



Salida Montessori Charter School

Special Education/504 Program Plan

October 9, 2015

Kate Bell, ES Coordinator
Rafe Quinton, Head of School

Table of Contents

Assurance of Compliance: SCHOOL Comprehensive Plan for the Provision of Special Education/504

HEADING

Section 1: School Responsibilities and Funding Requirements

- School Responsibilities
- Funding Requirements
- Expenditure of ECEA Funds
- Accountability for Federal Funds
- Purchase of Instructional Materials
- Maintaining a Physical Inventory of Property
- Reporting Requirements
- Record Keeping Requirements
- Transfer of Records
- Requirements for Special Education Personnel
- Personnel Qualifications
- Staff Development
- Requirements for Program Evaluation

Section 2: Child Find

- Child Find Process
- Child Find Obligations

Section 3: Section 504 and Special Education Referral, Evaluation, Eligibility Determination and Reevaluation Process

- School Responsibilities for Referral, Evaluation, Eligibility Determination and Reevaluation
- Special Education Referral and Evaluation Process
- Timeline for Completion of the Initial Evaluation
- Evaluation Procedures

Section 3: Continued

- Additional Evaluation Procedures and Documentation
- Requirements for Consideration of Specific Learning Disability
- Determination of Disability and Eligibility
- Criteria for the Determination of a Disability
- Reevaluation Process
- Requirements if No Additional Data are Needed

Section 4: Free Appropriate Public Education (SPED)

General Requirements & Enrollment

Section 5: Individualized Education Programs (IEP) and Section 504

- IEP/504 Timelines
- IEP Team Members and Team Member Responsibility Obligations for parent participation
- Requirements and Responsibilities for Other IEP Team Membership
- Requirements for the Development of the IEP
- Educational Placement Decision and Least Restrictive Environment Requirements
- Routine Checking of Hearing Aids and External Components Of Surgically Implanted Medical Devices
- Provision of Assistive Technology
- Extended School Year
- Non Academic Settings
- Change of Placement
- Amendments and Revisions to the IEP/504
- Requirements Prior to the Implementation of the IEP or Changes to the IEP
- Transfer Students

Section 6: Confidentiality of Information, Procedural Safeguards and Dispute Resolution Processes for Parents and Children

- Confidentiality of Information
- Parental Rights to Inspect Records
- Transfer of Parental Rights
- Independent Educational Evaluation

Section 6: Continued

- Prior Written Notice and Content of Prior Written Notice
- Procedural Safeguard Notice
- Dispute Resolution Process
- Mediation
- Due Process Complaints and Appeals
- State Complaint Process
- Educational Surrogate Parents

Section 7: Student Discipline Procedures (SPED and Section 504)

- Disciplinary Change of Placements
- Manifestation Determination
- Expedited Due Process Procedure
- Protection for Children Not Eligible for
Special Education and Related Services
- Referral To and Action by Law Enforcement and
Judicial Authorities

Appendix A: Definitions for Disability Categories

Appendix B: Required School Specific Information

SECTION 1

THE CHARTER SCHOOL INSTITUTE (CSI) SCHOOL RESPONSIBILITIES AND FUNDING REQUIREMENTS

1. Financial support for the special education/504 program at Salida Montessori is derived from local, state and federal educational funding sources. Salida Montessori sets an annual budget that designates expenditures for all instructional and support areas needed for the school. CSI will flow federal and state funding for special education directly to Salida Montessori which will then be applied to the costs of educating eligible students with the remaining balance coming from local sources.

Funding for Section 504 students is derived exclusively from local sources (PPR).

Accounting codes indicate expenditures for federal, state and local funds. Salida Montessori maintains a physical accounting form for all purchases from federal and state funds.

Salida Montessori is audited by an outside auditing firm.

2. The Head of School with input from the special education director/designee will determine the instructional and special education program needs at Salida Montessori. Salida Montessori will be responsible for purchasing all instructional and support staff through contracts, secured agreements and/or MOU's. All special education staff and support staff is determined utilizing the CSI staff/student ratio as a guide to implement special education programs. All special education staff are highly qualified and meet the licensure requirements of the Colorado Department of Education.

Special education instructional staff members are expected to conform to the Salida Montessori Charter School policies and procedures as defined in the staff handbook.

3. The Exceptional Students program will be reviewed annually by the school based coordinator, the Head of School and the Regional Coordinator for effectiveness and efficiency. This review will include reviews of Individual Education Plans and 504 Plans, service provision, financial reports, employment records, academic achievement of students with disabilities including achievement of their individual goals, and input from parents and staff. In addition to this internal review the program will be reviewed by the Charter School Institute ES Department annually and upon Charter Reauthorization. Included in this review will be the CDE audits of CSI IEPs and financials.

Salida Montessori Charter School Responsibilities

Salida Montessori Charter School assures that all requirements established by the Colorado Exceptional Children's Educational Act (ECEA) and its implementing rules and the Federal regulations contained in 34 CFR Part 300, 34 CFR §303.115, 34 CFR §§ 303.301 through 322 of the Individuals with Disabilities Education Act (IDEA) (2004) Including Section 504 of the 1973 Rehabilitation Act will be carried out and that the school will adopt a Comprehensive Plan that includes a description of:

- Financial commitments and agreements with providers, schools districts, BOCES for the delivery of special education programs and services.

- Method or standards utilized to determine the number and types of special education personnel required to meet the needs of children with disabilities.
- Procedures for regular, periodic evaluation of programs, services and student progress.

Citation:

IDEA 34 CFR §300.200
 IDEA 34 CFR §300.201
 IDEA 34 CFR §300.212
 ECEA Rule 3.01(1)
 ECEA Rule 5.02 (12)
 ECEA Rule 8.01 (1)(a)
 1973 Rehabilitation Act- Section 504

Funding Requirements

The Salida Montessori Charter School assures that:

- Prior approval through the submission of an annual budget will be obtained from the CSI including following the Request for funds (RFF) process for the use of IDEA Part B funds and IDEA preschool funds.
- All financial commitments and agreements made by the School are honored, including any agreements for special education programs and services.
- IDEA Part B funds are used only to supplement State, local, and other Federal funds and are not used to supplant State and local funds.
- The IDEA Part B funds are used to only to pay the IDEA excess costs related to the provision of providing special education and related services to children with disabilities.
- The use of IDEA Part B funds meets the IDEA excess cost requirement.

Expenditure of ECEA Funds

The Salida Montessori Charter School assures that:

“Special education expenditures” means expenditures that are incurred for professional services associated with (not 504):

- Special education referrals and evaluations of children who may have a disability; and
- The provision of special education services as identified on an individual student’s individualized education program.

Special education expenditures do not include the costs of the general education program.

Special education expenditures shall be supplemental to the general educational program and shall be above what is provided by the AU, SOP, or approved facility school for general education students and staff, expenditures include:

- Special education teachers;
- Home-hospital teachers for students with disabilities;
- Speech-Language pathologists and speech-language pathology assistants;
- Specialty teachers;

- Special educational instructional paraprofessionals;
- Educational interpreters;
- School nurses;
- Occupational therapists and occupational therapy assistants;
- Physical therapists and physical therapy assistants;
- School psychologists;
- School social workers;
- Audiologists;
- Orientation and mobility specialists;
- Other special education professionals;
- Special education administrators and office support;
- Other noncertified or non-licensed support;
- Employee benefits for special education staff;
- Supplies, materials, and equipment used for individual students' special education programs and services;
- Purchased service contracts for personal services;
- Tuition to other AUs and approved tuition rates to approved facility schools for special education;
- Staff travel related to special education;
- Professional development for special education staff, or all staff, if the content of the professional development is specific to services for children with disabilities;
- Other purchased services related to special education;
- Dues, fees, and other expenditures specific to the special education program; and
- Parent counseling and training, as defined by the IDEA and its implementing regulations.

The school assures that ECEA funds are not used to supplant the costs of the general education programs.

Staffing Allocation Formula

CSI recommends to its member schools to determine the Staff to student ratios based on student identified needs. Final determination of appropriate ratios is based upon student needs.

Sample Position	Staff : Student Ratio	Description: Follow processes to determine ratio
Mild-Moderate Needs Teacher	20:1 Sped Ratio (Secondary)* 200:1 Gen Ed. Ratio 1:15 (Elementary)*	*Compare ratio of moderate needs teachers to moderate needs students and also compare ratio of general education students sped teachers due to RTI. *Consider both ratios and make a judgment call as to whether to increase FTE
Affective Needs (SIED)	Hire as needed	Consider degree of significant needs of students in self-contained classroom
Affective Needs Para's	Hire as needed	Consider adding Para's based on student needs
Speech Language Pathologist	1.0 FTE	ASHA recommends 1:40, numbers can be adjusted based on student needs an SLP-A can also be employed
School Psychologist/Counselor	1:500-700 Students	Based on Student identified needs and size of school. NASP recommends 1: 500-700
School Nurse/Health tech	.3-1.0 FTE : 1:750 Students	Consideration of .3-.5 FTE (combination) per school with judgment based on size/need. NASN recommends 1:750.
OT/PT	1:40	If have COTA or PTA these numbers can be adjusted upward to some degree – based on needs
Early Childhood Special Ed. Teacher	1:30	Consider size and needs- Licensed EC teacher

Citations:

IDEA 34 CFR §300.202
IDEA 34 CFR §300.208
C.R.S. 22-20—106(7)
ECEA Rule 2.18
ECEA Rule 2.44
ECEA Rule 5.02(2)(8)
ECEA Rule 7.03
ECEA Rule 8.01 (1)(a)(i)
C.R.S. 22-20-103 (22.7)

Accountability for Federal Funds

The Salida Montessori Charter School assures that it will:

- Submit to the CSI annual student, staff, revenue and expenditure data according to the instructions and on forms or computer programs provided by the CSI.
- Maintain auditable records of all special education expenditures and of the state, federal, local and other revenues which are received in support of those expenditures. The school will use:
 - Accrual basis of accounting; and
 - Budgeting and accounting procedures which record the objects of expenditure for each special education instructional and support service area.
- Maintain all records of accounting for five years after the completion of the activity for which the funds are used or until such time as all pending reviews or audits have been completed and resolved, whichever is later.

Citations:

EDGAR 34 CFR §80.23
ECEA Rule 7.01(3)
ECEA Rule 7.02

Purchase of Instructional Materials

The Salida Montessori Charter School assures that:

- Instructional materials are provided to children with visual disabilities or other persons with print disabilities in a timely manner.
- Any child with a disability receives instruction in and access to materials in an accessible format, including the provision of assistive technology devices.
- All instructional materials purchased with IDEA Part B and/or Preschool funds are inventoried and maintained.

Citations:

IDEA 34 CFR §300.210
ECEA Rule 5.02 (10)
ECEA Rule 8.01 (b)

Maintaining a Physical Inventory of Property

The Salida Montessori Charter School assures that it will maintain inventory records for property purchased with ECEA/IDEA Part B funds.

- The inventory records include:
 - A description of the property;
 - The serial number or the identification number;
 - The source of the property;
 - Who holds the title for the property;
 - The date of acquisition of the property;
 - The cost of the property;
 - The percentage of Federal contribution in the cost of the property;
 - The location of the property;
 - The condition of the property; and
 - The ultimate disposition data including the date of disposal and sale price of the property.
- The Salida Montessori Charter School assures that a physical inventory of the property is taken and the results are reconciled with the property records once every year.
- The Salida Montessori Charter School assures that a control system is used to ensure adequate safeguards to prevent loss, damage or theft to the property, and investigating any loss, damage or theft.
- The Salida Montessori Charter School assures that adequate maintenance procedures are in place to keep the property in good condition.

Citations:

EDGAR 34 CFR §76.709
EDGAR 34 CFR §80.23(b)
EDGAR 34 CFR §80.32
ECEA Rule 3.01 (1)(e)

Reporting Requirements

- The Salida Montessori Charter School assures that it will submit to the CSI annual student, staff, revenue and expenditure data according to CDE's instructions and on forms or computer programs provided by the CSI.
- The Salida Montessori Charter School assures that accurate data for all special education student, staff, cost and revenue data will be submitted to the CSI on or before established due dates.

Citations:

IDEA 34 CFR §300.133(c)
IDEA 34 CFR §300.211
IDEA 34 CFR §300.212
IDEA 34 CFR §300.226(d)
ECEA Rule 3.01 (1)(e)
ECEA Rule 5.04
ECEA Rule 702

Record Keeping Requirements

The Salida Montessori Charter School assures that it will maintain a management and information system which provides for the collection, documentation, aggregation, and reporting of students, staff, revenue and expenditure data. The storage of records will be maintained according to State and Federal laws and all original records will be maintained and be made available for inspection upon request. The School will provide the Charter Institute with full access to the student information system including the Institute special education director.

