

## Applications: Yi Hwang Academy of Language Excellence

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**Implementation Budget Requested**

\$500,000.00

**Planning Budget Requested**

\$0.00

**Total Budget Requested**

\$500,000.00

**Planning Reimbursements**

\$0.00

**Implementation Reimbursements**

\$0.00

**Total Reimbursements**

**Remaining Budget**

\$500,000.00

**Profile**

Yi Hwang Academy of Language Excellence

**Changes Requested**

**Eligibility for CSP Subgrant**

Expansion

**Expansion: Are you requesting an implementation grant?**

Yes

**Are you requesting a supplement?**

No

### Narrative

Provide responses in the text boxes provided. Attachments will not be accepted for this part of the application.

**Please describe how the autonomy and flexibility granted to a charter school is consistent with the definition of a charter school in ESEA § 4310 (2).**

Yi Hwang Academy of Language Excellence (herein referred to as YHALE) is a highly successful charter school embarking on its fifth year of operation in Gwinnett County. In each year of its charter, the school has academically outperformed its district and state counterparts. It complies with the definition of a charter school in ESEA § 4310 (2) in the following ways.

YHALE is a free public charter school operating under the authorization of the Georgia State Charter Schools Commission. The school's attendance zone is statewide giving it the flexibility to accept students from anywhere in the state. Understandably, its greatest nucleus of students reside within Gwinnett County; however, the school serves students from all over the Atlanta Metro Area. Other than its initial year of opening, which was during the height of the Covid Pandemic in the summer of 2020, YHALE has had more applicants than seats available and has conducted a random lottery to offer spaces for enrollment. The school maintains a waitlist of students wishing to enroll.

YHALE operates under the terms of its charter as established by the authorizer. The school is accountable for high student academic achievement, sound financial management, and organizational stability, known as the Comprehensive Performance Framework (CPF), an accountability matrix that ensures the success of the school and its students.

The mission of YHALE is to produce students who are fluent in both English and their target language of either Korean or Mandarin Chinese, and who thrive socially, emotionally and intellectually. Yi Hwang Academy of Language Excellence (YHALE) believes that this requires flexibility and innovation in the world of education. YHALE believes that the future is bright with young minds that can grow in purpose, mission and virtue. At the heart of its program, YHALE believes that Dual Language Immersion not only strengthens students' minds, but opens their hearts to our wide, diverse world.

The YHALE Governing Board is focused on the success of students and its impact on the school community. They are an oversight board that holds the school leader accountable for success, and they support the school in its growth.

The flexibility of the charter allows YHALE to focus on its curriculum to 1) provide a dual language immersion education in Korean / English and Mandarin / English so that students will become bilingual and bi-literate; 2) provide Asian culture and history as a part of whole school environment that teaches, embraces and practices Asian culture and language acquisition; 3) produce top performing K-8 students in Georgia in all subjects and testing areas; and 4) use project based teaching methods particularly for science, social studies and specials.

Part of each day is taught completely in Korean and/or Chinese and part of the day is taught in English using the 50/50 immersion model in all grade levels. The objective is for students to attain language art skills in two languages while the students learn the content of all the usual subject areas which are aligned with the Georgia Standards of Excellence. In addition to the DLI, the Singapore Math Curriculum is utilized as a foundation to build strong math skills. For years, the country of Singapore has consistently ranked at the top of international math performance. The intentional progression of concepts in the Singapore math approach instills a deep understanding of mathematics focusing on mastery, achieved through intentional sequencing of concepts. This approach has been carefully developed into an American version of Singapore Math, and this is the math curriculum that has helped YHALE excel in math performance, far outperforming the state of Georgia and surrounding districts.

This combination of unique curricula is possible through the flexibility of YHALE's status as a charter school and ensures the success of its stated mission for the school and its students.

**Please briefly describe how the applicant school/network will utilize CSP Subgrant funds and why these funds are necessary to meet the school's goals. Separate activities by Planning and Implementation subgrant periods.**

YHALE will use the CSP Subgrant funds to support the school's expansion into grades 6-8. During the FY24 school year, the Georgia State Charter School Commission authorized YHALE to expand into middle school band.

The middle school expansion is part of a strategy that the board designed in the inception of the school. Dual Language Immersion (DLI) is most successful when provided to students at a young age and then supported as they grow academically. YHALE middle school students will have the opportunity to obtain all of their high school language credit requirements, four (4) credits, if they complete their middle school grades with YHALE. These four credits are the maximum number of foreign language credits that any college in the country requires for admission.

As a result, students will begin their high school career with the ability to pursue other languages, pursue other elective interests in high school, increase their GPA and college credit opportunities with AP courses or begin immediately (depending on the school's allowability) taking an AP language course or dual enrollment college language course in the same target language. The YHALE middle school will also prepare students to qualify for the Georgia Seal of Biliteracy as well as sit for the AP exam in the two target languages.

Building a new grade band creates a number of new expenses for a school. Middle school ushers in a plethora of new experiences for students, academically, socially and emotionally. For the academic growth, it includes well qualified teachers in the middle school grades and in specific subject areas. Middle school often opens more hands-on opportunities for students as they become more capable to responsibly handle equipment like lab equipment. This also includes additional electives to nurture age appropriate growth for non-academic pursuits such as music, art and computer science. Physical fitness and sports take on a bigger role for middle school students than elementary aged students. Therefore, YHALE middle school students will have a longer school day than YHALE elementary school students. All of this, of course, requires funds. This is how the CSP Grant will be used.

During each year of YHALE's operation, they have continued to expand both vertically and horizontally. As YHALE has grown, YHALE's need for space has continued to grow. YHALE has worked with its landlord to identify additional space in their complex to add classrooms. Being very mindful of the importance of financial fidelity, YHALE has leased these spaces and saved money.

For the FY25 school year, YHALE will occupy space in two different buildings across a single parking lot. One building will house the lower school and the other will house the upper school. The strategic plan is to eventually purchase the larger of those two buildings and occupy all the space in it.

Thus, the school will be contained in one comprehensive building and save on consolidated costs.

The CSP Subgrant will allow YHALE to purchase the furniture and equipment needed for our growing middle school classes and will allow YHALE to save money it would have spent on those expenses for the purchase of a facility.

**Please describe how the applicant school/network is responding to community need and will use effective parent, family, and community engagement strategies. Include information on the needs analysis the school completed and the results. Also, include a description of how the school is soliciting and considering input from parents and members of the community and how the school will use effective parent, family, and community engagement strategies.**

The genesis of YHALE was born from the strong collective desire of the large Korean and Chinese communities in Georgia to strengthen language proficiency in second generation Americans and to open these two critical languages to all students in Georgia. Mandarin Chinese is considered the most useful language in the financial industry other than English. For those students and families who expect their student to find a future in all areas of business and finance; it has become an obvious goal for their students to learn Mandarin Chinese. While Korean is the third most spoken language in the state of Georgia, and Korean manufacturing and other large multinational companies have chosen Georgia as its American headquarters bringing tens of thousands of quality jobs to the state. Therefore, the Korean language has become crucial for mid to upper executives based in Georgia to learn with great proficiency. Both languages are on the U.S. Department of State's list of languages that are critical to our national security and prosperity.

YHALE provides more than language immersion to our families. YHALE offers a cultural exposure for students who otherwise may not have the opportunity to learn about these cultures in a traditional school. Whether the students recognize the immense career advantage these languages offer or have a family or heritage connection to one of the languages, the languages should be accompanied with cultural experience and education.

Cultural immersion is a unique experience that can open doors to a deeper understanding of an unfamiliar place. For YHALE students, cultural immersion can happen by just traveling to school. YHALE weaves the Korean and Chinese cultures into the daily experience of its students, including things like eating traditional meals and using Asian utensils at lunch, honoring and understanding holidays, learning traditional folktales, fairytales and other children and classical stories, traditional songs, music and instruments and more.

The presence of the Asian community in Georgia has grown faster and larger than ever expected just 10 or 20 years ago. These communities have been drawn to both the language and cultural immersion that YHALE offers. YHALE's student body comprises families that speak over 20 different languages. The largest ethnic group is Asian, but within that one ethnic group, there is a myriad of Asian nationalities represented at YHALE. Because many of these countries share a history, ethnicity and cultural background, there is a fulfillment and connection like no other school can provide to the community. YHALE has become a community beacon and touchpoint rather than just a school.

YHALE is able to communicate and connect with several minority groups in a more fully understanding, sensitive and personal way. Interpreters for all the array of different languages can be found within the network of the school community easily. School administrators, teachers, PTO leaders and Board members can guide many families who are acclimating to a new country and language barriers in a way that nurtures their young students rather than isolates them.

Meetings spoken in Mandarin and Korean can be provided and interpreters are available for other languages. Open house tours are led in a variety of languages. People who call and can only speak a particular non-English language, will receive a call back from a person who can speak their language - even if it takes a bit a time to complete the call-back.

Therefore, as outlined earlier, the middle school expansion was always a part of the intention of the Governing Board. Dual Language Immersion (DLI) most effectively produces bilingual and biliterate students when the student is able to participate in a DLI program from kindergarten through 12th grade. Our plan is to offer DLI in K - 8 and then encourage our students to enroll in a high school that offers his/her target language as an Advanced Placement class.

**Please explain how the applicant school/network will demonstrate a growth mindset throughout the subgrant term.**

YHALE has always had a growth mindset and is open to feedback. We will actively participate in technical assistance opportunities provided throughout the subgrant term. The YHALE Governing Board is committed to continuous improvement and learning to ensure constant growth.

The Governing Board participates in annual SCSC training and requests additional training from alternate approved providers. The school leadership understands the importance of growth and offers professional development opportunities to ensure the most updated information is provided as it pertains to standards, mission-specific goals, programming, and/or compliance in all areas of the CPF.

The board also uses the comprehensive performance framework to hold themselves and the school accountable. The Governing board meets monthly and reviews

academic, operational and performance data. YHALE has developed a culture that encourages all members of our school community to embrace innovation and growth, and the school leadership fosters those as it aligns to the mission, vision, and goals of YHALE.

**Please explain how the applicant school/network will commit to the CSP subgrant agreement and meet the requirements and objectives of the CSP subgrant. Identify the person(s) or position(s) who will be responsible for CSP subgrant activities, including reporting, procurement/purchasing, bookkeeping, accounting, and recordkeeping of expenditures.**

While the YHALE Governing Board will maintain oversight to ensure the CSP subgrant agreement is adhered to and the school meets all requirements and objectives of the subgrant as outlined in the agreement and this document, the day to day obligations and duties will be maintained by the school and our financial accounting partner, Avolon Accounting and Business Services.

The school's Director of Operations, Susan George, will ensure proper bookkeeping, recordkeeping and reporting throughout the subgrant term.

Oversight of Ms. George and reporting to the board will be provided by YHALE's principal Anthony Chung.

In addition to the schools CFO, Candy Yu (from Avolon), Ms. George and Mr. Chung, the school bookkeeper Suchada Thepchatri will manage accounting and procurement and keep purchasing and bookkeeping documentation to ensure compliance with the requirements of the subgrant.

**Please explain the applicant school/network's readiness for opening, replicating, or expanding. Briefly describe how the applicant school/network is assembling a team and ensuring the school is prepared.**

The Governing Board and school leadership have been preparing for this expansion since the school began. Each year of operations all decisions have been made with a mindful note of expanding through 8th grade. Last year the Governing Board and school leadership created an ad hoc committee of board members, school leadership, staff, parents and community stakeholders for the preparation of the expansion into middle school. This group met and continues to meet once a week and considers curriculum, structure, operations and facilities.

The school has already been working with the landlord on a plan to expand grades and have added an additional suite to the rental property for this upcoming year, with the intent to purchase the entire building next year.

It is the intent of the Governing Board to apply for and to serve up to 700 elementary students and about 240 middle school students once the expansion is complete. However, the long term projected growth of the state of Georgia and Atlanta Metro Area may create the need for the elementary school to grow to a maximum of 1000 students and the middle school to grow to a maximum of 600 students. YHALE intends to do this through matriculation and a slow growth model to ensure fidelity; however, this is the stated intent of the board and they have been planning to do that since the completion of their original petition.

**Please describe how the applicant school/network will establish and maintain a racially and socio-economically diverse student population and endeavor to recruit faculty and staff who are similarly diverse.**

YHALE participates in community events that are family friendly and attract ethnically, racially, and socioeconomically diverse families. In addition to these activities, they utilize media sources that target Korean, Chinese and English-speaking markets to provide school information and marketing. Sometimes the school allows community groups to meet at the school or host events at the school.

Some of the school's major supporters include grocery chains and local markets that cater to a very wide variety of nationalities. These business owners and networks allow YHALE to reach out into several different minority communities. Although their contributions may not be financial, they are able to help YHALE communicate with dozens of different speaking language communities.

YHALE has a contact with every Korean speaking and Mandarin speaking media outlet in Georgia. YHALE does not necessarily need to purchase an ad to communicate with these communities. Many of the media outlets will instead write or post an article about what is happening in the YHALE world or make community announcements. YHALE also has an active network of community leaders and contacts in the Russian community, Thai community, Taiwanese community, Indonesian community, Vietnamese community and other East Asia and Southeast Asia diaspora.

In the past, media tools like WeChat and KakaoTalk have been incredibly powerful ways to quickly connect to non-English speaking communities.

Additionally, social media, the school's website and personal contacts of the school's supporters are all tools that are continually used. YHALE serves educational disadvantaged students known as Limited English Proficient Students and targets organizations and events where there may be immigrant families – in particular Korean and Chinese families because their preschool aged kids may only be speaking Korean and Chinese.

**Provide details about how the applicant school/network will maintain financial sustainability after the end of the subgrant period.**

YHALE has a robust fundraising program. The combination of the Governing Board's resource development and the Parent Teacher Organization has and will continue to provide a great deal of financial support for operational purchases and savings, which allows the school QBE revenue to more closely focus on the classroom. This factor will continue to be true after the subgrant period.

Whenever necessary, YHALE can also reach out to the many various East Asian and Southeast Asian companies in the Atlanta Metro Area and around Georgia for support. This method of financial support is not the front line of support like the parent groups are, but they provide a much appreciated safety net for YHALE. In an emergency, YHALE could tap into the Asian business network for financial support. It is the George Baily Effect (It's A Wonderful Life, 1939). This community will rally whenever necessary - in an emergency and very quickly - but YHALE is expected to work hard to establish itself well and be respectable in the eyes of the community. That means managing our finances wisely and well and being independently solvent. However, the community itself is our safety net.

YHALE just completed its 4th year of operation. The school remains fiscally sound with a healthy, strong reserve and experienced financial guidance. The subgrant will help support the school by purchasing items the school had already planned, budgeted and saved to pay off on its own means. The subgrant allows the school to maintain its reserve coffers for the proposed purchase of the facility more quickly and efficiently.

## Other Information - Uploads

Please provide the following documents/information by uploading them here.

**Please upload the applicant school/network's recruitment and enrollment policy and procedures. If the school is proposing use of a weighted lottery, please include the weighted lottery policy. All weighted lottery policies must be approved by the SCSF and the U.S. Department of Education as a condition of any CSP Subgrant.**

YHALE Enrollment Policy.pdf

**If necessary, please upload a second document.**

YHALE Lottery Policy.pdf

**Please upload the applicant school's retention and discipline policy.**

YHALE Retention and Discipline Policies.pdf

**Please upload how the applicant school has/will meet the educational needs of all students, including children with disabilities and English learners. For replication and expansion applicants, upload the percentage of students with disabilities and English learners who have been served over the last three (3) years by the applicant school.**

YHALE Special Population Information.pdf

**Please upload the charter contract with the authorizer and/or other document that includes the performance measures agreed to by the authorizer and school.**

Charter and CPF.pdf

**Please upload the applicant school's transportation plan.**

YHALE Transportation Plan.pdf

## Relationship with CMO/EMO

**Does the school have a relationship with CMO/EMO?**

No

## Additional Information for Replication & Expansion Applicants

Please describe how the applicant school meets the federal definition of "high-quality charter school" as described under ESEA § 4310 (8). Evidence of a high-quality charter school includes one or more of the following.

Choose yes for the one that applies and leave any that do not blank.

**State charter school has met expectations in all areas under the State Charter Schools Commission's Comprehensive Performance Framework (CPF) for at least three (3) of the four (4) previous years.**

**Locally-commissioned charter school has met authorizer expectations as described in the charter contract for academics and operations for at least three (3) of the four (4) previous years. The applicant must upload evidence of meeting authorizer standards, which may include copies of reports, screenshots of performance matrices, and/or a letter from the authorizer.**

**Locally-commissioned charter school has CCRPI metrics and/or Milestones results demonstrating high-quality academics for students. The SCSF must approve the evidence submitted and may request additional information.**

Yes

**Please upload evidence for meeting the definition of a "high-quality charter school."**

Milestones.pdf

**Please verify that the applicant school has not received a subgrant under this CSP grant (through the SCSF) for a 5-year period unless the applicant can prove three (3) years of improved educational results for enrolled students. Evidence of improved educational results may be uploaded.**

The school/network has not received a subgrant under this CSP in the last 5 years.

**Please upload policies for compliance with Georgia Open Meetings Act (O.C.G.A. § 50-14-1 et. Seq) and Open Records Act (O.C.G.A. § 50-18-70 et. seq) requirements. Provide links to the applicant school's website for meeting information and instructions for making open records requests.**

YHALE Open meetings open records.pdf

## Priorities

**Priorities Claimed**

None

## Assurances

The applicant charter school/network must agree to assurances related to the CSP SE Grant program and requirements set forth by the State Charter Schools Foundation of Georgia. The board chair must sign this document, and it should be uploaded below.

[Link to the Georgia CSP Subgrant Assurances](<https://drive.google.com/file/d/1MMz7OJ1UbTqfE6giNove2JBtWAdDqjD-/view?usp=sharing>)

**File Upload: CSP Subgrant Assurances**

CSP Subgrant Assurances.pdf

**Submission Date**

07/17/2024

**Applications: File Attachments**

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YHALE Open meetings open records.pdf

**File Upload: CSP Subgrant Assurances**

CSP Subgrant Assurances.pdf



## ELIGIBILITY

### **Residency Requirement**

All residents of the State of Georgia are eligible to enroll at Yi Hwang Academy of Language Excellence (YHALE).

### **Age Requirements**

– Applicants for kindergarten must be 5 years old on or before September 1 of that school year.

– Applicants for 1st grade must be 6 years old on or before September 1 of that school year. (regardless of completing Kindergarten at a private school).

## ENROLLMENT PROCESS

After an applicant is offered a seat, accepts that seat, and accepts his/her target language placement; applicants will be emailed the YHALE enrollment forms. (YHALE will also provide enrollment forms at the front desk of the school if an applicant cannot receive the forms in an email.) The online enrollment along with required enrollment documents must be received within the time frame stated on the enrollment email, or the student will forfeit his or her space and move to the end of the waitlist for his/her grade.

The online enrollment and its required enrollment documents must be submitted through YHALE's online enrollment portal (Infinite Campus) following the directions in the enrollment email. Documents should not be brought or mailed to the school unless directed by the Enrollment Specialist or other members of YHALE administration. All information provided in the enrollment process must be accurate, and documents must be correct, current, and unaltered. If parents knowingly provide false information or omit information, their student will be unenrolled.

## REQUIRED ENROLLMENT DOCUMENTS

1. Completed registration (online or paper form)
2. Birth certificate
3. Parent/guardian government issued photo identification
  - a. Parent identification must be consistent with the parent on the birth certificate.
  - b. Proof of custody or guardianship is required if the enrolling parent is not listed on the birth certificate.
4. Social Security card of the student (A parent or guardian who objects to the incorporation of the social security number into the school records of a child may

have the requirement waived by signing a statement objecting to the requirement-Social Security Waiver)

5. Signed Authorization to Release Records form (if applicable)

6. Certificate of Immunization (GA Form 3231 completed by GA Health Dept or a GA licensed physician)\*

7. Certificate of Vision, Hearing, Dental & Nutritional Screening (GA Form 3300 (all 4 sections completed))\*

8. Two (2) Proofs of Georgia Residency\*

a. A lease, deed, or mortgage statement AND

b. Other address verification showing the same parent name and address

i. A current utility statement, such as electric, water, gas, or cable OR

ii. Valid Georgia driver's license

9. If applicable, student's most recent IEP, 504, gifted, or EIP documentation

**\* Parents have 30 days from the first day of school to turn in Georgia Form 3231 & 3300.**

**\* Residency Notes:**

– Ownership of property/land with stated intent to build and use as primary residence is insufficient to establish Proof of Residency.

– Parents or guardians who live in a residence but do not own or lease the residence will be required to complete a notarized Affidavit of Residence. The parent/guardian and the adult owner/lessee of the residence will both be required to complete the form, attesting that the student does indeed reside there. The parent/guardian will also need to provide evidence that they do live at the specified residence, as detailed on the affidavit.

