



Policy and Human Resources Committee

Thursday, September 14, 2017

7:30PM – Upper Elementary School LGI

Please see the policy website for a complete packet of meeting materials.

*Per BOG 006.2, all public meetings of the Board of Directors,
including committees, are audio recorded.*

Call to Order

Approve Minutes from the May 18, 2017 Policy/HR Committee Meeting

Old Business

- None

New Business

- First Reading of Policies
 - The following policies must be reviewed prior to our special education audit/cyclical monitoring
 - 133—Special Education
 - 113.1—Discipline of Students with Disabilities
 - 113.2—Screening and Evaluation for Students with Disabilities
 - 113.3—Behavior Support
 - 216—Student Records

Public Comment

Adjournment

The HR meeting will take place in closed session immediately following the conclusion of the Policy Meeting. Due to do the confidential nature of the HR meeting, it is not open to the public.



New Hope-Solebury School District

Policy and HR Committee Meeting Minutes

May 18, 2017 - 7:30 pm

Upper Elementary School LGI

Attendance

- **School Board** – Adrienne Deussing (Chair), Mark Cowell, Doug McDonough, Tracy Keyes
- **Administration** – Steve Yanni, Megan Candido
- **Committee Members** – Meg Thompson, Wenmei Ge, Stan Marcus, Drew Giorgi
- **Public** – None

The meeting was called to order by Mr. McDonough at 7:30PM.
The meeting minutes from the April meeting were approved.

Old Business

- The committee moved the following policies forward for board approval:
 - 253—Suicide and Self-Harming Behavior Prevention
 - 324—Personnel Files
 - 808—Food Services

New Business

- Dr. Yanni indicated that he and Mr. McDonough would work over the summer to edit policies for non-substantive changes only (i.e. grammar, formatting, etc.)
- Policy meeting will run from September-May in SY 2017-2018.
- Dr. Yanni will keep Mr. McDonough apprised of policy revisions needed as information come from PSBA.

Public comment

- None

Mr. McDonough adjourned the meeting at 8:03PM.

Respectfully submitted,
Dr. Steve Yanni
Superintendent



Book	Policy Manual
Section	100 Programs
Title	Copy of Special Education
Number	113
Status	
Adopted	November 23, 1992
Last Revised	March 3, 2014

Proposed changes are underlined in bold.

Proposed deletions have been stricken as such: ~~proposed deletion~~.

I. Purpose

A. The District shall offer each student with a disability education programs and services that appropriately meet the student's needs for educational, instructional, transitional and related services. A student who requires special education shall receive programs and services according to an individualized education program (IEP). The IEP shall provide access to the District's general curriculum and participation in state and local assessments, including supplemental aids and services that permit the student to be educated, to the maximum extent appropriate, with their nondisabled peers. The District shall provide a continuum of placement options to appropriately meet the needs of students with disabilities. [\[1\]\[2\]\[3\]\[4\]\[5\]\[6\]](#)

II. Definitions

A. Students with disabilities - For the purposes of this policy, students who have been evaluated by the District and found to be eligible for services under the Individuals with Disabilities in Education Act (IDEA); Individuals with Disabilities in Education Act, 20 U.S.C. 1401, et. Seq. [\[7\]\[8\]\[9\]\[10\]](#) [\[11\]](#)

B. Individualized Education Program (IEP) - For the purposes of this policy, IEP is defined as the written educational statement for each student with a disability that is developed, reviewed and revised in accordance with federal and state laws and regulations. [\[12\]\[37\]](#)

III. Authority

A. The Board directs that all students with disabilities shall be identified, evaluated, and provided with appropriate educational programs and services, in accordance with federal and state laws and regulations. The District shall establish and implement a system of procedural safeguards and parent/guardian notification as part of its Special Education Plan. [\[14\]\[1\]\[2\]\[15\]\[16\]\[17\]\[18\]\[19\]\[38\]](#)

B. The District's Special Education Plan shall include procedures for identifying and educating students with disabilities and shall be aligned with the Comprehensive Plan adopted by the Board. [\[21\]\[5\]](#) [\[22\]](#)

C. The Board shall determine the facilities, programs, services and staff that shall be provided by the District for the instruction of students with disabilities, based upon the identified needs of the District's special education population. [\[14\]\[5\]](#)

D. In order to maintain an effective Special Education Plan, the Board may participate in special education programs of Bucks County Intermediate Unit No. 22. [\[5\]](#)

IV. Delegation of Responsibility

A. The Superintendent or his/her designee is directed to annually recommend to the Board the employment and retention of necessary staff and provision of required facilities, programs and services to provide for the needs of students with disabilities.

B. The Superintendent or his/her designee shall develop procedures for evaluating the effectiveness of the District's Special Education Plan and shall periodically report to the Board the criteria and results of such evaluation.