- Student data base information includes:
 - Child's name;
 - Date of birth;
 - Primary disability;
 - Gender;
 - Ethnicity;
 - Primary educational setting;
 - Date of the most recent meeting at which the child was determined to have a disability;
 - Date of the most recent meeting at which the IEP was reviewed;
 - Individual staff who are providing special education programs and services identified in the child's IEP;
- Individual student records include:
 - Information about the disposition of each referral;
 - Signed parental consent forms for initial evaluation and for the initial provision of special education services;
 - Verification that the parent(s) were advised of and understood their procedural safeguards;
 - Any written evaluation reports;

- Documentation that appropriate prior written notice was given to parent(s);
- Documentation that required participants were in attendance at meetings;
- Records of all meetings at which the child was determined to have a disability;
- A copy of all IEPs; and
- Any additional information which documents that the child is eligible for special education services.
- Staff data includes:
 - Name;
 - Special education position assignment;
 - FTE and salary attributable to special education, and the source(s) of funds supporting that salary; and
 - Documentation of time spent with students with disabilities for each staff member who is employed part-time in special education and part time in regular education.
- Revenue and expenditure data includes:
 - Auditable records of all special education expenditures* and of the state, federal, local and other revenues which are received in support of those expenditures; and
 - The use of the accrual basis of accounting to operate a budgeting and accounting procedure which records the objects of expenditures for each special education instructional and support service area.

The Salida Montessori Charter School assures that personally identifiable information will be held confidential and protected.

*Special education expenditures means those expenditures that are incurred by a school for professional services associated with special education referrals and evaluation of children who may have a disability and the provision of special education services as identified on an individual student's IEP. Special education expenditures do not include the costs of the general education program. Special education expenditures shall be supplemental to the general education program and shall be above what is provided by the AU, for general education students and staff.

Citations:

ECEA Rule 7.01
 ECEA Rule 7.02
 ECEA Rule 8.01 (1)(d)
 CRS 22-20-103

Transfer of Records

The Salida Montessori Charter School assures that:

- When a child with a disability newly enrolls in the Salida Montessori Charter School, the Salida Montessori Charter School takes reasonable steps to promptly obtain the child's records, including the IEP/504 and supporting documents and any other records relating to the provision of special education or related services, from the child's previous public agency in which the child was enrolled.
- When records are requested from the Salida Montessori Charter School, the Salida Montessori Charter School and/or a member charter school takes reasonable steps to promptly respond to the request from the new AU, SOP or approved facilities school.

Citations:

IDEA 34 CFR §300.323 (g)(1)-(2)
ECEA Rule 4.03 (1)(h)

Requirements for Special Education Personnel

The Salida Montessori Charter School assures that it will employ:

- Sufficient personnel who are appropriately licensed and endorsed and fully qualified to:
 - Conduct evaluations and make determinations of eligibility for special education services and Section 504;
 - Develop and review IEPs; and 504's
 - Provide appropriate special education instruction, accommodations, and related services in order to implement all IEPs /504's for children with disabilities.

The Salida Montessori Charter School assures that it will have a method or standards by which it determines the number and types of personnel required to meet the needs of children with disabilities.

Citations:

IDEA 34 CFR § 330.156
ECEA Rule 3.01(1)(b)(c)
ECEA Rule 3.03
ECEA Rule 4.02 (2)(b)

Personnel Qualifications:

The Salida Montessori Charter School assures that all special education personnel providing special education services to children with disabilities (SPED) meet the following criteria:

- Teachers
 - All special education teachers must hold a Colorado teacher's license with appropriate endorsement(s) in special education.
 - Each special education teacher serves, at a minimum, a majority of special education students with the same identified area of need as the teacher's special education license and endorsement.

The endorsement level must be appropriate for the age of children being taught.
- Home hospital teachers for children with disabilities hold Colorado teacher's certificates or licenses
- Teachers, interpreters, and other specialists delivering services for a student with a communication plan, must have demonstrated proficiency in, and be able to accommodate for, the child's primary communication mode or language.
- Teachers licensed and endorsed in the area of Visual Impairment must have demonstrated competency in reading and writing literary Braille per the guidelines developed by the CDE.
- Related services personnel
 - All related services personnel providing services to children with disabilities must hold a Colorado special services license with an appropriate endorsement.
 - In those areas for which a Colorado special services license is not available, an appropriate license from the state regulatory agency or professional organization registration is required.
- Special education coordinators

- All special education coordinators will have at least a Bachelor's degree and hold Colorado licensure in a relevant field in Special Education.
- Documentation of their expertise is submitted to the CSI.
- Special education administrators
 - All special education directors and assistant directors possess a Colorado administrator's license with the appropriate endorsement.
- Paraprofessionals
 - Meet minimum qualifications and competencies that are required for its paraprofessionals; and
 - Ensures that all non-certificated personnel are supervised.
- Educational Interpreters
 - All Educational Interpreters must meet the CDE requirements for authorization.

Citations:

IDEA 34 CFR §300.18
 IDEA 34 CFR §300.156
 ECEA Rule 3.03
 ECEA Rule 3.04

Staff Development

The Salida Montessori Charter School assures that staff development opportunities:

- Are provided to all staff providing special education/504 services to children with disabilities; and
- Foster the continuing development of the awareness, skills and knowledge of each staff member and are designed to bring about changes in knowledge, attitudes, actual performance skills and interpersonal relations of staff members.

The Salida Montessori Charter School assures that the staff development opportunities include an evaluation component to determine their effectiveness.

Citations:

IDEA 34 CFR §300.207
 ECEA Rule 3.05
 ECEA Rule 8.01 (1)(g)

Requirements for Program Evaluation

The Salida Montessori Charter School assures that:

- Records are maintained of the results of all qualitative and quantitative evaluations of special education/504 services rendered.
- Evaluations of special education/504 services occur annually and within a period of five years systematically cover aspects of services to children with disabilities.

The Salida Montessori Charter School assures that the program evaluations review:

- The extent to which quality special education/504 policies, procedures and practices are in place and where improvements can occur
- The degree to which children with disabilities are achieving their individual goals as well as school, district, and state standards and student outcomes.

Citations:

ECEA Rule 3.06

ECEA Rule 8.01(1)(a)(iii) ECEA Rule 8.01 (1)(h)

Section 2

Child Find

1. Salida Montessori Charter School provides information to all parents and students regarding their Child Find process through their web-site and via family handbooks. In order to assure that all students with a disability who are enrolled in Salida Montessori Charter School are located and identified, the school has the following procedures in place:
 - A review of records is conducted to determine if newly enrolled students had a previous IEP.
 - An MTSS team screens all students utilizing PARCC, CMAS, STAR, teacher input, and portfolios to determine needed academic supports/interventions.
 - Appropriate evidence based interventions with progress monitoring are provided to students in need of additional support prior to referral for special education. Interventions are adjusted based upon progress monitoring information.
 - At any time, a parent may make a referral for special education assessment.
 - The school will move to assessment at the point there is evidence that the child has a disability.
 - Upon referral the team will determine if assessment is warranted and provide the parents with the Educational Safeguards and a Prior Written Notice for Evaluation or Refusal to Evaluate.
 - If an evaluation is warranted the school, following parent permission, will conduct a multi-disciplinary assessment to determine eligibility.

Child Find Process

The Salida Montessori Charter School assures that it has:

- Child Find is ongoing throughout the calendar year.
- All Child Find activities are provided at no cost to the parent(s).
- Parent(s) are provided with information about all public and private resources that can meet their child's identified needs, including information about the building-level referral process for school aged children.
- Parents are involved in the Child Find process.
 - Coordination and implementation in the areas of:
 - Referral;
 - Screening; and
 - Resource coordination
 - Screening procedures for identifying from the total population of children ages 3 to 21 years those who may need more in-depth evaluation in order to determine eligibility for special education and related services.

- Follow up vision and hearing screening shall interface with the vision and hearing screening which occur for all children in public preschool, kindergarten, grades 1, 2, 3, 5, 7 and 9 yearly in accordance with Section 22-1-116, C.R.S.
- Appropriate educational referrals shall be made if the child is suspected of having an educationally significant vision or hearing loss and parents shall be informed of any need for further medical evaluation.
- Referral procedures to ensure that parents of children are given information about all public and private resources that meet identified needs.
- Transitions between Part C services and part B services are facilitated and are characterized by:
 - A smooth and effective transition for children participating in early intervention programs assisted under Part C of the IDEA into preschool programs assisted under Part B of the IDEA.
 - Having an IEP implemented for the child by the child's third birthday.
- There is regular evaluation of the effectiveness and efficiency of the child identification procedures.

Child Find Obligations for the AU of Attendance

The Salida Montessori Charter School assures that it will locate, evaluate and identify children with a disability who:

- Are attending the charter school that has been authorized by the CSI; and
- Are school aged, and are suspected of being a child with a disability, even though they are advancing from grade to grade.

Citations:

IDEA 34 CFR §300.111(a)(c)
 IDEA 34 CFR §300.124
 ECEA Rule 4.02 (1)
 ECEA Rule 4.02 (2)(a)(ii)(iii)
 ECEA Rule 4.02 (2)(b)
 ECEA Rule 5.01 (6)
 ECEA Rule 8.04(1)
 ECEA Rule 8.05(1)
 ECEA Rule 8.05(1)(a)

Section 3

Special Education/504 Referral, Evaluation, Eligibility Determination and Reevaluation Processes

1. The special education team, including the parent, reviews the progress toward the students' goals and curriculum. In addition to weekly/bi-weekly progress monitoring, the school based ES coordinator/service provider conducts assessments at least 3 times a year to determine progress of student and reports student progress to the parents and general staff. If a student is not making progress the team determines any additional accommodations/modifications or adjustments to interventions that may be needed to ensure access to the curriculum. Prior to any discussion of retention the team determines if all accommodations and modifications were implemented in the classroom and that the IEP was appropriate for the student's needs. This review is on-going throughout the year to ensure that accommodations and modifications are appropriate based upon the student's individual needs.

Salida Montessori Charter School Responsibilities for Referral, Evaluation, Eligibility Determination and Reevaluation

When the charter contract between a charter school and the CSI allows the charter school to provide initial evaluations and reevaluations, the charter school shall be responsible for conducting such evaluations. However, the CSI remains ultimately responsible for ensuring that all such evaluations are conducted following the requirements outlined in this section.

The Salida Montessori Charter School assures that it will:

- Conduct initial assessments and eligibility meetings for children attending member charter schools, regardless of the AU of residence, once a special education/504 referral has been made.
- For SPED, notify the child's AU of residence, so that the AU of residence may choose to participate in the initial evaluation and/or eligibility determination process.
- Develop and implement an IEP/504 for all children found eligible for special education/504 and related services attending a member charter school.
- Conduct reevaluations for all eligible children attending the charter school.
- Maintain a record of the disposition of each special education/504 referral.

ECEA Rule 4.02(3)(d)

ECEA Rule 8.04(1)

ECEA Rule 8.05

ECEA Rule 8.06

Special Education Referral and Evaluation Process & 504

The Salida Montessori Charter School assures that:

- The special education referral process is clearly delineated from the building level processes that use universal screenings or the provision of systematic instructional options.
- The Salida Montessori Charter School clearly articulates the differences between the two processes to parents and community.

- Action is taken on special education/504 referrals that are initiated by the parents or any persons that are regarded as the parents. Individual(s) may be considered to be a parent(s) if:
 - They are the biological or adoptive parents of a child; or
 - They are a foster parent, unless State law, regulations or contractual obligations with a State or local entity prohibits a foster parent from acting as a parent; or
 - They are a guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child, but not the State if the child is a ward of the State; or
 - They are an individual acting in the place of a biological or adoptive parent with whom the child lives, or an individual who is legally responsible for the child's welfare; or
 - They are an educational surrogate parent (ESP); or
 - If there is a judicial decree or order that identifies a specific person or persons to act as the "parent" of a child or to make educational decisions on behalf of the child, then such person shall be determined to be the "parent."
 - The biological or adoptive parents when attempting to act as the parents are presumed to be the parents unless the parents do not have legal authority to make educational decisions for the child.

The Salida Montessori Charter School assures that any other interested person who believes that a child is in need of an initial evaluation works with the parents in order to refer a child for a special education/504 evaluation.

The Salida Montessori Charter School assures that it will act on special education referrals that are initiated as a result of a building level screening and/or referral process in any of its member charter schools.

The Salida Montessori Charter School considers the special education/504 referral process initiated when one of the following occurs:

- The parent is informed of the referral as a result of the building level process or screening and the parent provides written consent to conduct an initial evaluation; or
- The request for an initial evaluation is received from the parent and the parent provides written consent to conduct the initial evaluation.