*YHALE enrollment is considered complete only when the Language Acknowledgement Form, enrollment form, and all required enrollment documents are received.*

## GENERAL INFORMATION

- The Initial Application Period opens on the first school day of the second semester each year.
- March 15th is the due date for applications to be included in the lottery.\*
- Unless the number of timely applicants exceeds the number of seats in any particular grade, all eligible students with complete and valid applications received between the first school day of the second semester and March 15 will be permitted to enroll at YHALE.
- If the number of applications received exceeds the number of available seats for a grade, a lottery will be conducted to determine which applicants are offered a seat and which applicants will be placed on the waitlist.
- To be considered for the lottery, a student's application must be received prior to the Application Period deadline (11:59 PM on March 15).
- All applications received after March 15 will be offered a seat on a first come first serve basis. If all seats within a grade are filled, applications received after March 15 will be added to the end of the appropriate grade waitlist in the order in which they are received.
- Applicants will be notified of their admissions status when and if it changes.  
*\*If March 15th falls on a weekend or holiday, then the due date will be the next weekday.*

## APPLICATION SYSTEM

- YHALE utilizes Lotterease, a school application software, to accept and manage new student applications and the lottery each year.
- Lotterease securely maintains data and ensures the integrity of the lottery and any waitlists. When applying to YHALE, parents will create an account with Lotterease. Parents will have the ability to check the status of their application, determine waitlist position, and view application history at any time by logging in to their Lotterease account.
- If parents do not have internet access, they may call the school to inquire about such information.

## LOTTERY

- If a lottery is necessary for any particular grade (if the number of applications exceeds the number of available seats within a grade), the lottery will take place online, via Zoom on March 20.\* Parents may also come to the school at the time of the lottery if they do not have internet access.

- The lottery event is open to the public, and all qualifying applicants will be notified of the date and time of the lottery via email and web posting. YHALE utilizes Lotterease to conduct an automated lottery.
- It is not necessary for an applicant or his/her parent/guardian to be present at the lottery for an applicant to participate in the lottery or to be offered a seat at YHALE.
- Lotterease will notify applicants the results of the lottery via email.
- Parents can also check their applicant's status by logging into their Lotterease account for real time status.
- Parents may also call the school for their applicant's status.
- Applicants have 5 days in which to accept or decline their offered seats (by March 25).\*

*\* March 20th is the day the lottery is held every year. If March 20th falls on a weekend or holiday, then the lottery will be held on the next weekday.*

*\* March 25th is the deadline to accept an offered seat at YHALE. If March 25th falls on a weekend or holiday, then the deadline will be the next weekday.*

### **Lottery Preferences**

In accordance with O.C.G.A. § 20-2-2066(a)(1)(A) and SCSC Rule 691-2-.05, YHALE will give an enrollment preference to the following categories of applicants and in the following order of priority, while the lottery is running:

– Preference for seats within kindergarten will be given, in order, to the following categories of students:

1. Children of Governing Board Members and Staff Members
2. Siblings of Returning Enrolled Students

– Preference for seats within all other grades will be given, in order, to the following categories of students:

1. Returning Currently Enrolled Students
2. Children of Governing Board Members and Staff Members
3. Siblings of Returning Enrolled Students

Returning currently enrolled students (Priority 1) will fill seats first for 1st grade through 6th grade. Returning students are guaranteed a seat in the next grade so long as they submit an Intent To Return Form by the due date determined each year by administration.

Once all returning students have claimed their seats, Priority 2 applicants will be placed in available seats. Then Priority 3 applicants will fill available seats. If there are more applicants than available seats by the time seating occurs for applicants in Priority 2 or Priority 3, then those applicants will be placed in a lottery within their respective Priority Group to determine which students will be offered a seat and which students will be placed on the waitlist. Then applicants in the subsequent priority level, in order of priority level, will be placed in a lottery within their priority group which will determine each applicant's placement on the waitlist.

## **SEATS AVAILABLE FOR EACH CLASS**

The number of seats available during the lottery will be based on the approved class size and number of classes offered for each grade. The approved cap on class size for kindergarten at YHALE is 20 students. The approved cap on class size for 1st grade through 6th grade at YHALE is 25.

## **WAITLIST PROCESS**

- Applications received after the Application Period will be placed at the end of the waitlist for each grade that is generated by the lottery, in the order in which they were received.
- If a grade is not at capacity at the end of the lottery, additional, qualified applicants may be offered seats in the order their applications are received. Applicants in the 2nd grade through 5th grade need to pass the target language screening test before their application can be properly submitted.
- If additional seats become available after the lottery, the seats will be filled by the applicants from the waitlist, in numerical order determined by the lottery.
- If there is no waitlist for any particular grade, then seats that become available after the lottery will be offered to the earliest properly submitted application received after the lottery.

## **TARGET LANGUAGE PLACEMENT NOTIFICATION**

### **Target Language Preference Survey**

YHALE offers two target languages: Korean and Mandarin Chinese. A language preference survey will be included on the application form. Applicants will indicate their top language preference of the two offered languages or may indicate that they have no preference between the two languages. Target language preference on the survey does not have any impact whatsoever on the seats that are offered or the outcome of a lottery if one is necessary.

### **Target Language Acceptance Form**

YHALE will notify applicants of their target language placement and will send a Language Acceptance Form via email. Applicants have 3 days to accept their target language.

On the Target Language Acceptance Form, a parent must choose one of the following:

1. Accept the target language placement.
2. Decline the target language placement, and request for their student to be placed at the end of the waitlist for his/her grade.
3. Decline the target language placement, and withdraw their application to YHALE.

*\*\*If an applicant does not respond to his/her target language placement, it will be assumed that the applicant accepts his/her placement.*

If/when a seat becomes available after all applicants have accepted their target language placement, the seat (and its corresponding target language placement) will be offered to the next applicant on the waitlist, and a Target Language Acceptance Form will be sent to the applicant. This process continues until all seats have been filled.

***Please note, there are no language-specific waitlists.***

# YHALE: YI HWANG ACADEMY OF LANGUAGE EXCELLENCE

Type:	Procedure/Policy
NEPN Code:	I KE
Title:	Promotion and Retention Policy

The Yi Hwang Academy of Language Excellence Governing Board (“Board”) adopts the following policy which shall be effective on the date that the policy is adopted by the Board. If applicable, once adopted this policy replaces any previously approved school policy currently in place that provided direction on the items in this policy.

The Yi Hwang Academy of Language Excellence will comply with the State of Georgia requirements of promotion, placement and retention of students. (State policy 160-4-2-.11) This policy applies to students in grades K - 6 to help assure that promotion, placement and retention criteria will be consistently addressed.

## SECTION 1. DEFINITIONS.

1. Accelerated instruction – challenging instructional activities that are intensely focused on student academic deficiencies in reading and/or mathematics. This accelerated instruction is designed to enable a student who has not achieved grade level, as defined by the Governor’s Office of Student Achievement, to meet grade level standards in the shortest possible time.
2. Additional instruction – academic instruction beyond regularly scheduled academic classes that is designed to bring students not performing on grade level, as defined by the Governor’s Office of Student Achievement, to grade level performance. It may include more instructional time allocated during the school day, instruction before and after the school day, Saturday instruction, and/or summer/intersession instruction.
3. Differentiated instruction – instructional strategies designed to meet individual student learning needs.
4. Early Intervention Program (EIP) – A program designed to support students in need of additional support in both reading and mathematics.
5. Grade level – standard of performance, as defined by the Governor’s Office of Student Achievement, on a state-adopted assessment.
6. Placement – the assignment of a student to a specific grade level based on the determination that such placement will most likely provide the student with instruction and other services needed to succeed and progress to the next higher level of academic achievement.
7. Placement committee – the committee established by the Principal or designee to make placement decisions concerning a student who does not achieve proficiency on the state-adopted assessment. This committee shall be comprised of the Principal or designee, the student's parent or guardian, and the teacher(s) in the content area(s) in which the student did not achieve grade level on the state-adopted assessment.

8. Promotion – the assignment of a student to a higher grade level based on the student's achievement of established criteria in the current grade.
9. Response to Intervention (RtI) - A practice of academic and/or behavioral interventions designed to provide early, effective assistance to underperforming students. Researched-based interventions are implemented, and frequent progress monitoring, as needed, is conducted to assess student response and progress. The student's response is used as feedback to more accurately target interventions. When students do not make progress, increasingly more individualized interventions are introduced.
10. Retention – the re-assignment of a student to the current grade level during the next school year.

### SECTION 2. PROMOTION, PLACEMENT, AND RETENTION REQUIREMENTS FOR KINDERGARTEN:

1. State rules and regulations, as well as YHALE requirements, will be followed regarding assessment procedures and criteria used to determine the readiness of a kindergarten student for first grade. Multiple, state approved, sources of data will be used to identify each student's strengths and needs, determine the appropriate placement for each student, and to assist with the design of appropriate instructional programs and teaching methods.
2. Georgia Board of Education and YHALE policy will be followed when assessing the readiness of students who are not enrolled in the school's kindergarten programs but who wish to enroll in one of the YHALE's first grade programs. Good cause exemptions may be considered; however, social-emotional or physical development should not be used as the sole criteria for retention or placement.
3. All or part of the following indicators shall be considered for kindergarten promotion:
  - a. Readiness level as established by the results of the state assessment;
  - b. Readiness level as indicated on the student report card; and
  - c. Teacher recommendation for promotion.
4. Placement decisions will be made on an individual basis. If a student is retained in kindergarten, written documentation of evidence supporting the decision will be filed in the student's permanent record.
5. Every effort should be made to consult with the child's parent(s)/guardian(s) about the placement; however, the Executive Director will have the final authority for placement decisions. The student's parent(s)/guardian(s) will be notified of the final placement decision via telephone and/or in writing and such notification will be documented in the students file.
6. Students who spend a second year in kindergarten will be provided accelerated, differentiated and/or additional instruction. No student will be retained in kindergarten more than once.
7. In general, no student should be retained without being a part of an intervention process, which may include: identification, assessment, analysis of results, intervention strategies, parental notification and progress monitoring.



SECTION 3. PROMOTION, PLACEMENT, AND RETENTION REQUIREMENTS FOR GRADES K through 6:

1. Promotion:

- Students must have no more than 10 unexcused absences for the school year
- Students must pass Math and Reading/ELA classes

In addition, all or part of the following indicators shall be considered:

a. Grades K, 1, and 2:

- (1) Readiness level as established by the results of the appropriate state-adopted assessment in the areas of reading and/or mathematics.
- (2) Readiness level as indicated on the student report card.
- (3) Teacher recommendation for promotion.

b. Grades 3, 5 and 6:

- (1) Readiness level as established by the results of the appropriate state-adopted assessment in the area of reading for grade 3 and reading and mathematics for grade 5 and 6.
- (2) Readiness level as indicated on the student report card.
- (3) Teacher recommendation for promotion.
- (4) Clear demonstration of grade level competency in mathematics and reading.
- (5) Third, fifth and eighth grade students will be retained if the student scores lower than “Developing Learner” on the Georgia Milestones assessment provided however, that the student may be promoted to the next grade if the student scores “Developing Learner” or above on a second administration of the assessment.

c. 3rd through 6th Grades:

- (1) Students must have a final passing grade of 70 or above in all classes (Math, English, Science, Social Studies, and Spanish).
- (2) Students must reach mastery of school identified key standards in each of the DLI areas.

2. Placement/Retention:

a. The Principal or designee shall implement a process to:

(1) Determine whether each student shall be retained or placed based on a review of the overall academic achievement and any reasons for suggesting a good cause exemption. Factors to be considered include, but are not limited to:

- (a) Standardized test scores
- (b) Learning ability of student;
- (c) Previous interventions (including Rtl);
- (d) Previous retentions;
- (e) Age and maturity of student;
- (f) Attendance;
- (g) Teacher recommendation.
- (h) Benchmark scores

(2) Develop/revise an accelerated, differentiated, and/or additional instructional plan for each student who does not earn promotion;

b. Retention of students should be made at the lowest level.

- c. The Principal or designee shall annually notify the parent(s)/guardian(s) that promotion, placement, or retention of a student into a grade, class, or program will be based on the student's academic achievement.
  - d. Placement decisions will be made on an individual basis. If a student is retained, written documentation of evidence supporting the decision will be filed in the student's permanent record.
  - e. If placement or retention is recommended, the Principal or designee will consult with the child's parent(s)/guardian(s). The Executive Director will have the final authority regarding placement and retention decisions. The student's parent(s)/guardian(s) will be notified of the final decision.
  - f. In general, no student should be retained without being a part of an intervention process, which may include: identification, assessment, analysis of results, intervention strategies, parental notification and progress monitoring.
3. Retention Limitations: No student will be retained more than once in grades K through 5 and no more than once in grades 6.

#### SECTION 4. RETENTION OF A STUDENT WHO HAS EARNED PROMOTION IN GRADE 6, 7 and 6:

In order for a student who has earned promotion in grade 6 to be retained, written documentation shall be maintained in the student's permanent record and shall include the following information:

1. A parent/guardian written statement outlining the reasons for requesting the retention and/or a school-initiated written request with accompanying written approval of the request by the parent/guardian;
2. Statement from two professional sources from outside the student's school justifying the retention for educational reasons; and
3. Written approval of the retention request and justification of the retention for educational reasons by the Principal and two teachers who have taught the student.

#### SECTION 5. STUDENT SUPPORT, TESTING AND NOTIFICATION REQUIREMENTS FOR GRADES 3, 5 and 6:

##### 1. Identification:

Any third grade student that scores below grade level reading or fifth and eighth grade student that scores below grade level in mathematics and/or reading, as measured using multiple assessments (e.g. nationally normed standardized assessments, DRA, classroom assessments, etc.) administered each fall, will be identified as needing specific interventions to improve the student's performance.

##### 2. Interventions:

An intervention process will be put in place for support of students identified below grade level in mathematics and/or reading. This process includes: identification, assessment, analysis of results, intervention strategies, parental notifications, and progress monitoring. If the student's math and/or reading level shows improvement, the strategies may stay the same, continue or discontinue. If the student is not responding more intensive strategies for improvement may be applied. Interventions may include, at the discretion of the local school:

- a. Additional instruction;
- b. Differentiated instruction; and/or
- c. Early Intervention Program (EIP and REP).

### 3. Notification to Parents:

- a. Reasonable efforts should be made to keep parents informed and active in their child's education. When the student is identified as performing below grade level, parents/guardians should be notified.
- b. Parents/guardians should also be notified that if these interventions do not yield performance that clearly demonstrates that the student has made enough progress to be considered on grade level by the end of the school year, the student may be retained.

### 4. Parent Appeal:

If a student fails to score "Developing Learner" or above on a second administration of the assessment a parent, guardian, or teacher can appeal the decision to retain the student, and the school must convene a placement committee to determine the student's grade placement in the next school year. The committee decision to promote should be unanimous, if not the scholar will be retained. If a unanimous decision is made to place a scholar in the next grade, the decision should be based on solely the team's consideration that given appropriate interventions (and the implementation of a plan) the scholar should master the next grade level standards by the end of the following year.

## SECTION 6: STUDENTS WITH DISABILITIES

YHALE provides additional considerations for students with special needs as outlined in YHALE's General Supervision and Monitoring Manual Section II.7.c

### Legal Reference

- O.C.G.A. 20-2-282 Georgia Academic Placement and Promotion Policy
- O.C.G.A. 20-2-283 Georgia Academic Placement and Promotion Policy-Criteria; specific requirements for students in grades three, five and eight; implementation
- O.C.G.A. 20-2-283 Rule 160-4-2-.11
- O.C.G.A. 20-2-284 Criteria for local boards of education; model placement and promotion policy
- O.C.G.A. 20-2-2162 Military children; placement based on current educational assessments; subsequent evaluations
- O.C.G.A. 20-2-281 Assessment of effectiveness of educational programs
- O.C.G.A. 20-2-285 Placement and Promotion policy - implementation timetable Rule 160-3-1-.07 Testing Programs- Student Assessment Rule 160-4-2-.11 Promotion, Placement, and Retention Rule 160-5-1-.18



**YI HWANG ACADEMY**  
*of* **LANGUAGE EXCELLENCE**

Yi Hwang Academy of  
Language Excellence  
(YHALE)

**Student Code of Conduct &  
Discipline Handbook 2023-2024**

**For Students, Parents & Staff**

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YHALE fosters a community of diversity, acceptance, and non-discrimination. The YHALE Governing Board requires full compliance with all federal and state non- discrimination laws, including, but not limited to the following: Title VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Equal Pay Act of 1963, Pregnancy Discrimination Act, Age Discrimination Act of 1975 (Age Act), Age Discrimination and Employment Act (ADEA), Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, Boy Scouts of America Equal Access Act of 2001, and Public Law 101-476, Individuals with Disabilities Education Act (IDEA).

These laws prohibit, and YHALE forbids, discrimination on the basis of age, race, color, national origin, religion, sex, disability, pregnancy, and veteran status in all school programs and activities. This includes academic, extracurricular, athletic, and other school programs, as well as during field trips, and in school classes or training programs that take place off school grounds. Sexual harassment is a form of sex discrimination prohibited by Title IX. The District is committed to upholding these laws and takes discriminatory behaviors seriously.



## Teacher Reporting Information

A teacher has the authority, consistent with Governing Board policy and applicable law, to manage his or her classroom, discipline students, and refer a student to the Principal, Campus Director, or designee to maintain discipline in the classroom.

Any teacher who has knowledge that a student has exhibited behavior which violates the student code of conduct and repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of such student's classmates to learn should file a report of such behavior with a member of administration or designee. The administrator and teacher should thereafter follow the procedures set forth in Georgia law, specifically O.C.G.A. 20-2-737-738.

Student behavior which violates state or federal laws as specified in O.C.G.A. 20-2-1184 will result in a report being filed with the police and district attorney.

The Principal, Campus Director, and/or designee shall develop procedures and guidelines as necessary for implementation of this policy and law.

## Reporting Inappropriate Behaviors

The Governing Board adheres to the requirements found in O.C.G.A. § 20-2-751.7 and the Professional Standards Commission's state mandated process for students to follow reporting instances of alleged inappropriate sexual behavior by a school employee. Any student (or parent or friend of a student) who has been the victim of an act of abuse, sexual abuse, sexual misconduct, or other inappropriate behavior by a teacher, administrator, or other school system employee is urged to make an oral report of the act to any teacher, counselor, or administrator at his/her school.

Pursuant to O.C.G.A. § 19-7-5, if a student has allegedly been abused, a report of such allegation will be made immediately.

Any report of behavior contemplated in O.C.G.A. § 20-2-1184 will be made to the Governing Board and Principal. The Board, Principal, or designee will report the matter to its legal counsel.

## Student Discipline and Code of Conduct

A well-disciplined school promotes the ideal of each student working toward self-management and controlling his or her own actions. At the same time, YHALE recognizes that adult intervention is both desirable and necessary.

Schools have the goal of helping each student to learn appropriate behavior as he or she develops into a mature member of society. Social, emotional and life skills help students develop into mature members of society by providing the following benefits:

- Promotes character development through the exploration of ethical issues
- Develops a positive and moral climate by engaging the participation of students, teachers, and staff, parents and communities.
- Teaches students how to solve conflicts fairly, creating safer schools that are free of intimidation, fear and violence and are more conducive to learning.

The following character traits are essential for students to be competitive locally, nationally, and internationally. These traits should be modeled and maintained by adults and students. This student code of conduct is developed to meet these purposes.

**Respect** - Showing high regard for self, others and property.

**Responsibility** - Being accountable for individual behavior that is positive and contributes to a conducive learning environment

**Honesty** - Being truthful in word and action.

**Caring** - Showing concern for the well-being of others.

**Fairness** - Demonstrating impartial, unbiased and equitable treatment for all.

**Citizenship** - Being an informed, responsible and caring participant in the community.

**Courage** - Intentionally/deliberately doing the right thing in the face of difficulty regardless of who is around.

**Perseverance** - Staying the course and not giving up while maintaining a positive attitude in completing tasks.

Many discipline problems can be minimized through prevention. Problem behavior should be handled quickly and decisively as teachers and administrators intervene and restore a supportive learning atmosphere. To maintain a positive school climate, the Governing Board, the Principal, and/or their designees have established this code of conduct governing student behavior and discipline. Compliance with these requirements is mandatory. Parents and students will annually receive a summary of these discipline guidelines outlining standards of conduct, means of reporting misconduct, and possible disciplinary sanctions.

## **Positive Behavioral Support**

A variety of resources are available at YHALE to help address behavioral problems. The school discipline process should include appropriate consideration of support processes to help students resolve such problems.

YHALE shall make reasonable efforts to correct student misbehavior through school-based resources at the lowest possible level, and to support students in learning the skills necessary to enhance a positive school environment and avoid negative behavior. Positive behavior supports and interventions shall be implemented to improve the learning environment by improving student behavior and discipline. Behavior supports and interventions may include, but are not limited to, working with the Principal and/or Campus Director, counseling with school counselor, special education teacher, and other staff, behavior, and attendance and academic contracts or plans.

Parents, guardians, teachers, administrators and other staff are expected to work together to improve and enhance student behavior and academic performance and should freely communicate their concerns about, and actions in response to student behavior that detracts from the learning environment.

## **Investigation**

When an administrator receives information of an alleged disciplinary rule violation, he/she should conduct an investigation to determine whether the charge or complaint has a basis in fact. Such investigation may include, but not necessarily be limited to, an interview with the charged student or students, interviews with witnesses, if any, and an examination of any relevant documents, including written statements from teachers, staff, and student witnesses. Based on the evidence available, the administrator will determine whether a disciplinary rule(s) was violated.

