

## **MINA Charter School Exceptional Children Policy**

The purpose of MINA Charter School (MCS) Exceptional Children's policy is to communicate school and state requirements for the identification and implementation of services to:

- Students with disabilities,
- Students at-risk for academic failure,
- English Language Learners,
- Academically and Intellectually Gifted,
- Students eligible for services under Section 504 of the Rehabilitation Act of 1973,
- Child Find.
- Discipline,
- Confidentiality,
- Accountability and;
- Maintenance of Effort.

### **Students with Disabilities Identification**

MCS requires the parent or guardian to complete a student enrollment form where they will be able to share IEP information. A records review will also be conducted which should contain IEP documentation if they received services at their prior educational placement. For any student determined to be eligible for special education services, he or she will be referred to the school's EC Department. In each case, an EC staff member will conduct any necessary follow-up with the identified student's previous school.

### **Support Services Plan Policy**

MCS will utilize a comprehensive and multi-tiered system of support (MTSS), prevention and intervention to assist students who are not performing at expected levels. This system implemented through MCS's support services plan will include research-based academic and behavioral practices based on a data-driven problem-solving approach to maximize growth for all students in accordance with MTSS. Using the school's support services plan, MCS will ensure continued progress and academic growth, as well as provide an on-going program of identification and support of struggling students. The support services plan will also be used to identify and provide services to students who are gifted and/or who are English Language Learners.

### **Support Services Plan Procedures:**

#### **1. Screening and Identification**

*School Intervention Team (SIT)*

The SIT is comprised of teachers, administrators, and support personnel who work in partnership with parents to guide the IEP implementation and ensure appropriate documentation and accountability for all special services, including At-Risk, ELL, EC (including oversight of IEP and 504 as developed by the IEP Team), and AIG. SIT members will include the general education teacher, a school administrator, the special education teacher, parents/guardians, and other members of the teaching or support staff as deemed appropriate.

Within 10 days of enrollment, all students will participate in universal screening using the North West Evaluation Association's (NWEA) Measures of Academic Progress (MAP) assessment. MAP is an assessment to measure the growth of MCS's students in the areas of math and literacy and will be administered three times per year (fall, winter, and spring) as a component of MCS's school-wide testing and accountability program. The SIT will determine the criteria used for identifying students at-risk for learning difficulties (either based on percentile criterion or benchmark performance). Students who score below expected levels of performance will be identified as the "risk pool". This designation will allow them to participate in prevention services before the onset of substantial academic deficits.

*Documentation:* Screening assessment data and prior EOG/EOC scores.

*Delivery of Services:*

- The SIT establishes risk criteria in advance of screening, monitors screening process, reviews data, and identifies students for risk pool.
- General Education Teachers identify At-Risk student based on screening results, classroom performance and accountability testing results (EOG/EOC scores).

## **2. Interventions.**

*Multi-Tiered System of Supports (MTSS)*

MCS's mission, philosophy and practices are aligned with NC's MTSS process for identifying students in need and then applying strategies to accommodate. MTSS requires the use of evidence-based interventions and data-based decision-making to address barriers that may be preventing student learning using a three-tiered approach. The three tiers of instruction and intervention consist of Tier 1 core instruction, Tier 2 supplemental instruction, and Tier 3 intensive instruction. The school's primary Tier 1, school-wide intervention is differentiated instruction. Tier 2 interventions are provided to those students who are not meeting/achieving grade level standards through core instruction alone. These interventions are provided in addition to core instruction. Tier 3 interventions are provided to students in need of intense, individualized Math and or English instruction. These interventions are provided strictly on a one-to one basis. Should a student not demonstrate growth after receiving Tier 3 intervention, a request for formal evaluation will be made to the Exceptional Children Department.

## **3. Exceptional Children's Services**

Students who do not respond to services provided through MCS's MTSS program are to be formally referred to Exceptional Children's Department. Once referred, identified students will be evaluated for eligibility. If a student is determined to be eligible for EC services, the IEP team will create an IEP for that particular student and provide the student the appropriate services.

### *Disability*

A student with a disability means that the student has qualified for one of the fourteen disabling conditions in North Carolina. This student will require specialized instruction and/or related services. These disabilities are as follows: autism, deaf-blindness, deafness, developmental delay, serious emotional disability, hearing impairment, intellectual disability, multiple disabilities, other health impairment, orthopedic impairment, specific learning disabilities, speech and/or language impairment, traumatic brain injury and visual impairment.

