of the meeting; indicate who will be in attendance; and inform the parents of the provisions in 34 CFR 300.344(a)(c) relating to participation of other individuals on the IEP team who have knowledge or special expertise about the child [34 CFR 300.345(b)(1)(2)].

Parent involvement in placement decisions (34 CFR 300.501)

Northland Preparatory Academy will make reasonable efforts to ensure that the parents understand, and are able to participate in, any group discussions relating to the educational placement of their child, including arranging for an interpreter for parents with deafness, or whose native language is other than English [34 DFR 300.501(c)(5)].

If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, Northland Preparatory Academy will use other methods to

ensure their participation, including individual or conference telephone calls, or video conferencing [34 CFR 501(c)(3)].

If Northland Preparatory Academy is unable to obtain the parent's participation in the placement decision, Northland Preparatory Academy will have a record of its attempt to ensure their involvement [34 CFR 300.345(d) and 300.501(c)(4)].

Independent educational evaluation (34 CFR 300.501)

Parents have the right to obtain an independent educational evaluation of their child conducted by a qualified examiner who is not employed by Northland Preparatory Academy. An evaluation is the procedures used in accordance with 34 CFR 300.530-300.536 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs [34 CFR 300.500(b)].

If a parent requests an independent educational evaluation at public expense, Northland Preparatory Academy will, without unnecessary delay, either initiate a due process hearing under 34 CFR 300.507 to show that Northland Preparatory Academy's evaluation is appropriate, or will ensure that an independent educational evaluation is provided at public expense, unless Northland Preparatory Academy demonstrates in a due process hearing under 34 CFR 300.507 that the evaluation obtained by the parent did not meet agency criteria [34 CFR 300.502(b)(2)(i and ii)]. Public expense means that Northland Preparatory Academy either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with FAPE [34 CFR 300.301 and 300.502(a)(3)].

Upon request for an independent educational evaluation, Northland Preparatory Academy will provide to parents information about where an independent educational evaluation may be obtained and Northland Preparatory Academy's criteria for an evaluation [34 CFR 300.501(a)(2)].

If the parent obtains an independent educational evaluation at private expense, the results of the evaluation will be considered by Northland Preparatory Academy in any decision made with respect to the provision of FAPE to the child and may be presented as evidence at a hearing regarding the child [34 CFR 300.502(c) (1 and 2)].

Cost of the independent educational evaluation will be at public expense if requested by a hearing officer [34 CFR 300.502(d)].

Agency criteria (34 CFR 300.502)

If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained will be the same as the criteria Northland Preparatory Academy uses when it initiates an evaluation, including the location of the evaluation and the qualifications of the examiner. The criteria will be consistent with the parent's right to an independent educational evaluation [34 CFR 300.502(e)(1)]. Northland Preparatory Academy may establish a range of payment for independent educational evaluations.

Northland Preparatory Academy will not impose other conditions or timelines related to obtaining an independent educational evaluation at public expense [34 CFR 300.502(e)(2)].

Prior notice by Northland Preparatory Academy (34 CFR 300.503)

Prior written notice will be given to parents a reasonable time before Northland Preparatory Academy proposes or refuses to initiate or change the identification, evaluation, educational placement of a child with a disability, or provision of FAPE [34 CFR 300.503(a)(1)].

Prior written notice will be given to the parent at the same time Northland Preparatory Academy requests parent consent, if the prior written notice relates to an action proposed by Northland Preparatory Academy that also requires parental consent [34 CFR 300.503(a)(2)].

The content of the prior written notice will contain:

- a description of the action proposed or refused by Northland Preparatory Academy;
- an explanation of why Northland Preparatory Academy proposes or refuses to take the action;
- a description of any other options that Northland Preparatory Academy considered and the reasons why those options were rejected;
- a description of each evaluation procedure, test, record, or report Northland Preparatory Academy used as a basis for the proposed or refused action;
- a description of any other factors that are relevant to Northland Preparatory Academy's proposal or refusal;
- a statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
- sources for parents to contact to obtain assistance in understanding these provisions [34 CFR 300.503(b)(1-7)].

The prior written notice will be written in language understandable to the general public [34 CFR 300.503(c)(1)(I)]. It will be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so [34 CFR 300.503(c)(1)(ii)]. If the native language or other mode of communication of the parent is not a written language, Northland Preparatory Academy will take steps to ensure that the prior written notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the prior written notice, and that there is written evidence that these requirements of have been met [34 CFR 300.503(c)(2)(I-iii)].