The Salida Montessori Charter School assures that when evaluations are conducted:

- A multidisciplinary team is organized. For SPED, the team includes CDE licensed professionals who are qualified in the areas to be evaluated and are able to interpret those assessment results. The team must include:
 - At least one teacher or other specialist with knowledge in the area of the child's suspected disability or disabilities;
 - Other qualified professionals, as appropriate;
 - The parent(s) of the child;
 - The child's general education teacher when a specific learning disability is suspected. If the child does not currently have a general education teacher, a general education teacher qualified to teach the child at his/her grade level is included on the team.

- For SPED/504, the multidisciplinary team reviews sources of existing evaluation data and, with input from the parent(s), determines if any additional data are necessary to make an eligibility determination. Data sources may include:
 - Observations by teachers and related service providers;
 - Evaluations and information provided by the parent(s);
 - Current classroom-based, local, or State assessments, and classroom based observations;
 - Interviews with parents and additional school staff, including the general education teacher(s);
 - Analysis of district and state assessments results;
 - Review of vision and hearing screenings results;
 - Reports or evaluations that have been provided by outside agencies.
- On the basis of the review, the multidisciplinary team with input from the child's parent(s) identifies what additional data, if any, are needed to determine all areas related to the suspected disability or disabilities and to identify the child's educational needs including, if appropriate:
 - Health;
 - Vision;
 - Hearing;
 - Social and emotional status;
 - General intelligence;
 - Academic performance;
 - Communicative status;
 - Motor abilities.
- When a special education referral is made either by the parent or the Salida Montessori Charter school,:
 - Provides prior written notice to the parent(s).
 - Provides the parents with a copy of the Procedural Safeguards.
 - Obtains written parental consent for the evaluation prior to conducting the evaluation.
 - Documents when the signed written parental consent is received by the AU.
 - Maintains a record of the disposition of each special education referral.
- When the parent requests a special education/504 evaluation for their child and the CSI school does not agree, the Salida Montessori Charter School:
 - Provides prior written notice that includes the AU's rationale for **not** conducting the evaluation.
 - Provides the parents with a copy of the Procedural Safeguards.

Timelines for Completion of the Initial Evaluation for SPED

The Salida Montessori Charter School assures the completion of the initial evaluation process within 60 calendar days, unless:

- The parents of the child fails or refuses to produce the child for evaluation; or
- The child enrolls in a school of another AU or State Operated Program after the relevant timeframe has begun and prior to the previous AU completing the evaluation process and making the eligibility determination.
 - In this case, the 60 day timeline may be extended by the subsequent AU or SOP if:
 - The subsequent AU/SOP is making sufficient progress to ensure prompt completion of the evaluation; and
 - The parent(s) and the subsequent AU/SOP agree to a specific time when the evaluation will be completed.
- If a specific learning disability is suspected, the multidisciplinary team and the parent(s) may determine that more time is needed to assess the student. In such cases, there is a written agreement between the CSI and the parent to extend the 60 day timeline.

Citations:

IDEA 34 CFR §300.9
IDEA 34 CFR §300.18
IDEA 34 CFR §300.30
IDEA 34 CFR §300.300
IDEA 34 CFR §300.301
IDEA 34 CFR §300.302
IDEA 34 CFR §300.304
IDEA 34 CFR §300.305(a)
IDEA 34 CFR §300.503
IDEA 34 CFR §300.504
IDEA 34 CFR §300.622
ECEA Rule 2.33
ECEA Rule 4.01
ECEA Rule 4.02 (3)
ECEA Rule 4.02 (4)
ECEA Rule 4.02 (7)
ECEA Rule 6.01 (12)
ECEA Rule 6.02 (3)
ECEA Rule 6.02 (4)

Evaluation Procedures (SPED/504)

The Salida Montessori Charter School assures that:

- A variety of assessment tools and strategies are used in order to gather relevant, functional, developmental and academic information about the child suspected of having a disability (SPED/504).
- The assessment tools are not racially discriminatory or culturally biased.
- The assessment tools are provided and administered in the child's native language or in a form of communication most likely to yield reliable information about what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to do so.
- The assessment tools are used for the purposes for which the assessments or measures are valid and reliable and assessments are administered by trained and knowledgeable personnel in accordance with the instructions provided by the producer of the assessment.

- The assessments and other evaluation materials include those tailored to assess specific areas of academic need and not merely those that are designed to provide a single intelligence quotient.
- The assessments are selected and administered so as to best 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).
- Assessments of children with disabilities who transfer from one public agency to another public agency in the same school year are coordinated with those children's prior and subsequent schools to ensure prompt completion of full evaluations.
- The evaluation is sufficiently comprehensive to identify all of the child's special education and related service needs whether or not commonly linked to the disability category in which the child has been classified.
- The assessment tools and strategies are chosen to provide relevant information that directly assists persons in determining the educational needs of the child.

Citations:

IDEA 34 CFR §300.304

ECEA Rule 4.02 (4)

Additional Evaluation Procedures and Documentation Requirements for Consideration of Specific Learning Disability (SPED)

The Salida Montessori Charter School assures that the additional evaluation procedures and the collection of documentation for the evaluation report are completed when a specific learning disability is suspected. The additional evaluation procedures and documentation include:

- Observational information, collected prior to or following the referral for evaluation, that documents the child's academic performance in the area(s) of difficulty. The observational information includes a description of the child's relevant behavior and is conducted in the child's learning environment, including the general education classroom. If the child is less than school age or out of school a member of the multidisciplinary team observes the child in an environment that is appropriate for the child of that age.
- A body of evidence that demonstrates both academic skill deficits(s) and insufficient progress in response to scientific, researched-based interventions(s). This body of evidence includes:
 - Results of diagnostic/prescriptive assessments;
 - Descriptive analysis of the child's classroom work;
 - Response-to-intervention progress monitoring data;
 - Results of classroom/district/ state assessments.
- Documentation of the child's participation in a process that assesses the child's response to scientific research-based intervention. The documentation may be from an intervention process that occurred prior to the referral process or as part of the referral process. The documentation must include:
 - Instructional strategies used; and
 - Student-centered data collected, including repeated assessments of achievement at reasonable intervals.

- Documentation that the multidisciplinary team considered any educationally relevant medical findings.
- Documentation that the parents(s) were notified of:
 - The State's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;
 - Strategies for increasing the child's rate of learning;
 - Results of repeated assessment of the child's progress.

Citations:

IDEA 34 CFR §300.307(b)
 IDEA 34 CFR §300.309
 IDEA 34 CFR §300.310
 IDEA 34 CFR §300.311(b)
 ECEA Rule 2.08(6)(b)(ii)
 ECEA Rule 4.02 (7)
 CDE (2008). *Guidelines for Identifying Students with specific Learning Disabilities*

Determination of Disability and Eligibility (SPED)

The Salida Montessori Charter School assures that, upon the completion of the initial evaluation for SPED:

- A meeting is held, within a reasonable amount of time after the completion of the evaluation, to determine if the child has a disability and if the child is eligible for special education. The meeting participants must include:
 - At least one teacher or other specialist with knowledge in the area of the child's suspected disability;
 - Other qualified professionals, as necessary;
 - Parent(s) of the child;
 - If a specific learning disability is being considered, the child's general education teacher or, if the child is not in school, a general education teacher that is appropriate for the grade level of the child.
 - At the discretion of the special education director for the AU of residence, the special education director or designee for the administrative unit of residence.
- The multidisciplinary team interprets the evaluation data for the purpose of determining if a child is a child with a disability and to determine the educational needs of the child. The team draws upon a variety of sources that include:
 - Aptitude and achievement tests;
 - Parent input;
 - Teacher recommendations;
 - Information about the child's physical condition, social or cultural background; and
 - Adaptive behaviors.
- The multidisciplinary team ensures that information obtained from all of these sources is documented and carefully considered.

- The multidisciplinary team including the parent(s) does not identify the child as a child with a disability if any of the following is a primary determining factor in the decision:
 - Lack of appropriate instruction in reading, including the essential components of reading instruction; or
 - Lack of appropriate instruction in math; or
 - Limited English proficiency; or
 - If the child does not otherwise meet eligibility criteria.
- When there is a determination of specific learning disability, the multidisciplinary team certifies in writing that this is the conclusion of the team. If a member of the team does not agree with this determination, a separate statement presenting the member's conclusion is submitted and maintained in the child's records.
- Upon determination of eligibility, the school obtains informed written parental consent for the initial provision of special education and related services.
- The School develops an IEP for the child, if the child is determined to have a disability, is eligible for special education and written parental consent has been obtained for the initial provision of services. The IEP is developed either:
 - At the same meeting as eligibility determination; or
 - Within 30 calendar days of determining eligibility, but not more than 90 calendar days from the date parental consent for initial evaluation is received by the School.
- When the determination of eligibility and disability occur at a meeting separate from the IEP meeting, the School maintains a record of the meeting which includes a statement of the child's disability and the criteria utilized to determine eligibility.
- The Salida Montessori Charter School provides a copy of the evaluation report to the parent(s) at no cost.
- Prior written notice is provided to the parent(s) of the team's determination of disability and eligibility or of its determination that the child is not a child with a disability and is not eligible for special education and related services.
- The Salida Montessori Charter School uses the State eligibility criteria, as identified in Appendix A, to determine whether the child is a child with disability.

Citations:

IDEA 34 CFR §300.300 (b)
 IDEA 34 CFR §300.306
 IDEA 34 CFR §300.307
 IDEA 34 CFR §300.308
 IDEA 34 CFR §300.311 (b)
 IDEA 34 CFR §300.322(a)
 IDEA 34 CFR §300.323(c)(1) and (2)
 IDEA 34 CFR §300.503
 ECEA Rule 4.01
 ECEA Rule: 4.02(6)- (8)
 ECEA Rule 4.03 (1)(d)(i)
 ECEA Rule 6.02(3)

Criteria for the Determination of a Disability (SPED)

The Salida Montessori Charter School assures that determination of a disability or disabilities is based upon ECEA criteria and uses these disability categories:

The criteria for each disability category are identified in Appendix A of this document.

- Physical Disability;
- Vision Disability;
- Hearing Disability;
- Significant Limited Intellectual Capacity;
- Significant Identifiable Emotional Disability;
- Specific Learning Disability;
- Speech or Language Impairment;
- Multiple Disabilities;
- Preschool Child with a Disability;
- Infant with a Disability.

Citation:

IDEA 34 CFR §300.8
IDEA 34 CFR §300.25
ECEA Rule 2.08

Criteria for the Determination of a Disability (504)

Eligibility under Section 504.

To be protected under Section 504 and entitled to a Section 504 plan, a student must:

- (1) have a physical or mental impairment that
- (2) substantially limits
- (3) one or more major life activities.

- o ***Physical or Mental Impairment.*** The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on the basis of an individual inquiry. A physical or mental impairment is:
 - any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine;
 - any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

NOTE REGARDING ALCOHOL AND DRUG USE: Section 504 excludes from eligibility those students who are currently engaged in the illegal use of alcohol or drugs -- even if the student is otherwise disabled. However, a student who is participating in, or who has completed, a supervised drug or alcohol rehabilitation program and is no longer using illegal substances can claim eligibility under Section 504.

IMPORTANT: *A student with a particular impairment or medical diagnosis is not necessarily “disabled” under Section 504. The impairment or diagnosed condition must **substantially limit** one or more major life activities. For example, a student who has a physical or mental impairment would not be considered a student in need of services under Section 504 if the impairment does not in any way limit the student's ability to learn or other major life activity, or only results in some minor limitation in that regard.*

- o **Substantially limits.** The term “substantially limits” is not defined in the law or in any published guidance. Generally, “substantially limits” is interpreted as significantly restricted as to the condition, manner, duration under which the student can perform a major life activity as compared to the average student of approximately the same age. Said another way, the student’s impairment must have an impact that makes the student’s abilities significantly different and outside the range of average students of approximately the same age.

- o **Major life activities** include functions such as:

- caring for one's self;
- performing manual tasks;
- walking;
- seeing;
- hearing;
- speaking;
- breathing;
- learning;
- working;
- concentrating;
- reading;
- operation of major bodily functions, including immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive.

NOTE: This list is not exhaustive, meaning other major life activities could qualify.

