



Book	Board of Trustees Policy
Section	100 Programs
Title	Special Education
Code	116
Status	Active
Last Revised	October 6, 2022

Agora Cyber Charter School

Board of Trustees Policy

SPECIAL EDUCATION POLICY

The Board of Trustees of the Agora Cyber Charter School ("Charter School") recognizes that charter schools must comply with Chapter 711 of Title 22 ("Chapter 711") of the Pennsylvania Code, Charter School Services and Programs for Children with Disabilities.

The Board of Trustees of Charter School also recognizes that charter schools are not exempt from federal special education laws or regulations which include, but are not limited to, enumerated provisions of the federal law known as the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1400 et. Seq. ("IDEA"). The Charter School also recognizes and complies with Section 504 of the Rehabilitation Act of 1973 ("Section 504"), for school-age children with disabilities who do not meet the eligibility criteria outlined under the IDEA, but who might be eligible for special protections and for adaptations and accommodations in instruction, facilities, and activities. Section 504 protects children who have a mental or physical disability that substantially limits or prohibits participation in or access to an aspect of the school program and otherwise qualify under the applicable state and federal laws, including Chapter 711 and Section 504.

Pursuant to 22 Pa. Code §711.3:

"Charter schools and cyber charter schools assume the duty to ensure that a [free and appropriate public education], FAPE, is available to a child with a disability in compliance with IDEA and its implementing regulations in 34 CFR Part 300 (relating to assistance to states for the education of children with disabilities) and section 504 and its implementing regulations in 34 CFR Part 104 (relating to nondiscrimination on the basis of handicap in programs and activities receiving federal financial assistance)."

The Charter School's special education program includes the supports and services needed for students who require specially designed instruction and other services, including related services, with all services provided at no cost to the student or parents and guardians. Programs are developed by qualified Charter School staff to meet the needs of all students. Individual Education Programs are developed on an individual basis by the IEP Team, pursuant to Sec. 300.321, and implemented in the Least Restrictive Environment, pursuant to Sec. 300.114. The term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§300.320 through 300.324, pursuant to Sec. 300.320.

The Charter School shall ensure that all children with disabilities enrolled in the Charter School, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine necessary special education and related services for students currently receiving special education and related services.

The Charter School must be able to document that children with disabilities, who are in need of special education programs and services, are identified and evaluated through published Child Find activities in accordance with 22 Pa. Code §711.21, a pertinent portion of which is set forth below:

Each charter school's or cyber charter school's written policy must include:

- (1) Public awareness activities sufficient to inform parents of children applying to or enrolled in the charter school or cyber charter school of available special education services and programs and how to request those services and programs. Written information shall be published in the charter school or cyber charter school handbook and web site.
- (2) Systematic screening activities that lead to the identification, location and evaluation of children with disabilities enrolled in the charter school or cyber charter school.

Basic screening procedures might include, but are not limited to, hearing and vision tests as well as grade level tests of academic performance.

Please see the Charter School's Child Find Policy and Notice.

The Charter School also complies with the Family Educational Rights and Privacy Act (20 U.S.C. §1232g; 34 CFR Part 99) ("FERPA"), which is a Federal law that protects the privacy of student education records, which includes special education records. Parental consent must be obtained before personally identifiable information is disclosed to parties, other than officials of participating agencies in accordance with Sec. 300.622(b)(1) of the IDEA, unless the information is contained in education records, and the disclosure is authorized without parental consent under 34 CFR part 99, in accordance with §300.622(a).

The Charter School recognizes that:

- Children with disabilities must be admitted to the Charter School on the same basis as children without disabilities.
- Upon admitting a child with a disability, the Charter School must provide services to address the child's specific needs.
- When a child with an IEP transfers to the Charter School, the Charter School is responsible upon enrollment for ensuring that the child receives special education and related services in conformity with the IEP, either by adopting the existing IEP or by developing a new IEP for the child in accordance with the requirements of IDEA, as set forth within the timelines in 22 Pa. Code §711.41.
- To meet the requirements of federal law, the Charter School may provide the services itself, or contract with another entity, such as an intermediate unit or a private licensed entity or individual to provide services, in accordance with the individual needs of the student, per the child's IEP, least restrictive environment requirements, and all criminal and child abuse clearance requirements.

Contact the Charter School CEO, or designee, or the Director of Special Education for questions about the Charter School Special Education program, the evaluation/reevaluation process, including forms for the Permission to Evaluate ("PTE") and Reevaluate ("PTRE"), and for the Parents Procedural Safeguards regarding consent for the evaluation and reevaluation processes, or for any matters concerning the IEP process and special education,. For a copy of the Procedural Safeguards Notice, contact the Charter School CEO or designee, or the Charter School Director of Special Education. The CEO or designee is directed to implement all procedures in accordance with this policy.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.