## **Searches**

School officials are authorized to conduct reasonable searches of students, staff, and visitors pursuant to applicable law. When reasonable suspicion exists, school officials may search students whom they believe have either violated a particular law or rules of the school. The scope of the search will be reasonably

related to the purpose of the search and not excessively intrusive in light of the age and gender of the student and the nature of the suspected infraction.

School computers, devices, and school technology resources are not private and are open to school review at any time.

Student lockers, desks and all school and classroom storage areas are school property and remain at all times under the control of the school. These areas are not private. Periodic general inspections of these areas may be conducted by school authorities for any reason at any time without notice, and without student consent.

If a search yields illegal or unauthorized materials, such materials should be turned over in person to the Principal, Campus Director, and/or proper legal authorities for ultimate disposition.

## **Disciplinary Consequences**

Once it has been determined that a rule(s) was violated, the Principal, Campus Director, or designee will afford the student oral or written notice of the charges. If the student denies the charges, he/she shall be given an explanation of the evidence the school authorities have and an opportunity to present his/her side of the story.

The administrator will follow a progressive discipline process. The degree of discipline to be imposed by each school administrator will be in proportion to the severity of the behavior of the particular student and will take into account the student's discipline history, the age of the student and other relevant factors. Disciplinary consequences may include local interventions, in-school suspension (ISS), short-term suspension, long-term suspension, expulsion and/or referral for a disciplinary hearing. Disciplinary hearings may result in long-term suspension, expulsion, or permanent expulsion from YHALE.

In addition to discipline, behaviors may also be reported to law enforcement at the Governing Board's discretion and as required by law, including O.C.G.A. §§ 20-2-1184 and 19-7-5. Major offenses including, but not limited to, drug and weapon offenses, can lead to schools being named as an Unsafe School according to the provisions of State Board Rule 160-4-8-.16.

## **Suspensions/Expulsion**

If a student is removed from regular class assignments for more than one-half of the school day, written notice of this assignment to in-school suspension (ISS) must be sent to the parent. The student's parent/guardian should be notified of in-school suspension and out-of-school suspension (OSS) as soon as possible. This notification should be confirmed in writing no later than two school days after the suspension begins. This notification should contain the charges, a description of the alleged acts, and the number of days and dates of the suspension. The written notification should be delivered to the student's parent/guardian either in person, by email, or by first class mail to the last known address of the parent/guardian. If notification is delivered in person, a written confirmation of delivery should be obtained.

Students under suspension or expulsion shall not participate in or attend school activities on or off campus or be present at YHALE without permission.

If less than the number of suspended days remains in the complete grading period or regular school year, the suspension/expulsion will continue into the next regular school year or complete grading period.

Even though there are generally no appeal rights guaranteed by law for students on short-term suspension (10 days OSS or less), the parent/guardian may contact the Principal or Campus Director to discuss their child's discipline.

If the school recommends OSS for more than 10 school days, a disciplinary hearing is required and will be offered. Suspension days for any student with an Individual Education Plan (IEP) or Section 504 Plan

should conform to applicable legal requirements (including any legal limitations of cumulative suspension days).

### **Chronic Disciplinary Problem Student**

A "chronic disciplinary problem student" is defined by law as a student who exhibits a pattern of behavioral characteristics which interfere with the learning process of students around him or her and which are likely to recur. Any time a teacher or administrator identifies a student as a chronic disciplinary problem student, the administrator shall inform the parent or guardian of the student's disciplinary problem. Notification shall be by either first-class mail or certified mail with return receipt requested and email and/or telephone call.

Administration shall request that at least one (1) parent or guardian attend a conference with the Principal, Campus Director, and/or teacher. The purpose of the conference shall be to devise a disciplinary and behavioral correction plan.

Before any chronic disciplinary problem student is permitted to return from suspension or expulsion, YHALE will request by email, telephone call or by either certified mail with return receipt requested or first-class mail that at least one (1) parent or guardian schedule and attend a conference with the Principal, or Executive Director's designee, to devise a disciplinary and behavioral correction plan. At the discretion of the Principal, a teacher, counselor, or other person may attend the conference. The Principal will note the conference in the student's permanent file. Failure of the parent or guardian to attend shall not preclude the student from being readmitted to the school.

YHALE may, by petition to the juvenile court, proceed against a parent or guardian of a chronic disciplinary problem student if YHALE personnel believe the parent or guardian has willfully and unreasonably failed to attend a conference requested by a member of YHALE administration.

### **Teacher Removal of Student (TROS)**

O.C.G.A. § 20-2-738 provides that a teacher may remove from class a student who repeatedly or substantially interferes with the teacher's ability to conduct instructional activities or when the student poses an immediate threat to the safety of the student's classmates or the teacher. The student's behavior must be a violation of the student code of conduct. Also, if the removal is based upon repeated or substantial interference with instruction, the teacher must have previously reported the student to the school administration using the appropriate YHALE form. For a student with an active Individual Education Plan (IEP), or Section 504 plan, the removal from class must be consistent with state and federal regulations.

Once a school administrator confirms with the teacher that a removal is in effect, the administrator will tell the student the grounds for his/her removal from class and give the student the opportunity to admit or deny and explain the Code of Conduct rule violation(s) that are the ground(s) for the removal. At this point, the administrator has the responsibility to find a temporary alternate placement for the student until the Placement Review Committee (PRC) made up of three (3) YHALE personnel convenes to determine whether to return the student to the referring teacher's classroom or not return the student to the referring teacher's classroom and refer the student to the school administrator for appropriate permanent alternate placement for his/her educational experience.

If the decision of the PRC is to return the student to the referring teacher's classroom, the administrator will facilitate this return and may assign the student discipline or support services for any Code of Conduct violation(s) which occurred. If the decision is not to return the student to the referring teacher's classroom, the administrator shall determine and implement appropriate placement for the student and may assign discipline and support services. Alternate placement for the student may include, but is not limited to, the following: placement in another appropriate classroom, in-school suspension, out-of-school suspension of not more than ten (10) days, or any combination of these and return the student to the class from which he/she was removed upon completion of any disciplinary or placement action taken.

It should be noted that the Governing Board fully supports the authority of the Principal, Campus Directors, and teachers at YHALE to remove a student from the classroom pursuant to O.C.G.A. § 20-2-738.

## **Attendance**

Regular attendance in school is important for a student to make adequate academic progress. When a child is absent, parents, guardians, or other persons who have control of a child enrolled at YHALE should report reasons for absences according to the Parent & Student Handbook. Georgia compulsory attendance law requires that after any student accrues five (5) days of unexcused absences in a given school year, the person, guardian, or other person who has control or charge of said child shall be in violation of O.C.G.A.

§ 20-2-690.1(b) and the child will be considered truant. The law also places notice requirements on Georgia school systems. The law provides for the penalties and notice as discussed below:

- Any parent, guardian, or other person residing in this state who has control or charge of a child or children and who violates this Code section shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine not less than \$25.00 and not greater than \$100.00, or imprisonment not to exceed 30 days, community service, or any combination of such penalties, at the discretion of the court having jurisdiction. Each day's absence from school in violation of this part after the child's school system notifies the parent, guardian, or other person who has control or charge of a child of five (5) unexcused days of absence for a child shall constitute a separate offense. After two (2) reasonable attempts to notify the parent, guardian, or other person who has control or charge of a child of five (5) unexcused days of absence without response, the school system shall send a notice to such parent, guardian, or other person by certified mail, return receipt requested. Public schools shall provide to the parent, guardian, or other person having control or charge of each child enrolled in the public school a written summary of possible consequences and penalties for failing to comply with compulsory attendance under this Code section for children and their parents, guardians, or other persons having control or charge of children. By September 16 of each school year or within 30 days of the student's enrollment in a school system, the parent, guardian, or other person who has control or charge of a child or children shall sign a statement indicating receipt of such written statement of possible consequences and penalties; children who are ten (10) years or older by September 1 shall sign a statement indicating receipt of such written statement of possible consequences and penalties.
- After two (2) reasonable attempts by the school to secure such signature or signatures, the school shall be considered to be in compliance with this subsection if it sends a copy of the statement, via certified mail, return receipt requested, or first-class mail, to such parent, guardian, or other person who has control or charge of a child, or children. YHALE shall retain signed copies of statements through the end of the year.
- As stated in O.C.G.A. § 20-2-690.1(c), the Governing Board is entitled to file proceedings in court to enforce attendance requirements. A truant student may also face disposition as an unruly child pursuant to O.C.G.A. § 15-11-67.
- Schools shall notify parents of students 14 years of age or older when the student has accumulated seven (7) unexcused absences during the school year.

## **Part I: Disciplinary Rules**

The following code provisions apply to student behavior AT ANY TIME while on school property, engaging in or attending a school-sponsored event, while using school technology resources or, in some cases, off-campus (see Rule 21). The decision to charge a student for violation of this Code of Conduct shall be made by YHALE administration.

### **Definitions:**

- "Administrator" means the Principal, Campus Director, or other designated person to whom authority has been delegated.
- "Board" means the YHALE Governing Board of Directors.

- “Chair” means the chair of the Governing Board of Directors or another member of the Board who has been designated as acting chairman or president for the purpose of these rules.
- “Expulsion” means suspension or expulsion of a student from school beyond the current school quarter or semester.
- “Disciplinary Hearing Officer or Hearing Officer” means the individual(s) appointed to conduct a Disciplinary Hearing. Heather Robinson serves as the credentialed YHALE hearing officer.
- “Long-Term suspension” means the suspension of a student from school for more than ten (10) school days, but not beyond the current school quarter or semester.
- “Parent” means the student’s natural parent or court approved legal guardian.
- “Permanent expulsion” means expulsion from YHALE for the remainder of the student’s eligibility to attend school pursuant to Georgia law.
- “School property” includes, but is not limited to:
  1. The land and improvements which constitute the school;
  2. Any other property or building where any school sponsored/sanctioned function or activity is conducted;
  3. Any bus or other vehicle used in connection with school functions and activities, including but not limited to, school buses, buses leased by YHALE, and privately-owned vehicles used for transportation to and from school activities;
  4. En route to and from school
- “School technology resources” includes, but is not limited to:
  1. Electronic media systems such as computers, electronic networks, messaging, website publishing, Google Classroom, etc. and
  2. The associated hardware and software programs used for purposes such as, but not limited to, developing, retrieving, storing, disseminating, and accessing instructional, educational, and administrative information.
- “Short-Term suspension” means the suspension of a student from school for ten (10) school days or less.
- “Teacher” means a classroom teacher, counselor, school assistant, substitute teacher, or a student teacher who has been given authority over some part of the school program by the Principal, Campus Director, or a supervising teacher.
- “Detention” by a teacher or an administrator requires a student to be at school for a limited period of time other than normal school hours or days. The student’s parent or legal guardian should be notified at least on the day prior to the serving of detention.
- “Local school interventions” include the use of student and/or parent conferences, student court, mediation, detention, in-school suspension, out-of-school suspension, and forfeiture of the privilege of participation in extracurricular activities. (See also “Part III: Tiered Offenses and Disciplinary Responses)
- “Timeout” includes the removal of a student from his/her class by the Principal, Campus Director, or a designee. The timeout is served in a cool-down location supervised by appropriate school personnel in a room on the school premises other than the student’s classroom for less than one-half day depending upon the nature of the behavior and the age/grade of the student.
- “In-school suspension” is the removal of a student from his/her class for at least half a school day by the Principal, Campus Director, or a designee and assignment to a location supervised by appropriate personnel in another room on the school premises for a period not exceeding ten (10) consecutive school days. A student assigned to in-school suspension will be permitted to work on classroom assignments and will be counted present on the attendance register. If a student is removed from regular class assignments for more than one-half of the school day, written notice of this assignment to in-school suspension must be sent to the parent. A copy of the written notice (“suspension letter”) must also be sent to the Director of Special Education if the student has an Individual Education Plan (IEP) and the school social worker should be sent a copy of all suspension letters. The letter should clearly indicate that the suspension is “in-school.” The administrator should make every effort to have a conference with the parent(s) and student before, or at the time the student returns to regular classes.

## Disciplinary Rules and Related Character Traits

The following behaviors, listed as “rules” below, are violations of this Code of Conduct:

Rule	Description	Related Character Trait(s)
1	Disruption and Interference with School	Responsibility, Respect, Citizenship
2	Damage, Alteration, or Theft of School Property or Private Property	Responsibility, Respect, Citizenship
3	Unauthorized Entry/Trespassing	Citizenship, Respect
4	Assault or Battery to a School Employee	Responsibility, Respect, Caring
5	Assault or Battery by a Student to any Person (Other than a School Employee)	Responsibility, Respect, Caring
6	Harassment, Bullying and other Derogatory Behavior	Respect, Caring, Fairness, Courage
7	Insubordination	Responsibility, Respect, Perseverance
8	Misrepresentation	Honesty
9	Honor Code Violation	Honesty
10	Weapons and Dangerous Instruments/ Hazardous Objects/Unauthorized Items	Responsibility, Caring
11	Alcohol and Other Drugs/Psychoactive Substances	Responsibility, Citizenship
12	Attendance	Responsibility, Citizenship, Perseverance
13	Dress and Grooming	Responsibility, Respect
14	Tobacco Use/Cigarette Products	Responsibility, Citizenship
15	Gambling	Responsibility
16	Sexual Harassment	Respect, Caring
17	Sexual Misconduct/Sexual Offenses	Respect, Caring
18	Technology Offenses	Respect, Honesty, Citizenship
19	Gang Related Activity	Responsibility, Caring, Fairness
20	Off-Campus Misconduct	Responsibility, Citizenship
21	Encouraging Violations of Code of Conduct	Responsibility, Respect, Caring

### Rule 1. Disruption and Interference with School

- a. Occupying or blocking any school building, part of school grounds, entrance, exit, or normal pedestrian/vehicular traffic on school grounds or adjacent grounds so as to deprive others of access;
- b. Use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, false statements, or any other conduct that causes, may cause, or attempts to cause the disruption of any mission or function of the school or poses a threat to the health, safety and/or welfare of students, staff or others;
- c. Threatening to plant a bomb or falsely informing others that a bomb or other explosive has been planted on school property or at a school-sponsored event. The local police shall be notified of such incidents;

- d. Threatening to harm others by shooting or other means or falsely informing others that harm will occur on school property or at a school-sponsored event. The local police shall be notified of such incidents;
- e. Pulling a fire alarm without authorization or without the belief that a true emergency exists. (See Rule 8 for false fire alarm report);
- f. Engaging in horseplay or rough or boisterous activities. School administrators will use discretion in determining acts of horseplay/rough or boisterous activities as opposed to other prohibited activities, such as intentional physical contact; or
- g. Engaging in amorous kissing or similar public or other displays of affection (PDA).

## **Rule 2. Damage, Alteration, or Theft of School Property or Private Property**

- a. Causing or attempting to cause damage to or deface school or private property;
- b. Altering or attempting to alter school or private property
- c. Setting fire to or attempting to set fire to school or private property;
- d. Stealing or attempting to steal school or private property;
- e. Stealing or attempting to steal anything of value under confrontational circumstances by force or threat of force or violence and/or by putting the victim in fear; or
- f. Possessing or distributing school or private property without appropriate school authorization.

Severity of consequences may be based upon value of property at issue. "Private property" includes, but is not limited to, the property of faculty and staff, contractors, students, and visitors that is located on school property, including outside areas.

## **Rule 3. Unauthorized Entry/Trespassing**

- a. Unauthorized forceful entry into a school building or vehicle (with or without intent to commit theft); or
- b. Entering or remaining on an YHALE campus or school property without authorization or invitation.

## **Rule 4. Physical or Verbal Assault or Battery to a School Employee**

- a. Intentionally making physical contact which causes physical harm to a YHALE employee unless such physical contacts or physical harms were in self-defense as provided by O.C.G.A. § 16-3-21. Physical harm (battery) may include, but is not limited to, significant injuries such as swelling, bleeding, concussions, broken bones, sprains, etc. or where medical attention was sought for a significant injury. Where physical harm is not present, students may be charged and disciplined in accordance with Rule 4b, below.

### **Elementary School (K-5<sup>th</sup> grade) Discipline:**

- 1-10 days OSS, with a hearing referral for long-term suspension and/or expulsion.
- If expelled, upon recommendation of the hearing officer, an elementary school student may be readmitted to a traditional school for grades 6-8.
- b. Intentionally making physical contact of an insulting or provoking nature with a school employee, unless such physical contact was in self-defense as provided by O.C.G.A. § 16-3-21. (Battery); or
- c. Attempting to cause physical injury, threatening bodily harm, or committing an act which places an employee in reasonable apprehension of immediately receiving physical injury (Coded as assault if reasonable apprehension of immediately receiving a violent injury is present, but no contact made).

If a student commits a violation of 4a, 4b, or 4c, a mandatory disciplinary hearing shall be held regardless of the recommended discipline, unless waived. The hearing may only be waived by agreement of the employee and the student's parent/guardian/student age 18 or older. If the employee is not available, the Principal may waive the hearing on the employee's behalf.

For purposes of this Code of Conduct, "employee" includes all YHALE faculty and staff who are employed full-time, part-time, or as a contractor.



## **Rule 5. Physical or Verbal Assault or Battery by a Student to any Person (Other than a School Employee)**

School administrators will use discretion in determining acts of intentional physical contact as opposed to other prohibited activities, such as horseplay/rough or boisterous activities (Rule 1e). This rule applies to any YHALE-sponsored activities, regardless of location.

Offenses are cumulative at the elementary and middle school levels.

- a. Intentionally making physical contact of an insulting or provoking nature with another person. Physical contact (battery) which causes harm may result in increased consequences. Harm may include, but is not limited to, significant injuries such as swelling, bleeding, concussions, broken bones, sprains, or where medical attention was sought for a significant injury;
- b. Mutually participating in a physical altercation (Fight);
- c. Attempting to cause physical injury, threaten bodily harm, or commit an act which places a person in reasonable apprehension of immediately receiving physical injury. (Coded as assault if reasonable apprehension of immediately receiving a violent injury is present, but no contact is made); or
- d. Participating in consensual physical hazing/initiation or bodily modifications (e.g. tattooing, branding, piercing).

## **Rule 6. Harassment, Bullying, and other Derogatory Behavior**

Staff members should report instances of behaviors referenced in this Rule to school administration within a reasonable time period so that administrators may review them in a timely manner. It is beneficial for the school to be notified of community situations that may impact the school environment. However, individuals who are subject to harassment, bullying or “cyberbullying” in the community may contact their local police department for action, as the school may have no jurisdiction to discipline (OSS, ISS, etc.) for events in the community. (See Rule 21)

- a. Harassment is strictly prohibited. Harassment includes behavior that creates an unpleasant or hostile situation by uninvited and unwelcome verbal or physical conduct, teasing, or taunting. Harassing behaviors may include, but are not limited to:
  - Committing any act of bigotry directed toward another person's race, ethnic heritage, national origin, religion, age, sex, gender, or disability;
  - Racial, sexual, or ethnic slurs;
  - Derogatory comments, insults, and jokes;
  - Physical harassment, such as offensive touching, and visual harassment, such as racially, sexually, or ethnically offensive posters, graffiti, drawings, clothing, or gestures.
  - Harassing behaviors based on actual or perceived race, creed, color, ethnic heritage, national origin, religion, sex, age, disability, sexual orientation, gender, gender identity or a physical characteristic.
- b. Bullying is strictly prohibited. Bullying includes the following:
  - Willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so; or
  - Intentionally exhibiting a display of force such as would give the victim reason to fear or expect immediate bodily harm; or
  - Any intentional written, verbal, or physical act, which a reasonable person would perceive as being intended to threaten, harass, or intimidate that:
    - Causes substantial physical harm or bodily harm capable of being perceived by a person other than the victim and may include, but is not limited to, substantially blackened eyes, substantially swollen lips or other facial or body parts, or substantial bruises to body parts;
    - Has the effect of substantially interfering with the victim student's education;
    - Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
    - Has the effect of substantially disrupting the orderly operation of the school.

Bullying applies to acts which occur on YHALE property or through school technology resources, and also applies to acts which occur through the use of electronic communication, whether or not that communication originated on school property or with school technology resources, if the electronic communication:

1. is directed specifically at students or YHALE personnel,
2. is maliciously intended for the purpose of threatening the safety of those specified or substantially disrupting the orderly operation of the school, AND
3. creates a reasonable fear of harm to the students' or YHALE personnel's person or property or has a high likelihood of succeeding in that purpose.

Electronic communication includes but is not limited to any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a mobile device or wire, radio, electromagnetic, photo electronic, or photo optical system. (See also Rule 18 Technology Offenses)

No student shall bully another student or students. Parents/guardians/persons that have control of charge of students who are victims of bullying or are found to have committed bullying will be notified via telephone/personal conference or letter/referral. Staff members are expected to report instances of these behaviors to the Principal, Campus Director, or designated administrator immediately so that administrators may investigate them in a timely manner. Employees, volunteers, students, and parents/guardians/other persons that have control of students may report or otherwise provide information on bullying activity to a school administrator anonymously if they choose. No person who reports bullying behaviors will be retaliated against by any school employee. Students who retaliate against others for reports of bullying behavior are subject to discipline which may include enhanced consequences. Students who knowingly file a false report of bullying will also be disciplined.