IMPORTANT RECENT CHANGE IN THE LAW REGARDING “MITIGATING FACTORS”: *In determining whether a student has a physical or mental impairment that substantially limits that student in a major life activity, the public agency may no longer consider the ameliorating (i.e., corrective) effects of any mitigating measures that student is using, with one exception. The (non-exhaustive) list of mitigating measures is as follows:*

- medication;
- medical supplies, equipment or appliances;
- low-vision devices (which do not include ordinary eyeglasses or contact lenses);
- prosthetics (including limbs and devices);
- hearing aids and cochlear implants or other implantable hearing devices;
- mobility devices;
- oxygen therapy equipment and supplies;
- use of assistive technology;
- reasonable accommodations or auxiliary aids or services; and
- learned behavioral or adaptive neurological modifications.

In other words, the fact that a student uses a device that mitigates the effects of an impairment will not result in the denial of Section 504 eligibility where the absence of the “mitigating measure” would have resulted in such eligibility.

*The one exception to this rule is **ordinary eyeglasses or contact lenses**, which shall be considered in determining if a vision impairment substantially limits a major life activity. "Ordinary eyeglasses or contact lenses" are lenses that are intended to fully correct visual acuity or eliminate refractive error, whereas "low-vision devices" are devices that magnify, enhance, or otherwise augment a visual image.*

- **Regarded as having a record of an impairment.**

Students are also protected from discrimination under Section 504 if the student has a record of such an impairment or is regarded as having such an impairment. These students will not be entitled to a Section 504 plan because they don't have a disability, but they can't be treated differently. For example, a student who has been treated for cancer can't be told to sit out of P.E. solely due to a record of having cancer.

- **504 Team**

The determination of whether a student is eligible as a "student with a disability" under Section 504 must be made by a group of persons, including persons knowledgeable about the meaning of the evaluation data and knowledgeable about the placement options. If a parent disagrees with the determination, he or she may request a due process hearing (*see below*).

IMPORTANT: Compliance with the IDEA's team requirements will satisfy 504's team requirements.

- **Evaluations under Section 504**

As with IDEA, a public agency must individually evaluate a student before classifying the student as having a disability, providing the student with accommodations under Section 504, or making a significant change of placement. If public agencies choose to adopt a separate process for evaluating the needs of students under Section 504, they must follow the requirements for evaluation specified in the Section 504 regulations.

Tests must be selected and administered so as to ensure that the test results accurately reflect the student's aptitude or achievement or other factor being measured rather than reflect the student's disability, except where those are the factors being measured. Tests and other evaluation materials must be tailored to evaluate the specific areas of educational need and not merely those designed to provide a single intelligence quotient, and must be validated for the specific purpose for which they are used and appropriately administered by trained personnel.

The public agency, in conducting an evaluation and making an eligibility determination, must draw from a variety of sources in the evaluation process, including aptitude and achievement tests, any outside independent evaluations provided by parents, teacher recommendations, the student's physical condition, social or cultural background and adaptive behavior. The information obtained from all such sources must be documented and all significant factors related to the student's learning process must be considered.

IMPORTANT: A physician's medical diagnosis alone is insufficient information to constitute a proper "evaluation" under Section 504. At a minimum, the team must consider information from other sources, such as observations of the student in the school setting.

A public agency cannot require a parent or student to provide a medical statement *if* the agency suspects that the student has a disability that would entitle the student to regular or special education and related aids and services under Section 504; however, a public agency is not required to evaluate a student whom the agency does not suspect/believe has a qualifying disability. If a public agency determines, based on the facts and circumstances of the individual case, that a medical assessment is necessary to determine eligibility and plan appropriately, the agency must ensure that the child receives this assessment at no cost to the parents. It is up to the team gathered to evaluate and consider the student's eligibility to determine the sufficiency and adequacy of the available information.

Reevaluation Process

The Salida Montessori Charter School assures that a special education reevaluation occurs for all identified and eligible children ages three through twenty-one:

- At least every three years to determine the child's continued eligibility for special education and to determine the nature and extent of the special education and related services that the child needs, unless the parent and the CSI agree that a reevaluation is unnecessary.
- A reevaluation does not occur more than once a year, unless the parent and the CSI agree otherwise.
 - If the Salida Montessori Charter School does not agree with the parent's request for a reevaluation, Salida Montessori Charter School provides Prior Written Notice to the parent to inform him/her that Salida Montessori Charter School refuses to reevaluate the child, and provides the rationale for this decision.
- When the Salida Montessori Charter School determines that the educational or related services needs, including improved academic achievement and functional performance of the child, warrant a reevaluation.
- When there is consideration of changing the disability category.
- When the Salida Montessori Charter School suspects that a child is no longer eligible for special education and related services.
- When the Salida Montessori Charter school considers making a significant change in placement (see change of placement in IEP section);

The Salida Montessori Charter School assures that prior to a reevaluation:

- Prior written notice is provided to the parent(s);
- Written consent to conduct the evaluation is obtained from the parent(s)
 - If the parent denies consent for a reevaluation, Salida Montessori Charter School may decide to:
 - Use consent override procedures including mediation and due process;
 - Not pursue the reevaluation;
 - Use existing data sources for the reevaluation.
 - If the parent does not respond to the request for consent for reevaluation, Salida Montessori Charter School maintains evidence that it has made reasonable efforts to obtain the consent and the parent did not respond.
 - The Salida Montessori Charter School has a process to determine whether to proceed with the reevaluation.

The Salida Montessori Charter School assures that, when the IEP team conducts the reevaluation, the team:

- Reviews existing evaluation data about the child including—
 - Evaluations and information provided by the parents of the child;
 - Current classroom-based, local, or State assessments, and classroom based observations;
 - Observations by teachers and related services providers; and

- On the basis of that review and input from the child's parents, identifies what additional data, if any, are needed to determine:
 - Whether the child continues to have a disability;
 - Whether the child continues to need special education and related services; and
 - The educational needs of the child.
- In addition, the team reviews:
 - The child's present levels of academic achievement;
 - Related developmental needs of the child; and
 - Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals and to participate, as appropriate, in the general education curriculum.
- The team administers any other evaluations or conducts any new evaluations as necessary, with the consent of the parent(s).
- **Requirements when no additional data are needed**

The IEP team and other qualified professionals, as appropriate, may determine that no additional data are needed to determine the child's continuing eligibility for special education and related services. In such a situation, the IEP team:

- Provides prior written notice to the child's parents of that determination and the reason for the determination; and
- Informs the parents that they have the right to request an evaluation for their child in order to determine if their child continues to be a child with a disability and to determine the child's educational needs.

The Salida Montessori Charter School does not evaluate a child with a disability when the child's eligibility is terminated due to graduation from secondary school with a regular diploma or due to exceeding the age of eligibility for FAPE. In these circumstances the Salida Montessori Charter School provides the child with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the child in meeting postsecondary goals.

Citations:

IDEA 34 CFR §300.300 (c)
 IDEA 34 CFR §300.303
 IDEA 34 CFR §300.304
 IDEA 34 CFR §300.305
 IDEA 34 CFR §300.306
 ECEA Rule 4.02(5); (6)

Section 4

Free Appropriate Public Education (FAPE)

1. At the kindergarten level students are offered placement based upon a lottery. First through eighth grade students are admitted based upon availability, also through a lottery. If the parent indicates on the enrollment packet that the student has a plan, an enrollment team will review the plan to determine if FAPE is available. The enrollment team will review the IEP/Section 504 plan. If the enrollment team questions the ability of the school to be able to meet student needs including a significant change of placement, an IEP meeting is held to determine FAPE. The IEP team will consist of the special education director/designee, the special education teacher/service provider, general education teacher, and parent. An invitation will also be extended to the Special Education Director of the district of residence. Salida Montessori may deny enrollment to a special education student for the same reason a school may deny a student without disabilities. If the IEP team determines that the school cannot offer FAPE the parent will be referred to the ES director at CSI.

The Salida Montessori Charter School assures that a free appropriate public education is available to all children attending a member charter school between the ages of 3 -21, including children with disabilities who have been suspended/expelled from school as described in Section 6. FAPE is available to children with a disability who need special education and related services, even when the child has not failed or been retained in a course or grade and is advancing from grade to grade.

The Salida Montessori Charter School acknowledges that it does not have an obligation to provide FAPE to Children who do not meet Colorado's age requirements for FAPE; Children incarcerated in adult correctional facilities; and Children with disabilities who have graduated from high school with a regular diploma.

Citations:

IDEA 34 CFR §300.101
IDEA 34 CFR §300.102
ECEA Rule 5.01(1)(a)(b)

The Salida Montessori Charter School will have an Enrollment process of students with special needs (SPED/504) that does not discriminate, and as addressed in the Charter School Contract 6.5, each the school may establish its own enrollment timeline and procedures. For all students, the Institute's schools reserve the right to review each student's educational records and ensure the student is eligible for enrollment pursuant to state and federal law. A school may deny enrollment to a student with disabilities seeking admission in a charter school in the same manner and for the same reasons the school may deny admission to a student without disabilities, including that the student's admission

would require alterations in the structure of the facility used by the institute charter school or alterations to the arrangement or function of rooms within the facility, beyond those required by state or federal law.

To ensure that the needs of students with disabilities are met, the following procedures must be followed:

1. Following the application deadline and upon completing the lottery (if appropriate), the School shall require that the student provide the most recent IEP (including eligibility IEP) or Section 504 Plan, if any.
2. A screening review team consisting of the School Principal or designee, the School Special Education teacher or coordinator, and the Institute Special Education Director or designee shall review the IEP and determine whether a free appropriate public education ("FAPE") is available for the student. If the screening team finds the application requests a significant change of placement or raises other concerns about the student's ability to access FAPE, the School shall convene a complete IEP team to make the final determination.

NOTE: A student's application is a request for a significant change of placement when:

- a student with disabilities who has been served in a center-based program (or who otherwise has intensive IEP service needs) applies for admission into an Institute charter school that does not currently offer those services; or
- a student currently enrolled in a "brick and mortar school" applies for enrollment in an ONLINE program or a student enrolled in an ONLINE program applies for enrollment in a "brick and mortar school"

3. If the screening review team refers the student's application to an IEP team, the School shall convene an IEP Team meeting that shall include the Institute Director of Special Education or designee. In addition, the IEP team must include the following people: not less than one regular education teacher; not less than one special education teacher, or where appropriate, not less than one special education provider; and, an individual who can interpret the instructional implications of evaluation results, and a language interpreter, when necessary. The student's parents and legal guardian must be afforded the opportunity to participate, as must the student when appropriate.

NOTE: If the student's application requests a significant change of placement, the Special Education Director of the student's administrative unit of residence (school district or BOCES) must be invited to the IEP meeting. Also, most Institute contracts require the School to invite representatives from the student's prior school to participate in the IEP Team meeting at the charter school.

4. The IEP team must review all available information, including the student's application, records, current data, data from the IEP, information provided by the parents, and/or data from the assessment team, to determine whether the student can receive FAPE if granted enrollment, as requested by the student's application.

NOTE: If the application requests a significant change of placement, the IEP team must first consider the need for reevaluation by reviewing the listed information and determining whether additional information is necessary to determine the student's eligibility for special education, the student's educational needs, and any necessary additions or modifications to the special education and related services. If the team (including a request by the parent), determines that additional evaluative information is necessary, the Institute shall reevaluate the student in accordance with the IDEA and ECEA rules.

5. If the IEP team determines the student will not be able to receive FAPE, then the IEP team will deny the student's application for admission to the school and refer the student to the Institute Director of Special Education or designee. The Institute Director of Special Education or designee will confer with the student and family regarding placement opportunities available in Institute schools and assist the family in making proper application(s). If the student's application for admission is denied, the student's current placement shall remain as determined by the prior IEP.
6. If the student is admitted, the student shall be placed directly in a program that meets the requirements of the student's existing IEP or Section 504 Plan, unless and until the School convenes an IEP meeting or 504 meeting is held and the IEP or Section 504 Plan is changed.

Section 5

Individualized Education Programs (IEP) IEP Timelines

1. Salida Montessori's mission is to offer an authentic Montessori education leading to students who are independent, inquisitive, respectful, and empowered to realize their individual potential in future academic and life endeavors. IEPs and Section 504 plans are developed to reflect local and state standards to help students with special needs achieve those standards. Salida Montessori offers a continuum of services for students with identified disabilities. The service delivery options are based upon the student's identified educational needs and goals. IEPs and Section 504 plans are developed and implemented following the state and federal timelines.

Salida Montessori Charter School assures that:

- An initial IEP:
 - Is developed for a child within 30 calendar days of the determination of special education eligibility; but
 - Not more than 90 days calendar days from the date that parental consent was obtained to conduct the initial evaluation.
- The IEP is in effect for all eligible students at the beginning of every school year.
- IEP meetings to review and revise each child's IEP and to determine the child's placement are initiated and conducted at least once every 365 days.
- The specific special education and related services, accommodations, modifications, and supports are implemented for the child as soon as possible after the IEP has been developed.
- Following a reevaluation, a meeting is held within a reasonable period of time to discuss the reevaluation of the child to determine if the child continues to be eligible for special education and/or to identify all of the child's special education and related service's needs.

