



The Charter Institute at Erskine Special Education Policies and Procedures

School Year:

2026-2027

Introduction

The purpose of this document is to provide the policies and procedures regarding the services for students with disabilities as defined by the Individuals with Disability Education Act (IDEA). This document provides The Charter Institute at Erskine interpretation of various statutory provisions and does not impose any requirements beyond those included in federal and state laws and regulations. In addition, it does not create or confer any rights for or on any person.

The Institute maintains the role of an authorizer and LEA. Each charter school within the Institute has the autonomy to develop policies and procedures individualized to meet the needs of the school, as long as those policies and procedures are consistent with the school's charter, contract and Institute policies and procedures. All schools must adhere to State and Federal Laws regarding students with disabilities.

This is a living document and will be updated on a regular basis as the Charter Institute at Erskine receives further guidance from the United States Department of Education, Office of Special Education Programs, South Carolina Department of Education, Office of Special Education Services, results of court decisions, and changes in state statute. To ensure that you are referencing the most recent version of the policies and procedures, please check the date of the document.

For the United States special education regulations, please consult the Office of Special Education Programs: <http://www2.ed.gov/about/offices/list/osep/>.

For the South Carolina special education regulations, please consult State Board of Education regulations 43-243 and 43- 243.1: <http://ed.sc.gov>.

For questions concerning this document or questions concerning the Charter Institute at Erskine Special Education Programs, please contact the Chief of Special Education at 803-849-2464.

The Charter Institute at Erskine does not discriminate on the basis of race, color, national origin, sex, disability, age, religion or immigrant status in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following persons have been designated to handle the nondiscrimination policies. For questions pertaining to Section 504 contact the Director of Special Education, questions pertaining to Title IX contact the Charter Institute at Erskine, 1201 Main Street, Suite 2500, Columbia SC 29201, 803-849-2464.

Assurances

The school has developed, adopted, and implemented policies and procedures that are consistent with all requirements of the Individuals with Disabilities Education Act (IDEA), South Carolina State Board of Education regulations, and the Charter Institute at Erskine policies and procedures including, but not limited to, the following:

- The school has Institute-approved policies and procedures.
- Special education and related service staff are in place and appropriately certified/credentialed.
- Special education related service providers (school psychologist, OT, PT, RN, O&M, ABA) are on staff or under contract and are appropriately credentialed.
- The total number of special education staff is appropriately proportionate to the number of students with disabilities so students receive a free appropriate public education (FAPE).
- The school will keep a tracking document of all attempts to secure appropriately credentialed staff to include the date and outcome of the contact.
- The school will hold a possible denial of FAPE discussion after a lapse in services due to staffing shortages when appropriately certified staff are in place.
- The school will have a contingency staffing plan to ensure the provision of special education and related services should a teacher or provider leave his/her position.
- Special education staff, other related service providers, and/or other school staff have engaged in professional development as to policies and procedures for the provision of special education services and supports.
- School files are kept confidential, locked, up-to-date, accessible, and organized with appropriate information stored for the required length of time.
- The school maintains an up-to-date, confidential, and accurate database of students with IEPs.
- All required information is marked complete and/or finalized with signature pages uploaded into EDPlan SC within 24 hours of the action and/or meeting.
- All IEPs are compliant as demonstrated by a review of IEPs (transfer, annual, initial evaluation, and/or reevaluations).
- All active IEPs are reviewed and developed by full IEP teams at least annually.
- All reevaluations have been conducted within appropriate timelines.
- All active IEPs have documentation of progress monitoring at intervals described in the IEP.
- Students receive services in accordance with their IEPs and schools maintain documentation of services provided on behalf of students.
- Evaluations for initial eligibility are comprehensive, are conducted by a multidisciplinary team, and contain evidence of previous research-based interventions.
- Services that are similar or equivalent to those that were described in the IEP sent from the previous district are provided upon first day of attendance and parents are contacted within the first 5 school days after enrollment to document these services.
- For students transferring from out-of-state or a district not using EDPlan SC, the IEP team convenes within 30 calendar days of new student enrollment to develop an annual IEP after providing comparable services.

- The school has a means to track the removal of students for disciplinary reasons and to alert school staff after the 7th day of removal that a student is approaching 10 days OSS.
- All disciplinary removals of students with IEPs are done in accordance with IDEA requirements and have been appropriately documented in Incident Management in PowerSchool.
- The school has a means to document the provision of all accommodations and modifications required in IEPs.
- All parents are notified of their Procedural Safeguards in accordance with IDEA.
- Notices and other IDEA-required information are presented to parents in understandable language (written language understandable by the general public and in the native language of the parent or other mode of communication used by the parent).
- IDEA funds are used solely for district-approved IDEA related activities.
- The school maintains an inventory of all equipment, materials, curriculum, etc. purchased with special education funds throughout the life of the equipment.
- The school submits timely and accurate data as required by Federal, State, and Institute reporting.
- The school uses all forms required by the Institute and/or as generated from the EDPlan SC program.
- The school (brick and mortar/virtual) understands it is obligated to serve all students with disabilities under IDEA in the same manner as any other public-school district. Budget, staffing availability and administrative convenience do not exempt the site from its legal obligations including, but not limited to students placed on Medical Homebound.
- For charter schools that provide high school curriculum, the school has adopted the Institute's Policies and Procedures for the South Carolina High School Credential.
- The school accepts responsibility for all expenses and obligations related to State Complaint Resolutions and Due Process actions.
- The school accurately enters guardian information and appropriate coding into PowerSchool upon student enrollment.
- The school will consider, on a case-by-case basis using the interactive process, all parent requests related to private providers working with students during school hours on the school campus.
- The school assures that all student education records and personally identifiable information are maintained and disclosed in accordance with the Family Educational Rights and Privacy Act, FERPA, and applicable federal and state confidentiality requirements.

SPED Coordinator Signature _____ Date _____

School Leader Signature _____ Date _____

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I. FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

The Charter Institute at Erskine ensures that a free appropriate public education (FAPE) is made available to all children with disabilities enrolled in its schools between the ages of 3 and 21, inclusive, in accordance with IDEA and the SC Department of Education Regulation 42-243 and 42-243.1

A. Assistive Technology

The Charter Institute at Erskine makes assistive technology available if required as part of the child's special education, related services or supplementary aids and services.

B. Extended School Year (ESY) Services

The Charter Institute at Erskine ensures that extended school year services (ESY) are provided when a child's individualized education program (IEP) team determines that the services are necessary for the provision of FAPE to the child.

C. Non-academic Services

The Charter Institute at Erskine takes steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities as provided to students without disabilities.

Nonacademic and extracurricular services and activities may include, but are not limited to, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school or school district, referrals to agencies that provide assistance to individuals with disabilities and employment of students, including both employment by the school district and assistance in making outside employment available.

D. Program Options and Physical Education

The Charter Institute at Erskine takes steps to ensure that children with disabilities served by the Institute's schools have available to them the variety of educational programs and services available to nondisabled children served by those schools.

The Institute ensures that a child with a disability receives appropriate physical education services as required by South Carolina Board of Education Regulations and South Carolina Charter School Law (§ 59-40-10 et seq.). The Institute affords each child with a disability the opportunity to participate in a regular physical education program available to non-disabled children, unless the child is in need of specially designed physical education, as described in the child's IEP.

II. CONFIDENTIALITY

The Charter Institute at Erskine safeguards the confidentiality of personally identifiable information at use, collection, storage, retention, disclosure, and destruction stages. The Institute ensures that all persons collecting or using personally identifiable information receive training and instruction regarding policies to protect that information. The Institute gives notice annually to all parents of students receiving special education and related services that is adequate to fully inform parents about confidentiality requirements, in accordance with South Carolina Board of Education Regulations and Family Educational Rights and Privacy Act (FERPA).

Confidentiality of educational records is a basic right shared by all students in the district and their parents. These fundamental rights are described in the Family Educational Rights and Privacy Act (FERPA) of 1974, as amended (2011). This chapter presents information on District policies and procedures related to confidentiality. The Institute makes FERPA training available for all school coordinators.

A. Access Rights

The Charter Institute at Erskine permits parents (or a representative of a parent) to inspect and review any education records relating to their children that are collected, maintained, or used by the Institute's schools. If any education record includes information on more than one child, the parents 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 Institute does not charge a fee to search for or retrieve information related to FERPA requests.

The Institute may charge a fee for copies of records but does not charge a fee that would effectively prevent the parents from exercising their right to inspect and review records.

The Institute complies with a request to access records without unnecessary delay and before any meeting regarding an IEP, or any hearing pursuant to South Carolina Board of Education Regulations, and any resolution session pursuant to South Carolina Board of Education Regulations, and in no case more than 45 days after the request has been made.

The Institute responds to reasonable requests for explanations and interpretations of the records, provides copies if failure to provide copies would effectively prevent the parent from exercising the right to inspect and review the records, and permits a representative of a parent to inspect and review records.

The Institute presumes that a parent has the authority to inspect and review records relative to that parent's child unless the Institute has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

Upon request, the Institute provides parents a list of the types and locations of education records collected, maintained, or used by the Institute and each of its schools.

The Institute keeps a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized

employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. The Institute, including each school within, maintains a list of authorized employees who have access to educational records.

B. Amendment of Records/Hearing Process

Parents have the right to request that their child's education records be changed if something is inaccurate, misleading, or in violation of the student's rights of privacy.

If the school does not agree that the education records should be changed, staff must provide an opportunity for a hearing, following the Family Educational Rights and Privacy Act of 1974, August 1974, 20 U.S.C. 1232g (FERPA) requirements. The hearing officer would be the school's hearing officer, not a special education due process hearing officer (34 CFR § 300.618).

C. Parental Consent Prior to Disclosure of Records

The Charter Institute at Erskine obtains parental consent before personally identifiable information is disclosed to parties, other than officials of participating agencies in accordance as defined by South Carolina Board of Education Regulations, unless the information is contained in education records and the disclosure is authorized without parental consent under FERPA.

The parent's consent must be in writing, signed, and dated and must:

1. Specify the records to be disclosed;
2. State the purpose of the disclosure; and
3. Identify the party or class of parties to whom the disclosure may be made.

The Institute obtains parental consent, or the consent of an eligible child who has reached the age of majority under South Carolina law, before personally identifiable information is released:

1. Prior to inviting officials of participating agencies providing or paying for transition services to an IEP meeting in accordance with South Carolina Board of Education;
2. To officials in another district or school in connection with the child's enrollment in a nonpublic school; and/or
3. For purposes of billing insurance and/or Medicaid.

D. Transfer of Rights at Age of Majority

The rights of parents regarding education records under FERPA transfer to the child at age 18.

Beginning at age 17, the IEP team must inform the student and the parents that at the age of majority under state law (age 18 in South Carolina), the rights under the IDEA will transfer to the student. The Institute's schools must provide documentation in the IEP, at least one year before the student is 18, that the student has been informed of rights provided in the federal and state law that will transfer to the student. If parents believe that their child may not be able to make educational decisions, they may wish to find out about obtaining a limited guardianship or some other legal means to support the student upon reaching the age of majority. It is important for the

LEA to provide information and resources to the student and parents early in the IEP process to assist them in understanding the implications of the transfer of these rights under the IDEA.

Beginning at age 18, unless the student has been determined incompetent by a court, the rights have transferred to the student, and both the student and parents must receive written notice of the IEP team meeting. At age 18, all rights are transferred to the student.

The only situation in which all rights do not automatically transfer to the student at age 18 is when a court has judged the student to be unable to fulfill his or her responsibilities (determined the student to be “incompetent”). When this has occurred, the Institute must provide prior written notice (PWN) and obtain informed consent from the person who the court has appointed as the legal guardian. The Institute may provide parents information about other options and resources about this topic.

