



The Charter Institute at Erskine

Special Education Policies and Procedures

School Year: 2020-2021

School Leader: [Click here to enter text.](#)

<https://erskinecharters.org>

August 2020

INTRODUCTION

The purpose of this document is to provide the policies and procedures regarding the services for students with disabilities as defined by the Individuals with Disability Education Act (IDEA). This document provides The Charter Institute at Erskine interpretation of various statutory provisions and does not impose any requirements beyond those included in federal and state laws and regulations. In addition, it does not create or confer any rights for or on any person.

The Institute maintains the role of an authorizer and LEA. Each charter school within the Institute has the autonomy to develop policies and procedures individualized to meet the needs of the school, as long as those policies and procedures are consistent with the school's charter, contract and Institute policies and procedures. All schools must adhere to State and Federal Laws regarding student with disabilities.

This is a living document and will be updated on a regular basis as The Charter Institute at Erskine receives further guidance from the United States Department of Education, Office of Special Education Programs, South Carolina Department of Education, Office of Special Education Services, results of court decisions, and changes in state statute. To ensure that you are referencing the most recent version of the policies and procedures, please check the "history" section below.

For the United States special education regulations, please consult the Office of Special Education Programs: <http://www2.ed.gov/about/offices/list/osep/>.

For the South Carolina special education regulations, please consult State Board of Education regulations 43-243 and 43-243.1: <http://ed.sc.gov>.

HISTORY:

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For questions concerning this document or questions concerning The Charter Institute at Erskine Special Education Programs, please contact the Director of Special Education at (803) 849-2458.

The Charter Institute at Erskine does not discriminate on the basis of race, color, national origin, sex, disability, age, religion, or immigrant status in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following persons have been designated to handle the nondiscrimination policies. For questions pertaining to Section 504 contact the Director of Special Education, questions pertaining to Title IX contact the Director of the Charter Institute at Erskine, 1201 Main Street, Suite 300, Columbia, SC 29201, 803-849-2406.

Assurances

The school has developed, adopted, and implemented policies and procedures that are consistent with all requirements of the Individuals with Disabilities Education Act 2004, South Carolina State Board of Education regulations, and The Charter Institute at Erskine policies and procedures including, but not limited to, the following:

- The school has Institute-approved policies and procedures.
- Special education and related service staff are in place and are highly qualified, and/or appropriately certified.
- Special education related service providers (school psychologist, OT, PT, RN) are on staff or under contract and are appropriately credentialed.
- The total number of identified students is appropriately proportionate to hired special education staff so that all identified students are able to receive a FAPE.
- Special education staff, other related service providers, and/or other school staff have engaged in professional development as to special education and MTSS/RTI procedures, process and practice.
- School files are kept confidential, locked, up to date, accessible, and organized with appropriate information stored for the required length of time.
- The school maintains an up-to-date, confidential, and accurate database of students with IEPs.
- All required information is marked complete and attached in ENRICH in a timely manner.
- All IEPs are compliant as demonstrated by a review of IEPs (transfer, annual, initial evaluation, and/or reevaluations).
- All active IEPs are reviewed annually.
- All reevaluations have been conducted within appropriate timelines.
- All active IEPs have documentation of progress monitoring at intervals described in the IEP.
- Students receive services in accordance with their IEPs.
- Evaluations for initial eligibility are comprehensive, are conducted by a multidisciplinary team, and contain evidence of previous research-based interventions.
- Comparable services are initiated within the first 5 school days after enrollment and services that are similar or equivalent to those that were described in the previous IEP are provided.
- Transfer IEP meetings are conducted within 30 calendar days of enrollment.
- The school has a means to track the removal of students for disciplinary reasons and to alert school staff when a student is approaching 10 days OSS.
- All disciplinary removals of students with IEPs are done so in accordance with IDEA requirements and have been appropriately documented in Incident Management in PowerSchool.

- The school has a means to document the provision of all accommodations and modifications required in IEPs.
- All parents have been notified of their Procedural Safeguards at minimum of annually.
- Notices and other IDEA-required information are presented to parents in understandable language (written language understandable by the general public and in the native language of the parent or other mode of communication used by the parent).
- IDEA funds are used solely for district-approved IDEA related activities.
- The school maintains an inventory of all equipment, materials, etc. purchased with special education funds throughout the life of the equipment.
- The school submits timely and accurate data as required by Federal, State, and Institute reporting.
- The school uses all forms required by the Institute and/or as generated from the Enrich program.
- The school (brick and motor/virtual) understands it is obligated to serve all students with disabilities under IDEA in the same manner as any other public-school district. Budget, staffing availability and administrative convivence do not exempt the site from its legal obligations including, but not limited to students placed on Medical Homebound.
- The school has adopted the Institute’s Policies and Procedures for the South Carolina High School Credential.
- The school has a Multi-Tiered System of Support (MTSS) Policies and Procedures Handbook and follows the procedures outlined in this manual.

As a public charter school within the Charter Institute at Erskine, **(Insert School Name)** follows the Institute’s MTSS policies and procedures.

Describe school’s procedure: Click here to enter text.

Signature by School Leader

Date

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I. Free Appropriate Public Education

The Charter Institute at Erskine ensures that a free appropriate public education (FAPE) is made available to all children with disabilities between the ages of 3 and 21, inclusive, in accordance with IDEA and the SC Department of Education Regulation 42-243 and 42-243.1.

A. Assistive Technology

The Charter Institute at Erskine makes assistive technology available if required as part of the child's special education, related services or supplementary aids and services.

B. Extended School Year (ESY) Services

The Charter Institute at Erskine ensures that extended school year services (ESY) are provided if a child's individualized education program (IEP) team determines that the services are necessary for the provision of FAPE to the child.

C. Nonacademic Services

The Charter Institute at Erskine takes steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP team, to provide 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 as provided to students without disabilities.

Nonacademic and extracurricular services and activities may include, but are not limited to, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school or school district, referrals to agencies that provide assistance to individuals with disabilities and employment of students, including both employment by the school district and assistance in making outside employment available.

D. Program Options And Physical Education

The Charter Institute at Erskine takes steps to ensure that children with disabilities served by the Charter Institute at Erskine have available to them the variety of educational programs and services available to nondisabled children served by the Institute.

The Charter Institute at Erskine ensures that a child with a disability receives appropriate physical education services as required by South Carolina Board of Education Regulations and South Carolina Charter School Law (§ 59-40-10 et seq.). The Charter Institute at Erskine affords each child with a disability the opportunity to participate in a regular physical education program available to non-disabled children, unless the child is in need of specially designed physical education, as prescribed in the child's IEP.

The Charter Institute at Erskine safeguards the confidentiality of personally identifiable information at use, collection, storage, retention, disclosure and destruction stages. In the Charter Institute at Erskine, the Director of Erskine, along with each individual school's special education

coordinator, is responsible for maintaining the confidentiality of personally identifiable information. The Charter Institute at Erskine ensures that all persons collecting or using personally identifiable information receive training and instruction The Charter Institute at Erskine policies regarding that information. The Charter Institute at Erskine gives notice to all parents of students receiving special education and related services that is adequate to fully inform parents about confidentiality requirements, in accordance with South Carolina Board of Education Regulations.

II. Confidentiality

A. Access Rights

The Charter Institute at Erskine permits parents (or a representative of a parent) to inspect and review any education records relating to their children that are collected, maintained, or used by the Charter Institute at Erskine. If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information. The Charter Institute at Erskine does not charge a fee to search for or retrieve information.

The Charter Institute at Erskine may charge a fee for copies of records but does not charge a fee that would effectively prevent the parents from exercising their right to inspect and review records.

The Charter Institute at Erskine complies with a request to access records without unnecessary delay and before any meeting regarding an IEP, or any hearing pursuant to South Carolina Board of Education Regulations, and any resolution session pursuant to South Carolina Board of Education Regulations, and in no case more than 45 days after the request has been made.

The Charter Institute at Erskine responds to reasonable requests for explanations and interpretations of the records, provides copies if failure to provide copies would effectively prevent the parent from exercising the right to inspect and review the records, and permits a representative of a parent to inspect and review records.

The Charter Institute at Erskine presumes that a parent has the authority to inspect and review records relative to that parent's child unless The Charter Institute at Erskine has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

Upon request, The Charter Institute at Erskine provides parents a list of the types and locations of education records collected, maintained, or used by The Charter Institute at Erskine and each of its schools.

The Charter Institute at Erskine keeps a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. The Charter Institute at Erskine including each school within, maintains a list of authorized employees who have access to educational records.

B. Amendment of Records/Hearing Process

Parents have the right to request that their child's education records be changed if something is inaccurate, misleading, or in violation of the student's rights of privacy.

If the school does not agree that the education records should be changed, staff must provide an opportunity for a hearing, following the Family Educational Rights and Privacy Act of 1974, August 1974, 20 U.S.C. 1232g (FERPA) requirements. The hearing officer would be the school's hearing officer, not a special education due process hearing officer (34 CFR § 300.618).

C. Parental Consent Prior to Disclosure of Records

The Charter Institute at Erskine obtains parental consent before personally identifiable information is disclosed to parties, other than officials of participating agencies in accordance as defined by South Carolina Board of Education Regulations, unless the information is contained in education records and the disclosure is authorized without parental consent under FERPA.

The parent's consent must be in writing, signed, and dated and must:

- (1) Specify the records to be disclosed;
- (2) State the purpose of the disclosure; and
- (3) Identify the party or class of parties to whom the disclosure may be made.

The Charter Institute at Erskine obtains parental consent, or the consent of an eligible child who has reached the age of majority under South Carolina law, before personally identifiable information is released:

- (1) Prior to inviting officials of participating agencies providing or paying for transition services to an IEP meeting in accordance with South Carolina Board of Education;
- (2) To officials in another district or school in connection with the child's enrollment in a nonpublic school; and/or
- (3) For purposes of billing insurance and/or Medicaid.

D. Transfer of Rights at Age of Majority

The Charter Institute at Erskine affords rights of privacy to children like those afforded to parents, taking into consideration the age of the child and type or severity of disability.

The rights of parents regarding education records under FERPA transfer to the child at age 18.

If the rights accorded to parents under Part B of the IDEA are transferred to a child who reaches the age of majority (which is 18 in South Carolina), the rights regarding education records also transfer to the child.