Citations:

IDEA 34 CFR §300.323(a)(c)
IDEA 34 CFR §300.324(b)
ECEA Rule 4.02(6)(a)(ii)
ECEA Rule 4.03 (1)(a)
ECEA Rule 4.03 (1)(d)(i)

IEP Team Members and Team Member Responsibility

Obligation for parent participation

The Salida Montessori Charter School assures that the parent(s) of a child with a disability are afforded the opportunity to participate in meetings with respect to:

- The identification, evaluation and educational placement of the child; and
- The provision of FAPE to the child.

The Salida Montessori Charter School meets the obligation to assure parent participation by:

- Notifying the parent(s) of the meeting sufficiently in advance of the scheduled time so that parent(s) have an opportunity to attend.
- Scheduling the meeting at a mutually agreed upon time and place;
- Stating the purpose, time, and location of the meeting and indicating who will be in attendance at the meeting on the Notice of Meeting.
- Providing for interpreters or translators, at no cost to the parent(s), to ensure that the parent(s) understand the proceedings of the IEP meeting;
- Suggesting arrangements that would allow the parent(s) participation via phone or other alternate meeting methods, if the parent(s) are not able to attend the meeting in person;

If the parent(s) do not respond to the Notice of Meeting, Salida Montessori Charter School maintains evidence of the attempts to arrange a meeting at a mutually agreed upon time and place, such as:

- Detailed records of telephone calls made or attempted and the results of the calls;
- Copies of correspondence sent to the parents and any responses received;
- Detailed records of visits made to the parent(s)'s home or place of employment and the results of those visits.

Citations:

IDEA 34 CFR §300.322
IDEA 34 CFR §300.327
IDEA 34 CFR §300.328
IDEA 34 CFR §300.501(b)
ECEA Rule 4.03(7)

Requirements and Responsibilities for Other IEP Team Membership

The Salida Montessori Charter School also includes as part of the IEP team:

- The child, whenever appropriate;
- At least one general education teacher of the child, if the child is or may be participating in the general education environment. The general education teacher participates to the extent appropriate in the development of the IEP, including the determination of:
 - Appropriate positive behavioral interventions, supports and other strategies for the child;
 - Supplemental aids and services;
 - Program modifications; and

- o Support for school personnel.
- At least one special education teacher(s) and/or special education provider(s) of the child;
- The Director of Special Education or designee who is knowledgeable about the availability of resources of the Salida Montessori Charter School and has the authority to commit those resources;
- Individual(s) who can interpret the instructional implications of evaluation results, as necessary;
- Others at the discretion of the Salida Montessori Charter School or parent(s), including professionals who have knowledge or special expertise regarding the child. The determination of knowledge and special expertise is made by the party (the parent(s) or Salida Montessori Charter School) who invites the individual to be a member of the IEP team.
- Beginning with the first IEP developed when the child is age 15 but no later than the end of the 9th grade, or earlier if deemed appropriate by the IEP Team and when the purpose of the meeting is the consideration of postsecondary goals for the child and transition services needed to assist the child in reaching those goals, Salida Montessori Charter School includes the following individuals:
 - o The child.
 - If the child is unable to attend, Salida Montessori Charter School takes other steps to consider the child's preferences and interests.
 - o A representative of any participating agency that is likely to be responsible for providing or paying for transition services, to the extent appropriate, but only if there is consent from the parents, or if the child has reached the age of majority, the consent of the child.
- The Director of Special Education or designee of the AU of residence if the meeting involves transition planning between Part C (infant/toddler) to Part B (ages 3 and older) services.
- The Part C service coordinator or other representative of the Part C system, if requested by the parent, to assist with smooth transition from Part C services to Part B services.
- A representative of an approved facility school, if the child has been publically placed at an approved facility school. If the representative is unable to attend, his or her participation is ensured by providing an alternative means of participation.
- If the AU of residence is not responsible for a meeting, Salida Montessori Charter School provides timely notification of the IEP meeting to the Special Education Director or designee for the AU of residence. The notification shall be provided at the same time and in the same manner that the parent is notified of the meeting.
- A required IEP Team member (the regular education teacher of the child, a special education teacher of the child, an individual who can interpret the instructional implications of evaluation results) may be excused from attending an IEP meeting if:
 - o The parent, in writing, and the Salida Montessori Charter school consent to the excusal; and
 - o The excused member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.
- Salida Montessori Charter School does not allow for the excusal of the Special Education Director of the CSI or designee at any IEP meeting.
- Each general education teacher, related service provider and any other services provider or school personnel, who are responsible for IEP implementation, has access to the child's IEP and is informed of:
 - o His or her specific responsibilities related to implementing the child's IEP; and

- o The specific accommodations, modifications and supports that must be provided for the child in accordance with the child's IEP.

Citations:

IDEA 34 CFR §300.321
 IDEA 34 CFR §300.323 (d)
 IDEA 34 CFR §300.324(a)(3)(i)-(ii)
 ECEA Rule 4.02 (6) (b)
 ECEA Rule 4.03(1)(e)
 ECEA Rule 4.03(5)(a)(b)(c)

Requirements for the Development of the IEP

The Salida Montessori Charter School assures that the IEP team develops every IEP based upon the consideration of:

- The strengths of the child;
- The concerns of the parent for enhancing the education of his/her child;
- The results of the initial or most recent evaluation of the child;
- The academic, developmental, and functional needs of the child; and
- The following special factors, are also considered:
 - o The use of positive behavioral interventions, if the child's behavior impedes the child's learning or that of others.
 - o The language needs of the child, if the child is limited English proficient, as those needs relate to the IEP.
 - o Instruction in Braille and the use of Braille, if the child is blind or visually impaired, unless the IEP team determines, after evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media, including the child's future needs for instruction in Braille, that the use of Braille is not appropriate for the child.
 - o The consideration of the communication needs of the child.
 - If the child is deaf or hard of hearing, consider
 - ♦ The child's language and communication needs;
 - ♦ Opportunities for direct communication with peers and adults in the child's communication mode; and
 - ♦ The need for direct instruction in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode.
 - o Whether the child needs assistive technology devices or services.

The Salida Montessori Charter School assures that every IEP written for a child with a disability includes:

- Statement(s) of the child's present levels of academic achievement and functional performance, including statement(s) of how the child's disability affects the child's involvement and progress in the general education curriculum.
- A statement(s) for preschool children about how the disability affects the child's participation in appropriate activities.
- Statement(s) of measurable annual goal(s), including academic and functional goal(s) that are designed to meet the child's needs to enable the child to be involved in and make progress in the general education curriculum.

- Inclusion of additional goal(s), as appropriate, to meet each of the child's other educational needs that result from the child's disability.
- A description of benchmark(s) or short-term objective(s), if the child is to take alternate assessments that are aligned to alternate achievement standards.
- A description of how progress on the annual goal(s) and benchmark(s) will be measured and how often the progress will be provided.
- Statements that identify the special education and related services and supplemental aids and services, based on peer-reviewed research to the extent practicable that will be provided for the child, as well as statements of program modifications or supports for school personnel that will enable the child to:
 - Advance appropriately toward attaining the annual goals;
 - Be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities;
 - Be educated with peers that are non-disabled or disabled; and
 - An explanation of the extent to which the child will not participate with children who are nondisabled in the regular class and in other activities;
 - Receive individual accommodations that are necessary to measure the child's academic achievement and functional performance on State and district wide assessments.
- Statement(s), if appropriate, that provide rationale for child's need to take alternate assessments, including:
 - Information that documents why the child cannot participate in regular assessment; and
 - Documentation that the particular alternate assessment that is selected is appropriate for the child.
- The projected date for the beginning of the services and the anticipated frequency, location and duration of those services and modifications.
- Beginning with the first IEP developed when the child is age 15 but no later than the end of the 9th grade, or earlier if deemed appropriate by the IEP Team, the IEP includes statements address the child's transition needs including:
 - Appropriate measureable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills.
 - Description of transition services, including courses of study, needed to assist the child in reaching those goals.
- A statement on the IEP for children who are a year from reaching the age of majority (21 years), verifying that the child has been informed of the child's rights under Part B of the Act.
- A Communication Plan is developed for children who are hearing impaired. The plan includes:
 - A statement that identifies the child's primary communication mode as one or more of the following:
 - Aural,
 - Oral,
 - Speech-based,
 - English based Manual or sign system
 - American sign language
 - A statement that there no denial of opportunity for instruction in a particular mode based on:

- Residual hearing,
- The parents' inability to communicate in the child's communications mode or language, nor
- The child's experience with another mode of communication or language.
- A statement documenting that an explanation was given of all educational options available to the child.
- A statement documenting that the IEP team considered the availability of deaf/hard of hearing adult role models and a deaf/hard of hearing peer group of the child's communication mode or language.
- Statements that document the communication-accessible academic instruction, school services and extracurricular activities that the student will receive.
- The Salida Montessori Charter School assures that hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly.

Salida Montessori Charter School assures that the teachers, interpreters and other specialists delivering the communication plan to the child have demonstrated proficiency in, and are able to accommodate for, the child's primary communication mode or language.

- A Learning Media Plan is developed for children who are visually impaired. The plan:
 - Is based on a comprehensive assessment of the child's learning and literacy modalities completed by a licensed teacher in the area of visual impairment.
 - Identifies Braille as the literacy medium unless the child's IEP team determines that instruction in Braille is not appropriate.
 - Includes the following:
 - A statement of how the selected learning and literacy mode(s) will be implemented as the child's primary or secondary mode for achieving literacy and why such mode or modes have been selected.
 - A statement of how the child's instruction in the selected learning and literacy mode(s) will be integrated into educational activities.
 - Statements that define:
 - ◆ Date instruction will begin;
 - ◆ Amount of time to be dedicated to each learning and literacy mode; and
 - ◆ The service provider responsible for each area of instruction.
 - Level of competency in each selected learning and literacy mode(s) which the child will achieve by the end of the period covered by the IEP.

The Salida Montessori Charter School assures that the teachers for students who are visually impaired are licensed and endorsed in the area of Visual Impairment and have demonstrated competency in reading and writing literacy Braille per the guidelines developed by the Colorado Department of Education.

Salida Montessori School assures that a copy of the IEP is given to the parent at no cost.

Citations:

IDEA 34 CFR §300.113
 IDEA 34 CFR §300.320(a)
 IDEA 34 CFR §300.322(f)
 IDEA 34 CFR §300.324
 ECEA Rule 4.03(6)
 ECEA Rule 5.01(m)

Educational Placement Decisions and Least Restrictive Environment (LRE) Requirements

Salida Montessori Charter School determines the educational placement and LRE for children with disabilities so that the child is removed from the general education setting to special classes or a separate school only if the nature or the severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be satisfactorily achieved.

Salida Montessori Charter School has a continuum of alternative placements available to meet the needs of children with disabilities for special education and related services that may include services provided in:

- General education classes;
- Special classes;
- Home instruction;
- Instruction in hospitals for students accepted and enrolled in an authorized Charter school.

Salida Montessori Charter School also assures that it provides supplementary services in conjunction with general class placement, as necessary and appropriate.

Salida Montessori Charter School assures that the decision of educational placement and the LRE made for a child with a disability, including a preschool child with disabilities, is based upon:

- The consideration of the maximum extent appropriate to which the child can be educated with children who are not disabled;
- The consideration of special classes, separate schooling, or other removal of a child with a disability from the general education environment occurs only if the nature and severity of the disability is such that the education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily;
- Consideration of any potential harmful effect the selected LRE may have on the child, including the effects on the quality of service; and
- The need to remove a child with a disability from education in age-appropriate general education classes is not based solely on the needed modifications in the general education curriculum.

The Salida Montessori Charter School assures that the educational placement and LRE is:

- Determined at least annually by a group of persons, including the parents, and others who are knowledgeable about the child;
- Based upon the IEP;

Salida Montessori Charter School assures that in selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs.

Salida Montessori Charter School assures that a child with a disability is not removed from education in age-appropriate regular classrooms solely because of the needed modifications in the general education curriculum.

Citations:

IDEA 34 CFR §300.114
IDEA 34 CFR §300.115
IDEA 34 CFR §300.116
IDEA 34 CFR §300.327
IDEA 34 CFR §300.501(c)
ECEA Rule 4.03(8)
ECEA Rule 5.01(2)(c)

Routine checking of hearing aids and external components of surgically implanted medical devices

Salida Montessori Charter School assures that the external components of surgically implanted medical devices are functioning properly.