The school’s procedure for providing notice to students and parents regarding Age of Majority will be described at the end of the document by indicating the procedure below or detailing their process.

All students, who will turn 17 during the effective dates of their IEP, must be notified of their Age of Majority/ Transfer of Rights.

- ***If the student will be 17 years old during the term of the IEP, indicate “yes” in EDPlan SC on the meeting notice in the Post-School Considerations section.***
- ***Provide the Notice of Transfer of Rights at Age of Majority to the parent and the student (In the documents section of EDPlan SC under Consent Forms).***
- ***Include a statement in the Prior Written Notice that the student and parent have been informed that at the age of 18 all educational rights transfer to the student (unless other options apply).***

E. Disciplinary Information and Reports to Law Enforcement

The Charter Institute at Erskine includes in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child and transmits the statement to the same extent that disciplinary information is included in, and transmitted with, the records of nondisabled children.

When a child transfers from the Institute, the transmission of any of the child’s records includes the child’s current IEP, most current evaluation/reevaluation, and any statement of current or previous disciplinary action that has been taken against the child.

A statement of disciplinary action shall:

1. Specify the circumstances that resulted in the disciplinary action and provide a description of the disciplinary action taken if the disciplinary action was taken because the child:
 - a. Carried a weapon to or possessed a weapon at school, on school premises or to or at a school function;

- b. Knowingly possessed or used illegal drugs, or sold or solicited the sale of a controlled substance, while at school, on school premises or at a school function; or
 - c. Inflicted serious bodily injury upon another person while at school, on school premises or at a school function; and
2. Include any information that is relevant to the safety of the child and other individuals involved with the child.

The definition of "serious bodily injury" is bodily injury which involves 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.

A statement of disciplinary action may include a description of any other behavior engaged in by the child that required disciplinary action, and a description of the disciplinary action taken.

If the Institute or school authorized by the Institute reports a crime to the appropriate law enforcement officials, the Institute transmits copies of the special education and disciplinary records of the child to those officials only to the extent that the transmission is permitted by FERPA and any other applicable laws.

F. Destruction of Records

Federal auditing requirements necessitate the availability of education records for identified students for 5 years after they exit from special education services. After that period, the Charter Institute at Erskine may destroy records. However, before destroying special education records, the Institute must notify the parent (or the adult student) that the information is no longer needed by the Institute or individual school to provide services to the student and that the school is proposing to destroy them.

The Institute will send a certified letter to the student at the last known address. If that letter is returned to the Institute, that return becomes the documentation of the Institute's attempt to inform the student of the proposed destruction of records. In such cases, the Institute will publish a public notice to students who graduated or left school five years previously. The notice will be addressed to students and guardians, advising them of the proposed destruction of records and asking them to contact the Institute if they object to the destruction.

The Institute provides such notice in this document and in the Institute's procedural safeguards.

"NOTICE OF DESTRUCTION OF SPECIAL EDUCATION RECORDS: Special education records for each child with a disability are maintained by the Charter Institute at Erskine until no longer needed to provide educational services to the child. This notice is to inform you that the special education records for this student will be destroyed after five (5) years following program completion or graduation from high school, unless the student (or the student's legal guardian) has taken possession of the records prior to that time."

If the parents or student who has reached the age of majority makes no request for records, the information is then destroyed. However, a permanent record of a student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed is maintained without time limitation.

III. CHILD FIND

In accordance with federal law, the Charter Institute at Erskine assumes responsibility for the location, identification, and evaluation of all children ages 3 through 21 who are enrolled in any of the schools chartered with the Institute, who reside within the state of South Carolina, and who require special education and related services. This includes children who are suspected of having a disability even though they are advancing from grade to grade (34 C.F.R. § 300.111(a)(c)). The decision to serve students who are 21 years old on or before September 1 of the school year is left to each individual charter school that is chartered with the Institute.

A. Responsibility for Determining Eligibility

The Charter Institute at Erskine, the multidisciplinary team ensures that the student meets the eligibility requirements of IDEA and South Carolina Board of Education regulations 43-243 and 43-243.1.

In all cases, the Institute multidisciplinary team will not determine that a student has a disability if the suspected disability is the result of a lack of instruction in reading or math. If the student is not proficient in English, the Institute will not identify the student as having a disability if the limited English proficiency (LEP) is the cause of the suspected disability.

B. Child Identification Process

The Charter Institute at Erskine has a child identification process that includes the location, identification and evaluation of a child suspected of having a disability. The Institute, in conjunction with each of the charter schools within the district, coordinates the child identification process. The Institute, its schools, and its staff use a variety of community resources and systematic activities to identify children requiring special services.

The school's Child Find notice and method for publicly providing the notice, along with the link to the website will be described at the end of the document by indicating the procedure below or detailing their process.

As a public school within the Charter Institute at Erskine, the school follows the Institute's special education referral and evaluation procedure referred to as Child Find. The Child Find Notice is posted on the school's website and distributed to the parents in the Parent/Student Handbook.

1. Procedures for referring students who may be suspected of having a disability:
 - a. Referrals initiated by the school:

A school or staff member who reasonably believes a child may be a child with a disability has a legal duty to refer the child, including a homeless child, a ward of

the state, highly mobile, or migrant child or a child advancing from grade to grade, to the school district in which the child is enrolled.

Before referring the child, the person making the referral must inform the child's parent that the referral will be made. Referrals must be in writing and include the reason why the person believes the child is a child with a disability. A referral may be made by contacting the Special Education Coordinator and/or MTSS coordinator at the school by email, phone, or in writing. Contact information is included in the final pages of this document.

b. Referrals initiated by the parent:

Others, including parents, who reasonably believe a child is a child with a disability may also refer the child, including a homeless child or a child advancing from grade to grade, to the school or district in which the child is enrolled. Referrals must be in writing and include the reason why the person believes the child is a child with a disability. A referral may be made by contacting the Special Education Coordinator by email, phone, or in writing. Contact information is included in the final pages of this document.

Once the written request has been received by the school, the MTSS team, including the chair, interventionist in area(s) of concern, parent, classroom teacher, and any other individual that may have working knowledge of the student and his/her needs will meet to consider the data and determine if the team suspects a disability.

- If the team does not suspect a disability, the MTSS team will follow the policies and procedures outlined in the MTSS handbook.
- If the team does suspect a disability, the above procedure is followed. At the same time, the parent is requested to complete and return a functional hearing/vision screening, developmental /medical/health history form, and a medical release, if applicable. Once all forms are gathered and the MTSS team has gathered data on present levels, an Evaluation Planning Meeting is scheduled to review the data as a team.

The school's procedure will be described at the end of the document by indicating the procedure below or detailing their process.

The school agrees to follow the procedures described in sections III.B.1.a. and III.B.1.b. above.

2. Part B (BabyNet) to Part C (School Age) Transition

Evaluation, Eligibility Determination and Placement must occur prior to the child's third birthday. If identified as a student with a disability, services must begin on the child's third birthday.

The children will be referred to the local homeschool district for a comprehensive evaluation and eligibility determination prior to enrolling in the Institute, the part B representative should be invited. Once enrolled, the Institute will be responsible for developing the IEP, if appropriate. The Part B representative will be invited to the meeting. If the child is already enrolled in a school within the Charter Institute at Erskine, then the respective Charter School will be responsible for the comprehensive evaluation.

C. Data Collection

The Charter Institute at Erskine maintains a data management system and submits data to South Carolina Department of Education, Office of Special Education Services pursuant to South Carolina Board of Education Regulations 43-243.

IV. PARENT RIGHTS IN SPECIAL EDUCATION (PROCEDURAL SAFEGUARDS)

Parents of a child with a disability are entitled to specific procedural safeguards under IDEA and South Carolina Board of Education Regulations. The Charter Institute at Erskine provides parents with a copy of the procedural safeguards at least once a year during the annual review. This is documented by the invitation letter and/or on the signature page of the IEP. In addition, schools provide parents with a printed copy of the procedural safeguard notice in each of the following circumstances:

1. Upon the initial referral or parent request for evaluation;
2. Upon receipt of the first State complaint or due process hearing request in a school year;
3. Upon a change in placement for disciplinary action; and
4. When requested by the parents or the student who has reached the age of majority.

The Institute will use the current District Procedural Safeguards Notice for notification of procedural safeguards and parent rights. The Procedural Safeguards Notice includes a full explanation of all the procedural safeguards available as identified in 34 CFR § 300.504I. This section provides information on parent rights and District and school policies and procedures related to the provision of parent rights.

The school will use the Institute's Notice of Procedural Safeguards for Parents of Students with Disabilities and will provide it to parents in all instances when required and when requested.

A. Prior Written Notice

The Charter Institute at Erskine provides prior written notice as required by IDEA and South Carolina Board of Education Regulations 43-243.

1. Content of Prior Written Notice

The prior written notice, in accordance with the IDEA regulations and the South Carolina Board of Education Regulations 43-243, includes the following information to ensure that parents are fully informed of the action being proposed or refused:

- a. A description of the action proposed or refused by the Institute;
- b. An explanation of why the Institute proposes or refuses to take this action, ensuring explanations include the data and rationale used in the decision;
- c. A description of other options that the IEP team considered and the reasons why those options were rejected;
- d. A description of each evaluation procedure, assessment, record or report that the Institute used as a basis for the proposed or refused action;
- e. A description of other factors that are relevant to the Institute's proposal or refusal;
- f. A statement that the parents of a child with a disability have procedural safeguards and, if the notice is not an initial referral for evaluation, how a copy of the description of procedural safeguards can be obtained; and
- g. Sources for parents to contact to obtain assistance in understanding the provisions of South Carolina's rule regarding procedural safeguards.

2. Communication of the Prior Written Notice

The Charter Institute at Erskine provides the notice in the native language of the parents or other mode of communication used by the parents unless it is clearly not feasible to do so.

If the native language or other mode of communication is not a written language, the Institute takes steps to have the notice translated orally or by other means to the parent in the parent's native language or other mode of communication. The Institute takes steps to ensure that such parents understand the content of the notice and maintains written evidence that both requirements set forth in this paragraph, if applicable, have been met.

The Institute may provide the prior written notice, procedural safeguards notice, and the notification of a due process complaint by email if the parents choose to receive the notices electronically.

B. Parental Consent

Consent means that the parents:

- Have been fully informed in the parents' native language or other mode of communication of all information relevant to the activity for which consent is sought;
- Understand and agree in writing to the carrying out of the activity for which the consent was asked. The consent describes that activity and lists the records (if any) that will be released and to whom they will be released; and
- Understand that the granting of consent is voluntary and may be revoked at any time.

1. Actions Requiring Informed Written Parental Consent

The Institute obtains written consent from the parents before:

- Conducting an initial evaluation to determine if a child is eligible for special education;

- Initially providing special education and related services (this does not apply to students transferring into the Institute with an active IEP);
- Conducting a reevaluation when additional data are needed; and
- Releasing personally identifiable information about the child to any person other than a person authorized to obtain those records without parental consent pursuant to FERPA. For example, parental consent is obtained prior to releasing records to a representative of an agency that is likely to be responsible for providing or paying for transition services or for the purposes of billing Medicaid.

The Institute does not obtain written parental consent when reviewing existing data as part of an evaluation or reevaluation or when administering a test or evaluation that is given to all children, unless consent is required of all parents.