Procedural safeguards notice (34 CFR 300.504)

A copy of the procedural safeguards notice will be given to the parent, at a minimum:

- upon initial referral for evaluation,
- upon each notification of an IEP meeting,
- upon reevaluation of the child, and
- upon receipt of a request for due process under 34 CFR 300.504(a)(1-4) and 300.507.

The procedural safeguards notice will include a full explanation of all of the procedural safeguards available under the law, relating to:

- independent educational evaluation,
- prior written notice,
- parental consent,
- access to educational records,
- opportunity to present complaints to initiate due process hearings,
- the child's placement during pendency of due process proceedings,
- procedures for students who are subject to placement in an interim alternative educational setting,
- requirements for unilateral placement by parents of children in private schools at public expense,
- mediation,
- due process hearings, including requirements for disclosure of evaluation results and recommendations,
- State-level appeals (if applicable),
- civil actions,
- attorneys' fees, and
- the State complaint procedures under 34 CFR 300.660-300.662, including a description of how to file a complaint and the timelines under those procedures [34 CFR 300.504(b)(1-14)].

The procedural safeguards notice will be written in language understandable to the general public [34 CFR 300.504(c)]. It will be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so [34 CFR 300.504(c)]. If the native language or other mode of communication of the parent is not a written language, Northland Preparatory Academy will take steps to ensure that the procedural safeguards notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the procedural safeguards notice, and that there is written evidence that these requirements have been met [34 CFR 300.504(c)].

Parental consent (34 CFR 300.505)

Parental consent will be obtained if, after a review of existing information, additional data are needed for an initial evaluation or reevaluation, and before initial provision of special education and related services (34 CFR 300.507 and 300.509). Consent means that the parent is fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication, understands and agrees in writing to the activity for which consent is sought. The consent describes the activity and lists the records (if any) that will be released and to whom.

The parent understands that the consent is voluntary and may be revoked at any time. If a parent revokes consent, the revocation is not retroactive, meaning that the revocation does not negate an action that has occurred after the consent was given and before the consent was revoked [34 CFR 300.500(b)(1)].

Parental consent for initial evaluation will not be construed as consent for initial placement [34 CFR 300.505(b)].

Parental consent is not required before reviewing existing data as part of an evaluation or before administering a test or other evaluation that is administered to all children unless such consent is required from the parents of all children.

If the parents refuse consent for initial evaluation or reevaluation, Northland Preparatory Academy may pursue those evaluations by using due process procedures under 34 CFR 300.507 and 300.509 or mediation procedures under 34 CFR 300.505(b) and 300.506.

Informed parental consent need not be obtained for the gathering of additional data for reevaluation if Northland Preparatory Academy can demonstrate that it has taken reasonable measures to obtain that consent, and the child's parent has failed to respond [34 CFR 300.505(c)]. Reasonable measures to obtain informed parental consent for a reevaluation will include detailed records of telephone calls made or attempted and the results of those calls, copies of correspondence sent to the parents and any responses received, and detailed records of visits made to the parent's home or place of employment and the results of those visits [34 CFR 300.505(c)(2)].

Northland Preparatory Academy will not use a parent's refusal to consent to one service or activity to deny the parent or child any other service, benefit, or activity of Northland Preparatory Academy, except as required by this part [34 CFR 300.505(c)(2)].

Mediation requirements (34 CFR 300.506)

Northland Preparatory Academy will ensure that the mediation process is voluntary on the part of the parties, is not used to deny or delay a parent's right to a due process hearing under 34 CFR 300.507, or to deny any other rights afforded under Part B of the Act, and is conducted by a qualified and impartial mediator who is trained in effective mediation techniques [34 CFR 300.506(b)(1)(i-ii)]. Impartiality means that the mediator is not an employee of any public agency or State agency described in 300.194 or the State Education Agency that is providing direct services to a child who is the subject of the mediation process. A person is not an employee of a public agency or that State solely because he or she is paid by the agency to serve as a mediator. The mediator must not have a personal or professional conflict of interest.

Either Northland Preparatory Academy or parent may contact the Arizona Department of Education/Exceptional Student Services to request mediation.

Discussions that occur during the mediation process will be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings [34 CFR 300.506(b)(6)]. The parties to the mediation process may request a confidentiality pledge prior to the commencement of the process.