- For a child with a surgically implanted medical device who is receiving special education and related services under this part, the CSI and/or the member charter school is not responsible for the post-surgical maintenance, programming, or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device).

Citations:

IDEA 34 CFR §300.113
ECEA Rule 5.01(1)(m)

Provision of Assistive Technology

Salida Montessori Charter School assures that assistive technology devices or services:

- Are made available to a child with a disability if required as part of the child's special education, related services or supplementary aids and services; and
- The use of school-purchased assistive technology devices in a child's home or in other settings is provided when the child's IEP team determines that the devices are necessary in order for the child to receive FAPE.

Citations:

IDEA 34 CFR §300.105 ECEA Rule 5.01(1)(e)

Extended School Year

Salida Montessori Charter School assures that extended school year services are provided when the IEP team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child. In implementing these requirements, the CSI does not:

- Limit extended school year services to particular categories of disability; or
- Unilaterally limit the type, amount, or duration of the services.

Citations:

IDEA 34 CFR §300.106
ECEA Rule 5.01(1)(f)

Non Academic Settings

Salida Montessori Charter School assures that it takes steps to ensure that children with disabilities have available to them the variety of educational programs and services available to nondisabled children including art, music, industrial arts, consumer and homemaking education, and vocational education.

Salida Montessori Charter School assures that:

- Each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child.

- Nonacademic and extracurricular services and activities include, but are not limited to, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the AU and assistance in making outside employment available.
- The child with a disability has the supplementary aids and services determined by the child's IEP team to be appropriate and necessary for the child to participate in nonacademic settings.

Salida Montessori Charter School assures that:

- Physical education services, specially designed if necessary, is made available to every child with a disability receiving FAPE in the same manner that physical education services are available to students who are not disabled.
- Each child with a disability is afforded the opportunity to participate in the regular physical education program available to nondisabled children unless—
 - The child is enrolled full time in a separate facility; or
 - The child needs specially designed physical education, as prescribed in the child's IEP.
- Specially designed physical education is prescribed in a child's IEP, the public agency responsible for the education of that child must provide the services directly or make arrangements for those services to be provided through other public or private programs.

Citations:

IDEA 34 CFR §300.114
 IDEA 34 CFR §300.117
 ECEA Rule 5.01(2)(a)(d)
 Adjust citations

Change of Placement

Salida Montessori Charter School assures that parent(s) of a child with a disability are members of any group that makes decisions on the education placement of their child, including decisions to change the child's placement, as that term is defined under the Colorado ECEA Rule 4.03(8)(b).

A significant change in placement means:

- The addition or termination of an instructional or related service; or
- Changing the eligibility status of the child; or
- Any change which would result in the following:
 - The child having different opportunities to participate in nonacademic and extracurricular services.
 - A new placement option that is a change in the educational environmental categories or setting codes, as defined by the U.S. Department of Education
 - The child's transfer from a brick and mortar school to a CSI authorized on-line program or vice versa. The CSI is responsible for conducting the reevaluation and convening the IEP Team to determine whether the on-line program is an appropriate placement for the child.

Salida Montessori Charter School assures that when a significant change of placement is considered, the CSI provides the parents with prior written notice for the evaluation;

- Obtains parental consent for evaluation; and

- Conducts a reevaluation.
 - If the parent(s) does not consent to a reevaluation the CSI:
 - Uses existing data sources for the reevaluation; or
 - Uses consent override procedures including mediation and due process.
- Assures that changes are made only by an IEP Team with the addition of those persons conducting the reevaluation unless the parent and the CSI mutually agree to change the IEP.
- Provides the parent(s) with prior written notice before implementing the changes.

A non-significant change in placement means:

- Altering the child's educational program, such as changing the amount of a given service, but not to the extent that educational setting code and the program change (significantly).

Salida Montessori Charter School assures that when a non-significant change in placement is considered, Salida Montessori Charter School:

- Issues prior written notice of the changes to the parent(s), before the implementation of the changes.
- Does not require parental consent to implement the changes.
- Does not require a reevaluation.

Citations:

IDEA 34 CFR §300.327

ECEA Rule 4.03 (8)(b)

Amendments and Revisions to the IEP

Salida Montessori Charter School assures that IEP team meetings will be consolidated to the extent possible.

Salida Montessori Charter School assures that the general education teacher, to the extent appropriate, participates in the review and revision of the child's IEP.

- Salida Montessori Charter School assures that amendments to the IEP are made by holding a meeting with the entire IEP team to amend or modify the IEP or if changes are made to a child's IEP after the annual IEP review meeting, the parent(s) of a child with a disability and the CSI may agree not to convene an IEP team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP.
- Salida Montessori Charter School assures that decisions are made by an IEP team, unless there is written agreement between the parent and the CSI that changes can be made to the IEP, after the annual IEP meeting. Under such circumstances, the CSI assures that the agreed-upon changes to the IEP are made in writing and all members of the IEP team are informed of the changes.
- A copy of the written IEP change(s) is provided to the parent(s) upon request.

Salida Montessori Charter School assures that a child's IEP is reviewed:

- Periodically, but not less than annually (at least every 365 days), to determine whether the annual goals for the child are being achieved; and
 - Revises the IEP, as appropriate to address:

- A lack of expected progress toward the child's annual goals and in the general education curriculum;
 - Results of any reevaluation that has been conducted;
 - information about the child provided to or by the parent(s);
 - Anticipated needs of the child;
 - Other matters.
- In addition the IEP team ensures that all other requirements for IEP development are met.
 - If a participating agency or other public agency fails to provide the transition services that have previously been agreed upon in the child's IEP, the IEP team reconvenes to identify alternative strategies to meet the established transition objectives.

Citations:

IDEA 34 CFR §300.324 (a)(4)(5)(6)

IDEA 34 CFR §300.324 (b)(c)

ECEA Rule 4.03(2)(d)(e)(f)(g)(h)

Requirements Prior to the Implementation of the IEP or Changes to the IEP

Salida Montessori Charter School provides prior written notice to the parent(s) of a child with a disability before the CSI:

- Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
- Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

The written notice includes:

- A description of the action proposed or refused;
- An explanation of why the action was proposed or refused;
- A description of each evaluation procedure, assessment, record, or the report that was used as a basis for the proposed or refused action;
- A statement that the parent(s) have protection under the procedural safeguards and the means by which a copy of the procedural safeguards can be obtained.
- Sources for parent(s) to contact to obtain assistance in understanding the proposed or refused actions of the CSI; and
- A description of other factors that is relevant to the CSI proposal or refusal.

Salida Montessori Charter School assures that the prior written notice is:

- Written in language that is understandable by the general public.
 - Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.
- If the native language or other mode of communication of the parent is not a written language, the AU takes steps to ensure that :
 - The parent understands the contents of the notice; and

- There is written evidence that these requirements have been met.

Citations:

IDEA 34 CFR §300.503

ECEA Rule 6.02 (3)

Transfer Students

Salida Montessori Charter School assures that when a child transfers into a member charter school from another public agency within the state and has an IEP in effect:

- Salida Montessori Charter School, in consultation with the parent(s), provides FAPE to the child including services comparable to those described in the child's IEP from the previous public agency until the AU either:
 - o Adopts the child's IEP from the previous agency; or
 - o Develops, adopts, and implements a new IEP that meets the applicable requirements of IEP development.

Salida Montessori Charter School assures that when a child transfers into a member charter school from another public agency outside of the state and has an IEP in effect:

- Salida Montessori Charter School, in consultation with the parents, provides FAPE to the child including services comparable to those described in the child's IEP from the previous public agency until Salida Montessori Charter School:
 - o Conducts an evaluation, if determined to be necessary by the CSI; and
 - o Develops, adopts and implements a new IEP, if appropriate, that meets all applicable requirements of evaluation and IEP development.

Citations:

IDEA 34 CFR §300.323 (e)-(f)

ECEA Rule 4.03 (1) (f)-(g)

Section 6

Confidentiality of Information, Procedural Safeguards and Dispute Resolution Processes for Parents and Children

1. Salida Montessori Charter School contracts with Alpine Achievement to manage student plans and information. The system is password protected and educators only have access to students they manage/serve. Hard copies of IEP documents are housed in a fireproof locked file cabinet within a locked classroom within a locked building. A list of professionals allowed access to student files is maintained by the administration.

Parent permission is obtained prior to the release of any confidential records to any outside agency other than participating agencies authorized by law.

Parents may request a copy of their child's educational records at any time. A charge of \$.10 per page will be charged for copies.

2. All parents/guardians of students with special needs are provided their educational safeguards and Prior Written Notice prior to a request for permission to assess, permission for initial placement and at least annually thereafter. Procedural Safeguards are also provided upon parent request, due process notice, and upon a recommendation for removal. The process for dispute resolution is outlined in the Procedural Safeguards provided to the parents.

Confidentiality of Information

Salida Montessori Charter School protects the confidentiality of any personally identifiable data, information, and records collected or maintained by Salida Montessori Charter School by:

- Obtaining parental consent before personally identifiable information is disclosed to parties, other than officials of participating agencies, unless the information is contained in education records and disclosure is authorized without parental consent under 34 CFR Part 99.
 - Salida Montessori Charter School does not obtain parental consent to share personally identifiable information for the purposes of reporting required data to the State or Federal agencies or for the purposes of CDE monitoring.
- Obtaining parental consent or the consent of an eligible child who has reached the age of majority, prior to disclosing personally identifiable information to officials of participating agencies providing or paying for transition services.
- Obtaining parental consent, or the consent of an eligible child who has reached the age of majority, prior to disclosing personally identifiable information to a private school in which the child is enrolled.
- Maintaining for public inspection, a current listing of the names and positions of those employees within Salida Montessori Charter School who may have access to personally identifiable information.
- Maintaining confidentiality of personally identifiable information at collection, storage, disclosure and destruction of records.
- Assuring that person(s) are trained and identified to be responsible for maintaining the confidentiality of personally identifiable information.
- Identifying one official responsible for ensuring the confidentiality of any personally identifiable information.
- Informing the parent(s) when personally identifiable information collected, maintained or used, is no longer needed to provide educational services and that records may be destroyed.

Salida Montessori Charter School assures that it destroys the information at parental request, if it is no longer needed to provide education services; however, the child's name, address, phone number, grades, attendance record, classes completed, grade level and year completed may be maintained without limitation.

Citations:

IDEA 34 CFR §300.520
 IDEA 34 CFR §300.611(c)
 IDEA 34 CFR §300.622
 IDEA 34 CFR §300.623
 IDEA 34 CFR §300.624
 ECEA Rule 6.01(12)
 ECEA Rule 6.01(13)
 ECEA Rule 6.01(14)
 ECEA Rule 6.02 (9)

Parental Rights to Inspect Records

Salida Montessori Charter School assures that the parent(s) have the right to inspect and review their child's education records, as this term is defined in IDEA and FERPA, including:

- Opportunities to inspect and review all education records with respect to:
 - The identification of their child for special education and related services;
 - The evaluation of their child;

- The educational placement of their child;
 - The provision of FAPE to their child.
 - Ensuring that if an educational record includes information on more than one child, the parent(s) 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 right to a response from Salida Montessori Charter School to reasonable requests for explanations and interpretations of the records;
- The right to request that Salida Montessori Charter School provide copies of the records containing the information, if failure to provide those copies would effectively prevent the parent(s) from exercising the right to inspect and review the records;
- The right to have a representative of the parent(s) inspect and review the records;
- Giving the parent(s) access to their child's records without undue delay and before any meeting regarding an IEP or a hearing or resolution session, and in no case more than 45 calendar days after the request has been made;
- Maintaining a record of access, that includes:
 - The name of the party;
 - The date of review; and
 - The purpose of review.
- Providing the parent(s), upon request, a list of the types and locations of education records collected, maintained, or used by Salida Montessori Charter School;
- Not charging the parent(s) a fee to search for or to retrieve records;
- Not charging the parent(s) a fee for copies of their child's educational records, if the charging of a fee for records would effectively prevent the parent(s) from exercising their right to inspect and review of records;
- If the parent(s) requests an amendment of the records based upon their belief that the information in the educational records is inaccurate, misleading or violates the privacy or rights of the child, the CSI school will:
 - Make a decision to amend or refuse to amend records within a reasonable period of time of the receipt of the request.
 - If Salida Montessori Charter School decides to refuse to amend the information in accordance with the request, it informs the parent of the refusal and advises the parent of the right to a hearing
 - If Salida Montessori Charter School decides to amend the information in accordance with the request, it informs the parent(s) of any changes to the records in writing.
- Salida Montessori Charter School, upon request, provides an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.
- If, as a result of a hearing, Salida Montessori Charter School decides that the records are to be amended, Salida Montessori Charter School :
 - Amends the records accordingly.