2. Parents' Failure to Respond or Refusal to Provide Consent

The Institute makes reasonable efforts to contact parents and obtain written parental consent that may include:

- Written correspondence;
- Phone calls;
- Electronic mail communications, to include but not limited to email and password-protected parent pages; and/or
- Visits to the home or parents' places of employment.

The Institute documents its attempts to contact the parent in order to obtain consent. If the parents fail to respond or refuse to provide consent, the Institute proceeds as follows:

3. Parental Consent During an Initial Evaluation

If the parents fail to respond to the Institute's efforts to obtain consent or refuse consent for the initial evaluation, the Institute may:

- Request a due process hearing and engage in conflict resolution (e.g., resolution meeting and/or mediation) to convince the parents to provide their consent; or
- Decide not to pursue the initial evaluation and provide the parents with prior written notice of this decision. The Institute does not violate its obligation under IDEA if it declines to pursue the evaluation.

4. Parental Consent During a Re-evaluation

If the parents expressly refuse consent for a reevaluation when additional data are needed or if the parent revokes consent before the conclusion of the reevaluation, the Charter Institute at Erskine has the following options:

- The Institute and the parent may agree that the reevaluation is unnecessary. If such an agreement is reached, the three-year reevaluation need not be conducted. However, the Institute will continue to provide FAPE to the child.
- If the Institute believes that the reevaluation is necessary, and the parent refuses to consent to the reevaluation, the Institute may, but is not required to, pursue the

reevaluation by requesting mediation or a due process hearing to obtain consent to gather the additional data.

- If the Institute chooses not to pursue the reevaluation by using the consent override procedures and the Institute believes, based on a review of existing evaluation data, that the child does not continue to have a disability or does not continue to need special education and related services, the Institute may determine that it will not continue the provision of special education and related services to the child. If the Institute determines that it will not continue the provision of special education and related services to the child, the Institute will provide the parents with prior written notice of its proposal to discontinue the provision of FAPE to the child, including the right of the parent to use the mediation procedures or the due process procedures if the parent disagrees with the Institute decision to discontinue the provision of FAPE to the child.

The Institute continues to provide FAPE to the child if the Institute agrees with the parents that a reevaluation is unnecessary.

5. Parent Consent for the Initial Provision of Special Education and Related Service

If the parents do not attend the eligibility determination meeting and the team finds that the child is eligible for special education services under IDEA, the Charter Institute at Erskine makes reasonable attempts to obtain written parental consent through other methods such as calling the parents, corresponding with the parents and/or visiting the parents.

If the parents expressly refuse consent for the initial provision of special education services, as evidenced by their signatures on the consent form indicating that consent is not given, the Institute maintains a copy of that form and does not proceed with the development of an IEP.

If the parent fails to respond or refuses consent, the Institute provides the parents with Prior Written Notice (PWN) and continues to provide the child with appropriate interventions in the regular education classroom. The Institute may not request a due process hearing or engage in conflict resolution to obtain agreement or a ruling that services may be provided to the child. The child may be referred for an initial evaluation again at any time by parents or school staff. The Institute continues to be responsible under Child Find requirements.

The Institute does not use the parents' refusal to consent to one service or activity to deny the parents or the child any other service, benefit or activity in the school except in those instances in which IDEA authorizes that denial.

6. Revocation of Consent

The parents may revoke consent for and remove the child from special education and related services. Once the Charter Institute at Erskine receives written revocation of

consent, it provides the parents with prior written notice (PWN) and continues to provide the child with appropriate interventions through the regular education environment. The revocation is for all special education services. The parent may not revoke consent for a service only. See Section X, Revocation of Consent under Discontinuing Special Education for more detailed information.

C. Independent Educational Evaluation (IEE)

Parents who disagree with an evaluation that was completed or obtained by the Charter Institute at Erskine may request an independent educational evaluation at public expense or at their own expense. Parents are entitled to request only one independent educational evaluation (IEE) at public expense each time the Institute conducts an evaluation with which the parents disagree. If the District has not performed its own evaluation in a particular area, the parent does not have the right to an IEE with respect to that area until after the District performs an assessment in the area of disagreement.

1. Independent Educational Evaluation at Public Expense

If the parents request an independent educational evaluation at public expense, the Charter Institute at Erskine either:

- Ensures that an independent evaluation is provided at public expense; or
- Files a due process complaint requesting a hearing to show that the Institute's evaluation is appropriate.

If the Institute files a due process complaint and the final decision is that the Institute's evaluation is appropriate, the parent still has the right to request an independent educational evaluation, but not at the public expense.

2. Parent Initiated Evaluations

If a parent obtains an independent educational evaluation (IEE) at public expense or shares with the Charter Institute at Erskine an evaluation obtained at private expense, the Institute considers that evaluation, if it meets the Institute criteria, in any decision made with respect to the provision of FAPE to the child. If the parent obtains an IEE that does not comply with the Institute criteria, the district may refuse to reimburse for the cost of the IEE. This result may be avoided if the parent contacts the district prior to obtaining an IEE and allows the Institute to undertake the necessary arrangements to perform the IEE in accordance with these criteria.

3. Charter Institute at Erskine Criteria for IEE

If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the Charter Institute at Erskine uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation. Except for the above-mentioned criteria,

the Institute does not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

D. Dispute Resolution

1. Facilitated Individualized Education Programs (FIEPS)

Adult students, parents of children attending Institute schools, or the Institute may request a facilitated IEP meeting that proceeds only when both parties agree to participate. An IEP team facilitator acts as a neutral party in an IEP team meeting. This voluntary and informal process is designed to strengthen positive communication among team members, aid in building consensus, resolve conflicts and produce a working environment conducive to developing an appropriate IEP. The OSES covers all costs associated with this dispute resolution option and as such, it is a free resource to parents and public agencies.

2. Mediation

At its discretion, the Charter Institute at Erskine participates in the resolution of disputes with other parties through the voluntary mediation processes available through the South Carolina Department of Education, Office of General Council.

3. Impartial Due Process Meetings/Resolution Meetings

Due process complaints filed against the Charter Institute at Erskine proceed in the manner set forth in South Carolina Department of Education Board of Education Regulations.

School administration and/or Institute administration will be involved in the decision-making process regarding the discipline of students with disabilities.

The Institute convenes a resolution meeting before the initiation of a due process hearing. The resolution meeting:

- Occurs within 15 days of the receipt of notice of the parents' due process complaint;
- Includes a representative of the Institute who has decision-making authority on behalf of the Institute;
- Does not include the Institute's attorney unless the parents are accompanied by an attorney;
- Provides an opportunity for the parents to discuss their due process complaint and the facts the complaint is based on; and
- Provides the Institute an opportunity to resolve the dispute.

The Institute does not hold a resolution meeting if the parents and the Institute agree in writing to waive the meeting or agree to use the mediation process. Also, if the Institute files the due process complaint, it is not required to hold a resolution meeting.

The Institute is responsible for conducting the impartial due process hearing utilizing a hearing officer trained by the South Carolina Department of Education and appointed by the Institute. The Institute follows the procedures required by South Carolina Department of Education Board of Education Regulations when conducting a hearing at a time and place that is reasonably convenient to the parents and the child involved.

If the parents request to inspect and review any education records relating to their child, the Institute replies without unnecessary delay and makes the records available before the hearing.

The Institute provides the parents with one copy of the written, or at the option of the parents, an electronic verbatim record of the hearing and findings of fact and decision at no cost. The decision is final except that any party to the hearing may appeal the decision to the South Carolina Department of Education, Office of General Counsel. Any further appeals or actions proceed in accordance with South Carolina Department of Education Regulations.

E. Child's Status During the Due Process Hearings/Code of Conduct Violations

1. Due Process Proceedings

The Charter Institute at Erskine ensures that a child remains in the current educational placement during the pendency of any administrative or judicial proceeding regarding a due process complaint unless the Institute and the parents of the child agree otherwise.

If the due process complaint involves an application for initial admission to the Institute, the child will remain in his or her district of residence until the completion of all proceedings.

2. Disciplinary Proceedings

The Charter Institute at Erskine will consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of South Carolina Department of Education Board of Education Regulations, is appropriate for a child with a disability who violates a code of student conduct.

3. Changes in placement less than 10 consecutive school days

The Institute may remove a child with a disability who violates a code of student conduct from the child's current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement).

The Institute considers on a case-by-case basis whether a pattern of removals constitutes a change of placement. A change in placement occurs if:

- The removal is 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;
 - Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and
 - Because of such additional factors 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.

The Institute makes use of In School Suspension (ISS) when appropriate. ISS is described as:

- Student is afforded the opportunity to continue to appropriately participate in the general curriculum
- The student continues to receive the services specified on IEP; and
- Student continues to participate with nondisabled peers to the extent they would have in their current placement

The school's procedures for the following: monitoring in- and out-of-school suspensions, to include the review of suspension/expulsion data; determining when a pattern of removals constitutes a change of placement; and addressing behavior issues using positive behavior interventions will be described at the end of the document by indicating the procedure below or detailing their process.

If a student approaches his/her 7th day of suspension, the teacher (general or special education teacher) of the student notifies Administration and the Coordinator of Special Education. The special education coordinator will schedule an IEP team meeting to review the IEP, develop a functional behavior assessment and behavior intervention plan (if necessary). Once the student has been suspended for 10 school days, the school will conduct a manifestation determination meeting, review the IEP and behavior intervention, and determine appropriate education placement.

4. Services during removal from current placement

The Institute provides services to a child removed from the child's current placement as follows:

- If the child has been removed from the child's current placement for 10 school days or less in the school year, services are provided only to the extent that services are provided to a child without disabilities who is similarly removed;
- After a child with a disability has been removed from the child's current placement for 10 school days in the same year (under circumstances in which the current removal is for not more than 10 consecutive days and is not a change in placement), The Institute provides services, as determined by school personnel in

consultation with at least one of the child's teachers, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP;

- If the removal is a change in placement, the child's IEP team determines appropriate services; and
- If a child with a disability is removed from the child's current placement for either more than 10 consecutive days for behavior that is determined not to be a manifestation of the child's disability or under circumstances that constitute special circumstances, as defined below, The Charter Institute at Erskine ensures that the child continues to receive educational services so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

The Charter Institute at Erskine does not have any alternative schools.

The school's procedures for providing FAPE for students with disabilities who are suspended, expelled, or placed in an Interim Alternative Educational Setting will be described at the end of the document by indicating the procedure below or detailing their process.

On day 11, services will be provided to the extent necessary for the student to make progress in the general curriculum and toward achieving IEP goals. Decisions are made by the IEP, using data collected on an individual and case by case basis. The decision regarding these services and the location of the services will be made by the principal, the school's coordinator, and the IEP team.

5. Manifestation Determination Review

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the school, the parent and relevant members of the child's IEP team (as determined by the parent and the Institute) must review all relevant information in the child's file, including the child's IEP, any teacher observations and any relevant information provided by the parents to determine if the conduct was a manifestation of the child's disability. The Charter Institute at Erskine determines that the conduct is a manifestation of the child's disability if:

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

If the relevant members of the IEP team, which includes the parents, determine that the conduct in question was the direct result of the school district's failure to implement the IEP, the Institute takes immediate steps to remedy those deficiencies.

If the conduct was a manifestation of the child's disability, the IEP team either:

- Starts to conduct a functional behavioral assessment within 10 days of the manifestation determination and completes the assessment as soon as practical, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implemented a behavioral intervention plan for the child; or
- If a behavioral intervention plan already has been developed, within 10 days of the manifestation determination, reviews the behavioral intervention plan and the implementation of the plan, and modifies it, as necessary, to address the behavior subject to disciplinary action; and
- Returns the child to the placement from which the child was removed, unless the parent and the Institute agree to a change of placement as part of the modification of the behavioral intervention plan.