The only situation in which all rights do not automatically transfer to the student at age 18 is when a court has judged the student to be unable to fulfill his or her responsibilities (determined the student to be "incompetent"). When this has occurred, The Charter Institute at Erskine must provide prior written notice (PWN) and obtain informed consent from the person who the court

has appointed as the legal guardian. The Charter Institute at Erskine may provide parents information about other options and resources about this topic.

Once rights have been transferred to the student, he or she may be able to execute a power of attorney under S. C. Code Ann. § 62-5-501 (Supp. 2008). This regulation allows a person who is not affected by a “disability” (as defined below) to execute a power of attorney to grant another party the right to act as the agent or attorney-in-fact for the person. The term “disability” here means cause for a protective order which involves the appointment of a conservator or other protective order by the court to act on behalf of an individual. The term does not relate to whether the person has a disability as defined by IDEA. There are additional requirements under this statutory provision that must be met.

Five options relative to students with disabilities for transfer of rights when they turn age eighteen: 1) All Rights Transfer to The Student; 2) The Student Makes Decisions with Support and Assistance (Supported Decision Making); 3) Delegation of Rights A student with the capacity to do so may sign a power of attorney and delegate his or her rights to an agent (such as a parent) or delegate his or her rights using the form developed by the SCDE. 4) Certification of an Educational Representative A student who is unable to communicate his or her wishes, interests, or preferences with respect to an educational program may have an educational representative certified to act on his or her behalf. 5) Guardianship of the Student If a student is incapacitated, the parents or other appropriate person may seek guardianship of the adult child through the Probate Court process. The Consent Act does not apply if the student has a court-appointed guardian.

Once a child reaches the age of 17, the IEP must include a statement that the child has been informed regarding this transfer of rights.

E. Disciplinary Information and Reports to Law Enforcement

The Charter Institute at Erskine includes 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 and transmits the statement to the same extent that disciplinary information is included in, and transmitted with, the records of nondisabled children.

When a child transfers from the, the transmission of any of the child’s records includes the child’s current IEP, most current evaluation/reevaluation, and any statement of current or previous disciplinary action that has been taken against the child.

A statement of disciplinary action shall:

- (1) Specify the circumstances that resulted in the disciplinary action and provide a description of the disciplinary action taken if the disciplinary action was taken because the child:

- (a) Carried a weapon to or possessed a weapon at school, on school premises or to or at a school function;
 - (b) Knowingly possessed or used illegal drugs, or sold or solicited the sale of a controlled substance, while at school, on school premises or at a school function;
or
 - (c) Inflicted serious bodily injury upon another person while at school, on school premises or at a school function; and
- (2) Include any information that is relevant to the safety of the child and other individuals involved with the child.

A statement of disciplinary action may include a description of any other behavior engaged in by the child that required disciplinary action, and a description of the disciplinary action taken.

If the Charter Institute at Erskine or school authorized by the Institute reports a crime to the appropriate law enforcement officials, The Charter Institute at Erskine transmits copies of the special education and disciplinary records of the child to those officials only to the extent that the transmission is permitted by FERPA and any other applicable laws.

F. Destruction of Records

Federal auditing requirements necessitate the availability of education records for identified students for 5 years after they exit from special education services. After that period, the Charter Institute at Erskine may destroy records. However, before destroying special education records, The Charter Institute at Erskine must notify the parent (or the adult student) that the information is no longer needed by The Charter Institute at Erskine or individual school to provide services to the student and that the school is proposing to destroy them.

The Charter Institute at Erskine will send a certified letter to the student at the last known address. If that letter is returned to the Charter Institute at Erskine, that return becomes the documentation of the Charter Institute at Erskine's attempt to inform the student of the proposed destruction of records. In such cases, The Charter Institute at Erskine will publish a public notice to students who graduated or left school five years previously. The notice will be addressed to students and guardians, advising them of the proposed destruction of records and asking them to contact the Charter Institute at Erskine if they object to the destruction.

The Charter Institute at Erskine provides such notice in this document and in the Charter Institute at Erskine's procedural safeguards.

“NOTICE OF DESTRUCTION OF SPECIAL EDUCATION RECORDS: Special education records for each child with a disability are maintained by the Charter Institute at Erskine until no longer needed to provide educational services to the child. This notice is to inform you that the special education records for this student will be destroyed after five (5) years following program completion or graduation from high school, unless the student (or the student's legal guardian) has taken possession of the records prior to that time.”

If the parents or student who has reached the age of majority makes no request for records, the information is then destroyed. However, a permanent record of a student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed is maintained without time limitation.

III. Child Find

In accordance with federal law, The Charter Institute at Erskine assumes responsibility for the location, identification and evaluation of all children ages 3 through 21 who are enrolled in any of the schools chartered with The Charter Institute at Erskine, who reside within the state of South Carolina, and who require special education and related services. This includes children who are suspected of having a disability even though they are advancing from grade to grade (34 C.F.R. § 300.111(a)(c)). The decision to serve students who are 21 years old on or before September 1 of the school year is left to each individual charter school that is chartered with The Charter Institute at Erskine

A. Responsibility for Determining Eligibility

The Charter Institute at Erskine, the multidisciplinary team ensures that the student meets the eligibility requirements of IDEA and South Carolina Board of Education regulations 43-243 and 43-243.1.

In all cases, The Charter Institute at Erskine multidisciplinary team will not determine that a student has a disability if the suspected disability is the result of a lack of instruction in reading or math. If the student is not proficient in English, The Charter Institute at Erskine will not identify the student as having a disability if the limited English proficiency (LEP) is the cause of the suspected disability.

B. Child Identification Process

The Charter Institute at Erskine as a child identification process that includes the location, identification and evaluation of a child suspected of having a disability. The Charter Institute at Erskine, in conjunction with each of the charter schools within the district, coordinates the child identification process. The Charter Institute at Erskine, its schools, and its staff use a variety of community resources and systematic activities to identify children requiring special services.

The following is the school's Child Find notice and a description of methods for publically providing the notice:

As a public charter school within the Charter Institute at Erskine, **(Insert School Name)** follows the Institute's special education referral and evaluation procedure referred to as Child Find. The Child Find Notice is posted on the school website under the **(Insert Website)** tab and is distributed to parents in the Parent/Student Handbook.

Describe school's procedure:

Procedures for referring students who may be suspected of having a disability:

A) Referrals initiated by school:

A school or staff member who reasonably believes a child may be a child with a disability has a legal duty to refer the child, including a homeless child or a child advancing from grade to grade, to the school district in which the child is enrolled.

Before referring the child, the person making the referral must inform the child's parent that the referral will be made. Referrals must be in writing and include the reason why the person believes the child is a child with a disability. A referral may be made by contacting the Special Education Coordinator and/or **MTSS coordinator**, at **(Insert phone number/email)** or in writing at **(Insert school address)**.

Once the written request has been received by the school, the **MTSS team**, including the chair, interventionist in area(s) of concern, parent, classroom teacher, and any other individual that may have working knowledge of the student and his/her needs will meet to consider the data and determine if the team suspects a disability. 1) If the team does not suspect a disability, the **MTSS/RTI team will follow the policies and procedures outlined in the MTSS handbook**. 2) If the team does suspect a disability, the above procedure is followed. At the same time, the parent is requested to complete and return a functional hearing/vision screening, developmental /medical/health history form, and a medical release, if applicable. Once all forms are gathered and the **MTSS** team has gathered data on present levels, an Evaluation Planning Meeting is scheduled to review the data as a team.

Describe school's procedure: [Click here to enter text.](#)

B) Referrals initiated by parents

Others, including parents, who reasonably believe a child is a child with a disability may also refer the child, including a homeless child or a child advancing from grade to grade, to the school or district in which the child is enrolled. Referrals must be in writing and include the reason why the person believes the child is a child with a disability. A referral may be made by contacting the Special Education Coordinator, at **(phone number/email)** or in writing at **(school address)**.

Once the written request has been received by the school, the **MTSS** team, including the chair, interventionist in area(s) of concern, parent, classroom teacher, and any other individual that may have working knowledge of the student and his/her needs will meet to consider the data and determine if the team suspects a disability. 1) If the team does not suspect a disability, the **MTSS/RTI team will follow the policies and procedures outlined in the MTSS handbook**. 2) If the team does suspect a disability, the above procedure is followed while at the same time, the parent is requested to complete and return a parent request for assistance form, functional hearing/vision screening, developmental /medical/health history form, and a medical release, if applicable. Once all forms are gathered and the **MTSS** team has gathered data on present levels, an Evaluation Planning Meeting is scheduled to review the data as a team.

Describe school procedure: [Click here to enter text.](#)

Part B (BabyNet) to Part C (School Age) Transition

Evaluation, Eligibility Determination and Placement must occur prior to child's third birthday. If identified as a student with a disability, services must begin on the child's third birthday.

The children will be referred to the local homeschool district for a comprehensive evaluation and eligibility determination prior to enrolling in the Institute, the part B representative should be invited. Once enrolled, the Institute will be responsible for developing the IEP, if appropriate. The Part B representative will be invited to the meeting. If the child is already enrolled in The Charter Institute at Erskine, then the respective Charter School will be responsible for the comprehensive evaluation.

C. Data Collection

The Charter Institute at Erskine maintains a data management system and submits data to South Carolina Department of Education, Office of Special Education Services pursuant to South Carolina Board of Education Regulations 43-243.

IV. Procedural Safeguards

A. Prior Written Notice

The Charter Institute at Erskine provides prior written notice as required by IDEA and South Carolina Board of Education Regulations 43-243.

(1) CONTENT OF PRIOR WRITTEN NOTICE

The prior written notice, in accordance with the IDEA regulations and the South Carolina Board of Education Regulations 43-243, includes the following information to ensure that parents are fully informed of the action being proposed or refused:

- (a) A description of the action proposed or refused by The Charter Institute at Erskine
- (b) An explanation of why The Charter Institute at Erskine proposes or refuses to take this action;
- (c) A description of other options that the IEP team considered and the reasons why those options were rejected;
- (d) A description of each evaluation procedure, assessment, record or report that The Charter Institute at Erskine used as a basis for the proposed or refused action;
- (e) A description of other factors that are relevant to The Charter Institute at Erskine's proposal or refusal;
- (f) A statement that the parents of a child with a disability have procedural safeguards and, if the notice is not an initial referral for evaluation, how a copy of the description of procedural safeguards can be obtained; and
- (g) Sources for parents to contact to obtain assistance in understanding the provisions of South Carolina's rule regarding procedural safeguards.