- o Informs the parent(s) of any changes to the records in writing.
- If, as a result of a hearing, Salida Montessori Charter School decides that the records are not inaccurate and will not be amended, Salida Montessori Charter School:
 - o Informs the parent(s) of their right to place in the records a statement commenting on the information or the reasons for disagreement.
 - o Ensures that parent(s) comments become part of the child's records.
 - o Any explanation placed in the records of the child must be maintained by Salida Montessori Charter School as part of the records of the child as long as the record or contested portion is maintained by Salida Montessori Charter School; and
- If the records of the child or the contested portion are disclosed by Salida Montessori Charter School to any party, the explanation must also be disclosed to the party.

Citations:

IDEA 34 CFR §300.501(a)
 IDEA 34 CFR §300.613
 IDEA 34 CFR §300.614
 IDEA 34 CFR §300.615
 IDEA 34 CFR §300.616
 IDEA 34 CFR §300.617
 IDEA 34 CFR §300.618
 IDEA 34 CFR §300.619
 IDEA 34 CFR §300.620
 IDEA 34 CFR §300.624
 IDEA 34 CFR §300.625
 ECEA Rule 6.01 (3)(5)(6)(7)(8)(9)(10)(15)
 ECEA Rule 6.02 (1)
 ECEA Rule 7.01 (d)

Transfer of Parental Rights

Salida Montessori Charter School assures that when the parental rights are transferred to the child, the CSI:

- Provides prior written notice to both the child and the parent(s).
- Ensures that all rights accorded to the parent(s) under Part B of the Act transfer to the child, unless the child had been determined not competent.

Citations:

IDEA 34 CFR §300.520
 ECEA Rule 6.02(9)

Independent Educational Evaluation

Salida Montessori Charter School assures that:

- When the parent disagrees with an evaluation conducted by Salida Montessori Charter School and requests an independent educational evaluation (IEE), the parent will be given information about where an IEE may be obtained and information about Salida Montessori Charter School's criteria, which includes:
 - That the IEE must be conducted by a qualified examiner who is not employed by the CSI or the school.
 - That the evaluation must meet the same criteria as Salida Montessori Charter School's evaluation in terms of the location of the evaluation and the qualifications of the examiner, as when Salida Montessori Charter School initiated the evaluation, to the extent those criteria are consistent with the parent's right to an IEE.
 - No cost to the parent, if the parent has disagreed with the evaluation completed by Salida Montessori Charter School.
- If the parent requests an IEE at public expense Salida Montessori Charter School will without delay either:
 - Ensure that an IEE is provided at the CSI school's expense; or
 - File a due process complaint to request a hearing to show that Salida Montessori Charter School's evaluation is appropriate.
- An IEE is at Salida Montessori Charter School's expense except when:
 - The IEE is not conducted by a qualified examiner; or
 - A final decision by a hearing officer states that Salida Montessori Charter School's evaluation is appropriate; or
 - Parents are requesting more than one IEE per Salida Montessori Charter School evaluation.
- In the case of a parent initiated evaluation(s) Salida Montessori Charter School will:
 - Consider the evaluation in any decision made with respect to the provision of FAPE, as long as the evaluation meets the CSI and school's criteria.

Citations:

IDEA 34 CFR §300.502
ECEA Rule 6.02 (2)

Prior Written Notice and Content of Prior Written Notice

Salida Montessori Charter School assures that prior written notice will be issued to parents:

- When Salida Montessori Charter School proposes to initiate or change the identification, evaluation, educational placement of the child or the provision of FAPE to the child.
- When Salida Montessori Charter School refuses to initiate or change the identification, evaluation, educational placement or the provision of FAPE to the child.

Salida Montessori Charter School assures that the content of the prior written notice will include:

- A description of the action proposed or refused by the CSI.
- An explanation of why Salida Montessori Charter School proposes or refuses to take the action.

- A description of each evaluation procedure, assessment, record or report Salida Montessori Charter School used as a basis for the proposed or refused action.
- A statement that the parents of a child with a disability have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained.
- Sources for parents to contact to gain assistance in understanding the content of the prior written notice.
- A description of other options that the IEP team considered and the reasons those options were rejected.
- A description of other factors that is relevant to Salida Montessori Charter School's proposal or refusal.

Salida Montessori Charter School assures that the prior written notice is written in language understandable to the general public and—

- Is provided in the native language or communication mode of the parent, unless it is not feasible to do so.
 - If the native language or other mode of communication of the parent is not a written language, Salida Montessori Charter School takes steps to ensure that :
 - The parent understands the contents of the notice; and
 - There is written evidence that these requirements have been met.

Citation:

IDEA 34 CFR §300.503

ECEA Rule 6.02 (3)

Procedural Safeguard Notice

Salida Montessori Charter School assures that a copy of the Procedural Safeguards is made available to parents of a child with a disability one time per school year. A copy is also given to parents:

- Upon initial referral or parent request for an evaluation;
- Upon the receipt of the first State complaint or first due process complaint of the school year;
- 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;
- Upon request by the parent.

Salida Montessori Charter School assures that the contents of the procedural safeguards include a full explanation of:

- Independent educational evaluations.
- Prior written notice.
- Parental consent.
- Access to education records.

- Opportunity to present and resolve complaints through the due process complaint and State complaint procedures including:
 - The time period in which to file a complaint.
 - The opportunity for the CSI and School to resolve the complaint.
 - A description of the difference between the State complaint procedures and due process complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures.
- The availability of mediation.
- The child's placement during the pendency of any due process complaint.
- Procedures for students who are subject to placement in an interim alternative educational setting.
- Requirements for unilateral placement by parents of children in private school at public expense.
- Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations.
- Civil actions, including the time period in which to file those actions.
- Attorneys' fees.

Salida Montessori Charter School assures that the Procedural Safeguards are:

- Written to be understood by the general public;
- In the native language or other mode of communication used by the parent(s), unless it is clearly not feasible to do so.
 - If the parents' native language or other mode of communication is not a written language Salida Montessori Charter School takes steps to ensure that the Procedural Safeguards Notice is translated orally or by other means to the parent(s) in his or her native language or other mode of communication, so that the parent understands the content of the notice. Salida Montessori Charter School assures that there is written evidence that the above requirements have been met.

Citations:

IDEA 34 CFR §300.503

IDEA 34 CFR §300.504

ECEA Rule 6.02 (4)

Dispute Resolution Processes

Mediation

Mediation is one of the Dispute Resolution options. Salida Montessori Charter School adheres to the following conditions:

- Participation is a voluntary process.
- The mediation process is not used to deny or delay a parent's right to a hearing on the parent's due process complaint, or to deny any other rights afforded under Part B of the IDEA.
- The mediation is provided by the CDE and at no cost to the parent(s).

- All discussions taking place during the mediation are confidential with the understanding and agreement that discussions will not be used as evidence in any subsequent due process or civil proceedings
- When disputes are resolved through the mediation process, Salida Montessori Charter School, and the parent(s), execute a legally binding agreement that sets forth the resolution
- The CSI may choose to establish procedures to offer parents and schools that choose not to use the mediation process, an opportunity to meet, at a time and location convenient to the and parents, with a disinterested party who:
 - Is under contract with an appropriate alternative dispute resolution entity, parent training and information center or community parent resource center in the State; and
 - Would explain the benefits of, and encourage the use of, the mediation process to the parents.

Citations:

IDEA 34 CFR §300.506

ECEA Rule 6.02 (6)

Due Process Complaints and Appeals (SPED)

The CSI assures that upon the filing of a due process complaint, either by the parent(s) or by Salida Montessori Charter School that:

- The due process complaint remains confidential.
- If the CSI or the parent files a due process complaint, the CSI and school informs the parent of any free or low-cost legal services and other relevant services available in the area.
- Salida Montessori Charter School provides prior written notice to the parent within 10 days of receiving a due process complaint, if one has not been previously issued. The content of the prior written notice is consistent with the content described in the Prior Written Notice and Content of Prior Written Notice subsection of Section 5 of this document.
- Upon receipt of the first due process complaint filed by the parent(s) in a school year, Salida Montessori Charter School provides the parent(s) with a copy of the procedural safeguards.
- If the CSI or School files a due process complaint, a copy is provided to the CDE at the same time the due process complaint is filed with the opposing party.
- Upon receiving the due process complaint by the parent or the issuing of a due process complaint to a parent the Special Education Director immediately, by phone, notifies the CDE of the existence of the due process complaint and provides a copy of the complaint via fax, including a statement indicating the date Salida Montessori Charter School received the complaint.
- Within 10 days of receiving a due process complaint, Salida Montessori Charter School sends to the other party a response that specifically addresses the issues raised in the due process complaint.
- All Due Process Complaint regulations and procedures a set out in the IDEA, the ECEA Rules and in the Procedural Safeguards will be followed.
- A resolution meeting is held within 15 days of receiving notice of the parent's due process complaint. The resolution meeting meets the following criteria:
 - The attendees include:

- Parent(s);
- The parent(s) and the CSI determine the relevant members of the IEP Team that should attend the resolution meeting. The IEP team members should have specific knowledge of the facts identified in the due process complaint.
- A representative of the CSI who has decision making authority.
- The CSI and school do not have legal counsel attend the meeting unless the parent(s) have legal counsel attend the meeting.
- The purpose of the meeting is:
 - For the parent(s) to discuss the due process complaint;
 - To discuss the fact(s) that formed the basis of the due process complaint; and
 - To allow the CSI, school and the parents the opportunity to resolve the dispute.
- If the parties do agree during the resolution process and resolve the dispute, the agreement is:
 - In writing;
 - Signed by both parties; and
 - Considered legally binding.
- Funds under Part B are not used to pay attorney fees or costs of a party related to any of the actions described above.
- The child's status during proceedings:

The child remains in his/her current educational placement unless:

- The CSI, School and the parents otherwise agree;
- The hearing request involves an appeal of a placement decision by the CSI, School under §§300.530 and 300.531 of the IDEA or a manifestation determination under §300.500(e), or a determination by the CSI that maintaining the current placement of the child is substantially likely to result in injury to the child or others. In such a situation, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the specified time the child is to remain in the placement, whichever occurs first;
- The complaint involves application for initial admission to public school, in which case the child, with the consent of the parent will be placed in the public school, until the completion of all proceedings;
- The complaint involves an application for initial services under Part B from a child who is transitioning from Part C and is no longer eligible for Part C services because the child has turned three. In that case, Salida Montessori Charter School is not required to provide the Part C services; if—
 - The child is found eligible for special education and related services under Part B and the parent consents to the initial provision of special education and related services, Salida Montessori Charter School will provide the special education and related services that are not in dispute between the parent and the AU; or

- The hearing officer in a due process hearing conducted by the State agrees with the child's parents that a change of placement is appropriate, that placement must be treated as an agreement between the State and the parents to change the child's educational placement.

Citations:

IDEA 34 CFR §300.507
 IDEA 34 CFR §300.508
 IDEA 34 CFR §300.509
 IDEA 34 CFR §300.510
 IDEA 34 CFR §300.518
 ECEA Rule 6.02 (7)

State Complaint Process (SPED)

Salida Montessori Charter School assures that when the CSI has been notified of the Department of Education acceptance of a State Complaint Salida Montessori Charter School will:

- Comply with all timelines:
 - If responding to the complaint, the CSI will file a response with the Department of Education within 15 calendar days (by 5:00 p.m. of the 15th day) from the date of notification to the CSI.
 - If the 15th day is a weekend or a state holiday the response is due to the office the State Complaints Officer (SCO) the next day and not merely postmarked by the due date.
 - The CSI will also provide the complainant with a complete copy of the Response, including attachments, unless doing so would violate relevant laws regarding confidentiality.
 - The CSI will provide the SCO with a legible copy of the written tracking receipt that verifies that a complete copy of the Response was sent by certified or overnight mail to the complainant.

Salida Montessori Charter School assures that it will comply with any onsite investigations, requests for additional information and requests to review record(s).

Salida Montessori Charter School assures that it will comply with the decision of the SCO and understands that the decision is final and not subject to appeal. If the CSI disagrees with the SCO's decision, the CSI may file a due process complaint.

Citations:

IDEA 34 CFR §300.151
 ECEA Rule 5.01 (11)
 CDE website: <http://www.cde.state.co.us/spedlaw/download/StateComplaintProcedures2010.pdf>

Educational Surrogate Parents

Salida Montessori Charter School assures that the rights of the child are protected and will make the assignment of an Educational Surrogate Parent (ESP) when:

- No parent can be identified;

- After reasonable efforts, the parent(s) cannot be located;
- The child is a ward of the State;
- The child is a homeless child, without a parent or person that can be regarded as a parent. (See Section 3 on Special Education Referral, Evaluation and reevaluation and Eligibility Determination for a list of those that may serve in the role of a parent.)