Impartial due process hearing (34 CFR 400.507 and AAC R7-2-405)

When a due process hearing is initiated under 34 CFR 300.503(a)(1), Northland Preparatory Academy will inform the parents of the availability of mediation described in 34 CFR 300.506

and 300.507(a)(2). Northland Preparatory Academy will inform the parent of any free or low-cost legal and other relevant services available in the area if the parent requests the information or if the parent or Northland Preparatory Academy initiates a due process hearing under this section [34 CFR 300.507(a)(3)(i and ii)].

Northland Preparatory Academy will notify the Arizona Department of Education/Exceptional Student Services when a written request for due process is received (AAC R7-2-405).

The due process hearing will be conducted by Northland Preparatory Academy [34 CFR 300.507(b)]. At least 5 business days prior to a due process hearing, Northland Preparatory Academy will disclose to all parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing [34 CFR 300.509(b)(1)].

Parents involved in due process hearings have the right to have the child who is the subject of the hearing present and to open the hearing to the public [34 CFR 300.509(c)(1)(i and ii)].

The record of the due process hearing and the findings of fact and decisions will be provided at no cost to parents [34 CFR 330509(c)(2)].

Finality of decision; appeal; impartial review (300.510)

A decision made in a due process hearing conducted pursuant to 300.507, 300.520-300.528 is final, except that any party involved in the hearing may appeal the decision under the provisions of 300.510-300.512.

The decision made by the reviewing official is final unless a party brings a civil action under 34 CFR 300.510(d) and 300.512.

Timelines and convenience of hearings and reviews (34 CFR 300.511)

Northland Preparatory Academy will ensure that not later than 45 calendar days after the receipt of a request for a due process hearing a final decision will be reached in the hearing, unless the hearing officer grants specific extensions of time at the request of either party. A copy of the decision will be mailed to each of the parties [34 CFR 300.511(a)(1 and 2)].

Each due process hearing and each impartial review involving oral arguments will be conducted at a time and place that is reasonably convenient to the parents and child involved [34 CFR 300.511(d)].

Attorneys' fees (34 CFR 300.513)

The procedural safeguards notice will include a full explanation of all of the procedural safeguards relating to attorneys' fees [34 CFR 300.504(b)(13)]. Funds under Part B of the Act will not be used to pay attorneys' fees or costs of a party related to an action or proceeding under section 614 of the Act and subpart E [34 CFR 300.513(b)(1)].

Child's status during proceedings (34 CFR 300.514)

Except as provided in 34 CFR 300.526, during the pendency of any administrative or judicial proceeding regarding a due process complaint under 34 CFR 300.507, unless the State or local agency and the parents of the child agree otherwise, the child involved in the due process complaint will remain in his or her current educational placement [34 CFR 300.514(a)]. If the due process complaint involves an application for initial admission to Northland Preparatory Academy, the child, with the consent of the parents, will be placed in Northland Preparatory Academy until the completion of all the proceedings [34 CFR 300.514(b)].

If the decision of a hearing officer in a due process hearing conducted by the SEA or a State review official in an administrative appeal agrees with the child's parents that a change of placement is appropriate, that placement will be treated as an agreement between the State or Northland Preparatory Academy and the parents for purposes of 34 CFR 300.514(a) and 300.514(c)].

Surrogate parents and Surrogate parent appointment (34 CFR 300.515 and ARS 15-763.01)

It is the duty of a public agency to assign an individual to act as a surrogate for the parents. This will include a method for determining whether a child needs a surrogate parent and for assigning a surrogate parent to the child [34 CFR 300.515(9b)(1 and 2)]. A petition for the appointment of a surrogate parent will be made to a court of competent jurisdiction [ARS 15-763.01(A)].

Except as provided in 34 CFR 300.515(c)(3), Northland Preparatory Academy will ensure that a person selected as a surrogate is not an employee of the SEA, the LEA, or any other agency that is involved in the education or care of the child, has no interest that conflicts with the interest of the child he or she represents, and has knowledge and skills that ensure adequate representation of the child [34 CFR 300.515(c)(2)(i-iii) and ARS 15-763.01(B)].

The surrogate may represent the child in all matters relating to the identification, evaluation, educational placement of a child with a disability, and provision of FAPE [34 CFR 300.515(e)(1 and 2)].