If the conduct was not a manifestation of the student's disability, the child is subject to the same sanctions for misconduct as a child without a disability. However, the child must continue to receive educational services so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

6. Special Circumstances

The Institute may remove a 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:

- Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of South Carolina Department of Education or a school district;
- Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of South Carolina Department of Education or a school district; or
- Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the jurisdiction of South Carolina Department of Education or a school district.

The Institute defines the terms-controlled substance, weapon, illegal drug and serious bodily injury in accord with South Carolina Board of Education regulations.

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, the school must notify the parents of that decision and provide the parents with the procedural safeguards notice described above.

7. Expedited Due Process Hearing

The Institute or the parents may submit a due process complaint requesting an expedited due process hearing to appeal a decision made during disciplinary procedures.

- The Charter Institute at Erskine may request an expedited due process hearing if it believes that maintaining the current placement of a child is substantially likely to result in injury to the child or to others.
- The parents may request an expedited due process hearing to appeal decisions regarding placement for disciplinary removals or the manifestation determination.

The Institute is responsible for conducting the expedited due process hearing utilizing a hearing officer trained by the South Carolina Department of Education and appointed by the Institute. The Institute follows the procedures that apply for other due process hearings except that the expedited due process hearing must occur within 20 school days after the date the due process complaint is filed, and no extensions of time shall be granted. The hearing officer then must decide within 10 school days after the hearing. The Institute follows the expedited timelines and the procedures set forth in South Carolina Board of Education Regulations.

F. Transfer of Parental Rights at the Age of Majority/Student Notification

When a student reaches the age of majority (age 18), school personnel will provide all required special education notices to both the student and to the parents and obtain informed consent for specified special education actions from the student (same requirements as for parents). Parents are not entitled to attend the IEP meeting; however, either the District or the student may, but are not required to, invite the parents to attend IEP meetings as persons who are knowledgeable about the student.

One year before the student's 18th birthday, the Charter Institute at Erskine notifies both the parents and the child of the parental rights that will transfer to the child upon reaching the age of majority (age 18). (See page 8).

Once rights have been transferred to the student, he or she may be able to execute a power of attorney under S.C. Code Ann. § 62-5-501 (Supp. 2008).

G. Surrogate Parent

The Charter Institute at Erskine ensures that the rights of a child are protected when:

- No parent can be identified;
- The Institute, after making reasonable efforts, cannot locate a parent;
- The child is a ward of the state; or
- The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. §11434a (6)).

One way in which the Institute protects the rights of such children is through the assignment of surrogate parents where appropriate. The Institute receives a request, reviews relevant documentation, and verifies the status of parental rights. If a surrogate parent is needed, the

Institute assigns a trained individual to serve as the surrogate. A surrogate parent must complete training within 90 days of their initial assignment.

The method for assigning a surrogate parent is as follows:

- Request for Assignment: The Institute receives a written request for a special education surrogate parent from the student's school.
- Documentation Review: The Institute reviews current court orders, custody documentation, and verifies the status of parental rights.
- Determination of Need: The Institute determines if a surrogate parent is needed for the student.
- Assignment: The Institute assigns a trained individual to serve as the surrogate parent.
- Training: The surrogate parent must complete an approved training program before the next scheduled IEP meeting, but no later than 90 days after their assignment.
- Notification: The Institute provides written notification of the surrogate parent assignment to the student's school and maintains a copy of the notification in the student's record.

The Institute's method for determining when a child needs a surrogate parent, for assigning a surrogate parent to the child and for training of the surrogate parents that complies with the requirements of IDEA and South Carolina Board of Education regarding surrogate parents. A surrogate parent may be removed when a parent appears to represent the child or revokes consent or when the child is no longer eligible for special education services. A person serving as a surrogate parent may resign at any time by submitting his or her resignation in writing to the Institute.

The Institute will ensure that a person selected as a surrogate parent:

- Is not an employee of the SEA, the LEA, or any other 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 the surrogate parent represents; and
- Has knowledge and skills that ensure adequate representation of the child.

The surrogate parent may represent the child in all matters relating to the identification, evaluation, and educational placement of the child and the provision of a FAPE. In the case of a child who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents without regard to the requirements, until a surrogate parent can be appointed that meets all the requirements. The school will make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after determining that the child needs a surrogate parent.

V. EVALUATION

The Charter Institute at Erskine ensures that initial evaluations are conducted and that reevaluations are completed for children who attend a school who has chartered with the Institute. The Institute uses a

referral process to determine whether a child is a child with a disability. The Institute schools also provide interventions to assist a child who is performing below grade-level standards. The provision of intervention services is not used to unnecessarily delay a child's evaluation for purposes of determining eligibility for special education services.

A. Initial Evaluation

Timing and Initiation

The Institute conducts an evaluation before the initial provision of special education and related services. A parent of a child may initiate a request for an initial evaluation to determine if the child is a child with a disability. Additionally, when there is reason to suspect the child may have a disability, an employee of the Charter Institute at Erskine, including its schools, is obligated to initiate a request for an initial evaluation.

The school's procedures for documenting receipt of referral and tracking timelines and holding meetings to ensure all timelines are met as required will be described at the end of the document by indicating the procedure below or detailing their process.

The school uses an evaluation tracking sheet to be sure timelines are met within 60 days. The tracking sheet includes meeting dates, due dates and indicates areas where data will be collected.

Within a reasonable amount of time from the receipt of a request for an evaluation, the Institute either obtains parental consent for an initial evaluation through an evaluation planning meeting or provides to the parents' prior written notice stating that the Institute does not suspect a disability and will not be conducting an evaluation.

The initial evaluation:

- Is conducted within 60 days of receiving parental consent for the evaluation; and consists of procedures:
 - To determine if the child is a child with a disability as defined in South Carolina Board of Education Regulation 43-243.1; and
 - To determine the educational needs of the child.

The Institute obtains parental consent before conducting an evaluation. See Chapter IV, Section C, regarding parental consent requirements.

The evaluation team consists of the members similar to those of the IEP team to include other qualified professionals.

1. The Evaluation Plan and Evaluation Team Report

As part of the initial evaluation and any reevaluation, the evaluation team will develop an evaluation plan that will provide for the following and be summarized in an evaluation team report:

- Review of existing evaluation data on 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;
- Data about the child's progress in the general curriculum, or, for the preschool-age child, data pertaining to the child's growth and development; and
- Data from previous interventions
- On the basis of that review and input from the child's parents, identify what additional data, if any, are needed to determine:
 - Whether the child is a child with a disability, as defined in South Carolina Board of Education Regulation 43-243.1, and the educational needs of the child;
 - In the case of a reevaluation of a child, whether the child continues to have such a disability and the educational needs of the child;
 - The present levels of academic achievement and related developmental needs of the child;
 - Whether the child, as a result of the disability, needs special education and related services; or
 - In the case of a reevaluation of a child, whether the child continues to need special education and related services; 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 set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.

The Institute administers such assessments and other evaluation measures as may be needed to produce the data identified above and provides prior written notice to the parents of a child with a disability that describes any evaluation procedures the school district proposes to conduct.

2. Conducting the Evaluation

In conducting the evaluation, the Institute:

- Uses 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 in South Carolina Board of Education Regulation 43-243.1; and
 - The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child to participate in appropriate activities);

- Does not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and
- Uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

The Institute ensures that:

- Assessments and other evaluation materials used to assess a child:
 - Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information about what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to so provide or administer;
 - Are used for the purposes for which the assessments or measures are valid and reliable;
 - Are administered by trained and knowledgeable personnel; and
 - Are administered in accordance with any instructions provided by the producer of the assessments.
- Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
- Assessments are selected and administered so as best to 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).
- A school age child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
- Preschool children are assessed in the following developmental areas: adaptive behavior, cognition, communication, hearing, vision, sensory/motor function, social-emotional functioning and behavioral function.
- Assessments of children with disabilities who transfer from one school district to another school district in the same school year are coordinated with the children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with South Carolina Board of Education Regulations 43-243, to ensure prompt completion of the full evaluations.
- In evaluating each child with a disability, the evaluation is sufficiently comprehensive to identify all the child's special education and related service

needs, whether commonly linked to the disability category in which the child has been classified.

- Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

B. Eligibility Determination and Evaluation Team Report

1. Completion of the Evaluation Team Report

The following occurs upon completion of the administration of assessments and other evaluation measures:

- The evaluation team, including the parent of the child, and other qualified professionals, i.e., school psychologist, speech therapist, or related service providers, determines whether the child is a child with a disability, in accordance with the South Carolina Board of Education Regulation 43-243.1; and
- The Institute provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

The written evaluation team report shall include:

- A summary of the information obtained during the evaluation process; and
- The names, titles and signatures of each team member, including the parent, and an indication of whether they are in agreement with the eligibility determination. Any team member who is not in agreement with the team's determination of disability shall submit a statement of disagreement.

The Institute provides a copy of the evaluation team report and the documentation of determination of eligibility or continued eligibility to the parents prior to the next IEP meeting and in no case later than 15 calendar days from the date of eligibility determination.

2. Determination of Eligibility

A child is not determined to be a child with a disability:

- If the determinant factor for that determination is:
 - Lack of appropriate instruction in reading, including the essential components of reading instruction as defined in Section 1208(3) of the Elementary and Secondary Act of 1965, as amended and specified in the No Child Left Behind Act of 2002, January 2002, 20 U.S.C. 6301 (ESEA);
 - Lack of appropriate instruction in math; or
 - Limited English proficiency; and
- If the child does not otherwise meet the eligibility criteria under South Carolina Board of Education Regulation 43-243.1.

The Institute, in interpreting evaluation data for the purpose of determining if a child is a child with a disability, does the following:

- Draws upon information from a variety of sources, including aptitude and achievement tests, state- and district-wide assessments, parent input and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and
- Ensures that information obtained from all these sources is documented and carefully considered.

If a determination is made that a child has a disability and needs special education and related services, after seeking the consent for the initial provision of services, the Institute develops an IEP for the child within 30 calendar days of the date eligibility is determined as required by South Carolina Board of Education Regulations 43-243. If the parent does not give consent for the initial provision of services, the Institute is not required to develop an IEP for the student.

C. Re-Evaluations

The Charter Institute at Erskine conducts reevaluations of a child with a disability:

- At least once every three years, unless the parent and the Institute agree the reevaluation is unnecessary;
- If the Institute determines that the child's educational or related service needs, including improved academic achievement and functional performance, warrant a reevaluation;
- If the child's parent or teacher requests a reevaluation; or
- In order to make a change in the disability category.

A reevaluation may not occur more than once a year, unless the parent and the Institute agree otherwise.

The Institute reevaluates a child with a disability before determining that child is no longer a child with a disability, although this evaluation is not required if the child's eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law. If a child's eligibility terminates for one of these reasons, the Institute provides the child with a summary of performance, which will include recommendations on how to assist the child in meeting the child's postsecondary goals.

The Institute also reevaluates a child prior to discontinuing special education services under one or more disability categories or prior to discontinuing any related service (occupational therapy, physical therapy, counseling, etc). For example, if a child is receiving special education services under the categories of Autism and Speech-Language Impairment, a reevaluation must be conducted prior to discontinuing services under either or both categories of disability. If a child is receiving occupational therapy services as related services, a reevaluation must be conducted prior to discontinuing these services.

The school's procedures for tracking reevaluation timelines and/or notifying parents of the option to request additional information will be described at the end of the document by indicating the procedure below or detailing their process.