Salida Montessori Charter School is responsible for assigning an ESP to the child after determining that the child needs an ESP.

Before the assignment of an ESP, the Special Education Director contacts the CDE to verify that there is no existing educational surrogate assignment for the child.

The Special Education Director assures that the ESP assigned:

- Is not an employee of:
 - The CDE;
 - The AU of residence or the AU of attendance;
 - A state-operated program; or
 - Any other public agency that is involved in the education or care of the child.
- Has no personal or professional interest that conflicts with the interest of the child that is represented.
- Has the knowledge and skills that ensure adequate representation of the child.
- Is reported to the CDE through written documentation within three days of assignment.
- Does not receive financial compensation for the assignment.

Citations:

IDEA 34 CFR §300.519

ECEA Rule 6.02 (8)

Section 7

Student Discipline Procedures

- A.** Exceptional students are expected to follow the same school regulations as the remainder of the student population. If a student is in violation of a school rule they are subject to the same disciplinary procedures as their peers.

A special education student may be removed from school for no more than ten days without a manifestation meeting to determine if the behavior was a manifestation of the disability or failure to appropriately implement the IEP.

If it is determined to be a manifestation of the disability or failure to implement the IEP the student may not be removed for more than ten days and must be returned to the previous placement. The IEP team will conduct a functional behavior assessment and develop or alter a behavior support plan to ensure appropriate placement and goals to address the behavior. If the manifestation meeting determined that the behavior was due to a failure to appropriately implement the IEP, the school will take measures to correct the deficiency.

If the violation is due to drugs, possession of a weapon or the infliction of serious bodily harm the exceptional student may be removed to a 45 school day interim alternative placement.

If the exceptional student is determined to be eligible for expulsion, the school will continue to provide the student with their IEP services and the opportunity to advance in the general education curriculum.

Disciplinary Change of Placements

Salida Montessori Charter School assures that a child with a disability is afforded due process rights when the child has been removed from his/her educational placement for disciplinary reasons. When child with a disability is removed from his/her educational placement for disciplinary reasons, Salida Montessori Charter School will determine whether the student's removal constitutes a disciplinary change of placement.

A disciplinary removal constitutes a change of placement occurs when:

- The child is removed from his/her educational placement for more than 10 consecutive school days; or
- The child has been subjected to a series of removals that constitute a pattern because
 - The series of removals total more than 10 school days in a school year;
 - The child's behavior is substantially similar to the child's behavior in previous incidents that resulted in a series of removals; and
 - The additional factors exist, such 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.

A disciplinary change of placement is subject to review through expedited due process procedures.

Salida Montessori Charter School assures that, when a disciplinary change of placement occurs, the CSI and/or a member charter school will conduct a manifestation determination meeting to determine if the misconduct was caused by, or had a direct and substantial relationship to the child's disability, or was a direct result of Salida Montessori Charter School's failure to implement the IEP/504.

- If Salida Montessori Charter School determines that the removal is not a disciplinary change of placement, Salida Montessori Charter School is not required to determine if the misconduct is a manifestation of the child's disability.

Citations:

IDEA 34 CFR § 300.530(b)(1)(2)
ECEA Rule 6.02(10)

Manifestation Determination

Salida Montessori Charter School assures that a Manifestation Determination meeting will be held with relevant members of the IEP/504 team and the parent(s), within 10 days of any decision to initiate a disciplinary change of placement. The team reviews:

- All relevant information in the child's file, including the child's functional behavioral analysis (FBA) and behavior support plans;
- The child's IEP;
- Any teacher observations;
- Any relevant information provided by the parent(s).

The Manifestation Determination team determines if:

- The conduct in question was caused by, or had a direct and substantial relationship to the child's disability; and/or
- If the conduct in question was a direct result of the CSI and/or a member charter school failure to implement the IEP/504.

Salida Montessori Charter School assures that if one of these two conditions exists, the misconduct is considered a manifestation of the child's disability and the IEP/504 Team will:

- Return the child to their previous educational placement; and
- Conduct a functional behavioral assessment for the child, if one has not been previously conducted, and implement the behavior intervention plan; or
- Review or modify an existing behavior intervention plan in order to address the current behavior; and
- Take immediate steps to remedy any deficiencies in special education services or related services that have been identified as a result of the manifestation determination meeting.
- Salida Montessori Charter School may remove the 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—
 - Has carried a weapon to school or is in possession of a weapon on school premises or at a school function; and/or
 - Knowingly possesses or uses illegal drugs, sells or solicits the sale of a controlled substance on school premises or at a school function; and/or
 - Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function.

Salida Montessori Charter School assures that on the day that the decision made to make a disciplinary removal that constitutes a change of placement, the parent(s) will be provided with:

- Notice that Salida Montessori Charter School is removing the child from their current educational placement and that this removal constitutes a change in placement for the child, due to a violation of a code of student conduct; and
- A copy of the procedural safeguards notices; and
- Any required Prior Written Notice.
- If the team determines that the child's behavior is not a manifestation of his/her disability the school personnel may apply any relevant disciplinary procedures as they would if the child did not have a disability except:
 - o After the 10th school day that a child is removed from his/her educational program, Salida Montessori Charter School will continue to provide the child with educational services so as to enable the child to continue to participate in the general education curriculum, although the child may be in another setting, and to progress towards meeting the goals set out in the child's IEP.

Citations:

IDEA 34 CFR §300.101 (a)
 IDEA 34 CFR §300.530(d)-(i)
 IDEA 34 CFR §300.531
 ECEA Rule 6.02(10)(f)

Expedited Due Process Procedure

Salida Montessori Charter School assures that all the processes and procedures apply as outlined in the Confidentiality of Information and Procedural Safeguards section of this plan. However, in the case of disciplinary change of placement, an expedited due process hearing may occur. The expedited due process procedure may be initiated by:

- The parent(s) of a child with a disability who disagrees with Salida Montessori Charter School's decision relating to a disciplinary change of placement or manifestation determination; or
- If the CSI and school believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

Salida Montessori Charter School assures that when an expedited due process complaint is filed:

- The Special Education Director immediately informs the CDE of the existence of the hearing request and will fax a copy of the due process complaint to the CDE.
- A resolution meeting will occur within seven days after receiving notice of the due process complaint, unless the CSI, School and the parent agree in writing to use the mediation process.
- The child will remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of time period specified.

Citations:

IDEA 34 CFR §300.532
 IDEA 34 CFR §300.533
 IDEA 34 CFR §300.536
 ECEA Rule 6.02 (7)(i)
 ECEA Rule 6.02 (10)(k)(l)

Protection for Children Determined Not Eligible for Special Education and Related Services

Salida Montessori Charter School assures that:

- If a child, is not currently eligible for special education and related services, violates a school code of conduct and Salida Montessori Charter School has knowledge that the child may be a child with a disability because:
 - The parent of the child expressed in writing to school personnel, that the child may be in need of special education and related services; or
 - The parent of the child has requested an evaluation to determine if the child is a child with a disability; or
 - The teacher(s) of the child have expressed concerns over patterns of behavior of the child to either school administrators or special education supervisors.
- An evaluation is conducted in an expedited manner, in order to determine the child's eligibility for special education and related services.
- The child remains in the educational placement determined by the CSI, which can include suspension, or expulsion without educational services, until the completion of the evaluation.
- If the child is eligible for special education, educational services are provided in accordance with the IEP.
- If Salida Montessori Charter School and/or a member charter school does not have knowledge of the child being eligible for special education and related services, the child may be subjected to the same disciplinary measures applied to children without disabilities who engage in comparable behaviors.

Salida Montessori Charter School is not considered to have knowledge that a child may have a disability if:

- The parents of the child have refused to consent to an evaluation of the child; or
- The parents of the child have refused services for the child; or
- The child has been evaluated for eligibility for special education and related services and deemed not eligible.

Citations:

IDEA 34 CFR §300.534
ECEA Rule 6.02 (10)(m)

Referral To and Action By Law Enforcement and Judicial Authorities

The Salida Montessori Charter School may report a crime committed by a child with a disability to appropriate State law enforcement and judicial authorities.

If the Salida Montessori Charter School reports such a crime, the CSI school will transmit to these agencies copies of the child's special education and discipline records, but only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

Citations:

IDEA 34 CFR §300.535
ECEA Rule 6.02 (10)(n)

Appendix A

Definitions for Disability Categories (see Website: www.cde.state.co.us) for updated Disability criteria

Appendix B

Required School Specific Information

The School is to include a description of the financial commitments and agreements B. For all CSI Schools a description of the school's financial commitments for the provision of special education programs and services. (*e.g.*, Board Policies)

1. The School is to describe the method or standard by which it determines the number and types of special education personnel needed to meet the needs of the children with disabilities which aligns with the CSI procedures. (ECEA Rule 3.03(1) and 8.01 (1)(a)(ii)). Include the following:
 - A. The School is to provide a narrative of how the school determines the number and types of special education personnel needed to meet the needs of the children with disabilities. Please address the following:
 - The criteria that the school uses to determine appropriate caseloads for special education teachers, related services providers and paraeducators. Include information regarding appropriate planning for providing services across the continuum of placement alternatives including services to students who are in alternative settings.
 - Each spring the staff of Salida Montessori Charter School reviews the educational needs and IEPs for each student with a disability. With the CSI recommended student/staff ratio in mind, based upon the numbers of children and the identified needs the school-based special education coordinator recommends needed staff to the Head of School.
 - Describe alternatives used by the school when it is unable to employ appropriately licensed and endorsed special education staff.
 - If Salida Montessori Charter School is unable to employ appropriately licensed and endorsed special education staff the administration develops a plan to submit to CSI as to how they will acquire appropriate staff to meet student needs. Local agencies and independent contractors are pursued to provide services.
3. The school is to describe procedures for regular, periodic evaluation programs, services and student progress (ECEA Rule 8.01(1)(a)(iii)). Please include the following:
 - A. A copy of the evaluation tool or a description of the strategies used and the qualitative and quantitative data used to evaluate special education programs and services.
 - The evaluation includes a description regarding how the school evaluates the extent to which quality special education policies and practices are in place and identifies where improvements can occur (ECEA Rule 3.06(1)).
 - The evaluation includes a description regarding how the school evaluates the degree to which children with disabilities are achieving their individual goals as well as school, district, and state standards and student outcomes (ECEA Rule 3.06(2)).
 - Salida Montessori Charter School conducts an annual review of their special education and Section 504 programs utilizing the On-site Monitoring Process as developed by CSI. Included in this evaluation process the school reviews student progress toward goals and student growth as measured by local and state assessments.
 - B. The schedule for the evaluation process that ensures that systematically covers all aspects of services to children with disabilities within a five year period.

Salida Montessori Charter School reviews their services to children with disabilities at the end of each fiscal year.

**Charter School Institute
Special Education SCHOOL Comprehensive Plan, Evaluation Template & Assurance of Compliance**

In the charter school contract with the Charter School Institute (Institute), each school agrees to comply with the Institute's Board policies and regulations and the requirements of federal and state law concerning Exceptional children including, but not limited to, the requirements of the Individuals with Disabilities Act ("IDEA," 20 U.S.C. § 1401 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Exceptional Children's Educational Act ("ECEA," C.R.S. § 22-20-101, et seq Title III(A) of the No Child Left Behind Act of 2001 (Title III(A), ELA) and the Americans with Disabilities Act (ADA, 42 U.S.C. § 12101 et seq.).

CSI Charter Schools must admit, serve all IEP/504 needs of exceptional students as well as purchase and hire their own highly qualified and licensed special education teachers and related service providers. Schools agree to take direction from and work collaboratively with the Institute with regard to the provision of special education services, evaluations and concerns, and to provide for the attendance of any necessary school employees at appropriate meetings, i.e. IEP and 504 meetings. Because the Institute remains responsible for compliance, the Institute's position shall control if a school and the Institute disagree as to the correct interpretation or application of a statute or regulation concerning the education of Exceptional students. CSI provides guidance that includes a CDE approved comprehensive plan to deliver services to Exceptional Students. Schools should consult with these resources and guidebooks found on the CSI webpage at <http://www.csi.state.co.us> to ensure that they have a clear understanding of their responsibilities under the law.

Assurance of Compliance Certification- Exceptional Students (SPED/504)

I, _____, hereby certify compliance with the laws set forth above.

Signature, Head of School

Date

Please list any participants who assisted in reviewing the plan (i.e. administrators, special education staff)