Transfer of parental rights at age of majority (34 CFR 300.517)

When a student with a disability reaches the age of majority (except for a student with a disability that has been determined to be incompetent under State law), Northland Preparatory Academy will provide any notice required to both the individual and the parents. All other rights accorded to parents under Part B of the Act transfer to the student [34 CFR 300.517(a)(1)(i and ii)].

SECTION 7: CONFIDENTIALITY OF INFORMATION

Policy:

Northland Preparatory Academy will protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages [34 CFR 300.562(a)]. Such information includes the name of the child, the child's parent, or other family member; the address of the child; a personal identifier, such as the child's social security number or student number; and a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

Procedures:

Access rights (34 CFR 300.562)

Parents may inspect and review any educational records relating to their children that are collected, maintained or used by Northland Preparatory Academy. A parent request for records will be provided without unnecessary delay, before any meeting regarding an IEP or any hearing, and in no case more than 45 days after the request (34 CFR 300.562).

Responses to reasonable requests for explanations and interpretation of educational records will be provided to parents. Parents will be given copies of records if failure to provide copies would prevent parent from inspecting and reviewing records.

A parent's representative will also be given an opportunity to inspect and review the educational records.

Northland Preparatory Academy may presume that the parent has authority to inspect and review records relating to his or her child unless Northland Preparatory Academy has been advised that the parent does not have the authority under applicable State law (e.g., guardianship, separation, divorce) [34 CFR 300.562(c), ARS 15-761.21, AAC R7-2-405(8) and AAC R7-2-401(22)].

Notification of rights of parents and eligible students (34 CFR 300.561)

Northland Preparatory Academy will inform parents of available identification and or evaluation procedures by including a notice with student registration materials and articles in the newsletter. This notice will contain a description of all the rights of parents and children under the Family Educational Rights and Privacy Act of 1974 and the implementing regulations. Notice will be in the native languages of the various population groups in Northland Preparatory Academy [34 CFR 300.561(a)(4)].

The Annual Notice will contain the following components:

- parents and eligible students have the right to inspect and review the student's education record (CFR 99.7 and 300.564);
- the procedure for exercising the right to inspect and review the student's education record (34 CFR 99.7) within 45 days [34 CFR 99.10, 300.521 and 300.528];

- parents and eligible students have the right to seek amendment of the student's education record that is believed to be inaccurate, misleading, or in violation of the student's privacy rights (34 CFR 99.7);
- the procedure for requesting amendment of the record (34 CFR 99.7);
- parents and eligible students have the right to give consent before the release of personally identifiable information (except to the extent that the Act and 34 CFR 99.31 authorize disclosure without consent) (34 CFR 99.7);
- if Northland Preparatory Academy discloses information in the optional situations without prior consent, the notice must also include specification of criteria for determining who constitutes a school official [34 CFR 99.31(a)];
- a summary of the procedures that the agency will follow in the storage, disclosure to third parties, retention, and destruction of personally identifiable information;
- what constitutes a legitimate educational interest [34 CFR 99.7(a)];
- notice that rights regarding records transfer at age 18 [34 CFR 99.5(a) and 300.574(b)].
- a description of the children on whom personally identifiable information is maintained, the types of information sought, the methods Northland Preparatory Academy intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
- the process by which a parent or student can exercise the right to file a complaint concerning alleged failures by the agency to comply with FERPA.

Record of access (34 CFR 300.563) and records on more than one child (34 CFR 300.564)

Northland Preparatory Academy will keep records of parties obtaining access to records, collected, maintained and used. A sheet in each confidential file will include name, access date, and purpose for access.

If a record has information on more than one child, parents have a right to inspect and review only the information relating to their child or to be informed of that specific information.

List of type and location of information (34 CFR 300.565)

Northland Preparatory Academy will maintain a list of types and location of educational records that are collected, maintained, or used and provide a copy of the list upon request (34 CFR 300.565).

Fees (34 CFR 300.566)

Northland Preparatory Academy will provide copies of records to the parent if failure to do so prevents the parent from inspecting or reviewing the records [34 CFR 300.562(b)(2)]. Northland Preparatory Academy may charge for copies if the fee does not prevent inspection or review of the record [34 CFR 300.566(a)].

Northland Preparatory Academy will not charge a fee to search or retrieve information [34 CFR 300.566(b)].