### *Exceptional Children's Education Programming*

MCS is structured so that all students will be successful because all MCS students are recipients of differential instruction. The school's mandatory Personalized Learning Plans (PLP) are interconnected with students on both the Future Ready Course of Study and the Occupational Course of Study, thereby ensuring a Free and Appropriate Public Education. The PLP is a supplemental tool that the IEP team can use to assist with monitoring student progress. The school's differentiated instruction model facilitates FAPE because this form of instructional delivery provides a framework for implementing an IEP's academic modifications.

### *Progress Monitoring and Reporting*

MCS implements a daily schedule of 8:00 am to 2:30 pm. MCS follows a 9 week grading period. The school year has two 9 week marking periods in both the fall semester and the spring semester. Parents will receive an IEP progress report at the 4th and 9th week of each marking period, which coincides with general classroom progress reports and report cards. Parents will also be able to monitor their students daily and weekly progress through access to PowerSchool. All MCS families will be issued their PowerSchool logins and passwords as a part of the enrollment process.

### *Related Services*

MCS contracts out for related services such as speech-language, occupational therapy, and physical therapy to professionals with a proven track record and extensive experience providing EC services to charter schools.

### *EC Records*

All student records will be maintained with confidentiality and safety in mind. Records will be kept in secure, designated, locked records rooms, in fireproof file cabinets. Student records may be examined on site only by approved personnel and should never be taken off site. A staff member will be designated by the Lead Administrator or designee to oversee the student records and ensure compliance with all applicable laws. Records will be requested from the student's previous school only after a complete enrollment packet

has been received. Upon receipt, student records will be securely stored and treated with strict confidentiality.

#### **4. Students at-risk for academic failure.**

For the purposes of this policy, an At-Risk student is one who scores below expected levels of performance on the Northwest Evaluation Association (NWEA) MAP universal screening assessments signifying their risk for academic failure. MCS conducts a MAP assessment three times per year (fall, winter and spring). Results from this assessment are used to determine which students are At-Risk of academic failure. Students identified as At-Risk receive tiered instruction through MCS's MTSS program.

#### **5. English Language Learners (ELL)**

##### *Methods for Identifying ELL Students:*

In accordance with North Carolina law and the State Board of Education (SBE) policy, the following procedures will be used to identify, investigate, and assess students as English Language Learners (GCS-K-000 [16 NCAC 6D.0106]). In accordance with all pertinent ELL NC policies and procedures, MCS's identification process begins with a home language survey instrument which will be a component of the new student enrollment-intake.

Additionally, a record review will be conducted during the in-take meeting to determine if the student has received services prior to their enrollment at MCS. The next step is to assess identified students. The national organization of World-Class Instructional Design and Assessment (WIDA) provides models for assessing that MCS will follow. These models will ensure that MCS is able to properly determine the academic English language proficiency level of students and inform on the necessary amount and type of instructional services and support.

##### *Home Language Survey (HLS)*

The HLS is administered to all students as a component of the student intake process. The HLS is used to help determine if the student is a language minority student. (a) If no language other than English appears on the HLS, then the HLS is filed in the student's cumulative folder and no further action is required, (b) If a language other than English appears on the HLS, or there is a question as to how the form was completed, then the SIT team will investigate further to determine if the dominant home language is English. If the dominant home language is English, then the student is not found to be a language minority student the HLS documents are filed in student's cumulative folder, (c) If the dominant home language is not English then the student is identified as a Language Minority Student and proceeds through the next steps for assessment and instruction.

##### *Instruction*

MCS will contract with appropriate licensed ELL practitioners to instruct identified ELL students using the specific instructional programs, practices, and strategies, recognized by the NC State Board of Education (SBE) for ELL students, to ensure academic success and equitable access to the core academic program for ELL students.

### *Progress Monitoring*

The SIT in collaboration with the general education teacher, the special education teacher (as appropriate), and the ESL contractor will monitor and evaluate the progress of ELL students including (a) response to instructional interventions, (b) response to Language Instruction Educational Programs (LIEP) on WIDA's Access testing programs for ELL students, (c) regular review of the student's IEP (if appropriate), including language-related needs and goals and, (d) participation in the NC SBE annual testing program.

## **6. Academically and Intellectually Gifted**

### *Identification:*

In addition to records screening, MCS will offer parents and students an opportunity to self-select as a part of the enrollment in take process. Per the recommendations of the National Research Center on the Gifted and Talented at the University of Virginia, MCS will offer the Gifted and Talented Evaluation Scales (GATES) or similar assessment to students. The GATES is a short assessment of 5 to 10 minutes for ages 5-18. It measures the most current federal definitions of General Intellectual Ability, Academic Skills, Creativity, Leadership, and Artistic Talent.