C. The District shall maintain procedures and processes that implement special education programs and services, in accordance with federal and state laws and regulations. [\[8\]\[20\]](#)

V. Guidelines

A. Each student with a disability shall be educated pursuant to an IEP which shall provide an appropriate education in the least restrictive environment, in accordance with federal and state regulations. [\[1\]\[23\]\[24\]\[39\]](#)

B. The District prohibits discrimination based on disability. Students with disabilities are entitled to receive services and accommodations which will permit them to participate in District programs, services and activities as required by law. [\[26\]\[11\]](#)

C. The District's Special Education Plan shall comply with the requirements of state and federal law and regulations. The District shall establish procedures to ensure the plan is updated and implemented as necessary. The Special Education Plan shall address: [\[5\]\[40\]](#)

1. Educational plans.
2. Child find.
3. Identification of special education programs that operate in the District, those operated in the District by the Intermediate Unit, vocational schools and other agencies.
4. Staff and parent/guardian training.
5. Assessments.
6. Screening.
7. Criteria the District will use to identify specific learning disabilities.
8. Evaluation. [\[28\]](#)
9. Re-evaluation.
10. Individualized Education Programs (IEPs), including examples of supplementary aids and services provided by the District.
11. Extended School Year services (ESY).

12. Behavior support.[29]
 13. A full continuum of educational placements and evidence that placements in other than regular education settings are not based on lack of resources, facilities, staff or for administrative convenience.
 14. Disciplinary placements.[30]
 15. Facilities and access to a full continuum of educational placements.
 16. Early intervening services, if provided by the District.
 17. Procedural safeguards.
 18. Confidentiality of information.
 19. Highly qualified staff.
 20. Maintenance of information concerning students with disabilities, services provided, performance and discipline data, and report information as required by the Secretary of the Department of Education.
 21. Procedures for the education of all students with disabilities who are residents of the District, including those receiving special education in approved private schools and student with disabilities who are nonresidents placed in private homes or institutions in the District under applicable provisions of the School Code.
- D. If the District is identified with significant disproportionality, the Special Education Plan shall include policies and procedures designed to prevent inappropriate over identification or disproportionate representation by race and ethnicity of children with disabilities. [\[5\]](#)

VI. Fiscal and Program Compliance

- A. The Superintendent or his/her designee shall establish procedures to ensure that the District complies with all federal and state law and regulations and program requirements for special education-related funding and reimbursement.
- B. The District may coordinate with the Bucks County Intermediate Unit No. 22 to establish procedures, fulfill reporting requirements and participate in applicable programs.

VII. Child Find/Outreach

- A. The Superintendent or his/her designee shall ensure that the District annually conducts awareness and outreach programs and activities designed to reach District residents including parents/guardians of students with disabilities who are enrolled in the District, preschool-aged children, students who attend private schools, homeless children and children who are wards of the state. [\[41\]](#)[\[42\]](#)
- B. The District's public awareness activities shall include annual publication of a written notice in newspapers and other media notifying residents about child identification activities; available early intervention and special education services and programs and how to request them; and procedures used to ensure confidentiality of student information. Written information shall be published in District handbooks and on the District web site. Public awareness activities must include information regarding potential signs of developmental delays and other risk factors that could indicate disabilities.
- C. The **Bucks County** Intermediate Unit **No. 22** shall be responsible for conducting child find activities necessary **and** to provide equitable participation services to students with disabilities

who are enrolled by their parents/guardians in private schools.

VIII. Screening

A. The District shall establish a system of screening, including hearing and vision screenings. Screenings shall be conducted at reasonable intervals to determine whether all students are performing based on grade-appropriate standards in core academic subjects.[32][33]

IX. Confidentiality

A. The District shall maintain a system of safeguards to protect the confidentiality of students' educational records and personally identifiable information when collecting, storing, disclosing and destroying student records.[34][43]

B. District staff shall maintain the confidentiality of student records and personally identifiable information, as required by law, regulations and Board policy.

C. The District may release, without parent/guardian consent, educational records that the District has designated as directory information. This shall not be construed as requiring the District to release such information unless the District is required by law to do so.

D. The District shall obtain written parent/guardian consent prior to releasing a student's educational record when prior consent is required by law, regulations or Board policy.[36]

E. The District shall notify parents/guardians of intent and gain written permission prior to destroying personally identifiable information in a student's record that is no longer relevant or necessary for providing educational services to the student.

X. Recordings of Meetings With School Employees

A. Except as specifically provided for within this policy, the District prohibits audio, video and electronic recording of meetings between parents/guardians and District teachers, paraprofessionals, program specialists, consultants or administrators. However, nothing in this policy shall be interpreted to deny parents or guardians their legal rights under the ADA, Section 504 or the IDEA. **Should a parent/guardian request to audio record a meeting, the District reserves the right to audio record the meeting as well. The recording will be kept by the Superintendent and his/her designee.**

B. Individuals who have disabilities or other limitations who are requesting, as an accommodation, the right to record meetings in which they participate, such as IEP team meetings, must make such request in writing to ~~either Director of Pupil Services/Special Education or the~~ Superintendent or his/her designee and must provide the District with information regarding:

1. the nature of the individual's disability or limitation,
2. the meeting that he/she wishes to record and
3. the proposed accommodation.

