

Appendix VI: Special Education Policies



Special Education Identification

Section I. Identification of Special Needs Students

EastSide Charter adheres to Title 14 DE Administrative Code Section 900: Special Populations, Subsection 922.1.0 through 929.3.0 when identifying, evaluating, servicing, and monitoring a student suspected of have a disability. A “Child with a Disability” means a child evaluated in accordance with 14 DE Admin. Code 925.4.0 through 925.12.0 as having intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in these regulations as "emotional disturbance"), an orthopedic impairment, autism, traumatic brain injury, an Other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

EastSide Charter students are all administered universal screenings and class-wide normed assessments in the beginning of each school year and then a minimum of four additional times throughout the year. Student data is then analyzed and used to create groupings in order to provide a tiered system of supports, interventions, and instructional goals for students on different levels. Teachers meet monthly to report on students’ performance levels and rates of improvement according to on-going progress monitoring. Following Delaware’s Response to Intervention protocols, students not making adequate progress during monthly data meetings are provided additional supports and a team convenes to identify the academic problem, its cause, and develops a strategic plan to implement and evaluate. A wide variety of interventions are presented based on student’s unique needs and performance data.

Our Dean of Special Education will be notified by the grade team leader and/or the special education case manager in a particular grade if any student is not able to make adequate progress after a specific plan and targeted interventions have been applied for a 4-6 week period of time. Parents will also be included throughout the process as much as possible. Their input in decision-making should support team efforts and facilitate the student’s engagement throughout the intervention process.

If a student has not made adequate progress, as determined by valid progress monitoring data, and has been receiving strategic, targeted inventions and instruction for a period of time ranging from 18-24 weeks according to response to intervention protocols, the Instructional Support team will officially refer the child for special education services. At this point, all data and evidence will be compiled by our Dean of Special Education who will then proceed by providing the parent of guardian notice consistent with 14 DE Admin. Code 926.3.0 and 926.4.0, in order to request for “Permission to Evaluate.”

Additionally, consistent with 1.0 through 5.0, a parent of a child may initiate a request for an initial evaluation at any time, including during the Response to Intervention process. EastSide

reserves the right to grant or decline the request. If EastSide declines to conduct the initial evaluation, it must provide written notice consistent with 14 DE Admin. Code 926.3.0. If EastSide agrees to conduct an initial evaluation, the evaluation shall be completed, and an eligibility determination made, within the timeframe established in 2.3.

After receiving written consent, EastSide will then contract with a licensed school psychologist to conduct a full and individual initial evaluation in accordance with 5.0 and 6.0 before the initial provision of special education and related services to a child with a disability under these regulations. The initial evaluation shall be completed within forty-five (45) school days or ninety (90) calendar days, whichever is less, of receiving written parental consent, and the child's eligibility for special education and related services must be determined at a meeting convened for that purpose.

Our evaluation process is consistent with 14 DE Admin. Code 925.4.0, in that the school psychologist and instructional support team must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining whether the child is a child with a disability as defined under 14 DE Admin. Code 922.3.0, and the content of the child's IEP.

Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parent of the child shall determine whether the child is a child with a disability, as defined in 14 DE Admin. Code 922.3.0, in accordance with 6.2 and the educational needs of the child. EastSide will provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. The evaluation report shall document the IEP team's discussion of the eligibility determination and classification.

Once a student is identified as qualifying for special education, a case manager will be assigned. This team member will be responsible for facilitating the creation and implementation of the Individualized Education Plan (IEP), as well as providing the daily instructional support needed for the student to experience success in the same manner as the general education population. As defined by DE Regulations, 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 20.0 through 24.0. It will include a statement of the child's present levels of academic achievement and functional performance, a statement of measurable annual goals, including academic and functional goals, and a description of how the child's progress toward meeting the annual goals described in 20.1.2 will be measured.

Consistent with 14 DE Admin, Code 20.1.6 a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments, as well as the daily accommodations and/or modifications anticipated frequency, location, and duration of those services and modifications will be outlined in the IEP. All team members, or staff working with an identified student, will be included in the creation and implementation this IEP, as well as responsible to implementing it with fidelity.