### *Instructional Programming*

MCS guidance counselors will recommend identified AIG students to take (a) honors courses, (b) Advanced Placement (AP) courses and, (c) community college courses through the state's Career and College Promise program. These gifted and talented students will also be encouraged to take four courses of a world language, so they meet all entry requirements into the UNC system if this is the pathway they choose.

### *Progress Monitoring*

MCS AIG student's progress will be monitored through (a) weekly one on one mentoring sessions and (b) progress reports that are sent home to parents at specified intervals during the school year.

## **7. Child Find**

Public annual notices made to inform parents of the special education services available under Child Find (34 CFR 300.125) will be published at the beginning of each school year directly on our schools' website. NC DPI provided posters and brochures will be prominently displayed in the front office and high traffic areas throughout the school. For students enrolled at MCS who may need special education services; teachers, other staff members, parents or guardians should reach out directly to a counselor who is the school's first point of contact. With parent approval, the student will then be referred to the school's problem-solving team comprised of an administrator, counselor, EC and regular education teacher. The team will follow NCDPI's MTSS Guidelines for Evaluations and Decision Making.

"If it is suspected that a child's difficulties are the result of a disability as defined by the IDEA, the IEP team is obligated to identify the academic and/or functional areas in need of

further investigation and promptly seek parental consent to conduct a full and individual evaluation."

"If a parent requests an evaluation, the IEP team must convene to determine whether or not the child will be referred to special education for an initial evaluation. Interventions may occur concurrently with the evaluations conducted during the 90-day timeline."

## **8. Discipline**

The MCS Lead Administrator may, for not more than 10 school days in a row, remove a student with a disability who violates the MCS code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension. The Lead Administrator may also impose additional removals of the student of not more than 10 school days in a row in that same school year for separate incidents of misconduct, if those removals do not constitute a change of placement. Once a student with a disability has been removed from school for a total of 10 school days in the same school year, the Lead Administrator must, during any subsequent days of removal in that school year, provide services to that student.

### *Services*

The Lead Administrator must provide services to a student with disabilities who has been removed from MCS for more than 10 days. The Lead Administrator may provide those services after school on the MCS campus or in an interim alternative educational setting such as a local library. The Lead Administrator is not required to provide services to a student with a disability who has been removed from MCS for 10 school days or less in a school year, unless services are provided to non-disabled MCS students.

A student with a disability who is removed from MCS for more than 10 school days and the behavior is not a manifestation of their disability, the Lead Administrator will (a) continue to provide educational services to the student with disabilities that may be in an interim alternative educational setting and, if necessary, (b) receive a functional behavioral assessment, behavioral intervention services and modifications to address the behavior violation so that it does not happen again.

If the removal of an MCS student with disabilities is a change of placement, the student's IEP Team will determine the appropriate services to enable the student to continue to participate in the general education curriculum while in another setting and to progress toward meeting their IEP goals.

### *Manifestation Determination*

Within 10 school days of any decision to change the placement of an MCS EC student due to code of student conduct violation, the student's IEP Team will review all relevant information in the student's IEP, and any relevant information provided by MCS personnel or by the student's parent/guardian to determine if the conduct was related to their disability or if their conduct was the direct result of MCS's failure to implement the IEP. If the IEP team decides either one of these conditions were met, then the behavior is considered a manifestation of the disability and the Lead Administrator will take immediate actions to remedy the situation.

The Lead Administrator will ensure that the IEP team conducts a functional behavioral assessment and implements a behavioral intervention plan or if a behavioral intervention plan already has been developed, then the IEP will review it and modify it accordingly to address the EC student's behavior.

Under special circumstances the MCS Lead Administrator may remove an EC student from school whether or not the behavior is a manifestation of the IEP for up to 45 days if the student (a) brings a gun to campus, (b) uses or distributes illegal drugs on school grounds or, (c) causes serious bodily injury.

## **9. Confidentiality**

Confidentiality is the act of protecting all personally identifiable data, information, and records collected, used, or kept by MCS about an EC student. Confidentiality requirements also apply to discussions about a student and the student's record.