Amendment of records at parent request (34 CFR 300.567)

A parent may request amendment of records if he/she believes that information in an education record is inaccurate, misleading, or otherwise in violation of student privacy or other rights [34 CFR 99.7 and 300.567(a)].

Northland Preparatory Academy will decide whether to amend information within a reasonable period of time after the receipt of the request [34 CFR 99.7 and 300.567(a)].

If Northland Preparatory Academy refuses to amend, parents will be informed of the refusal and of the right to a hearing (34 CFR 300.567).

Opportunity for a hearing (34 CFR 300.568)

If the parent requests a hearing, Northland Preparatory Academy will provide an opportunity for a hearing to challenge information in records. A hearing held for this purpose must be conducted according to the procedures under 34 CFR 99.22.

Result of a hearing (34 CFR 300.569)

After a hearing, Northland Preparatory Academy will inform parents in writing of its decision to amend an education record believed to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child [34 CFR 300.569(a)].

If Northland Preparatory Academy makes a decision not to amend an education record, the parents will be informed of their right to place within the record a statement commenting on the information or setting forth any reasons for disagreeing with the decisions of Northland Preparatory Academy [34 CFR 300.569(b)]. Northland Preparatory Academy will maintain the statement with the record or contested portion. If the records are disclosed, the explanation will also be disclosed (34 CFR 300.569).

Safeguards (34 CFR 300.572)

Northland Preparatory Academy will protect the confidentiality of personally identifiable information at collection, storage, disclosure to third parties, retention, and destruction stages. [34 CFR 300.572(a)]. An official will be designated to ensure the confidentiality of any personally identifiable information [34 CFR 300.572(b)].

All persons collecting or using personally identifiable information will receive training or instruction regarding policies and procedures under 34 CFR 99 and 300.127.

Northland Preparatory Academy will maintain a current list for public inspection of the names and positions of employees within Northland Preparatory Academy who may have access to personally identifiable information [34 CFR 300.572(d)].

Destruction of information (34 CFR 300.573)

Northland Preparatory Academy will inform the parent when personally identifiable information collected, maintained or used is no longer needed to provide educational services to the child. Northland Preparatory Academy will destroy the information at the request of the parent. However, permanent record of name, address, phone number, grades, attendance record,

classes attended, grade level completed, and year completed may be maintained without time limitation.

Children’s rights (34 CFR 300.574)

Children may be afforded rights of privacy similar to those afforded to parents, taking into consideration the age, of the student and type or severity of disability.

In accordance with the Family Educational Rights and Privacy Act, the rights of parents regarding education records are transferred to the student at age eighteen. Northland Preparatory Academy must provide any notice required under section 615 of IDEA to the student and the parents.

If the rights accorded to parents are transferred to a student with a disability who reaches the age of majority, the rights regarding educational records will be transferred to the student [34 CFR 99.5(a)].

Disciplinary information (34 CFR 300.576)

Northland Preparatory Academy will include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child. The disciplinary statement may include a description of any behavior engaged in by the student, description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals.

The disciplinary information on students with disabilities will be transmitted to the same extent that disciplinary information is transmitted on nondisabled students.

If a student transfers from one school to another, the transmission of any of the student’s records will include the current IEP, current evaluation, and any statement of current or previous disciplinary action that has been taken against the student. If a student transfers from one school to another, the transmission of any of the student’s records to the receiving school will occur within the timeframe specified in State statutes and will not require the consent of the parent(s) [ARS 15-828(G)].

SECTION 8: EXTENDED SCHOOL YEAR (ESY) SERVICES

Policy:

Extended school year services will be available, as necessary, to provide FAPE to a child with a disability enrolled in Northland Preparatory Academy within the age group provided by the charter (34 CFR 300.309, 300.340-300.350 and ARS 15-881). These are special education and related services that are provided to a child with a disability beyond the normal school year of Northland Preparatory Academy, in accordance with the child’s IEP, and at no cost to the parents of the child with a disability.

Procedures:

Procedures for determination of ESY services (34 CFR 300.309 and ARS 15-881)

ESY services will be provided to prevent irreparable harm to the pupil's ability to maintain identified skills or behavior, when the child is in a "critical learning period" of development, and when there is a "window of opportunity" that will be lost if services are not provided. The critical learning stage is a developmental period in which a child has mastered a concept or skill in one setting and is ready to generalize what has been learned so that it can be applied in other situations. A critical learning stage exists if the child is unlikely to retain the concept or skill in order to generalize what has been learned to other situations.

