



## **SPECIAL EDUCATION POLICY**

The Governance Council of the Nevada City School of the Arts (“NCSOTA” or “Charter School”) recognizes the need to identify, evaluate, and serve students with disabilities in order to provide them with a free appropriate public education in the least restrictive environment. Accordingly, this Policy has been adopted consistent with Education Code section 56195.8.

### **Identification, Referral, and Evaluation for Special Education**

NCSOTA shall follow applicable state and federal law and regulations and Special Education Local Plan Area (“SELPA”) policy with respect to the identification, referral, and assessments of students for special education and related services.

### **Individualized Education Program (“IEP”) Team Meetings**

NCSOTA shall convene IEP team meetings with the legally required composition within all legally applicable timelines, in accordance with state and federal law and regulations and SELPA policy.

NCSOTA shall also review, at the request of a student’s general or special education teacher, the assignment of an individual with exceptional needs to his/her class and a mandatory meeting of the IEP team shall be convened if the review indicates a change to the student’s placement, instruction, related services, or any combination thereof may be required. The School Director, school psychologist, and Director of Special Education shall be responsible for completing the review within fifteen (15) school days of the teacher’s request.

### **Procedural Safeguards**

Parents/guardians shall receive written notice of their rights in accordance with state and federal law and regulation, and SELPA policy.

Please see [www.ncsota.org](http://www.ncsota.org) or the business office for a copy of your procedural safeguards.

### **Nonpublic, Nonsectarian Services**

NCSOTA may contract with state-certified nonpublic, nonsectarian schools or agencies to provide special education services or facilities when an appropriate public education program at NCSOTA is not available. When entering into agreements with nonpublic, nonsectarian schools or agencies, NCSOTA shall consider the needs of the individual student and the recommendations of the IEP team. The IEP team shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs towards the goals identified in each student’s IEP.

NCSOTA shall follow state and federal law and regulations and SELPA policy when contracting with nonpublic, nonsectarian schools or agencies.

### **Resource Specialist Program**

NCSOTA shall employ or contract with certificated resource specialists to provide services for students with disabilities which shall include, but not be limited to:

1. Providing instruction and services to students whose needs have been identified in an IEP developed by the IEP team and who are assigned to regular classroom teachers for a majority of the school day. Students shall not be enrolled in a resource specialist program for the majority of the school day without approval of the IEP team;
2. Providing information and assistance to students with disabilities and their parents/guardians;
3. Providing consultation, resource information, and material regarding students with disabilities to their parents/guardians and regular education staff members;
4. Coordinating special education services with the regular school programs for each student with disabilities enrolled in the resource specialist program;
5. Monitoring student progress on a regular basis, participating in the review and revision of IEPs as appropriate, and referring students who do not demonstrate appropriate progress to the IEP team;
6. At the secondary school level, emphasizing academic achievement, career and vocational development, and preparation for adult life; and
7. Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes.

NCSOTA's resource specialist program shall be under the direction of a resource specialist who possesses:

1. A special education credential or clinical services credential with a special class authorization;
2. Three or more years of teaching experience, including both regular and special education teaching experience, as defined by rules and regulations of the Commission on Teacher Credentialing; and
3. Demonstration of competencies required for a resource specialist as established by the Commission on Teacher Credentialing.

The Director shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, collective bargaining agreement, and/or SELPA policy.

No resource specialist shall have a caseload which exceeds 28 students, unless a valid waiver is obtained through the State Board of Education, consistent with Title 5, California Code of Regulations, Section 3100.

### **Transportation**

NCSOTA shall ensure appropriate, no cost transportation services are provided for students with disabilities as specified in their IEP as a related service when required. The specific needs of the student shall be the primary consideration when an IEP team is determining the student's transportation needs. Considerations may include, but are not limited to, the student's health needs, travel distances, physical accessibility and safety of streets and sidewalks, accessibility of public transportation systems, midday or other transportation needs, extended-year services, and, as necessary, implementation of a behavioral intervention plan. Mobile seating devices, when used, shall be compatible with the securement systems required by Federal Motor Vehicle Safety Standard

No. 222 (49 C.F.R. 571.222). NCSOTA shall ensure school bus drivers are trained in the proper installation of mobile seating devices in the securement systems.

The Director or designee shall arrange transportation schedules so that students with disabilities do not spend an excessive amount of time on buses compared to other students. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis.

When contracting with a nonpublic, nonsectarian school or agency to provide special education services, the Director or designee shall ensure that the contract includes general administrative and financial agreements related to the provision of transportation services if specified in the student's IEP.

Guide dogs, signal dogs and service dogs trained to provide assistance to disabled persons may be transported in a school bus when accompanied by disabled students, disabled teachers or persons training the dogs.

NCSOTA shall ensure that all school buses, school pupil activity buses, youth buses and child care motor vehicles are equipped with an operational child safety alert system. NCSOTA shall ensure that all buses are equipped with a passenger restraint system.