C. The District shall make a determination as to the specific type of accommodation, if any, that will be provided.

D. The District may request additional information in order to make its determination.

E. Audio and/or video recordings of meetings shall not be used where the District has determined that another accommodation is appropriate and/or reasonable.

- F. An attempt to record a meeting by a parent/guardian after a verbal prohibition by District staff shall result in immediate termination of the meeting and may result in ejection from District property.
- G. Such recording may be unlawful, and the District may seek possible criminal prosecution.

Legal

- [1. 22 PA Code 4.28](#)
- [2. 22 PA Code 12.1](#)
- [3. 22 PA Code 12.4](#)
- [4. 22 PA Code 14.102](#)
- [5. 22 PA Code 14.104](#)
- [6. 34 CFR 300.1](#)
- [7. 24 P.S. 502](#)
- [8. 22 PA Code 14.101](#)
- [9. 20 U.S.C. 1401](#)
- [10. 34 CFR 300.8](#)
11. Pol. 103.1
- [12. 22 PA Code 14.131](#)
- [14. 24 P.S. 1372](#)
- [15. 22 PA Code 12.41](#)
- [16. 22 PA Code 14.101 et seq](#)
- [17. 20 U.S.C. 1400 et seq](#)
- [18. 29 U.S.C. 794](#)
- [19. 42 U.S.C. 12101 et seq](#)
- [21. 22 PA Code 4.13](#)
22. Pol. 100
- [23. 22 PA Code 14.145](#)
- [24. 20 U.S.C. 1414](#)
26. Pol. 103
28. Pol. 113.2
29. Pol. 113.3
30. Pol. 113.1
- [32. 22 PA Code 14.122](#)
33. Pol. 209
- [34. 22 PA Code 15.9](#)
36. Pol. 216
- [24 P.S. 1371](#)
- [37. 34 CFR 300.320-300.324](#)
- [38. 34 CFR Part 300](#)
- [39. 34 CFR 300.320-300.327](#)
- [40. 34 CFR 300.201 et seq](#)
- [41. 22 PA Code 14.121](#)
- [42. 34 CFR 300.111](#)
- [43. 34 CFR 300.611-300.627](#)
- Pol. 914

[Pennsylvania Training and Technical Assistance Network \(PaTTAN\)](#)

Last Modified by Steven Yanni on September 10, 2017



Book	Policy Manual
Section	100 Programs
Title	Copy of Discipline of Students with Disabilities
Number	113.1
Status	
Adopted	April 22, 1996
Last Revised	April 19, 2010

Proposed changes are underlined in bold.

Proposed deletions have been stricken as such: ~~proposed deletion~~.

I. Purpose

- A. The District shall conduct **Funcational Behavior Assessments (FBAs) and** develop and implement positive Behavior Support Plans and programs for students with disabilities who require specific interventions to address behaviors that interfere with **their** learning. [\[1\]](#)[\[2\]](#)[\[3\]](#)
- B. Students with disabilities who violate the Code of Student Conduct, or engage in inappropriate behavior, disruptive or prohibited activities and/or actions injurious to themselves or others, which would typically result in corrective action or discipline of students without disabilities, shall be disciplined in accordance with state and federal laws and regulations and Board policy and, if applicable, their Individualized Education Program (IEP) and Behavior Support Plan. [\[1\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)
[\[7\]](#)

II. Definitions

- A. Students with disabilities - For the puposes of this policy, students with disabilities shall be defined as** school-aged children within the jurisdiction of the District who have been evaluated and found to have one or more disabilities as defined by law, and who require, because of such disabilities, special education and related services. [\[2\]](#)
- B. Suspensions from school - For the purposes of this policy, suspensiozn from school shall be defined as** disciplinary exclusions from school for a period of one (1) to ten (10) consecutive days. [\[8\]](#)[\[7\]](#)
- C. Expulsions from school - For the purpose of this policy, expulsions from school shall be defined as** disciplinary exclusions from school for a period exceeding ten (10) consecutive school days and may include permanent expulsion from the school rolls. [\[8\]](#)[\[7\]](#)
- D. Interim alternative educational settings - For the purpose of this policy, interim alternate educational settings shall be defined as the** removal of students with a disability from their placement. Interim alternative educational settings may be used by school personnel for up to forty-five (45) school days for certain infractions committed by students with disabilities. The **Individualized Education Program** (IEP) team shall determine the interim alternative educational setting. [\[26\]](#)[\[5\]](#)

III. Authority

A. The Board directs the Superintendent or his/her designee to ensure that the District shall comply with provisions of the Individuals With Disabilities Education Act (IDEA) and federal and state regulations when disciplining students with disabilities for violations of District policy or school rules and regulations.