(2) COMMUNICATION OF THE PRIOR WRITTEN NOTICE

The Charter Institute at Erskine provides the notice in the native language of the parents or other mode of communication used by the parents unless it is clearly not feasible to do so.

If the native language or other mode of communication is not a written language, The Charter Institute at Erskine takes steps to have the notice translated orally or by other means to the parent in the parent's native language or other mode of communication. The Charter Institute at Erskine takes steps to ensure that such parents understand the content of the notice and maintains written evidence that both requirements set forth in this paragraph, if applicable, have been met.

The Charter Institute at Erskine may provide the prior written notice, procedural safeguards notice, and the notification of a due process complaint by e-mail if the parents choose to receive the notices electronically.

B. Procedural Safeguards Notice

Parents of a child with a disability are entitled to specific procedural safeguards under IDEA and South Carolina Board of Education Regulations. The Charter Institute at Erskine provides parents with a copy of the procedural safeguards at least once a year during the annual review.

In addition, The Charter Institute at Erskine provides parents with a printed copy of this procedural safeguards notice in each of the following circumstances:

- (1) Upon the initial referral or parental request for evaluation;
- (2) Upon receipt of the first State complaint or due process hearing request in a school year;
- (3) Upon a change in placement for disciplinary action; and
- (4) When requested by the parents or the child who has reached the age of majority.

☐ The school will use the Institute’s Notice of Procedural Safeguards for Parents of Students with Disabilities.

C. Parental Consent

Consent means that the parents:

- (a) Have been fully informed in the parents’ native language or other mode of communication of all information relevant to the activity for which consent is sought;
- (b) Understand and agree in writing to the carrying out of the activity for which the consent was asked. The consent describes that activity and lists the records (if any) that will be released and to whom they will be released; and
- (c) Understand that the granting of consent is voluntary and may be revoked at any time.

(1) ACTIONS REQUIRING INFORMED WRITTEN PARENTAL CONSENT

The Charter Institute at Erskine obtains written consent from the parents before:

- (a) Conducting an initial evaluation to determine if a child is eligible for special education;
- (b) Initially providing special education and related services (this does not apply to students transferring into the Institute with an active IEP);
- (c) Conducting a reevaluation when additional data are needed; and
- (d) Releasing personally identifiable information about the child to any person other than a person authorized to obtain those records without parental consent pursuant to FERPA. For example, parental consent is obtained prior to releasing records to a representative of an agency that is likely to be responsible for providing or paying for transition services or for the purposes of billing Medicaid.

The Charter Institute at Erskine does not obtain written parental consent when reviewing existing data as part of an evaluation or reevaluation or when administering a test or evaluation that is given to all children, unless consent is required of all parents.

(2) PARENTS' FAILURE TO RESPOND OR REFUSAL TO PROVIDE CONSENT

The Charter Institute at Erskine makes reasonable efforts to contact parents and obtain written parental consent that may include:

- (a) Written correspondence;
- (b) Phone calls;
- (c) Electronic mail communications, to include but not limited to e-mail and password-protected parent pages; and/or
- (d) Visits to the home or parents' places of employment.

The Charter Institute at Erskine documents its attempts. If the parents fail to respond or refuse to provide consent, The Charter Institute at Erskine proceeds as follows:

INITIAL EVALUATION

If the parents fail to respond to The Charter Institute at Erskine efforts to obtain consent or refuse consent for the initial evaluation, The Charter Institute at Erskine may:

- (a) Request a due process hearing and engage in conflict resolution (e.g., resolution meeting and/or mediation) to convince the parents to provide their consent; or
- (b) Decide not to pursue the initial evaluation and provide the parents with prior written notice of this decision. The Charter Institute at Erskine does not violate its obligation under IDEA if it declines to pursue the evaluation.

REEVALUATION

If the parents fail to respond to The Charter Institute at Erskine reasonable efforts to obtain consent for a reevaluation when additional data are needed The Charter Institute at Erskine proceeds with the reevaluation.

If the parents expressly refuse consent for a reevaluation when additional data are needed or if the parent revokes consent before the conclusion of the reevaluation, The Charter Institute at Erskine has the following options:

- (a) The Charter Institute at Erskine and the parent may agree that the reevaluation is unnecessary. If such an agreement is reached, the three-year reevaluation need not be conducted. However, The Charter Institute at Erskine will continue to provide FAPE to the child.
- (b) If the Charter Institute at Erskine believes that the reevaluation is necessary, and the parent refuses to consent to the reevaluation, The Charter Institute at Erskine may, but is not required to, pursue the reevaluation by requesting mediation or a due process hearing to obtain consent to gather the additional data.
- (c) If the Charter Institute at Erskine chooses not to pursue the reevaluation by using the consent override procedures and the Charter Institute at Erskine believes, based on a review of existing evaluation data, that the child does not continue to have a disability or does not continue to need special education and related services, The Charter Institute at Erskine may determine that it will not continue the provision of special

education and related services to the child. If the Charter Institute at Erskine determines that it will not continue the provision of special education and related services to the child, the Charter Institute at Erskine will provide the parents with prior written notice of its proposal to discontinue the provision of FAPE to the child, including the right of the parent to use the mediation procedures or the due process procedures if the parent disagrees with the Charter Institute at Erskine decision to discontinue the provision of FAPE to the child.

The Charter Institute at Erskine continues to provide FAPE to the child if the Charter Institute at Erskine agrees with the parents that a reevaluation is unnecessary.

INITIAL PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES

If the parents do not attend the eligibility determination meeting and the team finds that the child is eligible for special education services under IDEA, The Charter Institute at Erskine makes reasonable attempts to obtain written parental consent through other methods such as calling the parents, corresponding with the parents and/or visiting the parents.

If the parents expressly refuse consent for the initial provision of special education services, as evidenced by their signatures on the consent form indicating that consent is not given, The Charter Institute at Erskine maintains a copy of that form and does not proceed with the development of an IEP.

If the parents fail to respond or refuse consent, The Charter Institute at Erskine provides the parents with prior written notice and continues to provide the child with appropriate interventions in the regular education classroom. The Charter Institute at Erskine may not request a due process hearing or engage in conflict resolution to obtain agreement or a ruling that services may be provided to the child. The child may be referred for an initial evaluation again at any time by parents or school staff. The Charter Institute at Erskine continues to be responsible under Child Find requirements.

The Charter Institute at Erskine does not use the parents' refusal to consent to one service or activity to deny the parents or the child any other service, benefit or activity in, The Charter Institute at Erskine except in those instances in which IDEA authorizes that denial.

(3) REVOCATION OF CONSENT

The parents may revoke consent for and remove the child from special education and related services. Once the Charter Institute at Erskine receives written revocation of consent, it provides the parents with prior written notice and continues to provide the child with appropriate interventions through the regular education environment. The revocation is for all special education services. The parent may not revoke consent for a service only.

The Charter Institute at Erskine is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent. If a parent revokes consent, that revocation is not retroactive.

If a parent has provided written revocation of consent, The Charter Institute at Erskine will not file a due process complaint or engage in conflict resolution to attempt to obtain agreement or a ruling that special education and related services may be provided to the child.

Once the LEA has received the written revocation of services from the parent, the LEA must promptly provide the parent or student who is 18 or older with PWN regarding the change in educational placement and services that will result from the revocation. The PWN must be provided a reasonable time before the LEA discontinues services and must give the parent information and time to fully consider the change and its implications. This PWN will ensure that parents are fully informed of the educational services and supports that they are declining. The PWN must inform the parent, as plainly as possible, that the student will no longer receive any special education or related services; nor will the student be entitled to the protections under the IDEA disciplinary procedures if he or she violates the LEA's disciplinary code of conduct. The PWN must be clear and specific so that the parent or student can make an informed decision. The LEA may not discontinue services until the PWN has been provided to the parent. If the student who has reached age 18 revokes consent for services, the LEA is required to provide any notice (including PWN) to the student and parents under 34 C.F.R. § 300.520(a)(1)(i).

Revocation of consent releases The Charter Institute at Erskine from responsibility and liability for providing a FAPE from the time the parent revokes consent in writing until the time, if any, that the child is again evaluated and deemed eligible for special education services and related services. The Charter Institute at Erskine will not be deemed to have knowledge that the child is a child with a disability under IDEA and the child may be disciplined as a general education student and is not entitled to discipline protections under the IDEA.

Consistent with its Child Find responsibility, The Charter Institute at Erskine will ensure that general education teachers make appropriate referrals for children suspected of having a disability, which would include the referral of children whose parents have previously revoked consent.

D. Independent Educational Evaluation

Parents who disagree with an evaluation that was completed or obtained by The Charter Institute at Erskine may request an independent educational evaluation at public expense **or at their own expense**. Parents are entitled to request only one independent educational evaluation at public expense each time the Charter Institute at Erskine conducts an evaluation with which the parents disagree. **If the District has not performed its own evaluation in a particular area, the parent does not have the right to an IEE with respect to that area until after the District performs an assessment in the area of disagreement.**

(1) INDEPENDENT EDUCATIONAL EVALUATION AT PUBLIC EXPENSE

If the parents request an independent educational evaluation at public expense, The Charter Institute at Erskine either:

- (a) Ensures that an independent evaluation is provided at public expense; or
- (b) Files a due process complaint requesting a hearing to show that the Charter Institute at Erskine's evaluation is appropriate.

If the Charter Institute at Erskine files a due process complaint and the final decision is that the Charter Institute at Erskine evaluation is appropriate, the parent still has the right to request an independent educational evaluation, but not at the public expense.

(2) PARENT INITIATED EVALUATIONS

If a parent obtains an independent educational evaluation at public expense or shares with The Charter Institute at Erskine an evaluation obtained at private expense, The Charter Institute at Erskine considers that evaluation, if it meets The Charter Institute at Erskine criteria, in any decision made with respect to the provision of FAPE to the child. **If the parent obtains an IEE that does not comply with the Institute criteria, the district may refuse to reimburse for the cost of the IEE. This result may be avoided if the parent contacts the district prior to obtaining an IEE, and allows the district to undertake the necessary arrangements to perform the IEE in accordance with these criteria.**

(3) INSTITUTE CRITERIA

If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the Charter Institute at Erskine uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation. Except for the above-mentioned criteria, The Charter Institute at Erskine does not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

E. Conflict Resolution

(1) MEDIATION

At its discretion, The Charter Institute at Erskine participates in the resolution of disputes with other parties through the voluntary mediation processes available through the South Carolina Department of Education, Office of General Council.