Extended school year services will be provided only if a child's IEP team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child with a disability. The IEP team will also decide when ESY services will significantly enhance the child's ability to function independently. They will not be required for all children with disabilities.

ESY services will not be limited to particular categories of disability. They will not unilaterally be limited to the type, amount or duration of those services. They will not be based on need or desire for a day care or respite care service for children with disabilities, a program to maximize the academic potential of a child with a disability, or a summer recreation program for children with disabilities.

Criteria for determination of eligibility for ESY services include:

- Regression-recoupment factors,
- Critical learning stages,
- Least restrictive environment considerations,
- Teacher and parent interviews and recommendations,
- Database observations of the pupil,
- Considerations of the child's previous history, and
- Parental skills and abilities.

Regression is the reversion to a lower level of functioning in skills or behavior specified in the child's IEP, which results from an extended break in instruction.

Recoupment is the amount of time required to re-learn skills included in the child's IEP following an extended break in instruction. To measure regression and recoupment, a variety of types of measurement and strategies for assessing skills, abilities and behaviors will be used. Data will be collected at the end of instruction, at the beginning of subsequent instruction, and at the time of recoupment. Any loss or reduction from the end of instruction to the beginning of subsequent instruction will be a measure of regression data. Any measurement from the beginning of the subsequent instruction to the time of recoupment will measure the recoupment data.

For children with disabilities who are eligible for ESY, the IEP team will identify goals/benchmarks/short term objectives and special education and related services needed. *The IEP team will also determine the initiation, location, frequency and duration of services and will establish a date to review and document services.*

SECTION 9: PRIVATE SCHOOLS

Policy:

Northland Preparatory Academy ensures that special education and related services will be provided to a child with a disability who has been placed in or referred to a private school or a facility by Northland Preparatory Academy (34 CFR 300.401-300.402).

Northland Preparatory Academy will not pay the cost of education, including special education and related services, of a child with a disability at a private school or facility if Northland Preparatory Academy made FAPE available to the child and the parents elected to place the child in a private school or facility, unless Northland Preparatory Academy is required to do so by a court or hearing officer (34 CFR 300.403).

Procedures:

Children placed in private schools by public agencies (34 CFR 300.349)

Before Northland Preparatory Academy places a child with a disability, or refers a child with a disability to a private school or facility, Northland Preparatory Academy will initiate and conduct a meeting to develop an IEP in accordance with 34 CFR 300.346 and 300.347.

Before any student is placed in any private school or other public facility, Northland Preparatory Academy will ensure a full continuum of alternative placements is available to meet the least restrictive environment (ARS 15-765).

After a child with disability enters a private school or facility, any IEP meeting to review or revise the child's IEP may be initiated and conducted by the private school at the discretion of Northland Preparatory Academy. If the private agency or facility initiates and conducts IEP meetings, Northland Preparatory Academy shall ensure that the parents and an agency representative are involved in any decision about the child's IEP and agree to any proposed changes in the IEP before those changes are implemented.

A representative of the private school or facility will be invited to attend the IEP meeting. If the representative cannot attend, Northland Preparatory Academy will use other methods to ensure participation by the private school or facility [34 CFR 300.349(b)].

Northland Preparatory Academy may use whatever State, local, Federal and private sources of support are available in Arizona to meet the requirements, such as joint agreements between the agencies involved for sharing the cost of placement of a student in a private residential facility (34 CFR 300.301).

Determination and provision of services to students enrolled by their parents in private school when FAPE is an issue (34 CFR 300.403)

Disagreements about whether FAPE was made available to a child with a disability and the question of financial responsibility are subject to due process procedures of 34 CFR 300.507-300.514.

If a court or hearing officer finds that the agency had not made FAPE available to the child in a timely manner prior to the parental enrollment in the private placement and orders Northland Preparatory Academy to reimburse the parents for the cost of that enrollment, Northland Preparatory Academy will comply.

Requirements concerning property, equipment, and supplies for the benefit of private school children with disabilities (34 CFR 300.462)

Northland Preparatory Academy will exercise administrative control of all property, equipment, and supplies acquired with federal funds for the benefit of private school children with disabilities. Northland Preparatory Academy may place equipment and supplies in a private school for a period of time for the program. Northland Preparatory Academy will be accountable for such equipment and supplies and ensure that they are used only for Part B purposes and can be removed from the private school without remodeling the private school facility.