B. No student with a disability shall be subjected to a disciplinary change in placement if the student's particular misconduct is a manifestation of his/her disability. However, under certain circumstances a student may be placed in an interim alternative educational setting by school personnel or the IEP team could, if appropriate, change the student's educational placement to one which is more restrictive than the placement where the misconduct occurred. [\[4\]](#)[\[5\]](#)[\[26\]](#)

IV. Provision of Education During Disciplinary Exclusions

A. During any period of expulsion, or suspension from school for more than ten (10) cumulative days in a year, or placement in an interim alternative educational setting for disciplinary reasons, a student with a disability shall continue to receive a free and appropriate education, in accordance with law. [\[8\]](#)[\[24\]](#)[\[5\]](#)

V. Guidelines

A. Suspension From School

1. A student with a disability may be suspended for ten (10) consecutive and fifteen (15) cumulative days of school per school year, for the same reasons and duration as a student without a disability. Such suspension shall not constitute a change in the student's educational placement. Also, use of interim alternative educational settings permitted by law does not constitute a change in educational placement for these purposes. [\[8\]](#)[\[4\]](#)[\[5\]](#)[\[26\]](#)[\[29\]](#)

B. Changes in Educational Placement/Manifestation Determinations

1. For disciplinary exclusions which constitute a change in educational placement, the District shall first determine whether the student's behavior is a manifestation of his/her disability. Expulsion, or exclusion from school for more than fifteen (15) cumulative days in a year, or patterns of suspensions for substantially identical behaviors constitute changes in educational placements requiring a manifestation determination. For students with ~~mental retardation~~ **intellectual disabilities** any disciplinary suspension or expulsion is a change in educational placement. [\[4\]](#)[\[5\]](#)

2. A student with a disability whose behavior is not a manifestation of his/her disability may be disciplined in accordance with Board policy, District rules and regulations in the same manner and to the same extent as students without disabilities up to and including expulsion. [\[4\]](#)[\[6\]](#)[\[7\]](#)[\[5\]](#)

C. Parent/Guardian Appeals From Disciplinary Actions/Request for Hearing by District for Students who are a Danger to Themselves or Others

1. A due process hearing may be requested by a parent/guardian of a student with a disability who disagrees with a disciplinary placement or manifestation determination, or by the District if the District believes that the current placement is substantially likely to result in injury to the student or others.

2. On parent/guardian appeal, or when the District requests a due process hearing, the hearing officer may return the student to the placement from which s/he was removed or order his/her removal to an appropriate interim alternative educational setting for up to

forty-five (45) school days if the hearing officer determines that maintaining the child's current placement is substantially likely to result in an injury to the student or others. [\[26\]](#)
[\[17\]](#)

3. Placement during appeals of disciplinary actions shall be in the interim alternative educational setting pending the decision of the hearing officer or expiration of the time period set for the disciplinary exclusion from the student's regular placement unless the District and the parent/guardian agree otherwise. [\[26\]](#)[\[18\]](#)

4. Students who have not been identified as disabled may be subject to the same disciplinary measures applied to students without disabilities if the District did not have knowledge of the disability. If a request for evaluation is made during the period the student is subject to disciplinary measures, the evaluation shall be expedited. [\[26\]](#)[\[19\]](#)

D. Administrative Removal to Interim Alternative Educational Setting for Certain Infractions

1. School personnel may remove a student with a disability, including ~~mental retardation~~ **intellectual disabilities**, to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability if the student: [\[26\]](#)[\[5\]](#)

a. Carries a weapon to or possesses a weapon at school, on school property, or at school functions under the jurisdiction of the District. For purposes of this provision, weapon is defined as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half (2 ½) inches in length. [\[21\]](#)[\[25\]](#)[\[26\]](#)[\[5\]](#)

b. Knowingly possesses or uses illegal drugs, as defined by law, or sells or solicits the sale of a controlled substance, as defined by law, while at school, on school property, or at school functions under the jurisdiction of the District. [\[22\]](#)
[\[5\]](#)[\[26\]](#)[\[27\]](#)

c. Has inflicted serious bodily injury upon another person while at school, on school property, or at school functions under the jurisdiction of the District. For purposes of this provision, serious bodily injury means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty. [\[5\]](#)[\[26\]](#)[\[28\]](#)

E. Referral to Law Enforcement

1. The District shall report crimes committed by a student with a disability to the appropriate authorities in the same manner as it reports crimes committed by students without disabilities. [\[23\]](#)[\[26\]](#)

Legal

[1. 22 PA Code 14.133](#)