The school uses EdPlan reports and teacher created spreadsheets to monitor student reevaluation due dates. Teachers contact parents well in advance to explain the purpose and procedures for reevaluation. The meetings are scheduled and held prior to the reevaluation review due date.

D. Identifying Children with Specific Learning Disabilities

The Charter Institute at Erskine has written procedures for the implementation of the evaluation process used to determine the existence of a specific learning disability (LD).

1. Determining the Existence of a Specific Learning Disability

The parents, the IEP team, and a group of qualified professionals from the Institute determine that a child has a learning disability if:

- The child does not achieve adequately for the child's age or to meet state-approved grade-level standards in one or more of the following areas, when the Institute provides learning experiences and instruction appropriate for the child's age or state-approved grade-level standards:
 - Oral expression;
 - Listening comprehension;
 - Written expression;
 - Basic reading skills;
 - Reading fluency skills;
 - Reading comprehension;
 - Mathematics calculation; or
 - Mathematics problem-solving; AND
- The child does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the areas identified above, when the Institute uses an evaluation process to determine the child's response to scientific, research-based intervention; OR
- The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development, exhibit a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development, that is determined to be relevant to the identification of a specific learning disability, using appropriate assessments.

2. Use of an Evaluation Process Based on the Child's Response to Scientific, Researched-Based Intervention for LD Determination

If the Institute uses an evaluation process based on the child's response to scientific, research-based intervention to determine whether a child has a learning disability, the Institute ensures that this process:

- Begins when the Institute has gathered and analyzed sufficient data from scientifically-based instruction and targeted, intensive individualized interventions that provide evidence that the child's needs are unlikely to be met

without certain specialized instruction, in addition to the regular classroom instruction;

- Employs interventions that are scientifically-based and provided at appropriate levels of intensity, frequency, duration and integrity, relative to the child's identified needs;
- Is based on results of scientifically-based, technically adequate assessment procedures that assess an ongoing progress while the child is receiving scientifically-based instruction and the results of these procedures have been reported to the child's parents; and
- Includes an analysis of data to determine whether a discrepancy is present between the child's actual and expected performance, in both the child's rate of progress in developing skills, and in the child's level of performance on measures assessing one or more of the academic areas listed above.

The Institute will not use this process to delay unnecessarily a child's referral for a comprehensive evaluation to determine eligibility for special education services.

3. Additional Requirements for LD Determination

The Institute ensures that the following additional requirements are satisfied when determining if a child has a learning disability:

The group that determines that a child suspected of having a learning disability is a child with a disability includes the child's parents and a group of qualified professionals consisting of, but not limited to:

- In the case of a school-age child, the child's regular teacher (or if the child does not have a regular teacher, the Institute includes a regular classroom teacher qualified to teach a child of the child's age);
- In the case of children less than school-age, an individual qualified by the South Carolina Department of Education to teach a child of the child's age; and
- At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist or remedial reading teacher.

4. Observation Requirements

The Institute ensures that the child is observed in the child's learning environment (which could include the home setting for children enrolled in a virtual school), to document the child's academic performance and behavior in the areas of difficulty. The group of qualified professionals identified by the Institute conducts the observation by:

- Using information from an observation of the child's performance conducted during routine classroom instruction, including monitoring of the child's performance during instruction, that was done before the child was referred for an evaluation; or

- Having at least one member of the group conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation and parent consent has been obtained.

In the case of a child of less than school-age or a child who is out of school, the Institute ensures that a group member observes the child in an environment appropriate for a child of that age.

In order to ensure that underachievement in a child suspected of having a learning disability is not due to lack of appropriate instruction in reading or math, the Institute considers:

- Data demonstrating that prior to, or as part of, the referral process, the child received appropriate instruction in regular education settings delivered by qualified personnel; and
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the child's progress during instruction, the results of which were provided to the child's parents.

5. Obtaining Parental Consent to Evaluate

The Institute promptly requests parental consent to evaluate a child to determine if the child needs special education and related services:

- If prior to the referral, the child does not make adequate progress after an appropriate period of time when provided with appropriate instruction. To make this determination, the Institute considers:
 - Data demonstrating that prior to, or as part of, the referral process, the child received appropriate scientifically-based instruction in regular education settings delivered by qualified personnel; and
 - Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the child's progress during instruction, the results of which were provided to the child's parents; and
- Whenever a child is referred for an evaluation.

6. Consideration of Exclusionary Factors

When determining that a child has a learning disability, the Institute ensures that the findings from the evaluation process are not primarily the result of:

- A visual, hearing, or motor disability;
- Intellectual disability;
- Emotional disability;
- Cultural factors;
- Environmental or economic disadvantage;
- Limited English Proficiency (LEP); or
- Lack of appropriate instruction in reading or math.

If the Institute determines that one of these factors is the primary reason for the child's suspected disability, the Institute does not identify the child as having a learning disability.

E. Transfers During an Evaluation

If a child moves to the Charter Institute at Erskine during the middle of an evaluation, the Institute's schools will coordinate with the child's previous district to ensure prompt completion of the full evaluation. The 60-day timeline for completion of the evaluation may be extended if the parent and the Institute agree to a specific time extension as the Institute makes sufficient progress to ensure a prompt completion of the evaluation.

VI. INDIVIDUALIZED EDUCATION PROGRAMS (IEPs)

The Charter Institute at Erskine ensures that an IEP is developed and implemented for each child with a disability, ages 3 through 21, inclusive, who requires special education and related services and who attends one of the schools that is currently chartered with the Institute. For all children with disabilities who attend a school authorized and sponsored by the Institute, The Institute, as the LEA is responsible for ensuring that the requirements of South Carolina Board of Education Regulation 43-243 are met.

The meeting to develop an IEP is conducted within 30 calendar days of a decision that a child needs special education and related services. The IEP is implemented as soon as possible following the development of the IEP. The Institute ensures that the parents receive a copy of the child's IEP at no cost to the parents.

The parents may receive a copy of the IEP either at the conclusion of the IEP meeting or within 5 calendar days of the date of the IEP meeting. The PWN must be provided to parents prior to initiating the changes agreed upon by the IEP team.

The school's procedures for providing the parents a copy of the signed IEP and PWN after an IEP meeting will be described at the end of the document by indicating the procedure below or detailing their process.

For a meeting in which the parent is physically present, every effort will be made to provide a copy of the IEP and PWN at the close of the meeting. If circumstances delay the printing of these documents, the documents will be sent home with the student at the end of the day or sent via encrypted email/password protected email to the parent by the end of the day, whichever the parent requests.

OR

After each IEP meeting the student's case manager or the Special Education Coordinator will complete the following: Save all signed pages in PDF form, send a password protected copy of the PWN, IEP, Signature page and any other documents discussed to the Parent/Student through e-mail if permission is given, and US mail if requested by a parent or permission was not granted to send the IEP.

The school's procedures for finalizing, maintaining, and uploading signed documents as PDF attachments will be described at the end of the document by indicating the procedure below or detailing their process.

Within 24 hours of each IEP meeting, the student's Case Manager or the Special Education Coordinator will finalize documents, save all signed pages in PDF form, and upload to EdPlan SC as a PDF attachment using the convention "Document Title Date" Example: IEP Signature Page 7.19.22.

A. Members of the IEP Team

The IEP team includes:

- The child's parents;
- Not less than one general education teacher of the child, if the child is, or may be, participating in the general education environment. This must be a teacher who is or may be working with the child to ensure success in the general curriculum and implement portions of the IEP;
- Not less than one special education teacher of the child or, where appropriate, not less than one special education provider of the child;
- A representative of the school district (LEA Representative) who:
 - Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities;
 - Knows the general education curriculum; and
 - Knows about the availability of resources of the school district.

If the team is unable to reach consensus or come to an agreement, the LEA Representative holds the authority to make the final decision in accordance with the responsibility of ensuring compliance with IDEA requirements including the provision of FAPE.

- Someone who can interpret the instructional implications of the evaluation results, who may be one of the team noted previously;
- At the discretion of the parents or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- The child, whenever appropriate. The child must be invited if a purpose of the meeting is the consideration of postsecondary goals for the child and the transition services needed to assist the child in reaching those goals, which begin at age 13.

In addition to the Charter Institute at Erskine or designee and the school principal, the school staff who are authorized and have participated in LEA Training to serve as the LEA at the school are listed at the end of this document.

B. Team Member Excusals

The Charter Institute at Erskine provides the possibility that certain IEP team members may be excused from attending either a part or an entire IEP meeting. Allowing IEP team members to be excused from IEP meetings is intended to provide additional flexibility to parents in scheduling

IEP team meetings and to avoid delays in holding meetings when a team member cannot attend due to a scheduling conflict. This provision applies specifically to the following IEP members:

- The child's general education teacher, if the child is or may be participating in the general education environment;
- The child's special education teacher, where appropriate, the child's special education provider;
- The representative of the LEA who is qualified to provide or supervise the provision of specially- designed instruction and an individual who can interpret the instructional implications of the evaluation results.

The requirements to excuse a member of the team depends upon whether or not the member's area of expertise will be discussed at the meeting. The requirements in one situation call for an "agreement" between parents and The Charter Institute at Erskine; in the other situation, parental "consent" is required. An agreement is not the same as consent, but instead refers to an understanding between the parent and The Charter Institute at Erskine. "Consent" refers to informed written consent which is defined in 34 C.F.R. § 300.9. This level of consent is not required for "agreement." Agreement is less formal and does not trigger The Charter Institute at Erskine's procedural safeguard and the other requirements that must be met when requesting informed parental consent.

1. Excusal with Agreement

When a member of the IEP team's area of expertise is not being modified or discussed, the member may be excused from attending the meeting, in whole or in part, under two conditions: the parents and LEA Representative agree that the member's attendance is not necessary and the parents' and school's LEA Representative agreement is in writing. This written agreement must be sent as an attachment with the notice for the meeting and signed prior to the meeting.

If a member is excused by written agreement and it becomes evident during the IEP meeting that the absence of the excused member inhibits the development of the IEP, the team could reconvene after the needed information is obtained either by having the member attend or having the member submit the information in writing as long as the IEP is developed in a timely manner.

2. Excusal with Consent

When a member of the IEP team's area of expertise is being modified or discussed, the member may be excused from attending the meeting, in whole or in part, under two conditions: the parents and LEA Representative consent to excuse the member and the member submits in writing to the parent and team input into the development of the IEP before the meeting. The Charter Institute at Erskine does not specify how far in advance of the meeting a parent must be notified of the school's request to excuse a member, but the LEA Representative should provide the parents with as much notice as possible and

have the agreement consent signed at a reasonable time period prior to the meeting after the team has received/reviewed the written input. (34 C.F.R. § 300.321I).

Neither the Institute nor the state specifies a timeframe (other than prior to the meeting) or the form or content of the written input. To specify either of these (timeframe or form/content) would effectively counter the intent of providing additional flexibility to parents in scheduling IEP meetings. Best practice would call for the meeting notice and attachments with the consent and written input from the excused team member to be sent at least 5 days in advance of the meeting.

C. Parent Participation

The Charter Institute at Erskine takes steps to ensure that one or both of the parents of a child with a disability are present at each IEP team meeting or are afforded the opportunity to participate, including:

- Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend; and
- Scheduling the meeting at a mutually-agreed upon time and place.

The school's procedures for notifying the parents/adult student of an upcoming IEP meeting to ensure an opportunity to participate will be described at the end of the document by indicating the procedure below or detailing their process.