Upon a finding by a Disciplinary Hearing Officer that a student in grades six (6) through eight (8) has committed the offense of bullying for the third time in a school year, such student shall be expelled.

- c. Use of abusive words, profane or vulgar language (written or oral) or gestures (if directed at or towards a school employee then may result in increased consequences);
- d. Possessing, displaying, or distributing profane, vulgar, pornographic, obscene, or ethnically offensive materials; or
- e. Forcefully abducting, transporting and/or detaining a person against his/her will.

## **Rule 7. Insubordination**

Failure to comply with school rules, and/or reasonable directions or commands of teachers, student teachers, substitute teachers, school assistants, administrators, contract employees, or other authorized school personnel, including refusing to identify one's self upon request of any school employee/designee; or engaging in verbal altercations with another person (if verbal altercation is disruptive then violation of Rule 1b).

## **Rule 8. Misrepresentation**

Knowingly and willfully making false reports or statements, whether orally or in writing (including electronic communication), including, but not limited to making false calls to emergency services and making false fire alarm or emergency reports which must be reported to the Principal; falsely accusing others of wrong actions; falsifying school records; forging signatures, etc.

## **Rule 9. Honor Code Violation**

The expectation is that each student will be honest and submit his/her own work. Cheating, plagiarism, and other Honor Code violations are strictly prohibited. Examples of violations of this rule include, but are not limited to:

- copying or "borrowing" from another source and submitting it as one's own work;
- seeking or accepting unauthorized assistance on tests, projects or other assignments;

- fabricating data or resources;
- providing or receiving test questions in advance without permission; and/or
- working collaboratively with other students when individual work is expected.

## **Rule 10. Weapons and Dangerous Instruments/Hazardous Objects/ Unauthorized Items**

A student shall **not** possess, handle, transmit, or cause to be transmitted; use or threaten to use; sell, attempt to sell, or conspire to sell a firearm, a dangerous weapon or dangerous instrument/hazardous object/unauthorized item, either concealed or open to view, on YHALE property. All items prohibited under this rule should be confiscated and given to the Principal, Operations Director, and/or law enforcement agencies as appropriate.

The disposition of items prohibited under this rule should be determined by the Governing Board or his/her designated school official, in conjunction with law enforcement. The possession of any dangerous weapon, hazardous object, or firearm in violation of O.C.G.A. § 16-5-21; 16-5-24; 16-11-127; 16-11-127.1; or 16-11-132 will trigger the reporting requirements of O.C.G.A. § 20-2-1184. The incidents will be reported to the Principal and the Governing Board. The Principal and the Board or designee, will notify legal counsel.

*There is no exception to this rule.*

The definition of "weapon" for purposes of this Code of Conduct is one that includes, but is not limited to, the following items:

### **1. Category I Weapon: Firearm/Dangerous Weapon**

- Any loaded or unloaded firearm or a dangerous weapon.
- A firearm includes a handgun, rifle, shotgun, or other weapon which will or can be converted to expel a projectile by the action of an explosive or electrical charge.
- A dangerous weapon includes any weapon commonly known as a "rocket launcher," "bazooka," or "recoilless rifle," which fires explosive or nonexplosive rockets designed to injure or kill personnel or destroy heavy armor, or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "mortar" which fires high explosive from a metallic cylinder and which is commonly used by the armed forces as an antipersonnel weapon or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "hand grenade" or other similar weapon which is designed to explode and injure personnel or similar weapon used for such purpose.

#### **Discipline for first and additional offenses of Category I Weapon**

The discipline for any student possessing a loaded or unloaded firearm or dangerous weapon on school property is ten (10) days out-of-school suspension and a recommendation for expulsion for a specified time that will be no less than one calendar year as provided in Georgia law and may include permanent expulsion. The Board has the authority to modify these expulsion requirements on a case- by-case basis. The Principal, Board, and legal counsel will be notified of such incidents.

### **2. Category II Weapon: Hazardous Object**

- Any pellet gun, paint pellet gun, or BB gun, antique firearm, nonlethal air gun, stun gun, taser, or any similar weapon that does not meet the definition of a Category I weapon;
- Any Bowie, Dirk, machete, switchblade knife, ballistics knife, any other knife having a blade of two or more inches; any razor blade (e.g., straight, regular, retractable, etc.);
- Boxcutter;
- Any bludgeon (e.g. billy club, PR-24, night stick, spring stick, blackjack, club);
- Any firearm muffler or firearm silencer;
- "Look-alike" bomb;
- Any "martial arts" device or flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely (e.g., nunchakus, nun chuck, nun chahka, shuriken, or fighting chain, etc.);

- Any disc of whatever configuration with at least two points or pointed blades which is designed to be thrown or propelled (e.g., Chinese star, oriental dart, throwing star, etc.);
- Miscellaneous devices such as swords, sword/knife canes, ice picks, chains, bow and arrows, knuckles made of metal, thermoplastic, wood or other similar material, objects placed on fingers, in hands, or on fists or knuckles to provide a "loaded fist," etc.; or
- Any tool or instrument which YHALE administration could reasonably conclude as being used as a weapon or intended by the student to be used as a weapon and thus a violation of the intent of this Code of Conduct.

In addition to the above, Category II weapons include any item defined as a weapon or hazardous object as defined by O.C.G.A. § 16-11-127.1 and 20-2-751, with the exception of firearms and dangerous weapons (See Category I).

The Principal, Board, and legal counsel must be notified of such incidents.

### **3. Category III Weapon: Other Knives**

- Any knife or instrument having a blade of less than two inches;
- Any "look-alike" firearm or weapon; or
- Plastic disposable razor or sling shot.

The Principal must be notified of such incidents.

### **4. Dangerous Instruments/Unauthorized Items**

Students shall not possess ammunition, BBs, paint pellets, CO2 cartridges fireworks (other than "snap its", "poppers", or "pop-its" which may be addressed as a disruptive behavior), matches, lighters, stink bombs, pepper spray, mace or similar instruments/items. These instruments/items are disruptive to the function of the school and may pose a safety risk.

### ***Curriculum Display of a Weapon or Dangerous Instrument/Unauthorized Item***

YHALE's policy is that no weapon may be brought on YHALE property. In extremely rare incidences, the Principal may allow an individual to bring such item to support curriculum instruction. Any individual wishing to bring a weapon, look-alike weapon or dangerous instrument/unauthorized item to YHALE or use a Category I or II type weapon for the purposes of a curriculum display or as an educational tool must have prior written permission from the Principal.

Transport of the weapon, look-alike weapon or dangerous instrument/item to and from the school must be by the approved parent, guardian or other approved individual 21 years of age. The transporting individual should remove the weapon or dangerous instrument/item from the school immediately upon completion of the educational session. When necessary, the teacher or school administration will store the weapon, look-alike weapon or dangerous instrument/item in a secure location when it is not being used in the above approved classroom activities. *The weapon or dangerous instrument must be unloaded and must not contain any explosive material.*

## **Rule 11. Alcohol and Other Drugs/Psychoactive Substances**

Offenses are cumulative at the elementary and middle school levels.

A student shall not:

- a. Possess, consume (eaten, digested, injected, inhaled, etc.), transmit, store, or be under any degree of influence of alcoholic beverages, and/or illegal drugs, narcotics, hallucinogens, amphetamines, barbiturates, marijuana, synthetic cannabinoid drugs, synthetic cathinone drugs (e.g. bath salts), or any other substance listed under the Georgia Controlled Substances Act, or any substance believed by the student to be alcohol or an illegal drug. Legal intoxication is not required for violation of this rule. First-time offenders may be required to attend a drug intervention program in addition to any other disciplinary action deemed appropriate.
- b. Possess, transmit, store, buy, sell, or otherwise distribute, or possess with intent to sell, or otherwise distribute, any drug-related paraphernalia, which may include vaporizers (For electronic

- cigarettes, see Rule 14, Tobacco Use/Cigarette Products).
- c. Falsely present or identify a substance to be alcohol or an illegal drug or use/consume/buy/sell/distribute/possess/transmit compounds or substances meant to mimic the effects of drugs or alcohol.
  - d. Buy, sell, or otherwise distribute or possess with intent to distribute or attempt to buy, sell, or otherwise distribute or possess with intent to distribute alcoholic beverages, illegal drugs, narcotics, hallucinogens, amphetamines, barbiturates, or marijuana, or any other substance listed under the Georgia Controlled Substances Act, or any substance falsely identified as such, or is believed by the purchaser to be an alcoholic beverage or illegal drug, narcotics, hallucinogens, amphetamines, barbiturates, or marijuana, synthetic cannabinoid drugs, synthetic cathinone drugs or any other substance listed under the Georgia Controlled Substances Act.
  - e. Sniff or be under the influence of inhalants and/or other substances.

**Over-The-Counter Medication:** Possession of all over-the-counter medication by a student on school property is prohibited. All medication must be given to the School Nurse for storage and dispensation according to written parent authorization. A student is prohibited from selling, distributing, or possessing with intent to distribute any over-the-counter medication. Over-the-counter medications specifically include, but are not limited to, stimulants (e.g., diet pills, caffeine pills, etc.), nicotine replacement therapies such as nicotine gum and candy, nicotine lozenges, nicotine patches, nicotine inhalers, nicotine nasal sprays and the like. For electronic cigarettes, see Rule 14, Tobacco Use/Cigarette Products.

**Prescription Drugs:** Possession of all prescription medication by a student on school property is prohibited. All medication must be given to the School Nurse for storage and dispensation according to written parent authorization. In addition, a student shall not sell, distribute, or possess with intent to distribute any prescribed medication on school property. If the prescription drug is a controlled substance under the Georgia Controlled Substances Act, the student shall be found to have violated the appropriate portions of Paragraphs A through E above.

## **Rule 12. Attendance**

- a. "Skipping" or missing any class or activity or any portion of a class or activity, or being tardy for a class or activity for which he or she is enrolled without a valid excuse;
- b. Leaving school grounds during the course of the regularly scheduled school day without the permission of a parent and Principal, Campus Director, or designee. Students must follow the established procedures for checking in or out of school by a guardian.
- c. Failure to attend detention or ISS.

It should be noted that O.C.G.A. § 20-2-690.1 states that any parent, guardian, or other person residing in this state who has control or charge of a child or children that accrues five (5) unexcused absences during one school year will be deemed to have violated Code section 20-2-690.1 and shall be guilty of a misdemeanor and subject to fines, imprisonment, community services, or any combination of these penalties. (See also Attendance section, above.)

## **Rule 13. Dress and Grooming**

Students at YHALE are expected to dress and groom themselves in such a way as to reflect neatness, cleanliness, and safety. All students shall follow the uniform policy as outlined on the YHALE website so as not to disrupt or interfere with the educational program or the orderly operation of the school.

## **Rule 14. Tobacco Use/Cigarette Products**

Possessing, distributing, or using cigarettes, electronic cigarettes (a.k.a., e-cigarettes, e-cigs), or related tobacco products of any kind, including cigarette wrapping paper or containers for such products.

First offenders may be referred to attend a tobacco use program, in addition to any other disciplinary action deemed appropriate.

## **Rule 15. Gambling**

Gambling or participating in gambling activity, or soliciting others to gamble or participate in gambling activity. Gambling includes, but is not limited to, betting on any game or event, shooting dice, matching, or

other games of chance for money and/or things of value.

Participating in a raffle or bingo game sponsored by a school-related support group such as a PTO or booster club will not violate this rule when the student is accompanied by his or her parent or guardian or by another parent who has permission in writing from the student's parent or guardian to supervise that student at the fundraiser.

## **Rule 16. Sexual Harassment**

A student shall not harass another person through unwelcome conduct or communication of a sexual nature. Prohibited acts of sexual harassment include verbal or written harassment, such as sexual jokes or comments about an individual or his/her physical characteristics; physical harassment such as unwanted touching or gestures; visual harassment such as the display of, or encouraging/participating in the display of, sexually suggestive objects or pictures; or requests or demands for sexual involvement, accompanied by implied or explicit threats.

The Principal must be notified of such incidents where the behavior involves a sexual offense (as defined in Chapter 6 of Title 16 of Georgia law) including, but not limited to, sexual battery, rape, and molestation. Any alleged victim of such offense may request to have his/her schedule changed, subject to the Executive Director's approval.

Staff members should report instances of behaviors referenced in this Rule to school administration within a reasonable time period so that administrators may review them in a timely manner.

Any student (or parent or friend of a student) who has been the victim of an act of abuse, sexual harassment/misconduct, or other inappropriate behavior is urged to make an oral report of the act to any teacher, counselor, or administrator at YHALE.

## **Rule 17. Sexual Misconduct/Sexual Offenses**

The Georgia General Assembly requires the Board to encourage parents to inform students of the consequences, including potential criminal penalties, of underage sexual conduct. The consequences can include the student being tried as an adult. Any behavior which is a violation of Chapter 6 of Title 16 of Georgia law, or parts B through C below, must be immediately reported to the school police, the Executive Director and the Board. The Board and Principal or designee will then advise the school's legal counsel. Any alleged victim of a sexual offense may request to have his/her schedule changed, subject to the Executive Director's approval. Sexual offenses are prohibited against members of the same sex as well as members of the opposite sex.

As used in this Rule, "intimate body parts," as defined in Georgia law, O.C.G.A. § 16-6-22.1 include "the primary genital area, anus, groin, inner thighs, or buttocks of a male or female and the breasts of a female."

### **a. General Misconduct**

- Willing participation in any form of sexual activity. (The local police department must be notified of such incidents.)
- Exposing one's intimate body parts or "moon" in public.

### **b. Sexual Battery**

Sexual battery is defined as a student intentionally making physical contact with the intimate body parts of another person without the consent of that person. No student shall commit any act of sexual battery on school property, school transportation, or at school-sponsored events.

The Principal must be notified of such incidents. The Board and Principal will notify the school's legal counsel. (See O.C.G.A. § 20-2-1184)

### **c. Sexual Molestation**

Sexual molestation is defined as a student doing any immoral or indecent act to or in the presence of another person, without that person's consent, with the intent to arouse or satisfy the sexual

desires of either the student or the other person. This includes a student forcing another person to make physical contact with the student's intimate body parts. No student shall commit any act of sexual molestation or the attempts thereof on school property, school transportation, or at school-sponsored events.

The Principal must be notified of such incidents. The Board and Principal will notify the school's legal counsel. (See O.C.G.A. § 20-2-1184)

Any student (or parent or friend of a student) who has been the victim of an act of abuse, sexual misconduct, or other inappropriate behavior is urged to make an oral report of the act to any teacher, counselor, or administrator at YHALE.

## **Rule 18. Technology Offenses**

YHALE is not responsible for personal electronic devices on school property or at school-sponsored events. Electronic devices may be confiscated by the school administrator or designee. See Rule 20 for specific rules relating to use of electronic equipment, including cellular phones, and other items while on school transportation.

- a. Purposely looking for security problems, attempting to disrupt school technology resources, or engaging in any activity that monopolizes or compromises school technology resources (aka "hacking");
- b. Copying computer programs, software or other technology provided by the Board for personal use; downloading unauthorized files; or using school technology resources for personal gain or private business enterprises;
- c. Attempting to, threaten to, or actually damaging, destroying, vandalizing, or stealing private property or school property while using school technology resources on or off school grounds (The local police must be notified of such incidents.);
- d. Using or participating in using personal or school technology resources to distribute or display inappropriate material. Inappropriate material does not serve an instructional or educational purpose and includes, but is not limited to, the following (See Rule 6b for bullying using technology):
  - Is profane, vulgar, lewd, obscene, offensive, indecent, sexually explicit, pornographic or threatening;
  - Advocates illegal or dangerous acts;
  - Causes disruption to school, its employees or students;
  - Advocates violence;
  - Contains knowingly false, recklessly false, or defamatory information; or
  - Is otherwise harmful to minors as defined by the Children's Internet Protection Act. (The Principal must be notified of such incidents.)
- di. Refusing to comply with reasonable directions or commands of school staff regarding responsible use of technology, and/or use audio or visual recording devices without permission of a school administrator.
- dii. Use of recording devices to record misbehaviors or to violate the privacy of others may also result in a violation of Rule 22.

## **Rule 19. Gang-Related Activity**

A "gang" is defined as any group of three or more people with a common name or common identifying signs, symbols, tattoos, graffiti, attire or other distinguishing characteristics which engage in "criminal gang activity" as described in O.C.G.A. 16-15-3(1)(A)-(J) (including but not limited to the commission, attempted commission, conspiracy to commit, or solicitation, coercion, or intimidation of another person to commit offenses such as, but not limited to, rape, aggravated sexual battery, violence, possession or use of a weapon, or trespass or damage to property resulting from any act of gang related painting on, tagging, marking on, writing on, or creating any form of graffiti on school or personal property).

- a. A student shall not engage in criminal gang activity.
- b. A student shall not hold himself or herself out as a member of a gang, which may include, but is not limited to, displaying gang identified tattoos or other gang related paraphernalia, or participating

- in creating or displaying gang related graffiti.
- c. A student shall not recruit or solicit membership in any gang or gang-related organization.

Any suspicion of gang-related activity should be reported to the Principal and/or Board.

## **Rule 20. Off-Campus Misconduct**

Off-campus misconduct for which a student may be disciplined includes, but is not limited to, any off-campus conduct which could result in the student being criminally charged with a felony, or felonious conduct for which a student has been arrested, criminally charged/indicted, adjudicated to have committed, or convicted; and conduct which makes the student's continued presence at school a potential danger to persons or property at the school or which disrupts the educational process.

Any off-campus misconduct should be reported to the Principal and/or Board.

## **Rule 21. Encouraging Violations of Code of Conduct**

Inciting, urging, encouraging, advising, or counseling other students to violate any Rule of this Code of Conduct or conspire to violate any Rule of this Code of Conduct. O.C.G.A. § 20-2-751.5(a)(11).

## **Part II: Disciplinary Hearing Process**

### **Discipline Team Meeting (DTM)**

When the Principal recommends a long-term out of school suspension/ expulsion, and the disciplinary hearing may potentially be waived, a Discipline Team Meeting (DTM), which consists of the Principal/designee, the student behavioral specialist and/or another staff representative, and the parent/guardian, will be offered to the parent/guardian within five (5) school days of the first day of suspension. The student may be invited where practicable.

The Principal/designee will notify the Board or designee, as soon as practicable after the investigation of the occurrence. The Principal/designee should furnish the following documents to the Board or designee, before or at the time of the DTM: witness/student statements; a current copy of the student's permanent record; a copy of the student's test record card; current status of the student's academic and conduct grades in all classes (progress reports); days present and absent (excused and unexcused absences); number of tardies and class cuts; detention assignments with reasons; anecdotal report citing discipline, attendance and academic records, and interventions offered at the local school including SST referral, counseling sessions and parent/guardian conferences with dates, reasons, and results; copy of police report; special education, Section 504 or SST status (active enrollment or referral for any of these programs); SST reports; copy of the currently approved suspension letter that includes the school administrations' recommendation for consequences, and any other information or evidence relevant to the incident.

The purpose of this meeting is for the team to discuss the investigation completed by the school, the discipline procedures afforded, and any information provided by the student and/or the parent/guardian. As this is a parent conference, the student's or parent's legal counsel may not attend. The student behavioral specialist and/or another representative from the school may set a reasonable time limit for the DTM, and may end the DTM if it is evident that resolution is not imminent. If the parent/guardian and school are able to reach an agreement about the disciplinary outcome and the parent/guardian waives the hearing in writing, then the hearing will be canceled. If the parent/ guardian disagrees with the disciplinary outcome and the end result of the DTM, or the parent/guardian does not attend the DTM, then the hearing will proceed as scheduled.

### **Discipline Hearing**

Hearings will be held as noted in this procedure and/or as required by applicable authority. Any recommendation of long-term suspension or expulsion will result in a hearing being scheduled for a student. The hearing should be held within ten (10) school days after the first day of suspension.

Any confiscated drugs, weapons, or other criminal evidence should be transferred to local police for use



during a disciplinary hearing and/or criminal case.

### ***Group Hearing***

When students are charged with violating the same rule(s) and have acted in concert, and the facts are basically the same for all students, a group hearing may be conducted for them if the Principal believes that the following conditions exist:

- a. A single hearing will not likely result in confusion; and
- b. No student will have his/her interests substantially prejudiced by a group hearing.

Any student who objects to participation in a group hearing should notify the Principal and Board in writing no less than 48 hours before the hearing.

If during the disciplinary hearing, the hearing officer finds that a student's interests will be substantially prejudiced by the group hearing, he/she may order a separate hearing for that student.

### ***Written Notice of Hearing***

When long-term suspension or expulsion is recommended by the school, a disciplinary hearing is required. The Principal or Board shall provide written notice of the relevant procedures to the student's parent/guardian/student age 18 or older. The notification shall include the following:

- a. A brief statement of the act(s) student is alleged to have committed, along with the portion of the Code of Conduct allegedly violated.
- b. The maximum penalty which may be administered for the alleged misconduct, and a recommendation for discipline.
- c. A copy of this document.
- d. The date, time, and place of the hearing.
- e. The names of witnesses expected to be called at the hearing and a short summary of evidence that may be presented.
- f. A statement that a hearing is required unless the parent/guardian/student 18 years old or older waives the hearing.
- g. A statement that at the hearing the student is entitled to be represented by an advocate (spokesperson) of his/her choice, including an attorney if so desired; and that the student may subpoena witnesses and utilize other compulsory process upon request.
- h. A statement that all parties are afforded an opportunity to present and respond to evidence and to examine and cross-examine witnesses.