2. Pol. 113

3. Pol. 113.2

[4. 22 PA Code 14.143](#)

[5. 34 CFR 300.530](#)

6. Pol. 218

7. Pol. 233

[8. 22 PA Code 12.6](#)

[17. 34 CFR 300.532](#)

[18. 34 CFR 300.533](#)

[19. 34 CFR 300.534](#)

21. Pol. 218.1

22. Pol. 227

[23. 34 CFR 300.535](#)

[24. 20 U.S.C. 1412](#)

[25. 18 U.S.C. 930](#)

[26. 20 U.S.C. 1415](#)

[27. 21 U.S.C. 812](#)

[28. 18 U.S.C. 1365](#)

[29. 34 CFR 300.536](#)

[24 P.S. 510](#)

[20 U.S.C. 1400 et seq](#)

[34 CFR Part 300](#)

Last Modified by Steven Yanni on September 10, 2017



Book	Policy Manual
Section	100 Programs
Title	Copy of Screening and Evaluations for Students With Disabilities
Number	113.2
Status	
Adopted	December 15, 2008
Last Revised	September 21, 2015

Proposed changes are underlined in bold.

Proposed deletions have been stricken as such: ~~proposed deletion~~.

I. Purpose

A. This ~~Board adopts this policy~~ **defines** ~~to define~~ the minimum requirements for **student** screenings, educational evaluations conducted to determine eligibility for special education services, instructional levels and programming requirements for students with disabilities, including functional behavioral assessments. **Further, this policy defines** requirements for independent educational evaluations. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)

II. Authority

A. The ~~Board~~ **District** shall adopt a system of screening that may include early intervening services and must be designed to accomplish identification and initial screening for students prior to District referral for a special education evaluation. **The District may utilize the Bucks County Intermediate Unit No. 22 for early intervention services.**

B. The system shall provide support to staff to improve working effectively with students in the general education curriculum, identify students who may require special education services and programs, and must include hearing and vision screening and screening at reasonable intervals to determine whether students are performing at grade appropriate levels in core academic subjects. [\[1\]](#)[\[7\]](#)[\[13\]](#)

C. Early intervening services shall comply with the requirements of state and federal law and regulations in order to address academic concerns or behaviors that may be impeding success, but which can be resolved through research-based intervention programs in the regular education setting. [\[7\]](#)

D. The Board authorizes the use of functional behavioral assessments (FBAs) as an evaluation to gather information to understand the purpose of the student's behaviors and to assist with developing a positive Behavior Support Plan. **Functional Behavior Assessments** (FBAs) must be conducted when: [\[5\]](#)[\[10\]](#)[\[11\]](#)[\[14\]](#)[\[12\]](#)

1. A student's behavior interferes with his/her learning or the learning of others and information is necessary to provide appropriate educational programming.
2. A student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability.

3. A student is placed in an interim alternative educational placement for a qualifying reason permitting such placement for up to forty-five (45) school days for certain offenses.
 4. The school contacts law enforcement regarding a student who already has a positive Behavior Support Plan.
- E. FBAs may also constitute part of the initial evaluation to determine eligibility for special education.
- F. The District shall comply with requirements of state and federal laws and regulations when conducting evaluations. [\[2\]\[6\]\[15\]\[9\]\[16\]](#)
- G. An appropriate evaluation of a student, whether conducted by District staff or individuals not employed by the District, shall consist of the administration of all testing and the use of all assessment procedures required to determine the existence of all legally defined disabilities reasonably suspected by District staff, parents/guardians, or the evaluator. An appropriate evaluation shall assist in determining the content of the IEP to enable a student with a disability to be involved in and progress in the general curriculum.
- H. A student shall be assessed in all areas related to the suspected disability including, as appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
- I. A re-evaluation of a student who currently has an IEP shall be conducted at least as frequently as required by state and federal law and regulations. [\[3\]\[6\]\[17\]\[16\]](#)

III. Guidelines

A. Parent/Guardian Requests

1. Parents/Guardians may request an evaluation at any time. The parent/guardian request must be in writing. If a request is made orally to any professional employee or administrator, that individual shall provide a copy of the permission to evaluate form to the parents/guardians within ten (10) calendar days of the oral request. [\[1\]\[2\]](#)
2. The evaluation shall be completed and a copy of the evaluation report presented to parents/guardians no later than sixty (60) calendar days after receipt of written parent/guardian consent for an evaluation, exclusive of the period following the last day of the spring school term to the first day of the subsequent fall term.

B. Appropriate Evaluations

1. An appropriate evaluation shall use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about a student. [\[2\]\[6\]\[8\]\[9\]](#)
2. An appropriate evaluation shall include:
 - a. Testing and assessment techniques required in light of information currently available from previous evaluations.
 - b. Information from parents/guardians and school staff familiar with the performance of the student.
 - c. The student's education records.