Residential placement (34 CFR 300.302 and ARS 15-765)

Northland Preparatory Academy may place a child with a disability in a public or private residential program to provide special education and related services. The placement will include non-medical care, room and board and will be at no cost to the parents of a child with a disability (34 CFR 300.302).

Before any placement is made in a private residential facility, Northland Preparatory Academy will ensure that a full continuum of alternative placements is available and the placement is least restrictive environment [ARS 15-765(C)].

The IEP team and other qualified professionals will review the existing data, determine if additional data are needed, determine eligibility or continued eligibility, review and revise the IEP and include exit criteria [ARS 15-765(G)(K)].

A residential voucher application will be initiated in accordance with ARS 15-765 and 15-1181.

SECTION 10: GRADUATION AND PUPIL-TEACHER RATIOS

Policy:

Northland Preparatory Academy ensures that the governing board will prescribe criteria for graduation for students with disabilities which include accomplishment of the academic standards adopted by the State Board of Education in reading, writing, and mathematics [ARS 15-7-1.01(B)].

Northland Preparatory Academy's has a pupil-teacher ratio of 15 students to 1 teacher {ARS 15-764(A)(5)}.

Procedures:

Northland Preparatory Academy will not be obligated to provide FAPE to students with disabilities who have graduated from high school with a regular high school diploma [34 CFR 300.122(3) and 300.543(c)].

Graduation from high school with a regular diploma will constitute a change in placement and requires prior written notice [34 CFR 300.122(3)].

A student with disability will complete the requirements in accordance with the academic standards adopted by the State Board of Education in reading, writing and mathematics [ARS 15-701.01(B)]. Northland Preparatory Academy's governing board may adopt other criteria for students with disabilities, including additional measures of academic achievement and attendance which are in addition to the courses of study and competency requirements prescribed by the State Board of Education [ARS 15-701.01 and AAC R7-2-301(D)(1)].

All students with disabilities will take Arizona's Instrument to Measure Standards (AIMS) at grade 8 and high school OR the Alternate AIMS (AIMS-A). Each student's IEP team will determine the graduation test criteria on the AIMS.

SECTION 11: DISCIPLINE

Policy:

If a change in educational placement for disciplinary removal occurs for a child with a disability, Northland Preparatory Academy will provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP [34 CFR 300.121(d)].

Procedures:

A child who has not been determined eligible for special education and who engages in behavior that violates any rules or code of conduct may assert any of the protections of a child with a disability pursuant to 34 CFR 300.527.

FAPE for children suspended or expelled (34 CFR 300.121 and 300.520)

Northland Preparatory Academy may cease services during a removal period to a child with a disability when that child has been removed from his or her current placement for 10 school days or less in a school year, if services are not provided to a child without disabilities who has been similarly removed.

For a child with a disability whose placement has not been changed, i.e., who has been removed for more than 10 school days during the school year but these days were not 10 consecutive days or whose removal did not constitute a pattern, Northland Preparatory Academy will provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and advance toward achieving the IEP goals. School personnel, in consultation with the child's special education teacher, will determine the extent of

services necessary to enable the child to appropriately progress in the general curriculum and advance toward achieving the IEP goals (34 CFR 300.121).

For a child with a disability whose placement has been changed for disciplinary reasons, i.e., has been removed from his or her current placement for more than 10 consecutive school days in a school year or whose removals constitute a pattern, Northland Preparatory Academy will provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and advance toward achieving the IEP goals. The IEP team will determine the extent of services necessary to enable the child to appropriately progress in the general curriculum and advance toward achieving the IEP goals (34 CFR 300.121).

If a disciplinary action of more than 10 cumulative school days is contemplated for a child with a disability who has engaged in behavior that violated any rule or code of conduct of Northland Preparatory Academy and Northland Preparatory Academy did not conduct a functional behavioral assessment and implement a behavior intervention plan for the child before the behavior occurred, within 10 business days Northland Preparatory Academy will convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions. If the child already has a behavior intervention plan, the IEP team will meet to review the plan and its implementation, and will modify the plan to address the behavior (34 CFR 300.520).