### ***Delivery of Notification***

The notice of hearing shall be delivered to the student and his/her parent/guardian either in person, by first class mail, certified mail return receipt requested, and/or delivery confirmation, to the last known address of the parent or guardian. If notice is delivered in person, a written confirmation of delivery should be obtained by the person delivering the notice to the parent/guardian. Service shall be deemed to be perfected when the notice is deposited in the United States mail with sufficient postage addressed to the last known address of the parent/guardian.

### ***Continuance***

If good and sufficient cause exists, the Principal and Board may reschedule a hearing. Upon rescheduling, written notice of the rescheduled date and time of the hearing will be sent to the student's parent/guardian/representative/attorney/ student age 18 or older either in person, by first class mail, certified mail return receipt requested, and/or delivery confirmation.

The student's parent/guardian/representative/attorney/student age 18 or older may request a continuance of the hearing from the system office of student discipline. Continuances should be requested no later than 24 hours in advance of the scheduled hearing date and time. Extenuating circumstances should be presented to the system office of student discipline for approval. If a continuance is requested or caused by the parent/guardian/student age 18 or older/student's representative, the student will continue to serve his/her recommended school level discipline (ISS or OSS) during the time of the continuance and until the

hearing is conducted and the hearing officer has rendered a decision.

### ***Waiver of Hearing***

If the student's parent/guardian/representative/attorney/student age 18 or older waives the hearing, they may do so by requesting a waiver from the Board/school prior to the notified date and time of the hearing. If no waiver request is received, or if the hearing may not be waived by the student's parent/guardian/representative/attorney/ student age 18 or older, the hearing will be held as scheduled, whether or not the student/parent/guardian/representative/attorney chooses to participate.

### ***Record of Proceedings***

A verbatim record of the hearing shall be made and shall be available to all parties upon request. The cost of recording shall be borne by the Board. Parents/guardians/student's legal counsel may request a copy of the recording.

A written transcript will be prepared by the Board. If a written transcript is not prepared by the Board, the parent/guardian/student may obtain a written transcript at their own expense.

### ***Burden of Proof***

The burden of proof is a preponderance of the evidence (more likely than not) and shall be on the school.

### ***Legal Representation/Involvement of an Attorney at the Disciplinary Hearing***

If the student is represented by an attorney, the Board attorney may be present. The Board attorney shall advise the Hearing Officer as necessary, but may not assist in the presentation of the school's case. The student/parent/guardian must notify the system office of student discipline not less than 48 hours prior to the hearing if the student may be represented by an attorney. Failure to give such notice can result in the hearing being continued so the Board's attorney may be present.

### ***Presentation of Evidence***

The evidence for YHALE and student/student representative (if present) shall be presented to the Hearing Officer. The administrator (or an independent prosecutor other than the Board attorney) representing the school, the student's representative (including their attorney), the Hearing Officer, and/or the Hearing Facilitator are entitled to question witnesses about any matters which are relevant to the charges against the student or the appropriate discipline. The Hearing Officer or Hearing Facilitator has the authority to limit unproductively long or irrelevant questioning.

### ***Procedural Objections***

Objection to the sufficiency of the notice and/or other procedural objections shall be waived unless written notice thereof is filed with the system office of student discipline no less than 24 hours prior to the time the hearing is scheduled to begin. The hearing may be postponed until such defects have been removed or remedied.

### ***Hearing Officers and Hearing Facilitators***

Disciplinary Hearings may be conducted by a Student Discipline Hearing Officer or Hearing Facilitator (which may include the Principal or designee responsible for student discipline).

The Hearing Officer will serve as the presiding officer and may rule on issues of procedure and admissibility of evidence presented during the hearing, if no Hearing Facilitator is present. A Hearing Facilitator, if present, may serve as the presiding officer and may rule on issues of procedure and admissibility of evidence presented during the hearing.

The Disciplinary Hearing Officer, after conducting the hearing and receiving all evidence, shall render a decision based solely on the evidence received at the hearing and shall determine what, if any, disciplinary action shall be taken. Such action may include, but is not limited to, short-term suspension, long-term suspension, expulsion or permanent expulsion.

State Board of Education Rule 160-4-8-15 provides that individuals selected by YHALE (the LEA) to be a disciplinary hearing officer or member of a disciplinary hearing panel must either be: 1) in good standing with the State Bar of Georgia; 2) have experience as a teacher, counselor, or administrator in a public

school system; or 3) actively serving as a hearing officer under an existing contact/agreement with a Georgia school system, having completed an approved Georgia Department of Education (GaDOE) tribunal training course.

### **Appeals**

Any party may appeal the hearing decision to the Board by filing a written notice of appeal within twenty (20) calendar days of the date of decision. The appeal should be addressed to the attention of the Board Chair and delivered to school. Appeals via email alone may be accepted but appealing parties must confirm within the 20 calendar day appeal timeline. Appeals by administration must be approved by the Board Chair. The Board Chair shall have the authority to suspend the decision of the disciplinary hearing officer, during the period of appeal.

Upon the appeal of a decision of the disciplinary hearing officer to the Board, the Board will render its decision within 10 days, excluding weekends and public and legal holidays, from the date the Board receives notice of the appeal, unless all parties agree to a different date. The decision shall be in writing and a copy shall be provided to the student/parent/guardian and the Principal.

The Board will discuss the appeal in Executive Session. The parties shall have the right to be represented by legal counsel during the appeal. The Board's review will be based solely on the record and written arguments submitted by the student and the Principal, if briefs are submitted. The Board shall not hear any oral arguments as part of any appeal nor shall it consider any evidence that was not presented at the disciplinary hearing. The Board may take any action it deems appropriate.

### **Students with Disabilities**

Nothing in this Code of Conduct shall be construed to infringe on any right provided to students pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the Federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act of 1990.

Any student who is receiving special education services or has been identified as a student with a disability under the Individuals with Disabilities Act (IDEA) or Section 504 of the Rehabilitation Act, and whose acts are determined by the disciplinary hearing officer to have violated any of the rules, regulations or laws as alleged, shall be referred to an IEP or Section 504 committee. The IEP or Section 504 committee is responsible for determining if the student's conduct is a manifestation of his/her disability and whether such conduct warrants a change in placement or amendments to the Individual Education Plan (IEP) or 504 Plan.

If the IEP or Section 504 committee determines that the student's conduct is a manifestation of the student's disability, the discipline ordered by the disciplinary hearing officer will not be carried out.

If the IEP or Section 504 committee determines that the student's conduct is not a manifestation of the student's disability, it shall determine what services the student shall receive during the student's discipline as determined by the disciplinary hearing officer. If the Section 504 committee determines that the student's conduct is not a manifestation of the student's disability, the student's 504 Plan will be implemented at the new location of educational services if the Disciplinary Hearing Officer recommends a different school placement. The IEP or Section 504 committee shall also have the authority to consider, recommend and implement any changes in the student's IEP or 504 Plan or educational placement. Nothing in this rule shall alter or adversely affect the rights of students with disabilities under applicable federal and state laws.

## **Part III: Tiered Offenses and Disciplinary Responses**

### **Tiered Offenses**

The responsibility cycle included in the Code of Conduct covers discipline for some more commonly known infractions of the student behavior code. However, parents and school administrators should refer to the remainder of the student code of conduct for more information about specific offenses, and should contact the system office of student discipline with questions or concerns.

This cycle cannot anticipate all possible misbehaviors. Unique, serious or multiple offenses may result in more severe consequences. If a student's behavior is a violation of more than one rule, the student may

face more severe or “stacked” discipline to reflect these multiple offenses.

YHALE shall implement positive behavioral supports, as discussed in this code of conduct, and local interventions designed to improve the learning environment by improving student behavior and discipline.

Where appropriate, interventions may include the following:

- Classroom interventions (assigned seats, etc.)
- Teacher/student conference
- Restorative practices
- Timeout for students
- School/parent contact
- School/parent conference
- School Counselor intervention
- Social Worker intervention
- Student Support Team
- Referral to administrator
- Principal involvement
- Verbal reprimand
- Withdrawal of privileges
- Behavior, Attendance and Academic Contract
- Before or after school detention (parent responsible for transportation)
- Participation in a school-service project
- Development of a written or graphic representation that reflects understanding of the specific misbehavior, the nature of the expected behavior, and the related character trait(s)
- Conflict mediation
- Peer mediation
- Confiscation (The school is not responsible for electronic devices on school property or at school sponsored events.)
- Administrative referral to student services or outside agencies
- Referral to Insight Drug Intervention Program for first time drug or alcohol violations (Middle School)
- In-school suspension

### **Tier I: Minor Acts of Misconduct**

Tier I offenses are minor acts of misconduct that interfere with the orderly operation of the classroom, a school function, extracurricular/co-curricular program, or approved transportation. The YHALE employee involved should intervene in the misconduct. If further action is necessary, the YHALE employee should refer the student to the Campus Director or Principal, or designee, for disciplinary action. After hearing the student’s explanation, consulting with staff members as needed, and conducting any other investigation deemed necessary, the administrator will decide on disciplinary action.

### **Tier II: Intermediate Acts of Misconduct**

Tier II infractions are intermediate acts of misconduct. They may include repeated acts; serious disruptions of school order; threats to the health, safety, and property of others; and other acts of intermediate or repeated misconduct. Depending on the severity, the consequence can include a disciplinary hearing referral for long-term suspension/ expulsion.

### **Tier III: Serious Acts of Misconduct**

Tier III acts of misconduct are the most serious. These acts may be grounds for expulsion and will result in a mandatory 10-day suspension with consideration for a recommendation for long-term suspension or expulsion.

### **Students in Kindergarten through Third Grade**

Pursuant to O.C.G.A. 20-2-742: Students in Kindergarten through 3rd grade will not be expelled or

suspended from school for more than five consecutive or cumulative days during a school year without first receiving a multi-tiered system of supports, such as response to intervention. 'Multi-tiered system of supports' or 'MTSS' also may include a systemic, continuous-improvement framework in which data based problem-solving and decision making is practiced across all levels of the educational system for supporting students at multiple levels of intervention.

If such student is receiving or has received a multi-tiered system of supports, YHALE has met these requirements.

This requirement does not apply if:

- the student possessed a weapon/ dangerous instrument (including Rule 10) or illegal drugs (including Rule 11); and/or
- the student's behavior endangers the physical safety of other students or school personnel.

In addition, if student has an Individualized Education Program (IEP) or a Section 504 plan, prior to assigning any student in Kindergarten through 3rd grade out-of-school suspension for more than five consecutive or cumulative days during a school year, the school or program shall also convene an IEP or Section 504 meeting to review appropriate supports being provided as part of such IEP or Section 504 plan.

# YHALE Elementary School Student Responsibility Cycle

TO: Timeout

AD: Administrative Detention

SST: Student Support Team

ISS: In-School Suspension    OSS: Out-of-School Suspension

## Tier I: Minor Acts of Misconduct

Rule	Offense and Description	Consequence Range
1e	Horseplay/Rough or Boisterous Activities	Local interventions to 3 days OSS
1f	PDA - Public Display of Affection	Local interventions, TO to 3 days ISS
6a	Teasing/Taunting	Local interventions, TO to 3 days ISS
6c	Profane language or gestures - Use of abusive words, profane or vulgar language (written or oral) or gestures (not directed at or toward an employee)	Local interventions, TO to 2 days ISS
7	<ul style="list-style-type: none"> <li>• Insubordination - Failure to follow school rules or reasonable directions or commands of school staff</li> <li>• Verbal Confrontation with another person</li> <li>• Failure to Identify self to school employee</li> </ul>	Local interventions to 3 days OSS
8	Misrepresentation - Making false reports or statements (i.e. false emergency calls, false name, forgery, falsely accusing others of wrong actions, falsifying school records, alteration or unauthorized possession of school, county, state or federal forms/records, etc.)	Local interventions to 3 days OSS
9	Honor Code Violation - Plagiarism; Cheating on assignments/tests, projects, science fair projects, etc.	Local interventions, TO to 5 days ISS
10	Dangerous Instruments/Unauthorized Items - Possession of matches, lighters, stink bombs, pepper spray, mace, ammunition, BBs, paint pellets, CO2 cartridges, fireworks, or similar instruments/items	Local interventions to 3 days OSS
12a	Skipping/Unexcused Absences/Tardies - Class cuts, Unexcused tardies (Starts over every 9 weeks)	Social Worker/Counselor Referral
12b	Leaving campus without permission from parent and Principal/designee	Social Worker/Counselor Referral
12c	Failure to attend detention or TO/ISS	Local interventions, TO to 2 days ISS (Consequences may be in addition to days originally)
13	Dress Code Violations	Adjustment of clothing or student reports to TO/ISS until change of clothes is provided and utilized
14	Smoking/Tobacco Products - Possession, distribution or use of tobacco products, tobacco related products	Local interventions, TO to 2 days ISS
15	Gambling	Local interventions, TO to 2 days ISS

# YHALE Elementary School Student Responsibility Cycle

## Tier II: Intermediate Acts of Misconduct

Rule	Offense and Description	Consequence Range
1a, b 20	Disruption and Interference with school or school transportation - Conduct that causes the disruption of school; Use of prohibited items which may interfere with bus safety	Local interventions up to 10 days OSS
1c	Bomb threat	1 day ISS up to 10 days OSS (Consequences may be based upon the severity of the disruption)
1d	False fire alarm	
2a	Theft and Vandalism (Criminal Charges may also apply) - Cause or attempt to cause damage to or deface school or private property	Local interventions up to 10 days OSS and restitution (Severity of consequences may be based upon value of property at issue and/or method of taking)
2b	Vandalism/damage/alteration of school or private property	
2c	Arson or attempted arson of school or private property	
2d	Theft or attempted theft of school or private property	
2e	Theft or attempted theft by: force; threat of force, violence or fear	
2f	Possess or distribute school or private property without appropriate authorization	
3a, b	Unauthorized Entry/Trespassing - Unauthorized entry into a school building or vehicle; Trespassing on school property during OSS or on another school's campus	1 day ISS up to 10 days OSS
5a, 5b	Group Fight (Criminal charges may also apply) with no serious injury (3 + participants) (5 days OSS & SAVTE Program for first time only)	3 days OSS up to 10 days OSS (Consequences may be based upon the severity of the injury/disruption)
5a	Battery/Fight involving students (Criminal Charges may also apply) - Intentionally make physical contact which does not cause physical harm to another	1 day ISS up to 10 days OSS (Consequences may be based upon the severity of the injury/disruption)
5a	Battery/Fight involving students (Criminal Charges may also apply) - Intentionally make physical contact which causes physical harm to another person (Battery)	
5b	Mutually participate in a physical altercation (Fight)	
5c	Assault - Attempt to cause physical injury, threaten bodily harm or commit an act which places a person in reasonable apprehension of immediately receiving physical injury	
5d	Consensual hazing, initiation or bodily modifications	
6a	Harassment/Bigotry (Criminal Charges may also apply) - Harassment or acts of bigotry	
6b	Bullying (See Rule for mandatory discipline on third offense)	
6c	Profanity toward an Employee/Verbal abuse of an employee	

	Use of abusive words, profane or vulgar language (written or oral) or gestures (DIRECTED at or toward an employee)	
6d	Offensive Material - Possessing, displaying or distributing profane/vulgar/obscene/pornographic/offensive	
6e	Forcefully abduct, transport and/or detain a person against his/her will	
7	Insubordination - Blatant defiance of school employee request	
10	<ul style="list-style-type: none"> <li>Weapons (Criminal Charges may also apply) - Possession of a Category II weapon without intent to harm or use for protection</li> <li>Possession of a Category III Weapon (includes any weapon not included in Category I or II)</li> </ul>	3 days OSS up to 10 days OSS
11A, B	Alcohol/Drugs/Paraphernalia (Criminal Charges may also apply) - Possession or use of drugs, alcohol or drug paraphernalia; use of inhalant	
11C, E, F, G	Other drug offenses: false identification/inhalants/over the counter medications/prescriptions	3 days OSS up to 10 days OSS
16	Sexual Harassment	
17A (1), (2)	Sexual Misconduct/Sexual Offenses (Criminal Charges may also apply) - Sexual acts/offenses (without use of force)/indecent exposure	1 day OSS up to 10 days OSS
17B	Sexual battery (must also be reported to the Principal and the Board)	
18a, b, c, d, e	Technology offenses - Technology/computer misuse (inappropriate internet use, disabling, etc.)/computer/tampering/trespass/ hacking/altering hard drives; Refusal to comply with school rules or reasonable directions or commands of school staff regarding use of technology	Local interventions up to 10 days OSS
19a, b, c	Gang Activities (Criminal Charges may also apply)	3 days OSS up to 10 days OSS
22	Encouraging Misconduct - Provoking a fight /Encouraging violations of the code of conduct	1 day ISS up to 10 days OSS



## YHALE Elementary School Student Responsibility Cycle

### Tier III: Serious Acts of Misconduct

Rule	Offense and Description	Consequence Range
4a	Battery of an Employee (Physical and Verbal) (Criminal Charges may also apply) - Intentionally make physical contact which causes physical harm to a school employee, unless such physical harm was in defense of himself or herself	1 day OSS up to 10 days OSS, with a Hearing Referral for long-term suspension and/or expulsion. (If expelled, upon recommendation of the hearing officer, an elementary school student may be readmitted to a traditional school for grades 6-8.
4b	Intentionally make physical contact of an insulting or provoking nature with a school	10 days OSS and Hearing Referral for recommendation for long-term suspension/expulsion is optional
4c	Assault - Attempt to cause physical injury, threaten bodily harm or commit an act which places an employee in reasonable apprehension of immediately receiving physical injury	
5a, b	Group Fight (Criminal charges may also apply) with serious injury (3 + participants)	10 days OSS and Hearing Referral
10	Weapons (Criminal Charges may also apply) - Possession or use of any Category I Weapon	10 days OSS and Hearing recommendation for expulsion for at least one (1) calendar year
10	Weapons (Criminal Charges may also apply) - Possession or use of any Category II weapon with intent to harm or use for protection	10 days OSS and Hearing recommendation for long term suspension/expulsion
11d	Alcohol/Drugs/Paraphernalia (Criminal Charges may also apply) - Sale, attempted sale or distribution of alcohol, controlled substance, prescribed medication, look-a-like drug or paraphernalia	
17c	Sexual Molestation (must also be reported to Principal and Board)	
21	Off-Campus Misconduct	

# Proposed YHALE Middle School Student Responsibility Cycle for 2023-2024

AD: Administrative Detention  
SST: Student Support Team

ISS: In-School Suspension  
OSS: Out-of-School Suspension

## Tier I: Minor Acts of Misconduct

Rule	Offense and Description	Consequence Range
1e	Horseplay/Rough or Boisterous Activities	1 day AD/SS up to 3 days ISS
1f	PDA - Public Display of Affection	Local interventions up to 3 days ISS
6a	Teasing/Taunting	1 day AD/SS up to 3 days ISS
6c	Profane language or gestures - Use of abusive words, profane or vulgar language (written or oral) or gestures (not directed at or toward an employee)	Local interventions up to 5 days OSS
7	<ul style="list-style-type: none"> <li>Insubordination - Failure to follow school rules or reasonable directions or commands of school staff</li> <li>Verbal Confrontation with another person</li> <li>Failure to Identify self to school employee</li> </ul>	Local interventions up to 3 days OSS
8	Misrepresentation - Making false reports or statements (i.e. false emergency calls, false name, forgery, falsely accusing others of wrong actions, falsifying school records, alteration or unauthorized possession of school, county, state or federal forms/records, etc.)	1 day AD/SS up to 3 days OSS
9	Honor Code Violation - Plagiarism; Cheating on assignments/tests, projects, science fair projects, etc.	1 day ISS up to 10 days OSS
10	Dangerous Instruments/Unauthorized Items - Possession of matches, lighters, stink bombs, pepper spray, mace, ammunition, BBs, paint pellets, CO2 cartridges, fireworks, or similar instruments/items	1 day AD/SS up to 10 days OSS
12a	Skipping/Unexcused Absences/Tardies - Class cuts, Unexcused tardies (Starts over every 9 weeks)	Local interventions up to 3 days ISS and Social Worker/Counselor Referral
12b	Leaving campus without permission from parent and Principal/designee	
12c	Failure to attend detention or ISS	Local interventions up to 3 days OSS (Consequences may be in addition to original days)
13	Dress Code Violations	Adjustment of clothing or student reports to ISS until change of clothes is provided and utilized
14	Smoking/Tobacco Products - Possession, distribution or use of tobacco products, tobacco related products	1 day AD/SS up to 3 days ISS
15	Gambling	1 day ISS up to 5 days OSS