### **Information on the Number of Individuals with Exceptional Needs**

Information regarding the number of individuals with exceptional needs who are being provided special education and related services shall be provided in accordance with state and federal law and regulation and SELPA policy.

### **Independent Educational Evaluations**

#### **A. IEE at Parent Expense**

NCSOTA acknowledges that a parent/guardian has the right to obtain an independent educational evaluation(s) ("IEE") at their own expense at any time. In these circumstances, the Director or designee(s) shall ensure that the student's IEP team shall consider the results of the IEE when determining an offer of a free appropriate public education ("FAPE") for the student. However, the results of an IEE will not dictate the IEP team's determinations.

If a parent/guardian requests reimbursement for an IEE assessment obtained by the parent/guardian at their own expense, the Director or designee(s) shall ensure that the unilaterally obtained IEE meets the following criteria:

1. The parent disagreed with NCSOTA's evaluation and NCSOTA received a request within a reasonable time after receipt of the results of the evaluation.
2. The parent timely and upon request provided NCSOTA with written consent to exchange information with the examiner.
3. The private evaluation meets all criteria contained in this policy

4. The parent timely provided a copy of the written evaluation report and all other documents\tests related to the report.
5. The examiner attends the relevant IEP team meeting by phone or in person to discuss his or her findings and provides protocols of all assessments to NCSOTA.

The reimbursement will be in an amount no greater than the actual cost to the parents. Parents may only be reimbursed for one (1) IEE for each assessment area or discipline with which they disagree.

In all cases, if NCSOTA initiates a due process hearing to show that NCSOTA's evaluation is appropriate, no reimbursement shall be made unless ordered by a Hearing Officer.

#### B. IEE at Public Expense

NCSOTA recognizes that federal and state laws provide parents/guardians of students with disabilities with the right to obtain an IEE, at public expense, when the parent/guardian disagrees with an assessment conducted by NCSOTA within the last two (2) years. Parents may only receive one (1) IEE for each assessment area or discipline with which they disagree.

The Director or designee(s) shall ensure that when a parent/guardian requests an IEE at public expense, NCSOTA shall provide the parent/guardian with a copy of their Procedural Safeguards *and*, without unnecessary delay, either:

1. Initiate a due process hearing to show that the evaluation, completed by NCSOTA, is appropriate; or
2. Provide the parent/guardian with information about where an IEE may be obtained, the Charter School's criteria applicable for IEEs, and ensure that an IEE is provided at public expense.

Should the NCSOTA grant the parent's request for an IEE, the Director or designee(s) shall ensure the following:

1. The criteria under which the IEE is obtained at public expense, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that NCSOTA uses when it initiates an evaluation.
2. NCSOTA does not impose conditions or timelines related to obtaining an IEE at public expense.
3. All assessments shall be completed by persons competent to perform the assessment as determined by NCSOTA. Parent has the right to choose the examiner.
4. If the original evaluation completed by NCSOTA included in-class observation of the student, an equivalent opportunity shall apply to an independent educational assessment of the pupil in the pupil's current educational placement and setting.
5. A parent/guardian shall have the opportunity to demonstrate that unique circumstances justify a waiver of any of the criteria listed above as defined by NCSOTA.
6. The evaluator must prepare and sign a full evaluation report containing:
  - a. A list of all information/data reviewed.
  - b. A clear explanation of the testing and assessment results.
  - c. A complete summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores, domain or composite scores, and sub-test scores reported in standard, scaled or T-score format.

- d. A complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator.
- e. Recommendations for IEP team consideration for educational programming and, if appropriate, placement that is educationally relevant and realistic within a public educational setting.

The cost determination for an IEE shall be comparable to the costs incurred by NCSOTA when it uses its own employees or contractors to complete an assessment, whenever possible and shall reflect reasonable and customary rates for such services in the area. As a result, the Director or designee(s) shall provide a parent/guardian with a recommended cost ceiling. The cost ceiling shall be updated (*once every three (3) years*) and determined by averaging the cost of the following three assessors:

1. The cost of an assessment provided by a NCSOTA employee.
2. The cost of an assessment provided by a neighboring local educational agency.
3. The cost of an assessment provided by a private service provider, with appropriate qualification, within (*40 miles*) from the Charter School.

The Director or designee(s) shall ensure a parent/guardian may demonstrate that unique circumstances, related to the student's education need(s), justify a financial waiver of any for the cost as defined by NCSOTA.

The Director or designee(s) shall ensure a parent/guardian voluntarily have their private health insurance pay the costs of the IEE if covered by their insurance. However, NCSOTA recognizes that federal and state laws specify that parents/guardians are not required to have private insurance cover the costs of an IEE if the process would result in a financial cost to the parent/guardian including but not limited to:

1. A decrease in available lifetime coverage or any other benefit under an insurance policy;
2. An increase in premiums or the discontinuance of the policy; or
3. An out-of-pocket expense such as payment of a deductible amount incurred in filing a claim.