Change of placement for disciplinary removals (34 CFR 300.519)

When a child with a disability is removed from his or her current educational placement, a change of placement occurs if the removal is for more than 10 consecutive school days or if the series of removals constitute a pattern because they cumulate to more than 10 days in a school year, because of such factors as length of each removal, total amount of time, or proximity of the removal to one another (34 CFR 300.519).

When the removal of a child with a disability constitutes a change of placement, a review of the placement will be conducted regarding the relationship between the student's disability and the behavior subject to the disciplinary action (manifestation determination) (34 CFR 300.523).

Manifestation determination review (34 CFR 300.523)

Northland Preparatory Academy will conduct a manifestation determination review when Northland Preparatory Academy is contemplating a change of educational placement for disciplinary reasons. When Northland Preparatory Academy is contemplating a change of educational placement for disciplinary reasons, Northland Preparatory Academy will notify the parents of the child no later than the date on which the decision was made to take that action. Northland Preparatory Academy will provide the parents with an appropriate procedural safeguards notice. The manifestation determination review must be conducted no later than 10 days after the date on which the decision to act is made. In conducting a manifestation determination, the IEP team will consider evaluation and diagnostic results, including information provided by the parents; observations of the child; and the child's IEP and placement.

The IEP team will only determine the child's behavior was not a manifestation of the disability, if all relevant information indicates that the child's IEP was appropriately developed and implemented and behavior intervention strategies were provided consistent with the child's IEP and placement; the child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to the disciplinary action; and the child's disability did not impair the ability of the child to control the behavior subject to disciplinary action. If any of these standards were not met, the behavior will be considered a manifestation of the child's disability.

If an IEP team determines that the behavior of the student with a disability was not a manifestation of the disability, disciplinary action applicable to students without disabilities will be applied (34 CFR 300.524-300.525) except as provided in 34 CFR 300.121 which requires the provision of FAPE to all students with disabilities who are suspended or expelled (34 CFR 300.524).

Determination of interim alternative educational setting (IAES) (34 CFR 300.520-300.522)

Northland Preparatory Academy may order a child with a disability to an interim alternative educational setting (IAES) for weapons or drug violations for the same amount of time as that of a child without a disability, but not to exceed 45 days. The IAES will be determined by the IEP team, selected so as to enable the child to continue to participate in the general curriculum, and receive services specified in the IEP that will enable the child to meet the goals set out in that IEP (34 CFR 300.520), and include services and modifications designed to prevent the behavior from recurring.

Northland Preparatory Academy may request an expedited due process hearing to request that the child be moved to an appropriate IAES for not more than 45 days if Northland Preparatory Academy has substantial evidence that a child's current placement is likely to result in injury to the child or to others (34 CFR 300.521). Substantial evidence means beyond a preponderance of the evidence. This procedure may be repeated as necessary by Northland Preparatory Academy.

Parent appeal (34 CFR 300.525)

If the parent of a child with a disability disagrees with the manifestation determination or any decision regarding the placement, the parents may request a hearing (34 CFR 300.525). Northland Preparatory Academy will arrange an expedited hearing if the parent requests a hearing. In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the public agency has demonstrated that the child's behavior was not a manifestation of the child's disability consistent with the requirements of IDEA. In reviewing a decision to place the child in an interim alternative educational setting, the hearing officer shall apply the standards in 300.521.

Protections for children who are not yet eligible for special education and related services (34 CFR 300.527)

The parent may assert any of the protections provided to children with disabilities if Northland Preparatory Academy had knowledge that the child was a child with a disability before the behavior occurred. Northland Preparatory Academy is presumed to have knowledge when:

- the parent had expressed concern in writing;
- the parent expressed concern orally if the parent does not know how to read;
- the behavior of the child demonstrated the need for the services, in accordance with 300.7;
- the teacher of the child or other personnel has expressed concern about the behavior or performance of the child to the director of special education of the agency or to other personnel in accordance with the agency's established child find or special education referral system; or
- the parent of the child requested an evaluation.

Northland Preparatory Academy is presumed not to have knowledge when Northland Preparatory Academy either conducted a full and individual evaluation for special education eligibility and found the child was not a child with a disability or determined that an evaluation was not necessary and provided appropriate notice to the child's parents of its determination.

If a request for an evaluation is made during the time period in which the child is subjected to disciplinary action under 34 CFR 300.520 or 300.521, the evaluation will be conducted in an expedited manner and the child will remain in the placement determined by the school authorities until completion of the evaluation and eligibility determination.