## Proposed YHALE Middle School Student Responsibility Cycle 2023-2024

Rule	Offense and Description	Consequence Range
1a, b 20	Disruption and Interference with school or school transportation - Conduct that causes the disruption of school; Use of prohibited items which may interfere with bus safety	Local interventions up to 10 days OSS
1c	Bomb threat	5 days OSS up to 10 days OSS (Consequences may be based upon the severity of the offense)
1d	False fire alarm	
2a	Theft and Vandalism (Criminal Charges may also apply) - Cause or attempt to cause damage to or deface school or private property	Local interventions up to 10 days OSS and restitution (Severity of consequences may be based upon value of property at issue and/or method of taking)
2b	Vandalism/damage/alteration of school or private property	
2c	Arson or attempted arson of school or private property	
2d	Theft or attempted theft of school or private property	
2e	Theft or attempted theft by: force; threat of force, violence or fear	
2f	Possess or distribute school or private property without appropriate authorization	
3a, b	Unauthorized Entry/Trespassing - Unauthorized entry into a school building or vehicle; Trespassing on school property during OSS or on another school's campus	5 days OSS up to 10 days OSS
5a, 5b	Group Fight (Criminal charges may also apply) with no serious injury (3 + participants) (5 days OSS & SAVTE Program for first time only)	8 days OSS up to 10 days OSS (Consequences may be based upon the severity of the injury/disruption)
5a	Battery/Fight involving students (Criminal Charges may also apply) - Intentionally make physical contact which does not cause physical harm to another	3 days ISS up to 5 days OSS
5a	Battery/Fight involving students (Criminal Charges may also apply) - Intentionally make physical contact which causes physical harm to another person (Battery)	5 days OSS up to 10 days OSS (Consequences may be based upon the severity of the injury/disruption)
5b	Mutually participate in a physical altercation (Fight)	
5c	Assault - Attempt to cause physical injury, threaten bodily harm or commit an act which places a person in reasonable apprehension of immediately receiving physical injury	
5d	Consensual hazing, initiation or bodily modifications	Local interventions up to 10 days OSS
6a	Harassment/Bigotry (Criminal Charges may also apply) - Harassment or acts of bigotry	
6b	Bullying (See Rule for mandatory discipline on third offense)	

6c	Profanity toward an Employee/Verbal abuse of an employee Use of abusive words, profane or vulgar language (written or oral) or gestures (DIRECTED at or toward an employee)	5 days OSS up to 10 days OSS
6d	Offensive Material - Possessing, displaying or distributing profane/vulgar/obscene/pornographic/offensive	
6e	Forcefully abduct, transport and/or detain a person against his/her will	
7	Insubordination - Blatant defiance of school employee request	2 days ISS up to 10 days OSS
10	<ul style="list-style-type: none"> <li>Weapons (Criminal Charges may also apply) - Possession of a Category II weapon without intent to harm or use for protection</li> <li>Possession of a Category III Weapon (includes any weapon not included in Category I or II)</li> </ul>	5 days OSS up to 10 days OSS
11A, B	Alcohol/Drugs/Paraphernalia (Criminal Charges may also apply) - Possession or use of drugs, alcohol or drug paraphernalia; use of inhalant	8 days OSS up to 10 days OSS
11C, E, F, G	Other drug offenses: false identification/inhalants/over the counter medications/prescriptions	
16	Sexual Harassment	5 days OSS up to 10 days OSS
17A (1), (2)	Sexual Misconduct/Sexual Offenses (Criminal Charges may also apply) - Sexual acts/offenses (without use of force)/indecent exposure	
17B	Sexual battery (must also be reported to the Principal and the Board)	
18a, b, c, d, e	Technology offenses - Technology/computer misuse (inappropriate internet use, disabling, etc.)/computer/tampering/trespass/ hacking/altering hard drives; Refusal to comply with school rules or reasonable directions or commands of school staff regarding use of technology	Local interventions up to 10 days OSS
19a, b, c	Gang Activities (Criminal Charges may also apply)	5 days OSS up to 10 days OSS
22	Encouraging Misconduct - Provoking a fight /Encouraging violations of the code of conduct	2 days ISS up to 10 days OSS

## Proposed YHALE Middle School Student Responsibility Cycle 2023-2024

Rule	Offense and Description	Consequence Range
4a	Battery of an Employee (Physical and Verbal) (Criminal Charges may also apply) - Intentionally make physical contact which causes physical harm to a school employee, unless such physical harm was in defense of himself or herself	10 days OSS with a hearing referral and a minimum recommendation for permanent expulsion
4b	Intentionally make physical contact of an insulting or provoking nature with a school	10 days OSS and Hearing Referral for recommendation for long-term suspension/expulsion is optional
4c	Assault - Attempt to cause physical injury, threaten bodily harm or commit an act which places an employee in reasonable apprehension of immediately receiving physical injury	
5a, b	Group Fight (Criminal charges may also apply) with serious injury (3 + participants)	10 days OSS and Hearing Referral
10	Weapons (Criminal Charges may also apply) - Possession or use of any Category I Weapon	10 days OSS and Hearing recommendation for expulsion for at least one (1) calendar year
10	Weapons (Criminal Charges may also apply) - Possession or use of any Category II weapon with intent to harm or use for protection	10 days OSS and Hearing recommendation for long term suspension/expulsion
11d	Alcohol/Drugs/Paraphernalia (Criminal Charges may also apply) - Sale, attempted sale or distribution of alcohol, controlled substance, prescribed medication, look-a-like drug or paraphernalia	
17c	Sexual Molestation (must also be reported to Principal and Board)	
21	Off-Campus Misconduct	

## **Equal Educational Opportunities for Students**

In accordance with the provisions of Title IX of the Educational Amendments of 1972, the Board does not discriminate against students on the basis of sex in the educational programs and activities that it operates. No student shall, on the basis of gender, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, or other educational program or activity operated by this school.

The Board believes that all students should be able to enjoy an educational environment free from all forms of gender discrimination, including sexual harassment. Sexual harassment undermines the integrity of the educational environment. It is a form of sex discrimination prohibited by Title IX. The District is committed to upholding these laws and takes discriminatory behaviors seriously. Therefore, Board policy prohibits even acts of sexual harassment that may not rise to the level of a violation of federal law.

### **Definition of Prohibited Conduct**

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- Such conduct unreasonably interferes with a student's educational performance or creates an intimidating, hostile or offensive educational environment;
- Submission to such conduct is made a term or condition of a student's educational opportunities or development; or
- Submission to or rejection of such conduct by a student is used as a basis for education decisions affecting the student.

Examples of prohibited conduct include, but are not limited to, offensive or unwelcome sexual advances or propositions; unwelcome intentional touching of intimate body areas; dating of a student by an employee; verbal abuse of a sexual nature; graphic or degrading verbal comments about an individual or his/her physical attributes; the display of sexually suggestive objects, pictures, cards or letters; lewd or suggestive comments or gestures, off-color language or jokes of a sexual nature in the presence of a student.

Sexual harassment may occur in a variety of circumstances, including but not limited to, the following:

1. The victim as well as the harasser may be male or female. The victim does not have to be of the opposite sex.
2. The harasser may be an employee of the school, a non-employee, or another student.
3. Sexual harassment may occur without economic or academic injury to the victim.

### **Reporting Sexual Harassment**

1. Incidents of sexual harassment should be reported as soon as possible so that prompt corrective action may be taken if warranted, and no later than 30 days after the incident.
2. The report should be made or forwarded to the Principal, who shall promptly investigate the matter.
3. If the Principal is the alleged harasser or if the complainant prefers reporting the incident to someone other than the Principal, the report may be made to the Board.
4. The initial report of the incident may be made in person, by telephone, or in writing (including email).
5. The Principal or designee, as the case may be, will discuss the matter with the student complainant and/or the student's parent/guardian at the earliest practical time in order to secure the details and circumstances giving rise to the complaint. At the meeting, the procedure for investigating the situation will be explained and the student or parent/guardian will be provided with a complaint form to complete and sign. A sample complaint form, calling for a detailed description of the incident(s) giving rise to the complaint will be provided by the Principal or designee.
6. Filing a complaint under this procedure does not prevent the student from also pursuing other remedies available under the law.

## **Investigation**

1. The Principal shall conduct an investigation of the complaint. Such investigation shall include interviews with the accused party or parties, interviews with any witnesses, and an examination of any relevant documents or other evidence. In appropriate circumstances, school officials may request relevant medical records or documentation from the student.
2. As a general guideline, an investigation should be completed within a reasonable time period, but no more than 60 days from the initial report of the incident to the Principal.
3. At the conclusion of the investigation, the Principal or designee shall prepare a written report that sets forth the findings of the investigation and the evidence in support of the findings. A copy of the report will be provided to the Board or designee and will be available to the student making the complaint or the student's parent/guardian, but will not include information on other students protected by federal or state privacy laws.

## **Resolution of the Complaint**

1. If it is determined that the sexual harassment occurred, the Principal shall recommend appropriate corrective and disciplinary action to prevent a recurrence of the harassment.
2. Appropriate corrective action may include, but is not limited to, reprimand, suspension, non-renewal or termination of an employee offender or the suspension or expulsion of a student offender. Appropriate procedures will be followed where required by law.

## **Request for Review**

1. The complainant may ask the Principal to reconsider the result of the investigation and any corrective measures taken.
2. If still dissatisfied, the complainant may ask the Board Chair or designee to review the matter. The Board Chair or designee, at his/her option, may agree to review the matter or may decline to do so. The request for review shall be made in writing and shall include the reasons why the complainant believes a different result should have been reached.

## **Nondisclosure of Proceedings**

1. Except as otherwise required by law, complaints and investigations under this procedure shall be disclosed only to those persons who have a need to know for purposes of investigating or resolving the complaint. All disclosures are subject to state and federal privacy laws. Any employee or student who releases information in violation of this procedure shall be subject to disciplinary action.
2. The Principal or designee shall maintain the files and records relating to reports and investigations of sexual harassment.

## ***No Retaliation***

Retaliating against anyone for filing a complaint or for participating in an investigation of a complaint filed under this procedure is prohibited. Any employee or student who retaliates in violation of this procedure shall be subject to disciplinary action. However, students or employees who knowingly make false charges of harassment may be subject to disciplinary action as well as any civil or criminal legal proceedings.

## ***Publication and Notification***

The school's policy and procedure on sexual harassment will be explained to all students and school employees. A summary of the policy and procedure shall be included in student handbooks.

As required by O.C.G.A. 20-2-1184, a Principal or designee who receives a report of a sexual offense (as defined in Chapter 6 of Title 16 of Georgia law) and has a reasonable cause to believe that the report is valid must immediately report the matter to the Board and the Board's legal counsel. These offenses include, but are not limited to, sexual battery, rape and molestation.

## Civil Rights Concerns

The Board requires full compliance with all federal and state non-discrimination laws, including but not limited to: Title VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Equal Pay Act of 1963, Pregnancy Discrimination Act, Age Discrimination Act of 1975 (Age Act), Age Discrimination and Employment Act (ADEA), Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, Boy Scouts of America Equal Access Act of 2001, and Public Law 101-476, Individuals with Disabilities Education Act (IDEA).

These laws prohibit, and YHALE forbids discrimination on the basis of age, race, color, national origin, religion, sex, disability, pregnancy, and veteran status in all school programs and activities. This includes academic, extracurricular, athletic, and other school programs, as well as during field trips, and in school classes or training programs that take place off school grounds. Sexual harassment is a form of sex discrimination prohibited by Title IX. The District is committed to upholding these laws and takes discriminatory behaviors seriously.

The Principal handles inquiries or concerns regarding the school's non-discrimination policies. Alternatively, a parent or student may contact the Board Chair to share concerns. The Board Chair's contact information is:

Board Chair  
Yi Hwang Academy of Language Excellence  
4550 River Green Parkway, Suite 100  
Duluth, GA, 30096

Finally, discrimination complaints may also be filed directly with the Equal Employment Opportunity Commission, Sam Nunn Atlanta Federal Center, 100 Alabama Street, SW, Suite 4R30, Atlanta, GA 30303 or the U.S. Department of Education, Atlanta Office for Civil Rights, 61 Forsyth St. S.W., Suite 19T70, Atlanta, GA 30303-3104.

## Parents' Right to Know

In compliance with the requirements of the Every Student Succeeds Act, YHALE informs parents that you may request information regarding the professional qualifications of your student's teacher(s) and/or paraprofessional(s). The following information may be requested:

- Whether the student's teacher:
  - has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
  - is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and
  - is teaching in the field of discipline of the certification of the teacher.
- Whether the child is provided services by paraprofessionals and, if so, their qualifications.

If you wish to request information concerning your child's teacher's or paraprofessional's qualifications, please contact the Principal.

## Technology Use

### Cell Phone/Smart Phone Use

Please review the cell phone use policy contained in Rule 18 and Rule 20 of the Student Code of Conduct. While cell phones can be an important communication and safety device for families, their use during the school day may be prohibited and can be quite disruptive.



Cell phones/smart phones containing evidence of potential criminal activity, including types of pornography, may be permanently confiscated and provided to law enforcement. Students who use cell phones or visual recording devices to participate in inappropriate behavior or film inappropriate activity at school or to violate someone's privacy may also be charged with a violation of the Student Code of Conduct. (See, e.g., Rule 1b, 18 and 22) Behaviors that could result in disciplinary action include, but are not limited to, sending or showing an inappropriate picture/video to another (other than a staff member); sending or showing a picture/video of a student's misconduct to another (other than a staff member); or knowingly viewing an inappropriate picture/video on another's device. Students charged with violating the Student Code of Conduct may have the device confiscated by the school administrator or designee. YHALE is not responsible for electronic devices on school property or at school sponsored events.

## **Harassment and Inappropriate Technology Use**

Parents should have a serious conversation with their students about the harmful effects of sending out inappropriate videos, pictures or information, or using technology to harass or threaten someone. Students should also be told about the serious emotional, educational, and criminal impacts that harassing, bullying, or threatening another, or sending or viewing sexually explicit information, may have. Georgia law and the Student Code of Conduct permit serious penalties for students who engage in these behaviors. For instance, these behaviors can result in criminal charges for terroristic threats or child pornography.

## **Social Networking Websites**

Social networking websites and applications such as Twitter, Instagram, or Facebook, offer a positive opportunity to interact; however, when used inappropriately, these sites can become a hurtful or dangerous place for students.

Students are sharing information or acting upon negative information that they have posted or read. This creates disruptions to student relationships and the learning environment. ***Please talk with your child about the importance of never posting or sharing something mean, hurtful, profane, or obscene online or through other technology.***

## **Recommendations for Parents about Technology**

Open communication and being able to access and review the content of your child's social media accounts, internet use and cell phone use is a step in the right direction for student safety. Remember that students sometimes share personal information that jeopardizes their safety such as suggestive photos, substance use, weapons, personal cell numbers, personal diary or blog, or current location.

Online predators may use this information to search for potential victims. These predators may also pose as teenagers or young adults in order to establish relationships with young people.

## **YHALE Device Fines**

If your student is assigned (on a temporary or long-term basis) to use a device (tablets, laptops, computers accessories) owned by YHALE, fines will apply for lost, stolen, damaged, or destroyed items. A student who fails to return a device or any accessories or peripherals will be responsible for the full replacement cost of the item that was not returned.

## **Responsible Use of YHALE Network**

The YHALE Responsible Use Policy is designed to prevent unauthorized access and other unlawful activities by staff and students, to prevent unauthorized disclosures of or access to sensitive information, and to comply with the Children's Internet Protection Act (CIPA) of 2000, and the Family Education Rights and Privacy Act (FERPA) of 1974 while using the YHALE network.

YHALE maintains a network that includes all YHALE electronic devices, software, data, communications services, storage media and access to internal and external networks (Internet). Access to the network is the property of YHALE, and shall be used solely in support of YHALE's instructional and administrative programs. Use of this property is a privilege that may be discontinued at any time. The

existing network is exclusively intended for employees, students and guests using YHALE-IT approved network resources.

All use of the network should be consistent with the school's goal to promote educational excellence. The network should be used only in a responsible, ethical and lawful manner in ways that contribute to communication, collaboration, creativity, and critical thinking. Any unauthorized use of the network or any failure to comply with the local and system-wide provisions relating to use of the network will be grounds for disciplinary and/or legal action.

The Principal, Campus Directors, and technology personnel shall be responsible for monitoring all use of the network at their facilities. Student access to the network shall be under the supervision of a teacher or other appropriate staff member. There is currently no charge for access to the network when used in accordance with Board policy and procedures.

## **Internet Safety**

The Principal (also serving as Superintendent) shall, with respect to any computers, portable, mobile, or other electronic devices belonging to YHALE and having access to the Internet:

1. Ensure that a qualifying "technology protection measure," as that term is defined in section 1703(b)(1) of the Children's Internet Protection Act of 2000, is installed and in continuous operation; and
2. Institute, maintain, and enforce procedures or guidelines which provide for monitoring the online activities of users and the use of the chosen technology protection measure to prevent access to visual depictions that are (i) obscene, (ii) child pornography, or (iii) "harmful to minors," as that term is defined in section 1721(c) of the Children's Internet Protection Act of 2000.
3. Ensure that measures are in place to support order FCC 11-125, which requires that a school's Internet safety policy provide for the education of minors about appropriate online behavior, including interacting with other individuals on social networking websites, blogs, wikis, discussion boards and in chat rooms and cyber bullying awareness and response.

The Principal shall, with respect to access to the Internet by or through computers, portable, mobile, or other electronic devices belonging to YHALE, institute, maintain and enforce procedures or guidelines which:

1. Provide for monitoring a school's Internet safety policy to ensure it provides for the education of minors about appropriate online behavior, including interacting with other individuals on social networking websites, blogs, wikis, discussion boards and in chat rooms and cyber bullying awareness and response.
2. Record all users' online activities and to access, review, copy, store or delete any electronic communication or files and disclose this information as deemed necessary. Users should have no expectation of privacy regarding their use of District property, networks, and/or Internet access or files; including email. Students/staff using unapproved Virtual Private Network (VPN) filters to bypass FCS content filters, while using enterprise network, will be subject to disciplinary action.
3. Are designed to promote the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications.
4. Are designed to prevent unauthorized access, including so-called "hacking," impersonations, service disruptions and/or any other unauthorized activities by minors online.
5. Are designed to prevent the unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and
6. Are designed to restrict minors' access to materials "harmful to minors," as that term is defined in section 1721(c) of the Children's Internet Protection Act of 2000. While this Act specifically references minors, the protections listed above should apply to all users of the school system network.

All users of YHALE's networks, computers, portable, mobile, and/or other electronic devices must complete a Responsible Use Agreement and the annual Security Awareness Training, prior to use of electronic networks, computers, portable, mobile, and/or other electronic devices each school year. This includes, but is not limited to teachers, administrators, paraprofessionals, clerical staff, maintenance and facilities staff, technology staff, vendors, students, parents, and volunteers.

## **Computer, Internet, Email, and Network Operating Guidelines**

### **Responsible Use Agreement**

The following document outlines guidelines for the use of computing systems and facilities located at or operated by YHALE. The definition of YHALE information and data resources includes any computer, server, network, portable, mobile, cloud resources, or other electronic device provided by YHALE, or access provided or supported by YHALE, including the Internet. Use of the computer facilities includes the use of data/programs stored on YHALE computing systems, data/programs stored on magnetic tape, CD-ROMs, DVD-ROMs, computer peripherals, or other digital storage media, that is owned and maintained by YHALE. The "user" of the system is the person requesting an account (or accounts) in order to perform work in support of YHALE programs or a project authorized for YHALE. The purpose of these guidelines is to ensure that all YHALE technology users share YHALE technology resources in an effective, efficient, ethical and lawful manner. Employees who violate the Responsible Use Agreement could be subject to disciplinary action, up to and including termination. Students who violate the Responsible Use Agreement could be subject to any appropriate disciplinary action.

### **Accessing the Network and Instructional Resources**

The Board recognizes that YHALE's networks provide access to a wide variety of instructional resources in an effort to enhance educational opportunities. Use of these resources must be in support of, and consistent with the vision, mission and goals established by the YHALE Governing Board and for the purpose of instructional support or administrative functions. All users of the YHALE network and/or other informational services must maintain strict compliance with all applicable ethical and legal rules and regulations regarding access.

YHALE encourages the use of the Internet, hardware, and software tools to support teaching and learning. It is the responsibility of each teacher to verify that the resources he/she chooses, besides those chosen by YHALE administration, are curriculum- related and aligned with the mission and vision of YHALE.

### **Harmful and Offensive Material**

YHALE recognizes its inability to control all information available via the Internet. Some of the information that can be accessed via the Internet may be inaccurate, defamatory, obscene, profane, sexually explicit, threatening, racially offensive or otherwise objectionable. YHALE strongly encourages parents to discuss the appropriate access of information and materials with their students. Students who violate the Student Code of Conduct in relation to access and/or distribution of harmful or offensive materials may be subject to disciplinary action.

### **The Children's Internet Protection Act and Family Education Rights and Privacy Act**

In compliance with the Children's Internet Protection Act (CIPA), YHALE is

required to adopt and implement an Internet safety policy addressing: (a) access by minors to inappropriate matter on the Internet; (b) the safety and security of minors when using email, chat rooms, and other forms of direct electronic communications; (c) unauthorized access, including "hacking," and other unlawful activities by minors online; (d) unauthorized disclosure, use, and dissemination of personal information regarding minors; and (e) measures restricting minors' access to materials harmful to them.

This Responsible Use Agreement, with other YHALE policies, procedures, and operating guidelines, complies and will continue to comply with CIPA as outlined below.