(2) IMPARTIAL DUE PROCESS HEARING/RESOLUTION MEETINGS

Due process complaints filed against The Charter Institute at Erskine proceed in the manner set forth in South Carolina Department of Education Board of Education Regulations.

School administration and/or Institute administration will be involved in the decision-making process regarding the discipline of students with disabilities.

The Charter Institute at Erskine convenes a resolution meeting before the initiation of a due process hearing. The resolution meeting:

- (a) Occurs within 15 days of the receipt of notice of the parents' due process complaint;
- (b) Includes a representative of The Charter Institute at Erskine who has decision-making authority on behalf of The Charter Institute at Erskine;
- (c) Does not include The Charter Institute at Erskine attorney unless the parents are accompanied by an attorney;
- (d) Provides an opportunity for the parents to discuss their due process complaint and the facts the complaint is based on; and
- (e) Provides the Charter Institute at Erskine an opportunity to resolve the dispute.

The Charter Institute at Erskine does not hold a resolution meeting if the parents and The Charter Institute at Erskine agree in writing to waive the meeting or agree to use the mediation process. Also, if the Charter Institute at Erskine files the due process complaint, it is not required to hold a resolution meeting.

The Charter Institute at Erskine is responsible for conducting the impartial due process hearing utilizing a hearing officer trained by the South Carolina Department of Education and appointed by The Charter Institute at Erskine. The Charter Institute at Erskine follows the procedures required by South Carolina Department of Education Board of Education Regulations when conducting a hearing at a time and place that is reasonably convenient to the parents and the child involved.

If the parents request to inspect and review any education records relating to their child, The Charter Institute at Erskine replies without unnecessary delay and makes the records available before the hearing.

The Charter Institute at Erskine provides the parents with one copy of the written, or at the option of the parents, an electronic verbatim record of the hearing and findings of fact and decision at no cost. The decision is final except that any party to the hearing may appeal the decision to the South Carolina Department of Education, Office of General Counsel. Any further appeals or actions proceed in accordance with South Carolina Department of Education Regulations.

F. Child's Status During Due Process Proceedings/Code of Conduct Violations

(1) CHILD'S STATUS DURING DUE PROCESS PROCEEDINGS

The Charter Institute at Erskine ensures that a child remains in the current educational placement during the pendency of any administrative or judicial proceeding regarding a due process complaint, unless The Charter Institute at Erskine and the parents of the child agree otherwise.

If the due process complaint involves an application for initial admission to the Charter Institute at Erskine, the child will remain in his or her district of residence until the completion of all proceedings.

(2) DISCIPLINARY PROCEEDINGS

The Charter Institute at Erskine will consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of South Carolina Department of Education Board of Education Regulations, is appropriate for a child with a disability who violates a code of student conduct.

(a) Changes in placement less than 10 consecutive school days

The Charter Institute at Erskine may remove a child with a disability who violates a code of student conduct from the child's current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement).

The Charter Institute at Erskine considers on a case-by-case basis whether a pattern of removals constitutes a change of placement. A change in placement occurs if:

- (1) The removal is for more than 10 consecutive school days, **or**
- (2) The child has been subjected to a series of removals that constitute a pattern:
 - (a) Because the series of removals total more than 10 school days in a school year;
 - (b) Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; **and**
 - (c) Because of such additional factors as the length of each removal, the total amount of time the child has been removed and the proximity of the removals to one another.

The Institute makes use of In School Suspension (ISS) when appropriate. ISS is described as:

- Student is afforded the opportunity to continue to appropriately participate in the general curriculum
- The student continues to receive the services specified on IEP; and
- Student continues to participate with nondisabled peers to the extent they would have in their current placement

Describe the school's procedures for the following: monitoring in- and out-of-school suspensions, to include the review of suspension/expulsion data; determining when a pattern of removals constitutes a change of placement; and addressing behavior issues using positive behavior interventions:

If a student approaches his/her 7th day of suspension, the teacher (general or special education teacher) of the student notifies Administration, and the Coordinator of Special Education. The special education coordinator will develop an IEP team, review IEP, develop a functional behavior assessment and behavior interventions plan (if necessary). Once the student has been suspended for 10 school days, the school will conduct a manifestation determination meeting, review the IEP and behavior intervention and determine appropriate education placement.

Describe school procedure: [Click here to enter text.](#)

(b) Services during removal from current placement

The Charter Institute at Erskine provides services to a child removed from the child's current placement as follows:

- (1) If the child has been removed from the child's current placement for 10 school days or less in the school year, services are provided only to the extent that services are provided to a child without disabilities who is similarly removed;
- (2) After a child with a disability has been removed from the child's current placement for 10 school days in the same year (under circumstances in which the current removal is for not more than 10 consecutive days and is **not** a change in placement), The Charter Institute at Erskine provides services, as determined by school personnel in consultation with at least one of the child's teachers, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP;
- (3) If the removal is a change in placement, the child's IEP team determines appropriate services; and
- (4) If a child with a disability is removed from the child's current placement for either more than 10 consecutive days for behavior that is determined **not** to be a manifestation of the child's disability or under circumstances that constitute special circumstances, as defined below, The Charter Institute at Erskine ensures that the child continues to receive educational services so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

The Charter Institute at Erskine does not have any alternative schools.

Describe the school's procedures for providing FAPE for students with disabilities who are suspended, expelled, or placed in an Interim Alternative Educational Setting:

On day 11, services will be provided to the extent necessary for the student to make progress in the general curriculum and toward achieving IEP goals. Decisions are made by the IEP, using data collected on an individual and case by case basis. The decision regarding these services and the location of the services will be made by the principal, the school's coordinator, and the IEP team.

Describe school procedure: [Click here to enter text.](#)

(c) Manifestation determination

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the school, the parent and relevant members of the child's IEP team (as determined by the parent and the Institute) must review all relevant information in the child's file, including the child's IEP, any teacher observations and any relevant

information provided by the parents to determine if the conduct was a manifestation of the child's disability. The Charter Institute at Erskine determines that the conduct is a manifestation of the child's disability:

- (1) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- (2) If the conduct in question was the direct result of the school district's failure to implement the IEP.

If the relevant members of the IEP team, which includes the parents, determine that the conduct in question was the direct result of the school district's failure to implement the IEP, The Charter Institute at Erskine takes immediate steps to remedy those deficiencies.

- (1) If the conduct was a manifestation of the child's disability, the IEP team either:
 - (a) Starts to conduct a functional behavioral assessment within 10 days of the manifestation determination and completes the assessment as soon as practical, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implemented a behavioral intervention plan for the child; **or**
 - (b) If a behavioral intervention plan already has been developed, within 10 days of the manifestation determination, reviews the behavioral intervention plan and the implementation of the plan, and modifies it, as necessary, to address the behavior subject to disciplinary action; **and**
- (2) Returns the child to the placement from which the child was removed, unless the parent and The Charter Institute at Erskine agree to a change of placement as part of the modification of the behavioral intervention plan.

(d) Special Circumstances

The Charter Institute at Erskine may remove a child to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:

- (1) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of South Carolina Department of Education or a school district;
- (2) Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of South Carolina Department of Education or a school district; or
- (3) Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the jurisdiction of South Carolina Department of Education or a school district.

The Charter Institute at Erskine defines the terms-controlled substance, weapon, illegal drug and serious bodily injury in accord with South Carolina Board of Education regulations.

On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the school must notify the parents of that decision and provide the parents with the procedural safeguards notice described in Section (b) above.

(e) Expedited Due Process Hearing

The Charter Institute at Erskine or the parents may submit a due process complaint requesting an expedited due process hearing to appeal a decision made during disciplinary procedures.

- (1) The Charter Institute at Erskine may request an expedited due process hearing if it believes that maintaining the current placement of a child is substantially likely to result in injury to the child or to others.
- (2) The parents may request an expedited due process hearing to appeal decisions regarding placement for disciplinary removals or the manifestation determination.

The Charter Institute at Erskine is responsible for conducting the expedited due process hearing utilizing a hearing officer trained by the South Carolina Department of Education and appointed by the Charter Institute at Erskine. The Charter Institute at Erskine follows the procedures that apply for other due process hearings except that the expedited due process hearing must occur within 20 school days after the date the due process complaint is filed, and no extensions of time shall be granted. The hearing officer then must decide within 10 school days after the hearing. The Charter Institute at Erskine follows the expedited timelines and the procedures set forth in South Carolina Board of Education Regulations.

G. Transfer of Parental Rights at Age of Majority/Student Notification

Once a child reaches the age of majority, The Charter Institute at Erskine sends all required notices to both the student and parent, unless the student has been determined incompetent under state law. If a child with a disability is incarcerated in an adult or juvenile correctional institution, prior written notices are provided to both the parents and the student.

One year before the child's 18th birthday, The Charter Institute at Erskine notifies both the parents and the child of the parental rights that will transfer to the child upon reaching the age of majority (age 18).

Once the child turns 18, The Charter Institute at Erskine obtains informed written consent, as required by the South Carolina Board of Education regulations, from the student, unless the student has been determined incompetent under state law.

Once rights have been transferred to the student, he or she may be able to execute a power of attorney under S. C. Code Ann. § 62-5-501 (Supp. 2008).

H. Surrogate Parents

The Charter Institute at Erskine ensures that the rights of a child are protected when:

- (1) No parent can be identified;
- (2) The Charter Institute at Erskine, after making reasonable efforts, cannot locate a parent;
- (3) The child is a ward of the state; or
- (4) The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. §11434a (6)).

One way in which The Charter Institute at Erskine protects the rights of such children is through the assignment of surrogate parents where appropriate. The Charter Institute at Erskine has a method for determining when a child needs a surrogate parent, for assigning a surrogate parent to the child and for training of the surrogate parents that complies with the requirements of South Carolina Board of Education regarding surrogate parents.

V. Evaluation

The Charter Institute at Erskine ensures that initial evaluations are conducted and that reevaluations are completed for children who attend a school who has chartered with The Charter Institute at Erskine. The Charter Institute at Erskine uses a referral process to determine whether a child is a child with a disability. The Charter Institute at Erskine also provides interventions to assist a child who is performing below grade-level standards. The provision of intervention services is not used to unnecessarily delay a child's evaluation for purposes of determining eligibility for special education services.