3. The evaluator shall review all such sources of information prior to conducting testing and assessment. The evaluator shall review assessments conducted by others that indicate how the student is responding to early intervening services and scientific research-based instruction and/or include such assessments as part of his/her evaluation.
4. To the extent that the results of such instructional assessments are inconsistent with the results of norm or criterion-referenced testing and assessments that the evaluator has administered, the evaluator shall explain the reason for the inconsistency in his/her report, if possible.
5. When assessing the presence of a specific learning disability, the evaluation shall be consistent with procedures adopted by the District and comply with state and federal law and regulations. [\[4\]\[18\]](#)
6. Testing and assessment procedures shall be selected and administered to yield valid measurement or assessment of the construct or quality they purport to measure or assess. The evaluator shall administer any testing or assessment procedures in a manner consistent with the requirements and recommendations of the publisher of the test or procedure and in compliance with applicable and authoritatively recognized professional principles and ethical tenets. The evaluator shall report any factor that might affect the validity of any results obtained.
7. All assessments and evaluation materials shall be selected and administered so as not to be discriminatory on a racial or cultural basis. Where feasible, assessments and evaluations shall be administered in a language and form most likely to provide accurate information about the student.
8. The evaluation shall include an observation of the student in an educational setting, unless the student is not currently in such a setting. The evaluator shall obtain information concerning the performance of the student directly from at least one (1) current teacher of the student, unless s/he does not have a current teacher.
9. The evaluator shall hold an active certification that qualifies the evaluator to conduct that type of evaluation. If certification is not issued for the particular area of professional practice in which the evaluator is lawfully engaged, the evaluator shall hold such license or other credentials as required for the area of professional practice under state law.
10. The evaluator shall prepare and sign a full report of the evaluation containing:
 - a. Clear explanation of the testing and assessment results.
 - b. Complete summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores; domain or composite scores; and subtest scores reported in standard, scaled, or T-score format.
 - c. Complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator.
 - d. Identification of all special education and related services needs and relevant information that directly assists persons in determining the educational needs of the student.
 - e. Specific, individualized recommendations for consideration by the IEP team for educational programming and placement to enable the student to participate as appropriate in the general education curriculum in the least restrictive environment, as defined by federal and state law and regulations.

C. Re-Evaluations

1. Re-evaluations shall be conducted within the timeframes required by state and federal laws and regulations unless the parent/guardian and the District agree in writing that a re-evaluation is unnecessary.
2. For students with intellectual disability, the re-evaluation cannot be waived.
3. The group of qualified professionals that reviews the evaluation materials to determine whether the child is a student with a disability shall include a certified school psychologist when evaluating a student for autism, emotional disturbance, intellectual disability, multiple disabilities, other health impairment, specific learning disability and traumatic brain injury. [\[3\]](#)[\[19\]](#)[\[20\]](#)
4. Copies of the re-evaluation report shall be disseminated to parents/guardians at least ten (10) days prior to the meeting of the IEP team unless this requirement is waived in writing.

D. Independent Educational Evaluations (**IEEs**)

1. A parent/guardian who disagrees with the results or content of an evaluation performed or obtained by the District may request an independent educational evaluation at **public** ~~District~~ expense. A parent/guardian is entitled to only one (1) independent educational evaluation at public expense each time the District conducts an evaluation with which the parent/guardian disagrees.
2. The independent educational evaluation must arise from parents'/guardians' disagreement with the District's most recent evaluations or re-evaluations of the student.
3. The District shall be entitled to a **complete, non-redacted** copy of all results of independent educational evaluations conducted at public expense.
4. If an oral request for an independent educational evaluation is made to a professional employee or administrator, that person shall inform the parent/guardian that the request must be in writing.
 - a. If the native language of the parent/guardian is other than English, the requirement that the parent/guardian make his/her request in writing shall be conveyed by whatever means practicable and in the native language of the parent/guardian. [\[9\]](#)[\[21\]](#)
5. A written request for an independent educational evaluation at District expense shall be immediately forwarded to the Director of Special Education, who may, upon receipt of the written parent/guardian request, ask that the parent/guardian state his/her reasons for disagreement with the evaluation conducted or proposed by the District. The District cannot require the parent/guardian to do so, and the refusal of the parent/guardian shall not delay the process required by this policy.
6. The criteria under which the independent educational evaluation at public expense is obtained must be the same as the criteria used by the District in conducting an appropriate evaluation, including the location of the evaluation and the qualifications of the examiner, to the extent those criteria are consistent with the parent's/guardian's right to an independent educational evaluation at public expense. The qualified examiners who conduct the independent educational evaluation may not be employed by the public agency responsible for the education of the student.