1. In accordance with Children's Internet Protection Act ("CIPA"), YHALE blocks or filters content over the Internet that YHALE considers inappropriate for minors via a technology protection measure. This includes pornography, obscene material, and other material that may be harmful to minors. YHALE may also block or filter other content deemed to be inappropriate, lacking educational or work-related content or that pose a threat to the network. YHALE may, in its discretion, disable such filtering for certain adult users for bona-fide research or other lawful educational or business purposes.
2. YHALE educates students and minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.
3. Users, including minors, may not access inappropriate material in violation of YHALE's policies, procedures, or guidelines.
4. YHALE will work to protect the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications.
5. YHALE will work to prevent the unauthorized access, including "hacking" and other unlawful activities by minors online.
6. YHALE will work to prevent the unauthorized disclosure, use, and dissemination of personally identifiable information regarding minors. The Family Educational Rights and Privacy Act ("FERPA") is a federal law that protects the privacy of education records. Under FERPA guidelines, parents or eligible employees have the right to inspect and review the students' education records maintained by the school or district.

## **Content Filtering**

YHALE maintains an Internet filtering system that includes filtering categories. The Information Technology Department maintains a published list of Internet filtering settings by category that have deemed appropriate based on a review by YHALE Administration.

Teachers are expected to monitor usage of technology in the classroom. All Internet-based activities should be conducted using the YHALE network to allow for filtered access that is appropriate for student use.

Faculty and staff have the option to request a site be unblocked if it has been determined to be free of visual depictions that are: (i) obscene, (ii) child pornography, or (iii) "harmful to minors, and the site is to be used for instructional purposes.

Users shall not use any website, application, or methods to bypass filtering of the network or perform any other unlawful activities. Examples include unapproved third-party VPNs and Proxys, used to bypass content filters.

## **Copyright Considerations**

Many written materials are the personal property of the author or other persons. Copyright laws protect these ownership interests. It is not always possible, particularly in the midst of classroom activity, to know whether a particular material is protected by copyright laws and, if so, whether a particular use is permitted as "fair use." Therefore, students and employees should assume that any material they access on the YHALE Network is the property of another and that use of the material is restricted by copyright laws, unless there is definitive evidence to the contrary.

Material downloaded from the YHALE Network should not be distributed to others unless such permission is obtained from the owner of the copyright or his/her authorized representative. Users shall not upload computer programs or software of any kind onto the YHALE Network unless they obtain permission in advance from authorized school personnel. YHALE accepts no responsibility for violation of copyright laws by employees, students or other users.

## **Public Posting Areas**

Messages can be posted on the Internet from computer systems around the world. YHALE has no control over the content of messages posted from external systems. YHALE staff will determine which discussion boards, blogs, wikis and groups are most beneficial to the educational mission of YHALE. Use of external content not approved by YHALE staff is prohibited. Messages posted locally may be removed by school personnel if they are in violation of Board policy, procedures, or school rules. Misuse of discussion boards or groups may result in termination of the user's access and/or other disciplinary measures.

## **Real-time Interactive Communications Areas**

Students, employees, and other users are expected to use the real-time conference and communication features of the YHALE Network for educational or work-related communications only. Users must abide by any restrictions posted on the Network regarding interactive communications.

## **Use of the Internet and Email**

Users will comply with all Federal and State laws, and all District policies when accessing their account.

This includes, but is not limited to:

1. User accounts may not be used for illegal or unlawful purposes, including, but not limited to, copyright infringement, obscenity, libel, slander, fraud, defamation, plagiarism, harassment, intimidation, cyberbullying, forgery, impersonation, illegal gambling, soliciting for illegal pyramid schemes, unauthorized access to the systems, data, or network of YHALE or a third party (including "hacking"), and/or service disruptions (e.g. spreading computer viruses and/or denying services).
2. User accounts may not be used in any way that violates YHALE policies, procedures, or operating guidelines. Users engaging in online behavior that is not consistent with the mission of YHALE, that misrepresents YHALE, or that violates any YHALE policy is prohibited.
3. YHALE prohibits use of the network for mass unsolicited mailings, access for non-employees to YHALE resources or network facilities, competitive commercial activity unless pre-approved by YHALE, and/or the dissemination of chain letters.
4. Individuals may not view, copy, alter, or destroy data, software, documentation, or data communications belonging to YHALE or another individual without authorized permission.
5. In the interest of maintaining network performance, users should refrain from sending unreasonably large email attachments.
6. Accessing wireless "hotspots" with YHALE technology at public and/or unsecure locations should be avoided to prevent the breach of confidential data and information.

## **Transmission and Storage of PII & FERPA-Protected Information**

It is the responsibility of all YHALE employees and contractors to protect sensitive data, and personally identifiable information (PII) in a professional manner. YHALE employees and contractors will not be granted access to sensitive information that is not authorized based upon a job-related need to know or for a job-related legitimate educational purpose. This includes accessing data on YHALE devices as well as devices containing YHALE data owned or rented by employees and contractors. Sensitive information includes, but is not limited to:

1. Student or parents name, address, telephone number, and social security number
2. Student ID, grade, attendance, medical, or transcript information
3. Student or parent financial aid or similar financial information
4. Race/Ethnicity, birth date, age
5. Employee name, address, telephone number
6. Employee payroll and benefits information
7. Any information which by itself or if combined with other information would allow a

person to be able to discretely identify an individual

## **Monitoring the Enterprise Network, E-mail, and Internet Usage**

Use of the YHALE Network is limited to the support of YHALE's educational mission. Therefore, information transmitted or received over the YHALE Network (including email) should not be considered "personal" or "private." Messages may be opened and read by YHALE administration or other appropriate personnel without the consent of the sender or intended recipient. Local, state, and/or federal officials may also obtain access to electronic communications in connection with investigations or other purposes. In addition, messages sent over the YHALE Network may be subject to disclosure under the Open Records Act. Therefore, use of the YHALE Network for transmitting confidential student or personnel information should be avoided. In addition, an employee found to have used this medium for purposes contrary to this procedure may have privileges terminated and may be subject to disciplinary action pursuant to Board policies, procedures, and/or operating guidelines.

## **Cellular Communications, Telephone, Computers, Laptops & Tablets and Other Charges**

Use of the YHALE Network in the manner permitted by YHALE should not generate any additional costs or charges to YHALE. Therefore, users will not be charged for such use. However, if the YHALE Network is used in a manner that is not allowed by YHALE, the users engaged in such disallowed uses will be required to pay all costs incurred. In addition, misuse of the YHALE Network in this manner may result in loss of access or other punitive action up to and including termination of employment.

Portable, mobile, hand-held, or other electronic devices and/or associated accessories for these devices should be used solely to support the vision and mission of YHALE.

Usage of YHALE-issued electronic devices will comply with all Federal and State laws, and all YHALE policies, procedures, and operating guidelines. This includes, but is not limited to, the following:

1. Devices may not be used for illegal or unlawful purposes, including, but not limited to, obscenity, libel, slander, fraud, defamation, harassment, intimidation, impersonation, illegal gambling, or soliciting for illegal pyramid schemes.
2. Devices may not be used in any way that violates YHALE policies, procedures, or operating guidelines. Use of a device in a manner that is not consistent with the mission of YHALE or that misrepresents YHALE is prohibited.

Information transmitted or received over YHALE-issued portable, mobile, hand-held or other electronic devices should not be considered "personal" or "private." Local, state or federal officials may obtain access to records of calls or texts placed via YHALE-issued electronic devices in connection with investigations or other purposes. These records may also be subject to disclosure under the Open Records Act.

Use of YHALE-issued devices in the manner permitted by the YHALE should not generate additional costs or charges to YHALE. Therefore, users will not be charged for such use. However, if YHALE-issued electronic devices are used in a manner that is not permitted, the users engaged in such disallowed uses will be required to pay all costs incurred.

Misuse of YHALE-issued electronic devices may result in a loss of access privileges and/or other disciplinary measures. Users who are issued a device are expected to exercise reasonable caution in conducting business related communications i.e. when in public, when driving, etc. Hands free devices should be used when driving. Texting while driving is strictly prohibited per OCGA 40-6-241.2.

Electronic devices that are issued to employees are the responsibility of that employee. Electronic devices that are damaged under normal wear and tear by employees will be replaced at no cost. Employee devices that are otherwise damaged will be replaced at the contract rate afforded YHALE. Employee's may be

required to cover some or all the expense. In the event that an employee resigns or is terminated, the impacted employee must surrender the equipment immediately upon request. If the employee is unable to present the equipment in good working order, YHALE shall expect the employee to reimburse YHALE for the cost of a replacement device.

## **User Identification Information**

YHALE may occasionally require new or updated information from users. Users must provide all such information as requested. Users also must notify the administration of any changes in user identification information (address, phone, name, etc.).

Passwords provide an important means of protecting network access and preventing unauthorized access to data. Therefore, sharing your passwords, attempting to log on to resources using another person's password, falsely posing as an YHALE administrator, or engaging in other security violations will be grounds for termination of privileges and other disciplinary measures. Users should immediately notify an administrator if their password is lost or stolen or if they believe that someone has obtained unauthorized access to their account password.

All users will be prompted to change their passwords periodically.

The following guidelines will help you create and maintain passwords that are not easily compromised.

- Do not use birthdates or any other numeric sequence that can be easily associated with you.
- Do not use names of family members, friends, pets, hobbies, etc.
- Do not use the same password repeatedly by changing the last digit or number of the password.
- Never share passwords with anyone. Do not reply to an email asking for passwords or any other personal information such as bank accounts. Do not provide passwords or personal information to a telephone caller who may claim to be "tech support".
- Change your password immediately if you suspect it has been compromised or if someone has obtained your password. If you suspect someone has accessed your account, or if you suspect any type of security breach, contact the IT Specialist immediately.
- Be careful about where passwords are saved automatically on devices or websites.
- Some dialog boxes, such as those for remote access or logon, allow you to save or remember a password. Selecting this option poses a potential security threat if someone was to gain unauthorized access to your device.

## **Vandalism**

Computer vandalism is prohibited and may result in disciplinary actions. Prohibited conduct includes creating computer viruses, service disruptions, harming or attempting to harm or destroy YHALE's hardware, software or data; harming or attempting to harm the data of another user, the network or any of the agencies or other networks that are connected to the YHALE Network; and harming or attempting to harm the hardware, software, or data of a third party. Abuse of a computer system may also subject the abuser to criminal penalties.

## **Reporting Loss/Theft of Equipment or Data**

YHALE employees and contractors who possess YHALE-owned laptop computers and mobile devices are expected to secure them whenever they are left unattended, and it is the employee or contractor's responsibility to protect the device and data during domestic and international travel. In the event an YHALE-owned or managed laptop computer or mobile device is lost or stolen, the theft or loss must be reported immediately to the YHALE Principal, Campus Director, and/or IT Specialist.

## Termination of Privileges

An employee's access to, and use of, the YHALE network will be discontinued when his/her employment is suspended or terminated either voluntarily or involuntarily. An employee who disagrees with a decision to suspend or terminate access to the network may file a complaint under the appropriate employee complaint procedure.

A student's access to, and use of, the YHALE Network will be discontinued when the student graduates from middle school, withdraws from YHALE, or is expelled by YHALE. A student whose access to the YHALE Network has been suspended or terminated may request, in writing, a review of the decision by the Principal or his/her designee. Whenever possible, a final determination shall be sent to the student in writing within ten working days of receipt of the request for a review.

Failure to follow these guidelines can violate the Official Code of Georgia, OCGA, Codes 16-9-90, 16-9-91, 16-9-92, and 16-9-93, as well as United States Public Law 106-554, known as the Children's Internet Protection Act. Such actions can also lead to disciplinary actions, up to and including termination of employment or contract with FCS and criminal prosecution. The Federal Educational Rights and Privacy Act (FERPA) applies to all teachers, employees, and school officials that have access to student data.

At no time should student identifying information be broadcast or disclosed in communications sent outside the YHALE Network without parental permission for such activities. Teachers should closely monitor classroom activities where students are communicating outside of YHALE.

Regardless of the activity type, student privacy should never be compromised.

YHALE technology use is subject to auditing for legitimate purposes, as well as live monitoring where appropriate.

## Notice of Rights of Students and Parents under Section 504

Section 504 of the Rehabilitation Act of 1973, commonly referred to as "Section 504," is a nondiscrimination statute enacted by the United States Congress. The purpose of Section 504 is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students. For more information regarding Section 504, or if you have questions or need additional assistance, please contact YHALE at [info@YHALE.org](mailto:info@YHALE.org) or at the following address:

504 Coordinator  
Yi Hwang Academy of Language Excellence  
4550 River Green Parkway, Suite 100  
Duluth, GA, 30096

The implementing regulations for Section 504 as set out in 34 CFR Part 104 provide parents and/ or students with the following rights:

1. Your child has the right to an appropriate education designed to meet his or her individual educational needs as adequately as the needs of non-disabled students. 34 CFR 104.33.
2. Your child has the right to free educational services except for those fees that are imposed on nondisabled students or their parents. Insurers and similar third parties who provide services not operated by or provided by the recipient are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33.
3. Your child has a right to participate in an educational setting (academic and nonacademic) with non-disabled students to the maximum extent appropriate to his or her needs. 34 CFR 104.34.
4. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.34.
5. Your child has a right to an evaluation prior to a Section 504 determination of eligibility. 34 CFR 104.35.



6. You have the right to not consent to the school system's request to evaluate your child. 34 CFR 104.35.
7. You have the right to ensure that evaluation procedures, which may include testing, conform to the requirements of 34 CFR 104.35.
8. You have the right to ensure that the school system will consider information from a variety of sources as appropriate, which may include aptitude and achievement tests, grades, teacher recommendations and observations, physical conditions, social or cultural background, medical records, and parental recommendations. 34 CFR 104.35.
9. You have the right to ensure that placement decisions are made by a group of persons, including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35.
10. If your child is eligible under Section 504, your child has a right to periodic reevaluations, including prior to any subsequent significant change of placement. 34 CFR 104.35.
11. You have the right to notice prior to any actions by the school system regarding the identification, evaluation, or placement of your child. 34 CFR 104.36.
12. You have the right to examine your child's educational records. 34 CFR 104.36.
13. You have the right to an impartial hearing with respect to the school system's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. 34 CFR 104.36.
14. You have the right to receive a copy of this notice and a copy of the school system's impartial hearing procedure upon request. 34 CFR 104.36.
15. If you disagree with the decision of the impartial hearing officer (school board members and other district employees are not considered impartial hearing officers), you have a right to a review of that decision according to the school system's impartial hearing procedure. 34 CFR 104.36.
16. You have the right to, at any time, file a complaint with the United States Department of Education's Office for Civil Rights.
17. To the maximum extent appropriate, children with disabilities are educated with children without disabilities as required by SBOE Rule 160-4-7-.04.
18. Families are provided with a notice of procedural safeguards as required by the Individuals with Disabilities Education Act (IDEA) and SBOE Rule 160-4-7-.09.
19. You have the right to prompt and equitable grievance procedures under Section 504 of the Rehabilitation Act of 1973.

## **Section 504 Procedural Safeguards**

### ***Overview***

Any student or parent or guardian ("grievant") may request an impartial hearing (due to YHALE's actions or inactions regarding your child's identification, evaluation, or educational placement under Section 504. Requests for an impartial hearing must be in writing to YHALE's Section 504 Coordinator; however, a grievant's failure to request a hearing in writing does not alleviate YHALE's obligation to provide an impartial hearing if the grievant orally requests an impartial hearing through YHALE's Section 504 Coordinator. YHALE's Section 504 Coordinator will assist the grievant in completing the written Request for Hearing.

### ***Hearing Request***

The Request for the Hearing must include the following:

1. The name of the student.
2. The address of the residence of the student.
3. The name of the school the student is attending.
4. The decision that is the subject of the hearing.
5. The requested reasons for review.
6. The proposed remedy sought by the grievant.
7. The name and contact information of the grievant.

Within 10 business days from receiving the grievant's Request for Hearing, the Section 504 Coordinator will acknowledge the Request for Hearing in writing and schedule a time and place for a hearing. If the written Request for Hearing does not contain the necessary information noted above, the Section 504 Coordinator will inform the grievant of the specific information needed to complete the request. All timelines and processes will be

stayed until the Request for Hearing contains the necessary information noted above.

### ***Mediation***

YHALE may offer mediation to resolve the issues detailed by the grievant in his or her Request for Hearing. Mediation is voluntary and both the grievant and YHALE must agree to participate. The grievant may terminate the mediation at any time.

If the mediation is terminated without an agreement, YHALE will follow the procedures for conducting an impartial hearing without an additional Request for Hearing.

### ***Hearing Procedures***

1. The Section 504 Coordinator will obtain an impartial review official who will conduct a hearing within 45 calendar days from the receipt of the grievant's Request for Hearing unless agreed to otherwise by the grievant or a continuance is granted by the impartial review official.
2. Upon a showing of good cause by the grievant or YHALE, the impartial review official, at his or her discretion, may grant a continuance and set a new hearing date. The request for a continuance must be in writing and copied to the other party.
3. The grievant will have an opportunity to examine the child's educational records prior to the hearing.
4. The grievant will have the opportunity to be represented by legal counsel at his or her own expense at the hearing and participate, speak, examine witnesses, and present information at the hearing. If the grievant is to be represented by legal counsel at the hearing, he or she must inform the Section 504 Coordinator of that fact in writing at least 10 calendar days prior to the hearing. Failure to notify the Section 504 Coordinator in writing of representation by legal counsel shall constitute good cause for continuance of the hearing.
5. The grievant will have the burden of proving any claims he or she may assert. When warranted by circumstances or law, the impartial hearing officer may require the recipient to defend its position/decision regarding the claims (i.e. A recipient shall place a disabled student in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. 34 C.F.R. §104.34). One or more representatives of YHALE, who may be an attorney, will attend the hearing to present the evidence and witnesses, respond to the grievant testimony, and answer questions posed by the review official.
6. The impartial review official shall not have the power to subpoena witnesses, and the strict rules of evidence shall not apply to hearings. The impartial review official shall have the authority to issue pre-hearing instructions, which may include requiring the parties to exchange documents and names of witnesses to be present.
7. The impartial review official shall determine the weight to be given any evidence based on its reliability and probative value.
8. The hearing shall be closed to the public.
9. The issues of the hearing will be limited to those raised in the written or oral request for the hearing.
10. Witnesses will be questioned directly by the party who calls them. Cross-examination of witnesses will be allowed. The impartial review official, at his or her discretion, may allow further examination of witnesses or ask questions of the witnesses.
11. Testimony shall be recorded by court reporting or audio recording at the expense of the recipient. All documentation related to the hearing shall be retained by the recipient.
12. Unless otherwise required by law, the impartial review official shall uphold the action of YHALE unless the grievant can prove that a preponderance of the evidence supports his or her claim.
13. Failure of the grievant to appear at a scheduled hearing unless prior notification of absence was provided and approved by the impartial review official or just cause is shown shall constitute a waiver of the right to a personal appearance before the impartial review official.

### ***Decision***

The impartial review official shall issue a written determination within 20 calendar days of the date the hearing concluded. The determination of the impartial review official shall not include any monetary damages or the award of any attorney's fees.

## **Review**

If not satisfied with the decision of the impartial review official, any party may pursue any right of review, appeal, cause of action or claim available to them under the law or existing state or federal rules or regulations.

# **Restraint of Students**

## **Definitions**

“Chemical Restraint” means any medication that is used to control behavior or restrict the student’s freedom of movement that is not a prescribed treatment for the student’s medical or psychiatric condition. **(Use of chemical restraint is prohibited at YHALE.)**

“Mechanical Restraint” means the use of any device or material attached to or adjacent to a student’s body that is intended to restrict the normal freedom of movement and which cannot be easily removed by the student. The term does not include an adaptive or protective device recommended by a physician or therapist when used as recommended by the physician or therapist to promote normative body positioning and physical functioning, and/or to prevent self-injurious behavior. The term also does not include seatbelts and other safety equipment when used to secure students during transportation. **(Use of mechanical restraint is prohibited at YHALE.)**

“Physical Restraint” means direct physical contact from an adult that prevents or significantly restricts a student’s movement. The term “physical restraint” does not include prone restraint, mechanical restraint, chemical restraint, or seclusion. Additionally, physical restraint does not include providing limited physical contact and/or redirection to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing guidance to a location, or providing comfort.

“Prone restraint” means a specific type of restraint in which a student is intentionally placed face down on the floor or another surface, and physical pressure is applied to the student’s body to keep the student in the prone position. **(Use of prone restraint is prohibited at YHALE.)**

“Seclusion” – is a procedure that isolates and confines the student in a separate area until he or she is no longer an immediate danger to himself/herself or others. The seclusion occurs in a specifically constructed or designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. Seclusion may also be referred to as monitored seclusion, seclusion timeout, or isolated timeout. Seclusion does not include situations in which a staff member trained in the use of de-escalation techniques or restraint is physically present in the same unlocked room as the student, time-out (defined as a behavioral intervention in which the student is temporarily removed from the learning activity but in which the student is not confined), in-school suspension, detention, or a student-requested break in a different location in the room or in a separate room. **(Use of seclusion is prohibited at YHALE.)**

## **Use of Physical Restraint at YHALE**

1. Physical restraint may be used at YHALE only in situations in which the student is an immediate danger to himself/herself or others i.e. actively hurting themselves or others, or is in immediate danger of hurting themselves or others and the student is not responsive to less intensive behavioral interventions including verbal directives or other de-escalation techniques.
2. Physical restraint is prohibited at YHALE as a form of discipline or punishment; when the student cannot be safely restrained; or when the use of intervention would be contraindicated due to the student’s psychiatric, medical, or physical conditions as described in the student’s education records.
3. All physical restraint must be immediately terminated when the student is no longer an immediate danger to himself/herself or others or if the student is observed to be in severe distress.
4. Whenever possible, all physical restraints should be observed and monitored by another adult to ensure student and staff safety.