A. Initial Evaluation

1. TIMING AND INITIATION

The Charter Institute at Erskine conducts an evaluation before the initial provision of special education and related services. A parent of a child may initiate a request for an initial evaluation to determine if the child is a child with a disability. Additionally, when there is reason to suspect the child may have a disability, an employee of the Charter Institute at Erskine, including its schools, is obligated to initiate a request for an initial evaluation.

Describe the school's procedure for documenting receipt of referral and tracking timelines and holding meetings to ensure all timelines are met as required.

(Insert School Name) uses an evaluation tracking sheet to be sure timelines are met within 60 days. The tracking sheet includes meeting dates, due dates and indicates areas where data will be collected.

Describe School Procedure: [Click here to enter text.](#)

Within a reasonable amount of time from the receipt of a request for an evaluation, The Charter Institute at Erskine either obtains parental consent for an initial evaluation through an evaluation planning meeting or provides to the parents' prior written notice stating that The Charter Institute at Erskine does not suspect a disability and will not be conducting an evaluation.

The initial evaluation:

- (a) Is conducted within 60 days of receiving parental consent for the evaluation; and
- (b) Consists of procedures:
 - (i) To determine if the child is a child with a disability as defined in South Carolina Board of Education Regulation 43-243.1; and
 - (ii) To determine the educational needs of the child.

The Charter Institute at Erskine obtains parental consent before conducting an evaluation. See Chapter IV, Section C, regarding parental consent requirements.

The evaluation team consists of the members similar to those of IEP team and other qualified professionals.

2. THE EVALUATION PLAN AND EVALUATION TEAM REPORT

As part of the initial evaluation and any reevaluation, the evaluation team will develop an evaluation plan that will provide for the following and be summarized in an evaluation team report:

- (a) Review of existing evaluation data on the child, including:
 - (i) Evaluations and information provided by the parents of the child;
 - (ii) Current classroom-based, local or state assessments and classroom-based observations;
 - (iii) Observations by teachers and related services providers;
 - (iv) Data about the child's progress in the general curriculum, or, for the preschool-age child, data pertaining to the child's growth and development; and
 - (v) Data from previous interventions.
- (b) On the basis of that review and input from the child's parents, identify what additional data, if any, are needed to determine:
 - (i) Whether the child is a child with a disability, as defined in South Carolina Board of Education Regulation 43-243.1, and the educational needs of the child;
 - (ii) In the case of a reevaluation of a child, whether the child continues to have such a disability and the educational needs of the child;
 - (iii) The present levels of academic achievement and related developmental needs of the child;
 - (iv) Whether the child, as a result of the disability, needs special education and related services; or
 - (v) In the case of a reevaluation of a child, whether the child continues to need special education and related services; and
 - (vi) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.

The Charter Institute at Erskine administers such assessments and other evaluation measures as may be needed to produce the data identified above. The Charter Institute at Erskine provides prior written notice to the parents of a child with a disability that describes any evaluation procedures the school district proposes to conduct.

3. CONDUCT OF EVALUATION

In conducting the evaluation, The Charter Institute at Erskine:

- (a) Uses a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child, including information provided by the parent, that may assist in determining:
 - (i) Whether the child is a child with a disability as defined in South Carolina Board of Education Regulation 43-243.1; and

- (ii) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child to participate in appropriate activities);
- (b) Does not use any single measure or assessment 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; and
- (c) Uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

The Charter Institute at Erskine ensures that:

- (a) Assessments and other evaluation materials used to assess a child:
 - (i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - (ii) Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information about what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to so provide or administer;
 - (iii) Are used for the purposes for which the assessments or measures are valid and reliable;
 - (iv) Are administered by trained and knowledgeable personnel; and
 - (v) Are administered in accordance with any instructions provided by the producer of the assessments.
- (b) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
- (c) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual or speaking skills, the assessment results accurately reflect 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);
- (d) A school age child is 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 and motor abilities;
- (e) Preschool children are assessed in the following developmental areas: adaptive behavior, cognition, communication, hearing, vision, sensory/motor function, social-emotional functioning and behavioral function.
- (f) Assessments of children with disabilities who transfer from one school district to another school district in the same school year are coordinated with the children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with South Carolina Board of Education Regulations 43-243, to ensure prompt completion of the full evaluations.
- (g) In evaluating each child with a disability, the evaluation is sufficiently comprehensive to identify all the child's special education and related service needs, whether commonly linked to the disability category in which the child has been classified.

- (h) Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

B. Eligibility of Determination and Evaluation Team Report

1. COMPLETION OF THE EVALUATION TEAM REPORT

The following occurs upon completion of the administration of assessments and other evaluation measures:

- (a) The evaluation team, including the parent of the child and other qualified professionals, determines whether the child is a child with a disability, in accordance with the South Carolina Board of Education Regulation 43-243.1; and
- (b) The Charter Institute at Erskine provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

The written evaluation team report shall include:

- (a) A summary of the information obtained during the evaluation process; and
- (b) The names, titles and signatures of each team member, including the parent, and an indication of whether they are in agreement with the eligibility determination. Any team member who is not in agreement with the team's determination of disability shall submit a statement of disagreement.

The Charter Institute at Erskine provides a copy of the evaluation team report and the documentation of determination of eligibility or continued eligibility to the parents prior to the next IEP meeting and in no case later than 15 calendar days from the date of eligibility determination.

2. DETERMINATION OF ELIGIBILITY

A child is not determined to be a child with a disability:

- (a) If the determinant factor for that determination is:
 - (i) Lack of appropriate instruction in reading, including the essential components of reading instruction as defined in Section 1208(3) of the Elementary and Secondary Act of 1965, as amended and specified in the No Child Left Behind Act of 2002, January 2002, 20 U.S.C. 6301 (ESEA);
 - (ii) Lack of appropriate instruction in math; or
 - (iii) Limited English proficiency; and
- (b) If the child does not otherwise meet the eligibility criteria under South Carolina Board of Education Regulation 43-243.1.

The Charter Institute at Erskine, in interpreting evaluation data for the purpose of determining if a child is a child with a disability, does the following:

- (a) Draws upon information from a variety of sources, including aptitude and achievement tests, state- and district-wide assessments, parent input and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and
- (b) Ensures that information obtained from all of these sources is documented and carefully considered.

If a determination is made that a child has a disability and needs special education and related services, after seeking the consent for the initial provision of services, The Charter Institute at Erskine develops an IEP for the child within 30 calendar days of the date eligibility is determined as required by South Carolina Board of Education Regulations 43-243. If the parent does not give consent for the initial provision of services, The Charter Institute at Erskine is not required to develop an IEP for the student.

C. Reevaluations

The Charter Institute at Erskine conducts reevaluations of a child with a disability:

- (a) At least once every three years, unless the parent and The Charter Institute at Erskine agree the reevaluation is unnecessary;
- (b) If the Charter Institute at Erskine determines that the child's educational or related service needs, including improved academic achievement and functional performance, warrant a reevaluation;
- (c) If the child's parent or teacher requests a reevaluation; or
- (d) In order to make a change in disability category.

A reevaluation may not occur more than once a year, unless the parent and The Charter Institute at Erskine agree otherwise.

A reevaluation must occur at least once every three years, unless the parent and The Charter Institute at Erskine agree that a reevaluation is unnecessary.

The Charter Institute at Erskine reevaluates a child with a disability before determining that child is no longer a child with a disability, although this evaluation is not required if the child's eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law. If a child's eligibility terminates for one of these reasons, The Charter Institute at Erskine provides the child with a summary of performance, which will include recommendations on how to assist the child in meeting the child's postsecondary goals.

The Charter Institute at Erskine also reevaluates a child prior to discontinuing special education services under one or more disability categories or prior to discontinuing any related service (occupational therapy, physical therapy, counseling). For example, if a child is receiving special education services under the categories of Autism and Speech-Language Impairment, a reevaluation must be conducted prior to discontinuing services under either or both categories of disability. If a child is receiving occupational therapy services as related services, a reevaluation must be conducted prior to discontinuing these services.

Describe the school's procedure to tracking reevaluation timelines and/or notifying parents of the option to request additional information.

(Insert School Name) uses Enrich reports and teacher created spreadsheets to monitor reevaluation due dates. Teachers contact parents well in advance to explain the purpose and procedures for a reevaluation. The meetings are scheduled and held prior to the due date listed in Enrich.

Describe school procedure: Click here to enter text.

D. Identifying Children with Specific Learning Disabilities

The Charter Institute at Erskine has written procedures for the implementation of the evaluation process used to determine the existence of a specific learning disability (LD).

(1) DETERMINING THE EXISTENCE OF A SPECIFIC LEARNING DISABILITY

The parents, the IEP team, and a group of qualified professionals from The Charter Institute at Erskine determine that a child has a learning disability if:

- (a) The child does not achieve adequately for the child's age or to meet state-approved grade-level standards in one or more of the following areas, when The Charter Institute at Erskine provides learning experiences and instruction appropriate for the child's age or state-approved grade-level standards:
 - (i) Oral expression;
 - (ii) Listening comprehension;
 - (iii) Written expression;
 - (iv) Basic reading skill;
 - (v) Reading fluency skills;
 - (vi) Reading comprehension;
 - (vii) Mathematics calculation; or
 - (viii) Mathematics problem-solving; AND
- (b) The child does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the areas identified above, when The Charter Institute at Erskine uses an evaluation process to determine the child's response to scientific, research-based intervention; OR
- (c) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development, exhibit a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development, that is determined to be relevant to the identification of a specific learning disability, using appropriate assessments.

(2) USE OF AN EVALUATION PROCESS BASED ON THE CHILD'S RESPONSE TO SCIENTIFIC, RESEARCH-BASED INTERVENTION FOR LD DETERMINATION

If the Charter Institute at Erskine uses an evaluation process based on the child's response to scientific, research-based intervention to determine whether a child has a learning disability, The Charter Institute at Erskine ensures that this process:

- (a) Begins when The Charter Institute at Erskine has gathered and analyzed sufficient data from scientifically-based instruction and targeted, intensive individualized interventions that provide evidence that the child's needs are unlikely to be met without certain specialized instruction, in addition to the regular classroom instruction;
- (b) Employs interventions that are scientifically-based and provided at appropriate levels of intensity, frequency, duration and integrity, relative to the child's identified needs;
- (c) Is based on results of scientifically-based, technically adequate assessment procedures that assess an ongoing progress while the child is receiving scientifically-based instruction and the results of these procedures have been reported to the child's parents; and
- (d) Includes an analysis of data to determine whether a discrepancy is present between the child's actual and expected performance, in both the child's rate of progress in developing skills, and in the child's level of performance on measures assessing one or more of the academic areas listed above.