The following steps are taken:

1. *Before scheduling a meeting, the parent is contacted to determine a mutually agreeable time to schedule the IEP meeting. This contact is documented in EDPlan SC in the student's contact log.*
2. *A meeting notice is sent home either with the student, via email, or US Mail after the date and time is set. This will also be documented within EDPlan SC.*
3. *The special education teacher will make a second contact with the parent in an attempt to invite them to the scheduled meeting by either sending home a second letter via mail and/or call the parent to notify and the meeting notice will be read to remind them of the purpose and times of the meeting. If there is no answer, an email will be sent with the meeting notice attached (if available) and this will also be documented in EDPlan SC by the case manager.*

D. Meeting Notice:

- Indicates the purpose, date, time and location of the meeting and which titles or position of individuals will be in attendance;
- Informs the parents of their right to invite to the IEP meeting individuals whom the parents believe to have knowledge or special expertise about their child; and
- Informs the parents that if their child was previously served in Part C they may request that the local Part C coordinator or other representative be invited to participate in the initial IEP meeting to ensure a smooth transition of services.

Beginning no later than the first IEP to be in effect when the child turns 13, the Notice also:

- Indicates that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the child;
- Indicates that the school district will invite the child; and
- Identifies any other agency that will be invited to send a representative, if the parents consent.

The Institute conducts IEP team meetings without a parent in attendance only if it cannot convince parents that they should attend. Before an IEP team meeting is held without a parent, the Institute makes at least two contact attempts using two different methods to contact a parent to arrange a mutually agreed on time and place and records its attempts to do so.

E. Meeting Attendance by Charter Institute at Erskine Staff

The Charter Institute at Erskine aims to provide a high level of support while also recognizing the autonomy of each school. To this end, it is the district policy to attend IEP team meetings under the following circumstances:

- The meeting is the result of a state complaint, due process hearing request or decision, OCR complaint, or parent request under the IDEA for mediation; and/or
- A representative from another school district will be present.

When attending meetings at the school level, CIE staff will determine if they will serve as the LEA or a district representative. In scheduling these meetings, the school must provide the Institute with ample notice to attend virtually or in person.

The Institute will provide guidance to schools, upon request.

F. Contents of an IEP

In developing each child's IEP, the IEP team considers:

- The strengths of the child;
- The concerns of the parents for enhancing the education of their child;
- The results of the initial or most recent evaluation of the child;
- The results of the child's performance on any state or district-wide assessment programs, as appropriate; and
- The academic, developmental and functional needs of the child.

Further, the IEP team considers the following special factors:

- In the case of a child whose behavior impedes the child's learning or that of others, the use of positive behavioral interventions and supports, and other strategies, to address that behavior (including issues with attendance or truancy);
- In the case of a child with LEP, the language needs of the child as those needs relate to the child's IEP;
- In the case of a child who is blind or visually impaired, the instruction of that child in accordance with the South Carolina Board of Education Regulations;

- The communication needs of the child, including those of a child who is deaf or hard of hearing; and
- Whether the child needs assistive technology devices and services.

The Institute IEPs are written, and are developed, reviewed and revised in IEP meetings. The Institute's IEPs include all of the following:

- A statement that discusses the child's future and documents planning information;
- A statement of the child's present levels of academic and functional performance, including:
 - How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or
 - For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
- A statement of measurable annual goals, including academic and functional goals, and in the case of a child who is assessed using alternate assessments, the annual goals need to include benchmarks or short-term objectives designed to:
 - Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and
 - Meet each of the child's other educational needs that result from the child's disability;
- A description of:
 - How the child's progress toward meeting the annual goals described in the IEP will be measured; and
 - When periodic reports on the progress the child is making toward meeting the annual goals will be provided;
- A statement of the special education and related services, which allow a child to access his/her special services and do not stand alone, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child:
 - To advance appropriately toward attaining the annual goals;
 - To be involved in and make progress in the general education curriculum, and to participate in extracurricular and other nonacademic activities; and
 - To be educated and participate with other children with disabilities and nondisabled children, as appropriate.
- An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular classroom and in activities;
- 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 consistent with Section 612(a)(16) of the IDEA;
- If the IEP team determines that the child must take an alternate assessment instead of a particular regular state or district-wide assessment of student achievement, a statement of why:

- The child cannot participate in the regular assessment; and
- The particular alternate assessment selected is appropriate for the child; and
- The projected date for the beginning of the services and modifications described in the IEP and the anticipated frequency, location and duration of those services and modifications.

G. Transition Services

The Institute's IEPs address transition services as follows:

- For children age 13 or over (or younger, if determined appropriate by the IEP team), the IEP includes:
 - Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills; and
 - The transition services (including courses of study) needed to assist the child in reaching those goals.

H. Transfer of Rights at Age of Majority

Beginning not later than one year before the child reaches 18 years of age, the IEP includes a statement that the child has been informed of the child's rights under Part B of the IDEA that will transfer to the child on reaching the age of majority. (See page 8 for additional guidance).

I. Nonacademic Services, Physical Education, and Extended School Year

If appropriate, the IEP includes the services to be provided in each of these areas.

J. Progress Reports

The IEP must include a description of how the child's progress toward meeting the annual goals will be measured; and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided to parents. Schools within the Institute will report to the parents the child's progress towards each annual goal at a frequency defined by the IEP, but in no case less than every nine weeks. The progress reports in EDPlan SC are used to document student progress.

The school's procedures for reporting the student's progress to the parents will be described at the end of the document by indicating the procedure below or detailing their process.

The school sends the progress reports home via electronic mail.

OR

The school sends the progress reports home via paper copy with return signature.

K. Review and Amendment of an IEP

The Charter Institute at Erskine ensures that the IEP team:

- Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and

- Revises the IEP, as appropriate, to address:
 - Any lack of expected progress toward the annual goals and in the general education curriculum;
 - The results of any reevaluation;
 - Information about the child provided to, or by, the parents as part of an evaluation or reevaluation;
 - The child's anticipated needs; or
 - Other matters; and
- Reconvenes if an agency, other than the school district, fails to provide the transition services described in the IEP.

Changes to the IEP may be made either at an IEP team meeting, or after the annual review, by a written document amending or modifying the IEP, if the parent of the child and the LEA Representative agree not to convene an IEP team meeting for the purposes of making those changes. If the IEP is amended by written document, without a meeting of the IEP team, the LEA Representative ensures that the IEP team is informed of the changes made. When an IEP is amended, the LEA Representative sends a copy of the amended IEP to the parent within five days of the date the IEP was amended. An IEP may not be amended without a meeting in lieu of an annual review.

L. Denial of FAPE and Compensatory Education

Compensatory education is a remedy for a failure to provide appropriate special education and/or related services. In failing to provide appropriate services, there has been a violation of IDEA in that FAPE has not been provided. The purpose of compensatory education is to position the student in the place where he/she would have been if the district had provided appropriate services. Compensatory education is not always necessary for every denial of FAPE, but it must be considered during an IEP team meeting. A delay in receiving records, failure to begin a related service, delayed evaluations, improper removal of previous services, staffing shortage, and/or failure to implement accommodations or modifications among other things, could result in the need to consider a denial of FAPE.

The IEP team must consider the following:

- If there was a denial of FAPE and if so,
- What compensatory services, if any, will be provided by focusing on the loss of skills, recoupment of those skills, and progress.

The team must develop an individualized plan to include the scope of the services and how they were determined, i.e., the student's present levels of performance, current data and descriptions of the student's strengths and needs. The plan should include what service will be provided, the goal (from the IEP or specifically developed for the compensatory service plan), provider, location, frequency, duration, model (individual/small group), method (virtual/in-person), tentative schedule, method of tracking, plan for absences/holidays, and who will verify the completion. The implementation of the plan should be documented.

When compensatory services are begun, changed, or ended, that must be documented in a compliant PWN. The PWN must include a comprehensive description of the data used to make decisions and of all alternatives discussed by the team to address the student's loss due to the denial of FAPE. This must be provided whether the parent agrees or does not agree with the team about the provision of the compensatory services after efforts to reach consensus have been made. The Institute should explain why it is or is not offering compensatory services based on the data discussed. This explanation should focus on the student's need for compensatory services, not simply because services were not provided initially. Ending compensatory services should be based on whether the student has been returned to where he/she would have been expected to be if appropriate services had been provided, not on a specific number of hours having been lost.

VII. TRANSFERS WITHIN THE STATE AND FROM OUT-OF-STATE

When a student moves into the Charter Institute at Erskine, the individual school must take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous district in which the child was enrolled. Regardless of how the parent completes the enrollment information regarding previous special education services, it is the responsibility of the new school to verify whether or not the student received special education and related services in the previous district. Since this is a transfer of educational records from the child's previous district to the Institute, no consent for release of documents is required.

If the parent indicates the student received special education services in the previous district, but does not want services to be continued in the new school, school personnel must explain to the parent that he/she has the option of revoking consent for special education services; otherwise the school is required to provide FAPE as described in the following sections.

A. Transfers Within the State from a District Using EDPlan SC

Within the first five school days of attendance, the Charter Institute at Erskine will provide a FAPE to any student with a disability who transfers from another South Carolina district with an existing IEP in EDPlan SC. The services provided will be comparable to those outlined in the student's previous IEP. Once the student's records have been transferred in EDPlan SC, the school will amend the IEP to reflect any necessary changes to meet the student's current needs in the Institute school.

If the IEP transferred within EDPlan SC is expired, yet the triennial reevaluation is current, the school will provide services comparable to those in the most recent IEP and conduct an annual review to create a new IEP for the student within thirty calendar days of the student first attending the school.

If the IEP transferred within EDPlan SC is expired and the triennial reevaluation is past due, the Institute, in consultation with the parents, will provide a FAPE to the child, including services comparable to those described in the child's most recent IEP and will at the same time conduct a

reevaluation to determine continued eligibility, need for special education services, and educational needs within thirty calendar days of the student first attending school.

B. Transfers Within the State from a District not Using EDPlan SC or Out-of-State Transfers

Within the first five school days of attendance, the Charter Institute at Erskine will provide a FAPE to any student with a disability who transfers either from another South Carolina district not using EDPlan SC or from another state. The Institute will implement services comparable to those in the student's existing or most recent IEP. A comparable services document will be created within the first five days of attendance, and an annual review will be conducted within thirty calendar days to develop a new IEP for the student.

If the IEP transferred is expired and the triennial reevaluation is past due, the Institute, in consultation with the parents, will provide a FAPE to the child, including services comparable to those described in the child's most recent IEP and will at the same time conduct a reevaluation to determine continued eligibility, need for special education services, and educational needs within thirty calendar days of the student first attending school.

If the transfer student cannot provide a copy of his/her expired IEP, but the parent describes the services the student was receiving, the Institute must take reasonable steps to obtain the student's records from the previous LEA. If the Institute is unable to obtain the IEP from the previous LEA or from the parent, the Institute is not required to provide special education and related services to the child.

The Institute will not delay the provision of the comparable services. Comparable services have the meaning of "similar" or "equivalent" to the services that were described in the child's IEP from the previous district.

When a student transfers from another district within the state, their eligibility for special education has already been established, and a reevaluation is not required—unless the student's triennial reevaluation is due or overdue. The IEP team must review the current IEP and decide if any additional information is needed from the previous district.

For out-of-state transfers, if the IEP team does not question the child's eligibility under South Carolina's criteria, the team would follow the comparable services policies. However, if after reviewing appropriate information, including the transfer IEP, the IEP team has reason to suspect the child is NOT ELIGIBLE under South Carolina eligibility criteria, the team would need to conduct an evaluation to determine eligibility. The evaluation conducted by the Institute would be to determine if the child is a child with a disability under South Carolina's eligibility criteria and to determine the educational needs of the child. Therefore, the evaluation would be an initial evaluation, which would require parental consent, and should be opened in EDPlan SC as a Referral/Evaluation Planning NOT a re-evaluation review.