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Following the development of a child's IEP, the team shall determine the child's educational placement in the least restrictive environment based on the child's individual needs and the services identified in the IEP. At EastSide more than 95% of our special education students are serviced within the general education classroom for more than 80% of their school day. Special Education teachers co-teach and work with students using an inclusion model in all core content areas. Students IEP's will specify the amount of time required for small group and individualized instruction in addition to the inclusive support.

The EastSide Charter special education department ensures a reevaluation of each child with a disability is conducted in accordance with 14 DE Admin. Code 925.4.0 through 925.12.0 if the team has determined that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or if the child's parent or teacher requests a reevaluation. A reevaluation may occur not more than once a year, unless the parent and the public agency agree otherwise and shall occur at least once every three years, unless the parent and the public agency agree that a reevaluation is unnecessary

A child's eligibility for special education and related services shall terminate when the IEP team determines the child is no longer a child with a disability in need of special education and related services. In making such determination, the team shall consider: eligibility criteria, data based and documented measures of educational progress, and all other relevant information.

Section II. English Language Learners

EastSide Charter follows state regulations, outlined in Title 14 Section 900: Special Populations, Subsection 920: Educational Programs for English Language Learners (ELLs), when identifying and servicing students whose speak and/or are regularly exposed a language other than English. Please refer to Appendix V for more information.

The first step in our process is to ensure parents are completing a home language survey as part of our registration process. This survey shall elicit from the student's parent, guardian or Relative Caregiver the student's first acquired language and the language(s) spoken in the student's home or by the student. Any student for whom a language other than English is reported on the home language survey as the student's first acquired language or as a language used in the student's home shall be administered an English language proficiency assessment.

The admissions director will notify our Director of Support Services if an application indicates a second language. The Director of Support Services will then schedule an English language proficiency assessment (ELPA) to be administered. The ELAP will be based on English Language Proficiency Standards for English Language Learners K to 12 and shall assess listening, speaking, reading and writing. The assessment shall be validated for this purpose and approved by the Department of Education for use statewide.

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The assessment shall be conducted as soon as practicable, but not later than twenty five (25) school days after enrollment and shall be conducted by qualified personnel trained in the administration of the assessment instrument. Any student who achieves a score on the English language proficiency assessment that is lower than the state mandated eligibility cut off score in listening, speaking, reading and writing established by the Department of Education shall be identified as an ELL and shall be entitled to a program of instruction for ELLs.

ESL programs are then provided to students according to DE state guidelines in regards to frequency and ratio of services. Instruction will be delivered by individuals who meet Department of Education licensure and certification requirements and who are trained in the delivery of instruction to ELLs. Programs vary in approach, including both push-in or pull-out supports and individual or group sessions in order to include instruction in academic subjects which is equivalent in scope to the instruction that is provided to students who are not limited in English proficiency.

The student will remain in this program for the duration of one academic year. Each spring an annual English language proficiency assessment will be administered as established by the Department of Education. All information and assessment results will be entered into the state systems Coordinator of Support Services.

Any student who achieves a score on the annual English language proficiency assessment that is higher than the eligibility cut off score in listening, speaking, reading and writing established by the Department of Education shall be transitioned as fully English proficient. EastSide will continue to monitor the exited student's progress for at least two school years following the identification of the student as fully English Proficient. Students who experience academic difficulty in the regular classroom during the transition period shall, based on further assessment re-enter the ESL program or shall be provided with additional instructional services as necessary and appropriate.

The student's parent, guardian or Relative Caregiver has a right to refuse placement of their child in the ESL program and also has the right to withdraw an identified student from the program. Parents, guardians or Relative Caregivers of eligible students who refuse placement of their student in either program or withdraw students from either program must do so in writing.

The Coordinator of Support Services will ensure that communication with parents, guardians and Relative Caregivers, including notices of eligibility for programs for ELLs, notices about the student's educational performance and progress in such programs. After each assessment result is reported to EastSide (both the ELPA and ACCESS), the Coordinator of Support Services will send home the scores, as well as notice on any program changes that need to occur as a result. ESL tutors will compile quarterly reports on all ELL's progress which are shared with parents with each report card marking period.

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