The Charter Institute at Erskine will not use this process to delay unnecessarily a child's referral for a comprehensive evaluation to determine eligibility for special education services.

(3) ADDITIONAL REQUIREMENTS FOR LD DETERMINATION

The Charter Institute at Erskine ensures that the following additional requirements are satisfied when determining if a child has a learning disability:

The group that determines that a child suspected of having a learning disability is a child with a disability includes the child's parents and a group of qualified professionals consisting of, but not limited to:

- (a) In the case of a school-age child, the child's regular teacher (or if the child does not have a regular teacher, The Charter Institute at Erskine includes a regular classroom teacher qualified to teach a child of the child's age);
- (b) In the case of children less than school-age, an individual qualified by the South Carolina Department of Education to teach a child of the child's age; and

At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist or remedial reading teacher.

Observation Requirements

The Charter Institute at Erskine ensures that the child is observed in the child's learning environment (which could include the home setting for children enrolled in a virtual school), to

document the child's academic performance and behavior in the areas of difficulty. The group of qualified professionals identified by The Charter Institute at Erskine conducts the observation by:

- (a) Using information from an observation of the child's performance conducted during routine classroom instruction, including monitoring of the child's performance during instruction, that was done before the child was referred for an evaluation; or
- (b) Having at least one member of the group conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation and parent consent has been obtained.

In the case of a child of less than school-age or a child who is out of school, The Charter Institute at Erskine ensures that a group member observes the child in an environment appropriate for a child of that age.

In order to ensure that underachievement in a child suspected of having a learning disability is not due to lack of appropriate instruction in reading or math, The Charter Institute at Erskine considers:

- (a) Data demonstrating that prior to, or as part of, the referral process, the child received appropriate instruction in regular education settings delivered by qualified personnel; and
- (b) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the child's progress during instruction, the results of which were provided to the child's parents.

Obtaining Parental Consent to Evaluate

The Charter Institute at Erskine promptly requests parental consent to evaluate a child to determine if the child needs special education and related services:

- (a) If prior to the referral, the child does not make adequate progress after an appropriate period of time when provided with appropriate instruction. To make this determination, The Charter Institute at Erskine considers:
 - (i) Data demonstrating that prior to, or as part of, the referral process, the child received appropriate scientifically-based instruction in regular education settings delivered by qualified personnel; and
 - (ii) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the child's progress during instruction, the results of which were provided to the child's parents; and
- (b) Whenever a child is referred for an evaluation.

Consideration of Exclusionary Factors

When determining that a child has a learning disability, The Charter Institute at Erskine ensures that the findings from the evaluation process are not primarily the result of:

- (a) A visual, hearing, or motor disability;
- (b) Intellectual Disability;

- (c) Emotional disturbance;
- (d) Cultural factors;
- (e) Environmental or economic disadvantage; or
- (f) Limited English Proficiency (LEP).

If the Charter Institute at Erskine determines that one of these factors is the primary reason for the child's suspected disability, The Charter Institute at Erskine does not identify the child as having a learning disability.

E. Transfers During an Evaluation

If a child moves to The Charter Institute at Erskine during the middle of an evaluation, the Charter Institute at Erskine's schools will coordinate with the child's previous district to ensure prompt completion of the full evaluation. The 60-day timeline for completion of the evaluation may be extended if the parent and The Charter Institute at Erskine agree to a specific time extension as The Charter Institute at Erskine makes sufficient progress to ensure a prompt completion of the evaluation.

VI. Individualized Education Programs (IEPs)

The Charter Institute at Erskine ensures that an IEP is developed and implemented for each child with a disability, ages 3 through 21, inclusive, who requires special education and related services and who attends one of the schools that is currently chartered with The Charter Institute at Erskine. For all children with disabilities who attend one of the schools who has chartered with The Charter Institute at Erskine, is The Charter Institute at Erskine is responsible for ensuring that the requirements of South Carolina Board of Education Regulation 43-243 are met.

A school must choose one of the following:

- Students aged 21 on September 1st of the school year will not be allowed to enroll.
- Students aged 21 on September 1st of the school year will be allowed to enroll and will have services provided until the end of the school year.

The meeting to develop an IEP is conducted within 30 calendar days of a decision that a child needs special education and related services.

The IEP is implemented as soon as possible following its development.

The Charter Institute at Erskine ensures that the parents receive a copy of the child's IEP at no cost to the parents.

The parents may receive a copy of the IEP either at the conclusion of the IEP meeting or within 7 calendar days of the date of the IEP meeting. The PWN must be provided to parents prior to initiating the changes agreed upon by the IEP team.

Describe the school's procedures of providing the parents a copy of the signed IEP and PWN after an IEP meeting:

- For meeting in which the parent is physically present, every effort will be made to provide a copy of the IEP and PWN at the close of the meeting. If circumstances delay the printing of these documents, **the documents** will be sent home with the student at the end of the day or emailed to the parent, whichever the parent requests. A copy of the PWN will be kept by every special education teacher and the date in which it was given or sent to the parent will be documented by each member of the team initialing the PWN.

OR

- After each IEP meeting the student's case manager or the Special Education Coordinator will complete the following: Save all signed pages in the **(Insert Program Name/Blackboard room)** in PDF form, attach all forms/pages in Enrich (i.e. signature pages), send a password protected copy of the PWN, IEP, Signature page and any other documents discussed to the Parent/Student

through e-mail if permission is given, and US mail if requested by a parent or permission was not granted to send the IEP.

Describe School Procedure: Click here to enter text.

A. Members of the IEP Team

The IEP team includes:

- (1) The child's parents;
- (2) Not less than one general education teacher of the child, if the child is, or may be, participating in the general education environment. This must be a teacher who is or may be working with the child to ensure success in the general curriculum and implement portions of the IEP;
- (3) Not less than one special education teacher of the child or, where appropriate, not less than one special education provider of the child;
- (4) A representative of the school district (LEA Representative) who:
 - (a) Is qualified to provide or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - (b) Knows the general education curriculum; and
 - (c) Knows about the availability of resources of the school district.
- (5) Someone who can interpret the instructional implications of the evaluation results, who may be one of the team noted previously;
- (6) At the discretion of the parents or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (7) The child, whenever appropriate. The child must be invited if a purpose of the meeting is the consideration of postsecondary goals for the child and the transition services needed to assist the child in reaching those goals, which begin at age 13.

In addition to the Director of the Charter Institute at Erskine or his designee and the school principal, the following school staff are authorized to serve as the LEA at the school:

(List names and titles)

[Click here to enter text.](#)

These school staff members have participated in LEA training.

The Charter Institute at Erskine provides the possibility that certain IEP team members might be excused from attending either a part or an entire IEP meeting. Allowing IEP team members to be excused from IEP meetings is intended to provide additional flexibility to parents in scheduling IEP team meetings and to avoid delays in holding meetings when a team member cannot attend due to a scheduling conflict. This provision applies specifically to the following IEP members:

- (1) The child's regular education teacher, if the child is or may be participating in the regular education environment;
- (2) The child's special education teacher, where appropriate, the child's special education provider;

- (3) The representative of the LEA who is qualified to provide or supervise the provision of specially-designed instruction and an individual who can interpret the instructional implications of the evaluation results.

The requirements to excuse a member of the team depend upon whether or not the member's area of expertise will be discussed at the meeting. The requirements in one situation call for an "agreement" between parents and The Charter Institute at Erskine; in the other situation, parental "consent" is required. An agreement is not the same as consent, but instead refers to an understanding between the parent and The Charter Institute at Erskine. "Consent" refers to informed written consent which is defined in 34 C.F.R. § 300.9. This level of consent is not required for "agreement." Agreement is less formal and does not trigger The Charter Institute at Erskine's procedural safeguard and the other requirements that must be met when requesting informed parental consent.

Excusal with Agreement

When a member of the IEP team's area of expertise is not being modified or discussed, the member may be excused from attending the meeting, in whole or in part, under two conditions: the parents and LEA Representative agree that the member's attendance is not necessary and the parents' and school's LEA Representative agreement is in writing. This written agreement must be sent as an attachment with the notice for the meeting and signed prior to the meeting.

If a member is excused by written agreement and it becomes evident during the IEP meeting that the absence of the excused member inhibits the development of the IEP, the team could reconvene after the needed information is obtained either by having the member attend or having the member submit the information in writing as long as the IEP is developed in a timely manner.

Excusal with Consent

When a member of the IEP team's area of expertise is being modified or discussed, the member may be excused from attending the meeting, in whole or in part, under two conditions: the parents and LEA Representative consent to excuse the member and the member submits in writing to the parent and team input into the development of the IEP before the meeting. The Charter Institute at Erskine does not specify how far in advance of the meeting a parent must be notified of the school's request to excuse a member, but the LEA Representative should provide the parents with as much notice as possible and have the agreement consent signed at a reasonable time period prior to the meeting after the team has received/reviewed the written input. (34 C.F.R. § 300.321(e)).

Neither the Charter Institute at Erskine nor the state specifies a timeframe (other than prior to the meeting) or the form or content of the written input. To specify either of these (timeframe or form/content) would effectively counter the intent of providing additional flexibility to parents in scheduling IEP meetings. Best practice would call for the meeting notice and attachments with the consent and written input from the excused team member to be sent at least 5 days in advance of the meeting.

B. Parental Participation

The Charter Institute at Erskine takes steps to ensure that one or both of the parents of a child with a disability are present at each IEP team meeting or are afforded the opportunity to participate, including:

- (1) Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend; and
- (2) Scheduling the meeting at a mutually-agreed upon time and place.