C. Transfers With An Individual Service Plan (ISP)

The following applies to a child with a disability who transfers to the Charter Institute at Erskine with an ISP:

Within five school days of attendance, the Institute will ensure comparable services are in place through EDPlan SC based on the student's existing ISP from the previous South Carolina district. The Institute's IEP team will schedule a reevaluation planning meeting in EDPlan SC within five school days of the student's start date. The team will review available records in EDPlan SC and upload or reference documents such as: the most recent evaluation or reevaluation, any draft IEP from the previous district, and the student's ISP. During this meeting, the team will determine whether additional information is needed. If so, the team will use EDPlan SC to document the decision and obtain parental consent to collect that information. Within 30 calendar days of the student's enrollment, the reevaluation process will be completed in EDPlan SC, and a new IEP will be developed, finalized, and implemented through the system. Since the student's eligibility was already determined in the previous district, the team will not repeat eligibility determination unless concerns arise.

The school's procedures for determining whether the student has an IEP will be described at the end of the document by indicating the procedure below or detailing their process.

Upon notification from the school registrar personnel, or from receiving a fax record, that a new student has an IEP, the school's Special Education Coordinator of the child's special education teacher/case manager will contact the child's parent/guardian to discuss the comparable services that the school will provide that are similar to the services documented in the child's IEP from the previous district. The special education teacher will document the agreed upon services in EDPlan SC using the amendment processes or comparable services processes and document the decisions in a PWN within the first 5 school days and send it home to the parent.

The school's procedures for requesting special education records will be described at the end of the document by indicating the procedure below or detailing their process.

Records requested from a transfer school also include a request for special education records. Enrollment forms explicitly ask if the child has an IEP. However, it is this school's policy that when it receives enrollment information, the school registrar forwards the student information to the school Special Education Coordinator. Then there is to be a second specific fax or e-mail request sent within 24 hours by the school coordinator for students whose parent either left the enrollment form blank or is brand new to the school in order to ensure record accuracy. The 2nd fax request asks explicitly for any records related to the student's IEP. All SPED record requests sent and received are dated and kept in a file in the school Special Education Coordinator's office, to verify that requests are sent and received. If the student transfers from a district in SC using EDPlan SC, a student transfer request will be sent in the program. Also, a letter is sent home to all students during the first week of school, requesting parents to contact the School Special Education Coordinator if their child has an IEP but they have not

yet been contacted to ensure this school receives all current special education records for our students.

The school's procedures for how the school's Special Education Coordinator is notified when students with IEPs enroll will be described at the end of the document by indicating the procedure below or detailing their process.

Student Enrollment forms explicitly ask if the enrollee has an IEP. If it indicates the student does have an IEP, the school registrar forwards that student's information within 24 hours by email or paper copy to the Special Education Coordinator. When made aware of a student who has an IEP and has enrolled, a fax or email requesting the IEP will be sent by the school Special Education Coordinator or Registrar to the student's previous school district within 24 hours requesting the Student Transfer via EdPlan for special education records. All information received, and fax requests are dated and filed for when they are both sent and received. If available, the school Special Education Coordinator will meet with the parent during enrollment to gather information.

VIII. LEAST RESTRICTIVE ENVIRONMENT (LRE)

Educational placement refers to the educational environment for the provision of special education and related services rather than to a specific place, such as a specific classroom or school. The IEP team makes the decision about the child's educational placement. For children with disabilities, the special education and related services will be provided in the environment that is least restrictive, with the general education classroom as the initial consideration. The team's decision is based on the child's needs, goals to be achieved, and the least restrictive environment for services to be provided. "Least restrictive environment" (LRE) means the child is provided special education and related services with peers who are not disabled, to the maximum extent appropriate. The IEP team must consider how the child with a disability can be educated with peers without disabilities to the maximum extent appropriate, and how he or she will participate with children without disabilities in other activities such as extracurricular and nonacademic activities. The Institute ensures that, to the maximum extent appropriate, children with disabilities are educated with children who are nondisabled. Placement of students with disabilities in special classes or other removal from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services, modifications and/or accommodations cannot be achieved satisfactorily.

Placement decisions for all children with disabilities, including preschool children with disabilities, are determined annually, based on the child's IEP. The Charter Institute at Erskine ensures schools it sponsors make available a range of placement options, known as a continuum of alternative placements, to meet the unique educational needs of children with disabilities.

The Institute, to the maximum extent appropriate, ensures that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services in the least restrictive environment (LRE). Least restrictive environment:

- Is based on meaningful evaluation data,
- Considers appropriate placement options,
- Is determined at least annually,
- Is determined by the child's IEP team (the group of persons including the parents and other persons knowledge about the child), and
- Considers any potential harmful effect on the child or on the quality of services that he or she needs, including the medium through which the instruction is delivered.

A child with a disability is not removed from instruction in age-appropriate regular classrooms solely because of needed modifications and accommodations in the general education curriculum.

IX. PARENTALLY PLACED PRIVATE SCHOOL CHILDREN

The Charter Institute at Erskine is a district of choice and is not a district of residence for any child, therefore the Institute is not required to locate, identify, or evaluate children who are placed by a parent in a private school or home-schooled. If the parents of a child who is home schooled or placed in a private school have questions about special education, the parents must contact the public-school district in which their residence is located.

X. DISCONTINUING SPECIAL EDUCATION SERVICES

There are times when a child's eligibility for special education and related services ends or when the parent or student chooses to end the provision of special education services. This section discusses several instances in which students currently receiving special education services "discontinue" or exit from their special education program.

A. No Longer Eligible for Services

When a parent or school personnel suspects that a child is no longer eligible for special education services and related services, a reevaluation must be conducted prior to the child's dismissal from the program to determine if the child is no longer a child with a disability. As part of the reevaluation, the IEP team will review existing data and determine whether they need to conduct any additional assessments.

The team may determine that the child continues to have a disability, but no longer needs specialized instruction (special education) in order to appropriately access and progress in the general curriculum. If it is determined by the IEP team through a reevaluation that the child is no longer a child with a disability, the Institute will provide the parents with PWN of this decision.

B. Graduation

All students receiving special education services will receive a regular high school diploma at the completion of their secondary program if they meet graduation requirements of the State of South

Carolina. A regular high school diploma does not include an alternative diploma that is not fully aligned with the state's academic standards, such as a certificate of attendance, an occupational diploma/certificate, or General Educational Development Tests (GED) (Federal Register, August 14, 2006, p. 46580). If a modified or differentiated diploma or certificate is used for students receiving special education services; however, such diplomas or certificates do not end eligibility for special education services. Students who participate in graduation exercises and receive a certificate does not in and of itself end eligibility for special education and related services.

When the student enters high school, progress toward graduation is monitored annually and recorded on an official transcript of credits. Some students may require services through age 21 to meet IEP goals. The District's obligation to provide special education services ends (a) when the student meets graduation requirements and receives a regular high school diploma, (b) at the end of the school year in which the child reaches age 21, or (c) when an evaluation shows that the child is no longer eligible for special education services.

Students with disabilities will be afforded the same opportunity to participate in graduation ceremonies as students without disabilities even if the IEP team determines that services will continue after the student has met all of the required credits (but an official diploma has not been awarded). A student may require services through age 21 to meet IEP goals or because he or she has not obtained all of the required credits for graduation. In either case, the student will be allowed to participate in graduation ceremonies with his or her classmates. Individual schools may have a specific policy regarding participation in graduation ceremonies; however, it must apply equally to all students in the school and not just to students with disabilities.

No reevaluation is required prior to exiting a student due to graduation (34 CFR § 300.305(e)(2)). However, before the student completes the last semester of high school in which he/she is expected to graduate, the school will provide the student (if over age 18) and the parents with the Exit/Completion Notice which provides prior written notice of the discontinuation of services at the end of the school year. The Notice will clearly state that the student will no longer be entitled to receive special education services from the District after graduation with a diploma. For students who complete the requirements for the SC High School Credential, the Notice of Completion of Credential is completed to inform parents that students may return until the student either reaches the maximum age or earns a regular high school diploma.

In addition to the PWN, each student will be provided a Summary of Performance (see Section D below).

C. Services to Age 21

The Charter Institute at Erskine and its schools makes a Free Appropriate Public Education (FAPE) available to any student who has not graduated with a regular high school diploma until the end of the school year in which the student turns 21. The school provides the adult student, (age 18 and over) and the parent, with PWN that the special education services will be discontinued at the end of the school year; however, parental consent is not required. A

re-evaluation is also not required when a student ages out of eligibility for services when turning age 21 (34 CFR § 300.305(e)(2)).

Students who turn 21 on or before September 1st of the school year are no longer eligible for services and will not be allowed to enroll.

D. Summary of Performance

A Summary of Performance (SOP) is required for a student whose eligibility for special education services terminates due to graduation with a regular diploma, or age-out from special education services. A SOP is also required for students who earn the South Carolina High School Credential (SCHSC). The Charter Institute at Erskine will provide the student with a summary of the student's academic achievement and functional performance which also includes recommendations on how to assist the student in meeting the student's postsecondary goals. The purpose of the SOP is to transfer critical information that leads to the student's successful participation in post-secondary settings.

The SOP will address the following:

- Academic achievement: information on reading, math, and language grade levels, standardized scores, or strengths.
- Functional performance: Information on learning styles, social skills, independent living skills, self-determination, and career/vocational skills.
- Recommendations: Team suggestions for accommodations, assistive services, compensatory strategies for postsecondary education, employment, independent living, and community participation.

E. Student Drops Out of School

Under South Carolina Regulation S.C. Code Ann. § 59-65-30 (2012), students are allowed to drop out of school at age 17. If a student with a disability drops out of school, documentation to that effect must be placed in the student's confidential file. The Institute will inform the parents via PWN that special education services continue to be available to the student through age 21. If the student re-enrolls, the previous IEP will be implemented until a new IEP is developed. The new IEP will be developed as soon as possible after the student re-enrolls. If a student younger than 17 drops out of school, the Institute will report the student's truancy to the proper authorities.

F. Revocation of Consent

Parents may revoke consent for and remove the child from special education and related services. Once the School receives written revocation of consent, it provides the parents with prior written notice and continues to provide the child with appropriate interventions through the general education environment. The revocation is for all special education services. The parent may not revoke consent for a particular service.

The Institute is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent. If a parent revokes consent, that revocation is not retroactive.

If a parent has provided written revocation of consent, the Institute will not file a due process complaint or engage in conflict resolution to attempt to obtain agreement or a ruling that special education and related services may be provided to the child.

Once the LEA has received the written revocation of services from the parent, the Institute school must promptly provide the parent or student who is 18 or older with PWN regarding the change in educational placement and services that will result from the revocation. The PWN must be provided a reasonable time before the Institute school discontinues services and must give the parent information and time to fully consider the change and its implications. This PWN will ensure that parents are fully informed of the educational services and support(s) that they are declining. The PWN must inform the parent, as plainly as possible, that the student will no longer receive any special education or related services; nor will the student be entitled to the protections under the IDEA disciplinary procedures if he or she violates the Institute school's disciplinary code of conduct. The PWN must be clear and specific so that the parent or student can make an informed decision. The Institute's school may not discontinue services until the PWN has been provided to the parent. If the student who has reached age 18 revokes consent for services, the Institute's school is required to provide any notice (including PWN) to the student and parents under 34 C.F.R. § 300.520(a)(1)(i).