7. Within ten (10) school days of receipt of a request for an independent educational evaluation in writing from a parent/guardian, the Director of Special Education shall either initiate a due process hearing to show that the District's evaluation is appropriate and notify the parent/guardian in writing that s/he has done so, or issue to the parent/guardian a correspondence containing:

- a. Assurance that the District will pay for an independent educational evaluation as long as the evaluation meets all of the requirements of an appropriate evaluation and is in compliance with this policy.
- b. Statement that the District will not pay for the evaluation until it receives directly from the evaluator a complete copy of a report of that evaluation and determines that the evaluation is in compliance with this policy.
- c. Request that the parents/guardians consider accessing reimbursement for all or part of the evaluation from public or private sources of insurance or reimbursement, together with a clear assurance that the parent/guardian is not required to do so and that the District will pay any cost not covered by such sources.
- d. Directions that the parent/guardian is responsible for arranging for the evaluation and ensuring that the evaluator contacts the Director of Special Education to arrange for payment of the evaluation.

8. Upon request, the District shall provide to parents/guardians information about where an independent educational evaluation may be obtained.

9. If the evaluation has already been conducted and paid for, the District shall issue a correspondence advising the parent/guardian that the District will not reimburse the parent/guardian for the evaluation until it receives a complete and non-redacted copy of the report of the evaluation and determines that the evaluation is in compliance with this policy.

- a. The District shall require documentation substantiating that the parents/guardians paid for or incurred the obligation to pay for the evaluation without reimbursement from a public or private source of insurance or reimbursement.

10. The Director of Special Education shall send the correspondence to the parent/guardian by certified mail or by other independently verifiable means of conveyance and enclose a copy of this policy.

11. The Director of Special Education shall maintain a list of qualified independent evaluators in each of the various disciplines commonly relied upon to provide education-related evaluations and assessments and shall promptly make that list available to any parent/guardian who requests it.

12. There is no privacy expectation in any activity related to an IEE at public expense. The District shall not accept financial responsibility for activities from which the District is excluded, or for testing, analyses, or recommendations not shared with the District.

13. The District shall not accept financial responsibility for an IEE unless parents/guardians provide consent for the District and the evaluator to disclose records and exchange information, inclusive of the IEE report.

14. Whether the student is a child with a disability and whether the child is in need of special education and related services is to be determined by a

multidisciplinary team, including parents, assigned by the District for that purpose.

15. At any time, the District and parents/guardians may agree for the District to contract with a mutually agreeable independent, private evaluator to conduct a reevaluation.

16. Unless the context shows otherwise, an IEE can also mean a private evaluation not conducted or paid for by the District.

Legal

[1. 22 PA Code 14.122](#)

[2. 22 PA Code 14.123](#)

[3. 22 PA Code 14.124](#)

[4. 22 PA Code 14.125](#)

[5. 22 PA Code 14.133](#)

[6. 20 U.S.C. 1414](#)

[7. 34 CFR 300.226](#)

[8. 34 CFR 300.301-300.311](#)

[9. 34 CFR 300.502](#)

[10. 34 CFR 300.530](#)

11. Pol. 113

12. Pol. 113.3

13. Pol. 209

14. Pol. 113.1

[15. 34 CFR 300.300-300.311](#)

[16. 34 CFR 300.503](#)

[17. 34 CFR 300.303-300.306](#)

[18. 34 CFR 300.307-300.311](#)

[19. 34 CFR 300.303](#)

20. PA Ass'n for Retarded Children (PARC) v. Com. of Pa., 343 F. Supp. 279 (E.D. Pa. 1975)

21. Pol. 138

[20 U.S.C. 1400 et seq](#)

[34 CFR Part 300](#)

[Pennsylvania Training and Technical Assistance Network \(PaTTAN\)](#)

Last Modified by Steven Yanni on September 10, 2017



Book	Policy Manual
Section	100 Programs
Title	Copy of Behavior Support
Number	113.3
Status	
Adopted	December 15, 2008
Last Revised	March 3, 2014

Proposed changes are underlined in bold.

Proposed deletions have been stricken as such: ~~proposed deletion~~.

I. Purpose

A. Students with disabilities shall be educated in the least restrictive environment and shall only be placed in settings other than the regular education class when the nature or severity of the student's disability is such that education in the regular education class with the use of appropriate supplementary aids and services cannot be achieved satisfactorily.

B. The **Individualized Education Program** (IEP) team for a student with disabilities shall develop a positive behavior support plan if the student requires specific intervention to address a pattern of behavior that interferes with his or her ability to learn or interferes with the abilities of other children's learning.

C. The identification, evaluation, and plan or program shall be conducted and implemented in accordance with state and federal law and regulations. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)

II. Authority

A. The Board directs that the District's behavior support programs shall be based on positive rather than negative measures to ensure that students shall be free from demeaning treatment, unreasonable use of restraints, and other aversive techniques. Behavior support programs and plans shall be based on a functional assessment of behavior and shall be based on peer reviewed, research-based practices and techniques to develop and maintain skills that will enhance students' opportunity for learning and self-fulfillment. [\[1\]](#)[\[3\]](#)[\[6\]](#)[\[5\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)

III. Delegation of Responsibility

A. The Superintendent or his/her designee shall ensure that this Board policy is implemented in accordance with federal and state laws and regulations.