Describe the school's procedures for notifying the parents/adult student of an upcoming IEP meeting to ensure an opportunity to participate:

- 1.** Before scheduling a meeting, a phone call will be placed to the parent to find an agreeable time. This will be documented in Enrich in the program portion under notice of meetings. As well as on the caseload managers' parent contact log.
- 2.** After the phone call to find an agreeable time, prior to the meeting, a week at minimum, a meeting notice is sent home with the student. This will also be documented within Enrich.
- 3.** The special education teacher will either send home a second letter via mail to remind the parent and/or call the parent to notify and the meeting notice will be read to remind them of the purpose and times of the meeting. If there is no answer, an email will be sent with the meeting notice attached (if available) and this will also be documented in Enrich by the case manager.

Describe School Procedure: Click here to enter text.

A Notice to a Parent Regarding an IEP meeting:

- (1) Indicates the purpose, date, time and location of the meeting and which titles or position of individuals will be in attendance;
- (2) Informs the parents of their right to invite to the IEP meeting individuals whom the parents believe to have knowledge or special expertise about their child; and
- (3) Informs the parents that if their child was previously served in Part C they may request that the local Part C coordinator or other representative be invited to participate in the initial IEP meeting to ensure a smooth transition of services.

Beginning no later than the first IEP to be in effect when the child turns 13, the Notice also:

- (1) Indicates that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child;
- (2) Indicates that the school district will invite the child; and
- (3) Identifies any other agency that will be invited to send a representative, if the parents consent.

The Charter Institute at Erskine conducts IEP team meetings without a parent in attendance only if it cannot convince parents that they should attend. Before an IEP team meeting is held without a parent, The Charter Institute at Erskine makes at least two contact attempts using two different

methods to contact a parent to arrange a mutually agreed on time and place, and records its attempts to do so.

C. Contents of an IEP

In developing each child's IEP, the IEP team considers:

- (1) The strengths of the child;
- (2) The concerns of the parents for enhancing the education of their child;
- (3) The results of the initial or most recent evaluation of the child;
- (4) The results of the child's performance on any state or district-wide assessment programs, as appropriate; and
- (5) The academic, developmental and functional needs of the child.

Further, the IEP team considers the following special factors:

- (1) In the case of a child whose behavior impedes the child's learning or that of others, the use of positive behavioral interventions and supports, and other strategies, to address that behavior;
- (2) In the case of a child with LEP, the language needs of the child as those needs relate to the child's IEP;
- (3) In the case of a child who is blind or visually impaired, the instruction of that child in accordance with the South Carolina Board of Education Regulations;
- (4) The communication needs of the child, including those of a child who is deaf or hard of hearing; and
- (5) Whether the child needs assistive technology devices and services.

(1) CONTENTS OF EVERY IEP

The Charter Institute at Erskine IEPs are written, and are developed, reviewed and revised in IEP meetings. The Charter Institute at Erskine IEPs include all of the following:

- (a) A statement that discusses the child's future and documents planning information;
- (b) A statement of the child's present levels of academic and functional performance, including:
 - (1) How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or
 - (2) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
- (c) A statement of measurable annual goals, including academic and functional goals, and in the case of a child who is assessed using alternate assessments, the annual goals need to include benchmarks or short-term objectives designed to:
 - (1) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and
 - (2) Meet each of the child's other educational needs that result from the child's disability;

- (d) A description of:
 - (1) How the child's progress toward meeting the annual goals described in the IEP will be measured; and
 - (2) When periodic reports on the progress the child is making toward meeting the annual goals will be provided;
- (e) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child:
 - (1) To advance appropriately toward attaining the annual goals;
 - (2) To be involved in and make progress in the general education curriculum, and to participate in extracurricular and other nonacademic activities; and
 - (3) To be educated and participate with other children with disabilities and nondisabled children, as appropriate.
- (f) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular classroom and in activities;
- (g) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on state and district-wide assessments consistent with Section 612(a)(16) of the IDEA;
- (h) If the IEP team determines that the child must take an alternate assessment instead of a particular regular state or district-wide assessment of student achievement, a statement of why:
 - (1) The child cannot participate in the regular assessment; and
 - (2) The particular alternate assessment selected is appropriate for the child; and
- (i) The projected date for the beginning of the services and modifications described in the IEP and the anticipated frequency, location and duration of those services and modifications.

(2) TRANSITION SERVICES

The Charter Institute at Erskine's IEPs address transition services as follows:

- (a) For children age 13 or over (or younger, if determined appropriate by the IEP team), the IEP includes:
 - (1) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills; and
 - (2) The transition services (including courses of study) needed to assist the child in reaching those goals.

(3) TRANSFER OF RIGHTS AT AGE OF MAJORITY

Beginning not later than one year before the child reaches 18 years of age, the IEP includes a statement that the child has been informed of the child's rights under Part B of the IDEA that will transfer to the child on reaching the age of majority.

(4) NONACADEMIC SERVICES, PHYSICAL EDUCATION, AND EXTENDED SCHOOL YEAR

If appropriate, the IEP includes the services to be provided in each of these areas.

D. Progress Reports

The Charter Institute at Erskine will report to the parents the child's progress towards each annual goal at a frequency defined by the IEP, but in no case less than every nine weeks. The reporting may be carried out in writing or through a meeting with the parents (including documentation of information shared at the meeting).

E. Review and Amendment of an IEP

The Charter Institute at Erskine ensures that the IEP team:

- (1) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and
- (2) Revises the IEP, as appropriate, to address:
 - (a) Any lack of expected progress toward the annual goals and in the general education curriculum;
 - (b) The results of any reevaluation;
 - (c) Information about the child provided to, or by, the parents as part of an evaluation or reevaluation;
 - (d) The child's anticipated needs; or
 - (e) Other matters; and
- (3) Reconvenes if an agency, other than the school district, fails to provide the transition services described in the IEP.

Changes to the IEP may be made either at an IEP team meeting, or after the annual review, by a written document amending or modifying the IEP, if the parent of the child and the LEA Representative agree not to convene an IEP team meeting for the purposes of making those changes. If the IEP is amended by written document, without a meeting of the IEP team, the LEA Representative ensures that the IEP team is informed of the changes made. When an IEP is amended, the LEA Representative sends a copy of the amended IEP to the parent within five days of the date the IEP was amended. An IEP may not be amended without a meeting in lieu of an annual review.

F. Transfers Within the State and From Out-of-State

When a student moves into The Charter Institute at Erskine, the individual school must take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous district in which the child was enrolled. Regardless of how the parent completes the enrollment information regarding previous special education services, it is the responsibility of the new school to verify whether or not the student received special education and related services in the previous district. Since this is a transfer of educational records from the child's previous district to The Charter Institute at Erskine, no consent for release of documents is required.

If the parent indicates the student received special education services in the previous district, but does not want services to be continued in the new school, school personnel must explain to the parent that he/she has the option of revoking consent for special education services; otherwise the school is required to provide a FAPE as described in the following sections.

(1) TRANSFERS WITHIN THE STATE

Within **five** school days of enrollment for a child with a disability who transfers to The Charter Institute at Erskine with an IEP (current or expired but within the triennial reevaluation period) from the previous district in South Carolina, The Charter Institute at Erskine will provide a FAPE to the child, including services comparable to those described in the child's IEP from the previous district.

If the IEP indicates the triennial reevaluation is past due, the Charter Institute at Erskine, in consultation with the parents, will provide a FAPE to the child, including services comparable to those described in the child's IEP from the previous district and will at the same time conduct a reevaluation to determine continued eligibility, need for special education services, and educational needs.

If the in-state transfer student cannot provide a copy of his/her expired IEP, but the parent describes the services the student was receiving, the Charter Institute at Erskine must take reasonable steps to obtain the student's records from the previous LEA. If the Charter Institute at Erskine is unable to obtain the IEP from the previous LEA or from the parent, the Charter Institute at Erskine is not required to provide special education and related services to the child.

The Charter Institute at Erskine will not delay the provision of the comparable services. Comparable services have the meaning of "similar" or "equivalent" to the services that were described in the child's IEP from the previous district.

For students with current reevaluations, within thirty calendar days from the date of enrollment The Charter Institute at Erskine will:

- (a) adopt the child's IEP from the previous district,
- (b) amend the child's IEP from the previous district, or
- (c) develop and implement a new IEP.

For students with expired reevaluations, The Charter Institute at Erskine will complete the reevaluation within a reasonable time and will:

- (a) adopt the child's IEP from the previous district,
- (b) amend the child's IEP from the previous district, or
- (c) develop and implement a new IEP.

When a student moves within the state, eligibility has already been established and a reevaluation is not required (unless the child's triennial reevaluation is due or past due). The IEP team must determine what information, in addition to the current IEP, is needed from the previous district.

(2) TRANSFERS FROM OUT-OF-STATE

Within five school days of enrollment for a child with a disability who transfers to The Charter Institute at Erskine with an IEP (current or expired but within the triennial reevaluation period) from out of state, The Charter Institute at Erskine will provide a FAPE to the child, including services comparable to those described in the child's IEP from the previous district.

If the IEP indicates the triennial reevaluation is past due, The Charter Institute at Erskine, in consultation with the parents, will provide a FAPE to the child, including services comparable to those described in the child's IEP from the previous district and will at the same time conduct a reevaluation to determine continued eligibility, need for special education services, and educational needs.

For students with current reevaluations, within thirty calendar days from the date of enrollment The Charter Institute at Erskine will:

- (a) adopt the child's IEP from the previous district,
- (b) amend the child's IEP from the previous district, or
- (c) develop and implement a new IEP.

For students with expired reevaluations, The Charter Institute at Erskine will complete the reevaluation within a reasonable time and will:

- (a) adopt the child's IEP from the previous district,
- (b) amend the child's IEP from the previous district, or
- (c) develop and implement a new IEP.

If, after reviewing appropriate information, including the transfer IEP, the IEP team has reason to suspect the child is not eligible under South Carolina eligibility criteria, the team would need to conduct an evaluation to determine eligibility. The evaluation conducted by the Charter Institute at Erskine would be to determine if the child is a child with a disability under South Carolina's eligibility criteria and to determine the educational needs of the child. Therefore, the evaluation would be an initial evaluation, which would require parental consent. If, however, the IEP team does not question the child's eligibility under South Carolina's criteria, the team would adopt the IEP from the previous state or develop and implement a new IEP.

If the out-of-state transfer student cannot provide a copy of his/her IEP, but the parent describes the services the student was receiving, the Charter Institute at Erskine must take reasonable steps to obtain the student's records from the out-of-state LEA. If the Charter Institute at Erskine is unable to obtain the IEP from the previous LEA or from the parent, the Charter Institute at Erskine is not required to provide special education and related services to the child.