Revocation of consent releases the Institute from responsibility and liability for providing FAPE from the time the parent revokes consent in writing until the time, if any, that the child is again evaluated and deemed eligible for special education services and related services. The Institute will not be deemed to have knowledge that the child is a child with a disability under IDEA and the child may be disciplined as a general education student and is not entitled to discipline protections under the IDEA.

Consistent with its Child Find responsibility, the Institute will ensure that general education teachers make appropriate referrals for children suspected of having a disability, which would include the referral of children whose parents have previously revoked consent.

XI. SOUTH CAROLINA HIGH SCHOOL CREDENTIAL (SCHSC)

(Applies only to Grades 9-12)



A. Introduction and Purpose

South Carolina has roughly 100,000 students with disabilities served under the Individuals with Disabilities Education Act (IDEA), of which the majority are able to earn a state high school diploma. Given the varying levels of student achievement, as well as the inability to complete required high school coursework, there is a need to provide an alternative option for students with disabilities to demonstrate their ability to transition into the work community. The uniform state-recognized Employability Credential is aligned to a course of study for these students with disabilities whose Individualized Education Program (IEP) team determines this course of study is appropriate.

To align with the State's Profile of the South Carolina Graduate, an opportunity that will assist these students in acquiring skills necessary to be successful after high school is critical. The purpose of S.C. Code Ann. Section 59-39-100 and State Board of Education Reg. 43-235 is to provide equitable job-readiness opportunities for these students throughout the state, ensure they have evidence of employability skills, and honor the work they have undertaken in our public schools.

State Board of Education Reg. 43-235, as governed by S.C. Code Ann. Section 59-39-100, promulgates the program components and criteria for a state-recognized Employability Credential for applicable students with disabilities for whom such a credential is appropriate. Pursuant to the statutory requirements in S.C. Ann., Section 59-39-100, students with disabilities entering grade nine may attain a uniform diploma through one of the recognized personalized pathways; or may attain a uniform Employability Credential. Nothing restricts any student from obtaining a state high school diploma. Nothing contained in this regulation restricts local school boards of trustees from awarding students with a certificate of attendance for students with disabilities who do not meet the requirements for earning either a state high school diploma or a state Employability Credential. Nothing contained in this regulation restricts local school boards of trustees from awarding students a local occupational certificate

Beginning no earlier than the end of the student's eighth grade academic school year, or later if deemed appropriate by the student's IEP team, and updated annually thereafter, the IEP Team must determine if the student's expected high school outcome will be to attain a state high school diploma or a

state-recognized Employability Credential. The course of study identified in the IEP must match this determination.

The South Carolina Department of Education (SCDE), as the State Educational Agency (SEA); all Local Educational Agencies (LEAs) and all other public programs providing special education and related services as outlined in the IDEA must follow and comply with all statutory and regulatory requirements of the IDEA as outlined in 20 U.S.C. Section 1400 et seq., and the Code of Federal Regulations (C.F.R.), Chapter 34, Part 300. In addition to the statutory and regulatory requirements to which the state adheres, Reg. 43-235 further delineates requirements for attaining a state-recognized Employability Credential.

This policy defines the requirements for attaining a state-recognized Employability Credential in the Charter Institute at Erskine school district.

B. FAPE and IEP Requirements

The decision to accept the Employability Credential does not relieve the school from providing a free appropriate public education (FAPE) to the student until age 21 as defined in Reg. 43-243(III)(B) or until the student receives a regular high school diploma as defined in 34 C.F.R. 300.102(a)(3)(iv).

The school must explain and provide annual written notice to the parent, guardian, or adult student that the Employability Credential is not a state high school diploma. For the purposes of this part, an adult student is defined as a student who has reached the age of majority as outlined in Reg. 43-242(III)(F)(1).

An IEP Team's decision to identify the Employability Credential as the student's expected high school outcome must be based on data to include, but not be limited to, longitudinal information of student grades, standardized achievement assessments, informal and formal transition assessments, adaptive behavior assessments, and work readiness assessments. The decision must be made only after the IEP Team considers a continuum of program options that may allow the student to pursue a diploma.

This course of study is ONLY available for students with disabilities whose Individualized Education Program (IEP) team determines this course of study is appropriate. It is important to note, the students taking these courses do not receive a high school diploma, their eligibility to receive FAPE does not end, and Parent Acknowledgement is required annually.

C. Course Requirements

Minimal Course Requirements: The Employability Credential is designed for students with disabilities for whom the IEP team determined mastery of a career-based educational program that includes academics, independent work experience, daily living skills, and self-determination skill competencies is the most appropriate way to demonstrate his or her skills and provide a FAPE. IEP Teams are required to consider the student's least restrictive environment (LRE) when determining their educational programming (34 CFR § 300.114). Therefore, regardless of projected outcome being the Employability Credential, the IEP Team must consider to the maximum extent possible participation with non-disabled peers with or without accommodations, modifications and/or supplementary services and aids, prior to removal. If appropriate

based on present levels of academic achievement and functional performance, a student with a disability working towards the Employability Credential, may be enrolled in credit bearing courses that will meet the core requirements of the high school diploma and the credential. Note: If a student is only enrolled in the state approved Employability Credential special education courses and passes these courses, these will meet requirements of the credential and elective requirements for a high school diploma. In order to determine general education courses that can meet the requirements of the Employability Credential, see the [Cross-Walking Guidance Document](#).

To attain the Employability Credential, the student must meet the graduation requirements of one unit of physical education/health (or equivalent) and one unit of technology course; a student must adhere to the local attendance policy; and a student must complete a total of 24 earned units that include the following:

- Course work aligned with the South Carolina College- and Career-Ready Standards for English Language Arts (four units), Mathematics (four units), Science (two units), and Social Studies (two units);
- Four units of Employability Education; and
- Six electives.

D. Minimal Required Components

In addition to completing coursework outlined in Section B, to receive an Employability Credential, a student must:

- Complete a career portfolio that includes a multimedia presentation project.
- Obtain work readiness assessment results that demonstrate the student is ready for competitive employment by doing one or more of the following:
 - Receive an achievement level of 3 or higher on the state career-ready assessment (South Carolina Career Ready Test), OR
 - State approved Certification or Industry Credential in the student's field of study, OR
 - Criterion-referenced assessment (rubric) designed to measure student employability skills (South Carolina Work-Based Learning Training Agreement/Evaluation Plan). (SBE R.43-235 (C)(2)(b))

The school's minimal required components as part of the Employability Credential are listed at the end of this document.

E. Work-based Training and Learning

In addition to completing coursework outlined in Section B and minimal required components in Section C, in order to receive an Employability Credential a student must complete work-based learning/training that totals at least 360 hours, in which:

- (a) Work-based learning/training may be school-based, community-based, and/or paid or unpaid employment.
- (b) Work-based learning/training must be aligned with the student's interests, preferences, and postsecondary goals and individual graduation plan; and

(c) Paid employment must be at a minimum wage or above and in compliance with the requirements of the Federal Fair Labor Standards Act.

The [Guide to Work Experiences](#) provides clarity on what constitutes a quality work experience and to highlight the wealth of possibilities for students accumulating hours.

The school's procedures for completing the work-based training as part of the Employability Credential will be described at the end of the document.

F. Monitoring Student Progress

Each High School is required to develop and maintain procedures related to the state-recognized Employability Credential. Procedures must include mechanisms for monitoring students' progress toward attainment of the Employability Credential and mechanisms for monitoring proportionate numbers of Employability Credentials relative to the school's students with disabilities child count and graduation rate. All Charter Schools that serve high school aged students must provide the SCHSC for students that meet the criteria and whose IEP teams determine that it is the best course of study for the student.

Each Special Education Coordinator for an Institute school with grades 9-12 will use the following mechanisms for monitoring student progress toward attainment of the South Carolina High School Credential:

- IEP Annual and Special reviews
- IGP yearly review and revision
- Student Report Cards & Progress Reports
- SCHSC Progress Checklist (in EDPlan SC)
- Student's Electronic Career Portfolio
- Work Experience Logs

Schools will ensure the SCHSC is being implemented with fidelity by maintaining documentation via a shared spreadsheet for each student to track completion of requirements towards earning the SCHSC (parent acknowledgement form, Progress checklist, coursework and work experience logs). School SPED Coordinators will verify that each student's SCHSC Progress Checklist is completed before the end of each school year and that the Parent Acknowledgement Forms are signed and uploaded into EDPlan SC annually.

The Charter Institute at Erskine will monitor proportionate numbers of Employability Credentials relative to the LEAs students with disabilities student count and graduation rate for each school quarterly using self-report checklists and EDPlan SC Reports cross-referenced with testing and accountability data. When disproportionality arises, Institute staff will meet with the identified school to determine what action, if any, should be taken.

G. Entering the Employability Course of Study

Prior to considering the SCHSC, IEP Team Leads must review the [Guidance for IEP Teams](#):

[Eligibility Criteria & Considerations for a Student in the SCHSC](#) specifically. IEP Team Leaders must obtain parent consent prior to changing the student's course of study. If there is not a signed Parent Acknowledgement, the student should be enrolled in courses towards earning a SC High School Diploma. This consent/permission must be obtained and recorded annually. No more than 3% of a school's total number of high school students (disabled and non-disabled) may be enrolled in the Employability Credential (South Carolina High School Credential) to be considered proportionate to those students earning a high school diploma.

The Institute uses the following procedures to enter a student into the South Carolina High School Course of Study:

Action	Position Responsible	Timeline
Collect Data	Team Lead	Prior to annual review or special called IEP meeting to place student
Convene an IEP meeting	Team Lead	Prior to entering program
Review Present Levels	Team Lead	During IEP meeting
Determine Course of Study	Team Lead with IEP Team	During IEP meeting
Parental Acknowledgment	Team Lead	Annually during IEP meeting
Progress Monitor	Team Lead	At intervals specified in the student's IEP

The school will obtain parent signature(s) on the Parent Acknowledgement Form at the first IEP meeting where the IEP team determines SCHSC as the student's projected outcome and annually thereafter.

H. Portfolio Transitions

The Institute uses the following procedures for transitioning portfolios throughout the years of the course of study:

Action	Position Responsible	Timeline
Determine method of storage	School Special Education	Prior to the beginning of the

	Coordinator	school year
Ensure transfer with student records	School Special Education Coordinator	Prior to the beginning of the school year

The school's procedures for storing and transferring SCHSC files and records will be described at the end of the document.

I. Completion of the Employability Credential

Employability Credential is defined as a state-recognized certificate which demonstrates a student has completed requirements indicating the student has developed skills and knowledge to prepare him or her for postsecondary employment and/or education as well as, community-based living, as appropriate.

The Institute uses the following procedures to ensure a student's completion of the Employability Credential Course of Study:

Action	Position Responsible	Timeline
Work-Based Agreement/Evaluation for the 40 hour Internship & Career Readiness Indicator in PowerSchool & EDPlan SC	Team Lead	Prior to annual review exit meeting
Completes Credential requirements	School Special Education Coordinator & Guidance Counselor/Registrar	Prior to annual review exit meeting
Completion Notice	Team Lead	Prior to or during annual review exit meeting
Update Summary of Performance	Team Lead	Prior to or during annual review exit meeting

Submit appropriate data to district for reporting	School Special Education Coordinator	Data submitted prior to graduation, same as diploma deadline requirements
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Schools will complete the Final Eligibility Checklist to verify that the student has completed the requirements for the SCHSC. A verification form will be completed before a certificate will be ordered for each student. This form is signed and verified by the School Leader to verify coursework and completion. This form is submitted to the district as requested in order to send to the SCDE and uploaded into the student's EDPlan SC record.

The school's name and title of the staff member responsible for completing the verification will be described at the end of the document by indicating the procedure below or detailing their process.