*Student Personal identifiable data includes, but is not limited to:*

- Child or family names and address
- Student social security or student number
- Descriptions that would easily identify the student

MCS EC students are afforded privacy rights under The Family Education Rights and Privacy Act of 1974, commonly known as FERPA (34 CFR Part 99). FERPA protects the privacy of student education records under federal law. Students have specific, protected rights regarding the release of their records. MCS will always keep in compliance with federal FERPA confidentiality laws by strictly adhering to the guidelines set forth under FERPA before releasing educational records. The guidelines all MCS staff members follow are:

- May release information from students' education records with the prior written consent of parent/guardian.
- May review an education record to fulfill their professional responsibilities without parental/guardian consent.
- Information from students' records may be released to state and local education officials to conduct audits or to review records in compliance with state and federal laws without parental/guardian consent.
- May disclose information from education records in response to subpoenas or court orders without parental/guardian consent.
- Information about each request for records access and each disclosure of information from an education record must be maintained as part of the record.
- Parents have the right to review the education records of their children.

At the discretion of the MCS Lead Administrator, the school may participate in policy evaluations or research studies if it is in the interest of advancing education and/or public policy. If student records are to be released for these purposes, MCS must obtain prior consent of the parent. Signed and dated written consent must:

- Specify the records that will be released;
- State the reason for releasing the records;
- Identify the groups or individuals who will receive the records.

Educational records are defined by FERPA as:

- Records, files, documents and other materials which contain information directly related to a student and are maintained by MCS.

Records may include:

- Written documents; (including student advising folders)
- Computer media;
- Microfilm and microfiche;
- Video or audio tapes or CDs;
- Film; Photographs.
- Any record that contains personally identifiable information that is directly related to the student is an educational record under FERPA. This information can also include records kept by MCS in the form of student files, student system databases kept in storage devices such as servers, or recordings or broadcasts which may include student projects.

Records not considered as educational records:

- Private notes of individual staff or faculty;
- Campus police records;
- Medical records;
- Statistical data compilations that contain no mention of personally identifiable information about any specific student.
- Faculty notes, data compilation, and administrative records kept exclusively by the maker of the records that are not accessible or revealed to anyone else.

### *References*

Family Educational Rights and Privacy Act FERPA – 20 U.S.C. § 1232g; 34 CFR Part 99  
Individuals with Disabilities Educational Act IDEA -34 CFR Part 300 (CFR – Code of Federal Regulations).

## **10. Accountability**

The Lead Administrator or his/her designee, EC Director, Testing Coordinator and EC teachers shall familiarize themselves with the current NC Testing Students with Disability Manual before making IEP decisions about MCS students with disabilities who may be participating in the North Carolina Testing Program for grades 9–12. The MCS Testing Coordinator shall provide any subsequent updates to this publication or any other publication that has additional information about testing students with disabilities to the Lead Administrator or his/her designee, the EC Director and the school's EC teachers.



All MCS students with disabilities shall either participate in NC's standard statewide accountability test administration with or without accommodations or if eligible, the state-designated alternate assessment based on alternate academic achievement standards with or without accommodations. To participate in the alternate assessment, an MCS student with disabilities must meet eligibility criteria established by the NCDPI.

The Lead Administrator or his/her designee shall ensure standardized testing accommodations and corresponding administrative procedures are developed and implemented for all MCS students with disabilities to ensure individual IEP student needs are met. He or she is also responsible for maintaining sufficient uniformity of the test administration to maintain test validity, and to fulfill the requirements of state testing and accountability practices.

### **11. Maintenance of Effort**

MINA Charter School of Lee County (MINA) shall not use funds provided under Part B of IDEA to reduce the level of expenditures for the education of children with disabilities made by MINA from local funds below the level of those expenditures for the preceding fiscal year.

MINA may reduce the level of expenditures by the LEA under Part B of IDEA below the level of those expenditures for the preceding fiscal year if the reduction is attributable to any of the following:

- The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel.
- A decrease in the enrollment of children with disabilities.
- The termination of the obligation of MINA to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the State Education Authority, because the child
  - (1) Has left MINA Charter School of Lee County;
  - (2) Has reached the age at which the obligation of MINA to provide free and appropriate education to the child has terminated; or
  - (3) No longer needs the program of special education.
- The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.
- The assumption of cost by the high cost fund operated by the State Education Authority.

## References

*Rights of Students with Disabilities*

20 USC Chapter 33 Education of Individuals with Disabilities:

<https://www.law.cornell.edu/uscode/text/20/chapter-33>

NC Law Chapter 115C Article 9 § 115C-106.1 Education of Children with Disabilities

[http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter\\_115C/Article\\_9.html](http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_115C/Article_9.html)

NC Policies Governing Services for Children with Disabilities

<http://ec.ncpublicschools.gov/policies/nc-policies-governing-services-for-children-with-disabilities/policies-children-disabilities.pdf>

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