The Charter Institute at Erskine ensures that, to the maximum extent appropriate, children with disabilities are educated with children who are nondisabled. Placement of students with disabilities in special classes or other removal from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services, modifications and/or accommodations cannot be achieved satisfactorily.

(3) TRANSFERS WITH AN INDIVIDUAL SERVICES PLAN

IDEA requires that LEAs must develop and implement an Individual Services Plan (ISP) for each parentally-placed private school child with a disability who has been designated by the LEA in which the private school is located to receive special education and related services. (34 CFR § 300.132) The services plan must describe the specific special education and related services that the LEA will provide to the child in light of the services that the LEA has determined through the consultation process described below that it will make available to its population of parentally-placed private school children with disabilities. The services plan must, to the extent appropriate meet the requirements for IEPs and be developed, reviewed, and revised consistent with the same process for IEPs. The following applies to a child with a disability who transfers to The Charter Institute at Erskine with an ISP:

Within **five** school days of enrollment for a child with a disability who transfers to The Charter Institute at Erskine with an ISP from another district in South Carolina, The Charter Institute at Erskine will provide a FAPE to the child, including services comparable to those described in the child's ISP from the previous district. Because the previous LEA is responsible for providing **equitable services** and not a FAPE, the child's newly designated IEP team in the Charter Institute at Erskine would conduct a reevaluation planning meeting within 5 days of enrollment to review existing information, including but not limited to, the most recent evaluation/reevaluation from the previous district, any draft IEP developed by the previous district, and the ISP, to determine what additional information, if any, was needed in order to develop and implement a new IEP. The team would obtain parent consent to gather any additional information determined to be needed.

Within thirty calendar days from the date of enrollment The Charter Institute at Erskine will complete the reevaluation process and develop and implement a new IEP. When a child transfers with an ISP, eligibility has already been established in the previous district.

Describe the school's transfer procedures. Transfer procedures are to include:

Description of the school's process for determining whether the student has an IEP:

Upon notification from school registrar personnel, or from receiving a fax record, that a student has an IEP, after the first day of **school**, the **school special education** coordinator or the child's special education teacher/case manager will complete the paperwork in Enrich within the first 5 school days to complete the comparable services agreement. The students' case-manager/special education teacher(s) will begin collecting data in order to gather information to be used for the meeting to develop a district IEP. Within the 30 days, the school will either accept the current IEP, amend the current IEP or develop a new IEP for the student.

Describe School Procedure: Click here to enter text.

Description of the school's process for requesting special education records:

Records requests from a transfer schools include a request for special education records. Enrollment forms explicitly ask if the child has an IEP. However, it is **(insert school name)** policy

when receive enrollment information, the school registrar forwards the student information to the school special education coordinator. Then there is to be a second specific fax request sent within 24 hours by the school coordinator for student's who parent either left the enrollment form blank or is brand new to the school in order to ensure record accuracy. The 2nd fax request asks explicitly for any records for the student's IEP. All IEP fax requests sent and received are dated and kept in a file in the school special education coordinator office, to verify that fax requests are received. Also, a letter is sent home to all students during the first week of school, requesting parents to contact the school special education coordinator if their child has an IEP but they have yet been contacted to ensure that **(Insert School Name)** receives all current special education records for our students.

Describe school procedure: Click here to enter text.

Description of how the school's special education coordinator is notified when students with IEPs enroll:

Student Enrollment forms explicitly ask if the enrollee has an IEP. If it indicates the student does have an IEP, the school registrar forwards that student's information within 24 hours by email or paper copy to the special education coordinator. When made aware of a student who has an IEP and has enrolled, a fax requesting the IEP will be sent by the school special education coordinator or register to the student's previous school district within 24 hours. All information received, and fax requests are dated and filed for when they are both sent and received. If available, the school special education coordinator will meet with the parent during enrollment to gather information.

Describe School Procedure: Click here to enter text.

VII. Least Restrictive Environment (LRE)

The Charter Institute at Erskine, to the maximum extent appropriate, ensures that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services in the least restrictive environment (LRE). Least restrictive environment:

- (a) Is based on meaningful evaluation data,
- (b) Considers appropriate placement options,
- (c) Is determined at least annually,
- (d) Is determined by the child's IEP team (the group of persons including the parents and other persons knowledge about the child), and
- (e) Considers any potential harmful effect on the child or on the quality of services that he or she needs, including the medium through which the instruction is delivered.

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

If the IEP team determines that a FAPE cannot be provided to the student within the current charter school setting, even with appropriate accommodations and modifications, the Institute will contact the school district of residence to determine if there is a program within that school district that can meet the child's needs. If so, based on the IEP team's decision, placement will be made, and responsibility will return to the school district of residence.

MEDICAL HOMEBOUND

Under S.C. Code Ann. Regs. 43-241, students who cannot attend public school because of illness, accident, or pregnancy, even with the aid of transportation, are eligible for medical homebound or hospitalized instruction. A physician must certify the student is unable to attend school but may profit from instruction given in the home or hospital. Should an approved student not be provided the medical homebound instruction that he or she is entitled to receive, the student is eligible to have the medical homebound instruction made up by the district. This make up may occur during the student's remaining eligibility for medical homebound instruction or may occur after the student returns to school provided the make-up periods are not during the regular school day.

Under S.C. Code Ann. § 59-40-50(B)(1), a charter school must adhere to the same health, safety, civil rights, and disability rights requirements as are applied to public schools operating in the same school district or, in the case of The Charter Institute at Erskine or a public or independent institution of higher learning sponsor, the local school district in which the charter school is located.

Medical Homebound School Contact: **(Insert Name of Contact)**

Date Medical Homebound Contact Posted on School Website: **(Insert Date)**

Appeal Process:

If a parent's request for medical homebound services is denied by the school leader, the parent may submit a written request for an appeal of the decision to the school board. This written request for an appeal will be reviewed by **(Insert school name)** school board. The parent will be notified of the decision of the appeal in writing within 10 days of receipt of the request for an appeal.

Describe school procedure:

VIII. Parentally Placed Nonpublic School Children

The Charter Institute at Erskine is a district of choice and is not a district of residence for any child, therefore the The Charter Institute at Erskine is not required to locate, identify, or evaluate children who are placed by a parent in a private school or home schooled. If the parents of a child who is home schooled or placed in a private school has questions about special education, the parents will need to contact their district of residence.

V. Discontinuing Special Education Services

There are times when a child's eligibility for special education and related services ends or when the parent or student chooses to end the provision of special education services. This chapter discusses several instances in which students currently receiving special education services "discontinue" or exit from their special education program.

A. No Longer Eligible for Services

When a parent or school personnel suspects that a child is no longer eligible for special education services and related services, a reevaluation must be conducted prior to the child's dismissal from the program to determine if the child is no longer a child with a disability. As part of the reevaluation, the IEP team will review existing data and determine whether they need to conduct any additional assessments.

The team may determine that the child continues to have a disability, but no longer needs specialized instruction (special education) in order to appropriately access and progress in the general curriculum. If it is determined by the IEP team through a reevaluation that the child is no longer a child with a disability, The Charter Institute at Erskine will provide the parents with PWN of this decision.

B. Graduation

All students receiving special education services will receive a regular high school diploma at the completion of their secondary program if they meet graduation requirements of the State of South Carolina.

Some students may require services through age 21 to meet IEP goals. The Charter Institute at Erskine's obligation to provide special education services ends:

- (1) when the student meets graduation requirements and receives a regular high school diploma,
- (2) at the end of the school year in which the child reaches age 21 (unless the individual school has a policy that allows for the student to continue until the day the student turns 22 years old), or
- (3) when a reevaluation shows that the child is no longer eligible for special education services.

Students with disabilities will be afforded the same opportunity to participate in graduation ceremonies as students without disabilities even if the IEP team determines that services will continue after the student has met all of the required credits (but an official diploma has not been awarded). A student may require services through age 21 to meet IEP goals or because he or she has not obtained all of the required credits for graduation. In either case, the student will be allowed to participate in graduation ceremonies with his or her classmates. Individual schools may have a specific policy regarding participation in graduation ceremonies; however, it must apply equally to all students in the school and not just to students with disabilities.

Before the student completes the last semester of high school in which she/he is expected to graduate, The Charter Institute at Erskine must provide the student (if over the age of 18) and the parents with PWN of the discontinuation of services at the end of the school year. The PWN will clearly state that the student will no longer be entitled to receive special education services from The Charter Institute at Erskine after graduation.

In addition to the PWN, each student will be provided a summary of performance (see Section D below) and progress on the IEP's annual goals.

C. Services to Age 21

The Charter Institute at Erskine and its schools must make a FAPE available to any student who has not graduated with a regular high school diploma until the end of the school year in which the student turns 21. If the individual school has a policy that allows students to be served through age 21, the student may continue receiving services. The IEP team may determine that the student needs extended school year services.

Even when the student or parent states that he or she does not intend to return to school for the next school year, the IEP team must provide the student with notice that he or she is eligible to continue receiving services through age 21 and develop an IEP for the student. [This notice can be provided in the form of a PWN.](#)

D. Summary of Performance

A summary of performance (SOP) is required for a student whose eligibility for special education services terminates due to graduation with a regular diploma or due to exceeding the age of eligibility. The Charter Institute at Erskine will provide the student with a summary of the student's academic achievement and functional performance which must include recommendations on how to assist the student in meeting the student's postsecondary goals.

The SOP will address the following:

- (1) Academic achievement: information on reading, math, and language grade levels, standardized scores, or strengths.
- (2) Functional performance: Information on learning styles, social skills, independent living skills, self-determination, and career/vocational skills.
- (3) Recommendations: Team suggestions for accommodations, assistive services, compensatory strategies for postsecondary education, employment, independent living, and community participation.

E. Student Drops Out of School

Under South Carolina Regulation S.C. Code Ann. § 59-65-30 (2004), students are allowed to drop out of school at age 17. If a student with a disability drops out of school, documentation to that effect must be placed in the student's confidential file. The Charter Institute at Erskine will inform the parents that special education services continue to be available to the student through age 21

If a student younger than 17 drops out of school, The Charter Institute at Erskine will report the student's truancy to the proper authorities, which include the SC Department of Juvenile Justice, the SC Department of Social Services, and the child's district of residence.