B. The Superintendent or his/her designee shall maintain and report data on the use of restraints, as required. Such report shall be readily available for review during the state's cyclical compliance monitoring. [\[1\]](#)

IV. Guidelines

A. Development of a separate Behavior Support Plan is not required when appropriate positive behavioral interventions, strategies and supports can be incorporated into a student's IEP. [\[1\]\[5\]](#)

- Legal
- [1. 22 PA Code 14.133](#)
 - [2. 22 PA Code 14.145](#)
 - [3. 20 U.S.C. 1414](#)
 - [4. 34 CFR 300.114](#)
 - [5. 34 CFR 300.324](#)
 - [6. 20 U.S.C. 1415](#)
 - [7. 34 CFR 300.34](#)
 - [8. 34 CFR 300.530](#)
 9. Pol. 113
 10. Pol. 113.1
 11. Pol. 113.2
 - [22 PA Code 14.143](#)
 - [20 U.S.C. 1400 et seq](#)
 - [34 CFR Part 300](#)
 - [Pennsylvania Training and Technical Assistance Network \(PaTTAN\), Questions and Answers on the Restraint Reporting Requirements and System, June 2009](#)
 - Pol. 000

[POLNEWH113_3AR.pdf \(13 KB\)](#)

Last Modified by Steven Yanni on September 10, 2017



Book	Policy Manual
Section	200 Pupils
Title	Copy of Student Records
Number	216
Status	
Adopted	March 29, 1993
Last Revised	July 16, 2007

Proposed changes are underlined in bold.

Proposed deletions have been stricken as such: ~~proposed deletion~~.

I. Purpose

A. The educational interests of students require the collection, retention, and use of data and information about individuals and groups of students while ensuring the individual's right to privacy. The ~~school~~ District ~~will~~ **shall** maintain educational records for students for legitimate educational purposes.

II. Authority

A. The Board recognizes its responsibility for compilation, retention, disposition and security of student records. The Board also recognizes the legal requirement to maintain the confidentiality of student records. [\[1\]\[10\]\[12\]\[13\]\[14\]\[7\]\[15\]](#)

B. The Board shall adopt a comprehensive plan for the collection, maintenance and dissemination of student records that complies with federal and state laws and regulations and state guidelines. [\[2\]\[3\]\[4\]\[5\]\[6\]\[16\]](#)

III. Delegation of Responsibility

A. The Superintendent or **his/her designee** shall be responsible for implementing and monitoring the adopted student records plan which meets all legal requirements.

B. The **Superintendent or his/her designee** ~~designated administrator~~ shall establish safeguards to protect the student and his/her family from an invasion of privacy when collecting, retaining and disseminating student information and providing access to authorized persons.

C. District staff shall compile only those educational records mandated by federal and state laws and regulations.

D. In accordance with law, each District teacher shall prepare and maintain a record of the work and progress of each student, including the final grade and a recommendation for promotion or retention. [\[7\]\[8\]\[9\]](#)

IV. Guidelines

A. The **D**istrict's plan for compilation, retention, disclosure and security of student records shall provide for the following:

1. Informing parents/guardians and eligible students eighteen (18) years and older of their rights and the procedures to implement those rights, annually and upon enrollment.
2. Permitting appropriate access by authorized persons and officials, describing procedures for access, and listing copying fees.
3. Enumerating and defining the types, locations and persons responsible for student records maintained by the district.
4. Establishing guidelines for disclosure of information and data in student records.
5. Maintaining a record of access and release of information for each student's records.
6. Assuring appropriate retention and security of student records.
7. Transferring education records and appropriate disciplinary records to other school districts.[\[10\]](#)

B. Procedures for disclosure of student records shall apply equally to military recruiters and postsecondary institutions.[\[11\]](#)

C. Copies of the student records plan shall be submitted to the Department of Education, upon request of the Secretary.[\[3\]](#)

Legal

[1. 24 P.S. 1303a](#)

[2. 22 PA Code 4.52](#)

[3. 22 PA Code 12.31](#)

[4. 22 PA Code 12.32](#)

[5. 22 PA Code 15.9](#)

[6. 20 U.S.C. 1232g](#)

[7. 24 P.S. 1532](#)

8. Pol. 213

9. Pol. 215

[10. 24 P.S. 1305-A](#)

11. Pol. 250

[12. 24 P.S. 1306-A](#)

[13. 24 P.S. 1402](#)

[14. 24 P.S. 1409](#)

[15. 24 P.S. 1533](#)

[16. 34 CFR Part 99](#)

216-Attach.doc (32 KB)

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