5. Whenever possible, only faculty and staff trained in the use of physical restraint will physically restrain students. In situations when a trained staff member is not present, but a student must be physically restrained in accordance with this Policy, the student may be restrained. In such situations, individuals present should be directed to summon trained staff and/or seek assistance as quickly as possible.
6. YHALE may designate a Crisis Response Team to safely manage students in crisis – the team may consist of administrator(s); counselor(s); social workers; staff experienced (or trained) in de-escalation, communication, and/or some form of res

### **Training on Use of Physical Restraint**

1. The Principal and/or designee shall make available appropriate training to YHALE faculty and staff on the appropriate use of physical restraint. This training will be provided as part of a program which addresses a full continuum of positive behavioral intervention strategies, as well as prevention and de-escalation techniques.
2. The Principal and/or designee will identify for training those staff members deemed appropriate based on their employment positions.
3. YHALE will maintain written and/or electronic documentation on training provided and the list of participants in each training. Records of such training will be made available to the State Department of Education or any member of the public upon request.

### **Documentation of Physical Restraint**

1. The use of physical restraint will be documented by staff or faculty participating in or supervising the restraint for each student in each instance in which the student is restrained. Staff and faculty should use YHALE's Incident Report Form (or equivalent) to document the use of physical restraint.
2. YHALE shall maintain a copy of completed Restraint Incident Report Form (or equivalent), as well as any other summary reports, in accordance with the requirements of the State Department of Education and existing record retention schedules.
3. Staff and faculty should electronically report student restraint in YHALE's Student Information System.

### **Parental Notification**

1. Parents shall be informed within one (1) school day when a physical restraint is used and shall be provided a copy of the completed Incident Report Form (or equivalent) at that time. Parents and the District may mutually agree that notification may be provided via email.
2. YHALE will provide information to parents about YHALE policies governing the use of physical restraint by posting this Policy on its website and by including it in its Student Handbook.

### **Limitations**

1. Nothing in this Policy shall be construed to prohibit YHALE or an YHALE employee from taking appropriate actions to diffuse a student fight or altercation.
2. Nothing in this Policy shall be construed to eliminate or restrict the ability of an YHALE employee to use his or her discretion in the use of physical restraint to protect students or others from imminent harm or bodily injury. Nothing in this Policy shall be construed to impose ministerial duties on any YHALE employee.
3. Nothing in this Policy limits the ability of YHALE staff to seek assistance from law enforcement and/or emergency medical personnel. Nothing in this Policy shall be construed to interfere with the duties of law enforcement or emergency medical personnel.
4. Nothing in this Policy shall be construed to go beyond or as inconsistent with the requirements of State Board of Education Rule 160-5-1-.35.
5. The use of physical restraint YHALE, as well as this Policy and the Incident Report Form, shall be reviewed by YHALE at least annually.

# Parent Information Guide

## Directory Information Statement – FERPA

### Rights under the Family Educational Rights and Privacy Act

1. The right to inspect and review the student's education records within 45 days of the day YHALE receives a request for access.  
Parents or eligible students should submit to the Principal a written request that identifies the records they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading.  
Parents or eligible students may ask YHALE to amend a record that they believe is inaccurate or misleading. They should write the Principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If YHALE decides not to amend the record as requested by the parent or eligible student, YHALE will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.  
One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by YHALE as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Governing Board; a school approved volunteer; a person or company that is under the direct control of YHALE with respect to the use and maintenance of education records and with whom YHALE has contracted or who volunteers to perform a service or function for which YHALE would otherwise use employees (such as an attorney, auditor, medical consultant, therapist, insurance adjuster); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.  
A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, YHALE discloses educational records, without consent, to officials of another school in which a student seeks or intends to enroll.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by YHALE to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5920.
5. YHALE may disclose appropriately designated "directory information," for educational compliance purposes, to governmental agencies and offices, to non-profit entities for school support purposes, or to educational technology providers as deemed appropriate to access educational services, without written consent, unless you have advised YHALE to the contrary in accordance with YHALE procedures. YHALE may include personally identifiable information in school publications such as a playbill, showing your student's role in a drama production; the annual yearbook; honor roll or other recognition lists; graduation programs; and sports event publications, such as a football game program. YHALE teachers and YHALE may also display directory information on the YHALE or classroom websites or blogs for the

purposes of recognizing student achievement or informing the community about school or YHALE events.

Directory information is information that is generally not considered harmful or an invasion of privacy if released. Directory information includes a student's name, address, email addresses, phone number(s), date and place of birth, grade level, dates of attendance and most recent previous school attended, degrees/honors/awards received, photograph/peripheral student images or audio (see information below), participation in school activities and sports, as well as weight and height of members of athletic teams, student ID number, user ID, or other unique personal identifier used to communicate in electronic systems (subject to the District's determination that this information cannot be used to access education records without a PIN, password, etc.--a student's SSN, in whole or in part, cannot be used for this purpose) or similar information.

YHALE records and maintains audio recordings and video or photographic footage and audio recordings of students on school property and at school events in locations including, but not limited to, parking lots, transportation, lunchrooms, classrooms and hallways. Such information is used and maintained for security and other purposes, including yearbooks, video yearbooks, and school publications, and websites. In many cases, recordings contain peripheral video or photographic footage of students engaged in day-to-day activities including, but not limited to, walking to class and attending to classroom or school activities.

Peripheral video footage, photographic images, or audio recordings of day-to-day student activities do not include footage of a student or students committing, being involved in, or witnessing a violation of law or YHALE rule, procedure, or policy. YHALE may also determine that other activities do not qualify as peripheral images, footage, or recordings on a case-by-case basis.

**Parents/Guardians of students under 18 years of age or a student 18 year of age or older objecting to the release of this information should place their objection in writing and notify the student's Campus Director, within 30 calendar days after the first day of classes of each academic year.**

## **Compulsory Education OCGA § 20-2-690.1:**

Every parent, guardian or other person who has control of any child between the ages of 6 and 16 must enroll and send their child to school. Any parent, guardian or other person having control of a child that has more than 5 unexcused absences\*, after being notified by school personnel, will be guilty of a misdemeanor and subject to the following penalties:

- Fine – not less than \$25.00 and not greater than \$100.00
- Imprisonment – not to exceed 30 days
- Community Service – or any combination of such penalties at the discretion of the courts
- Each day absent after 5 unexcused absences will constitute a separate offense

\*Additional information on unexcused absences and consequences are outlined in the Student of Code of Conduct.

## **Notification of Rights under the Protection of Pupil Rights Amendment (PPRA)**

PPRA affords parents certain rights regarding our conduct of surveys, collection, and use of information for marketing purposes, and certain physical exams. These include the right to:

- Consent before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)
  1. Political affiliations or beliefs of the student or student's parent;

2. Mental or psychological problems of the student or student's family;
  3. Sex behavior or attitudes;
  4. Illegal, anti-social, self-incriminating, or demeaning behavior;
  5. Critical appraisals of others with whom respondents have close family relationships;
  6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
  7. Religious practices, affiliations, or beliefs of the student or parents; or
  8. Income, other than as required by law to determine program eligibility.
- Receive notice and an opportunity to opt a student out of
    1. Any other protected information survey, regardless of funding,
    2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law, and
    3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise, distribute the information to others.
  - Inspect, upon request and before administration or use
    1. Protected information surveys of students,
    2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
    3. Instructional materials used as part of the educational curriculum

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

YHALE will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. The District will also directly notify (such as through U.S. Mail, email, or hand delivery) parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. YHALE will make this notification to parents at the beginning of the school year if YHALE has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5920.

## **COPPA Notice**

YHALE uses software, applications, and online tools to facilitate learning. Before using these tools, we wanted to make you aware of federal regulations that apply to operators of many of these products.

In order for students to use these tools, certain personal information must be provided to the operator. Under the Children's Online Privacy Protection Act (COPPA), these operators must provide notification and obtain consent before collecting personal information from children under the age of 13. However, schools may act on behalf of the parent and can consent to the collection of students' information on the parent's behalf. For more information on COPPA, please visit <http://www.ftc.gov/privacy/coppafaqs.shtm>.

YHALE is providing you with this notice that our staff will provide consent to allow an account to be created for your child, and to allow information about your child to be shared with certain software, application ("app"), or online providers.

If you would like more information about our providers, please visit email [info@YHALE.org](mailto:info@YHALE.org).

If you do not wish for the school to provide consent on your behalf, please contact the Principal by email, fax or letter.

YHALE fosters a community of diversity, acceptance, and non-discrimination. The YHALE Governing Board requires full compliance with all federal and state non-discrimination laws, including, but not limited to the following: Title VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Equal Pay Act of 1963, Pregnancy Discrimination Act, Age Discrimination Act of 1975 (Age Act), Age Discrimination and Employment Act (ADEA), Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, Boy Scouts of America Equal Access Act of 2001, and Public Law 101-476, Individuals with Disabilities Education Act (IDEA).

These laws prohibit, and YHALE forbids, discrimination on the basis of age, race, color, national origin, religion, sex, disability, pregnancy, and veteran status in all school programs and activities. This includes academic, extracurricular, athletic, and other school programs, as well as during field trips, and in school classes or training programs that take place off school grounds. Sexual harassment is a form of sex discrimination prohibited by Title IX. The District is committed to upholding these laws and takes discriminatory behaviors seriously.



# Yi Hwang Academy of Language Excellence (YHALE) of Conduct & Discipline Parent and Student Acknowledgement Form

**Must be acknowledged during enrollment.**

We have received the Student Code of Conduct & Discipline Handbook and all included documents and understand that we are responsible for reading and understanding this information. Parents are responsible for ensuring their student(s) understand this information.

We also understand that this Student Code of Conduct & Discipline Handbook contains rules that students are expected to follow, including but not limited to, rules that must be followed at school, on school grounds; off school grounds at a school activity, function or event, going to and from school or other transportation provided by YHALE; while in any vehicle used in connection with a school function or activity, or while using the school technology resources.

We also understand that this Student Code of Conduct & Discipline Handbook contains information about possible legal consequences if a child does not attend school as required by Georgia law in § 20-2-690.1. If a child has more than five (5) unexcused absences, parents, guardians, or other persons who have control or charge of a child are subject to fines, imprisonment, community service or any combination of these penalties. Absences that are excused may be accessed at [www.YHALE.org](http://www.YHALE.org).

We also understand that in addition to school-based discipline of students, student misconduct may be reported to appropriate law enforcement authorities. YHALE encourages parents/guardians to inform their children of the consequences, including potential criminal penalties, of underage sexual conduct and crimes for which a minor can be tried as an adult.

We understand that all volunteers who work with children in the state of Georgia are required by law to report suspected child abuse as required by Georgia law in O.C.G.A. 19-7-5.

**We understand that each student will be provided one copy of this Student Code of Conduct. Anyone requiring an additional copy should contact YHALE or review a copy on the website at [www.YHALE.org](http://www.YHALE.org).**

If I/We have any questions about the enclosed information, I/We will ask a school administrator to discuss those questions. **Failure to acknowledge this form does not relieve me/us or my/our child(ren) from complying with and understanding the information enclosed in the Student Code of Conduct & Discipline Handbook.**

**Student's name:** \_\_\_\_\_

**Parent's name (Print):** \_\_\_\_\_

**Parent's signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## **YHALE Service Areas for CSP Response**

School Year 20-21	SPED 0%	EL 26%
School Year 21-22	SPED 1.8%	EL 25%
School Year 22-23	SPED 4%	EL 24%
School Year 23-24	SPED 6%	EL 24%

### **Snapshot of Special Education Services**

YHALE provides special services to individuals who meet the eligibility criteria for Special Education as outlined by federal and state guidelines through IDEA. Direct and related services are provided to those individuals who meet the eligibility criteria for autism, emotional disturbance, hearing impairment/deafness, mental delay, multiple disabilities, orthopedic impairment, other health impaired, specific learning disabilities, speech or language impairment, traumatic brain injury, and visual impairment/blindness. YHALE staff regularly monitors each student's progress and provides support. Procedures for making referrals, conducting evaluations, communicating with families, writing and reviewing Individual Education Programs (IEP's), maintaining student records, and reporting progress are managed by YHALE's Special Education Team. For further information regarding the special education process, contact your child's teacher.

For those identified with a disability through the Multi-tiered System of Support (MTSS), the special education program at YHALE works with students and families to meet students' individual needs by accommodating and/or modifying curriculum, instruction, and/or assessment. YHALE's Special Education Team oversees the services provided to students with Individualized Education Programs (IEPs) so that students make progress towards their goals. As much as is appropriate, students with identified disabilities are included in classes with their peers, with classroom teachers working in consultation with special education teachers and/or with scholars working directly with special education teachers. YHALE will follow state and federal guidelines to provide a broad spectrum of special education services to support the specific learning needs of all scholars.

### **Snapshot of English Learners (EL)**

Families are asked to complete a Home Language Survey as part of the registration process. Information from the survey will be used as a first-level screening to ascertain if the scholar may require an additional assessment to determine if he/she is eligible for ESOL services. In addition to providing ESOL services to scholars, YHALE will provide interpreters for parent/teacher conferences and other Academy-related activities as needed.

### **Attached Documents**

- Federal Programs Manual
- Special Education Manual
- EL Service Process
- Family Handbook



**YI HWANG ACADEMY**  
*of* **LANGUAGE EXCELLENCE**

# **Federal Programs Handbook**

**Revision Date: April 24, 2024**

## About YHALE

Yi Hwang Academy of Language Excellence (YHALE) is a K-5 Mandarin-English & Korean-English Dual Language Immersion State Charter School providing rigorous academic instruction aligned with Georgia Standards. YHALE aims to broaden the horizons of students, so they become global citizens.

## Purpose of This Handbook

The purpose of this handbook is to provide a systematic approach to managing the rules and guidelines of all federal programs to ensure consistent compliance. Staff should use the provided information to ensure that all federal programs are being implemented accurately and effectively.

The purpose of Federal education program funding under the Every Student Succeeds Act (ESSA) is to provide Local Education Agencies (LEAs) and their schools with supplemental financial resources and assistance in order to ensure equitable access to a high quality education, regardless of student economic status or other equity factors.

## Federal Programs and Administrative Team

### Naomi Ahn

Inventory Management &  
Enrichment Coordinator

### Melissa Clermont

McKinney-Vento Liaison, Data Specialist & Registrar

### Susan George

Operational Director & Business Manager

### Hannah Kim

Special Education Coordinator

### Financial Team

Avolon, Operational Director & Bookkeeping Team

### Tomiko Park

Gifted & Assessments Coordinator

### Connie Le

MTSS Coordinator & Academic Support

### Suchada Thepchatri

HR, Business Manager Assistant & Bookkeeping Team,  
Federal Programs Director/Coordinator, Parent Liaison

### Candy Yu

Chief Financial Officer

### Anthony Chung

Principal, Superintendent

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## **Steps the LEA Uses to Monitor and Provide Technical Assistance**

The following procedures have been created and designed to provide reasonable assurance regarding the achievement of objectives in the effectiveness and efficiency of operations.

The Georgia Department of Education (GaDOE) requires that YHALE monitors the implementation of federal programs and the expenditure of all funds associated with each program.

### **The specific requirements are as follows:**

- A. The Administration Team will conduct self-monitoring of school programs sufficient to ensure compliance with requirements for ALL federal programs.
- B. The Administration Team will participate in training provided by the GaDOE and other sources to maintain proficiency in program compliance requirements.
- C. The CFO will provide technical assistance.
- D. The CFO's self-monitoring will include monitoring all program expenditures to verify that all expenditures comply with program requirements.
- E. The Administration Team will maintain all documentation the LEA may need for future monitoring.
- F. Beginning FY23, in years when the LEA does not receive an on-site visit, the Federal Programs Director will complete the Self-Assessment Checklist and submit it to the GaDOE as requested.
- G. The LEA will undergo monitoring by GaDOE on a published cycle. The Federal Programs Director will participate in training and technical assistance updates as provided by GaDOE prior to monitoring visits.
- H. After the on-site monitoring visit, the LEA will receive a comprehensive monitoring report, which will contain recommendations, findings, and required actions that together provide an analysis of the implementation of the LEA's federal programs. If a Corrective Action Plan is required, the LEA Federal Programs Director will respond in a timely manner with a Corrective Action Plan, which must be approved by GaDOE. The appropriate GaDOE Program Specialists will monitor implementation of the Corrective Action Plan.

### **Monitoring by the Georgia Department of Education (GaDOE) consists of four major components:**

- A. Monitoring of Expenditures – Local Educational Agencies (LEAs) must submit for approval an annual budget through the Consolidated Application process. The GaDOE Program Specialists review each application and budget to ensure that expenditures are appropriate for the program area before approving LEA budgets. Once budgets are approved, GaDOE Education Program Specialists track how well LEAs are requesting funds for expenditures to ensure that LEAs are likely to meet the expenditure requirements for each federal program.
- B. Single Audit – LEAs with single audit findings are flagged for technical assistance.
- C. On-site Monitoring – A GaDOE on-site Cross-Functional Monitoring Team visits the school system to apply the criteria included in a GaDOE monitoring document.
- D. Self-Monitoring Checklist – LEAs not receiving an on-site visit complete the Self-Assessment Checklist and submit it to the GaDOE as requested.

### **The following procedures are followed for the on-site monitoring visit:**

Monitoring is an essential component of ensuring that all facets of federal programs are being implemented as prescribed by the Every Student Succeeds Act (ESSA) under the Elementary and Secondary Education Act (ESEA). It is a process of systematically providing technical assistance and collecting data to provide information that can guide program implementation. Each federal program at YHALE makes use of monitoring as a means of regular observation and recording of activities taking place in the LEA. Critical to this process is the feedback provided that can assist in improving student academic achievement.



## **LEA monitoring addresses the following:**

- A. Ensuring that all activities are carried out in accordance with federal compliance guidelines
- B. Monitoring inventory and equipment usage if purchased with federal funds
- C. Attainment of academic achievement school improvement goals
- D. Compliance with budgetary guidelines

## **Process for Reviewing Data**

YHALE has a continuous improvement process which includes an embedded strategic planning process. Annually, YHALE engages required stakeholders in planning for continuous improvement. All faculty and staff are surveyed annually for input around continuous improvement/strategic planning. All parents are surveyed annually through the Title I annual survey, as well as the Parent Climate Survey. YHALE completes a comprehensive needs assessment and seeks input from the Board of Directors, as outlined in the state charter contract. YHALE communicates (meetings, emails, surveys) with parents of all students to both identify needs and seek possible solutions/actions for improvement. The Principal, CFO, and the admin team attend an annual strategic planning meeting where stakeholders work collaboratively to review all data components, prioritize needs and revise the strategic plan and Targeted Assistance (TA) plan to address identified needs around the five areas of continuous improvement.

In addition to reviewing data as previously described, a team approach will be used to monitor accomplishment of the goals and actions in the CLIP twice per year, once in January and again in June. The LEA will use the Progress Monitoring Tool in the Statewide Longitudinal Data System (SLDS) for this purpose. Adjustments will be made to the plan as needed based on this review.

## **Positions Responsible for Implementation and Monitoring of Procedures**

The Administration Team will provide support to the staff for each federal program and develop and implement the monitoring procedures contained in this handbook. The administration team consists of the following positions:

### **Anthony Chung**

Principal, Superintendent  
[achung@yhale.org](mailto:achung@yhale.org)

### **Suchada Thepchatri**

HR, Business Manager Assistant & Bookkeeping Team, Federal Programs Director/Coordinator, Parent Liaison  
[sthepchatri@yhale.org](mailto:sthepchatri@yhale.org)

### **Candy Yu**

Chief Financial Officer  
[Candy@avolonabs.com](mailto:Candy@avolonabs.com)

### **Tomiko Park**

Gifted & Assessments Coordinator  
[tpark@yhale.org](mailto:tpark@yhale.org)

### **Connie Le**

MTSS Coordinator & Academic Support  
[cle@yhale.org](mailto:cle@yhale.org)

**Financial Team**

Avolon, Operational Director & Bookkeeping Team

**Hannah Kim**

Special Education Coordinator

[hkim@yhale.org](mailto:hkim@yhale.org)

**Susan George**

Operational Director & Business Manager

[sgeorge@yhale.org](mailto:sgeorge@yhale.org)

**Naomi Ahn**

Inventory Management & Enrichment Coordinator

[nahn@yhale.org](mailto:nahn@yhale.org)

**Melissa Clermont**

McKinney-Vento Liaison, Data Specialist & Registrar

[mclermont@yhale.org](mailto:mclermont@yhale.org)

The Administrative Team can be reached via phone at 404-623-0003.

**Frequency of Monitoring (Timeline)**

August - May:

- Meet quarterly with school staff
- Provide additional training as needed
- All federal programs are monitored by the Principal and Administrative Team
- Annual review of school improvement data and plans in conjunction with the Board and the Principal.
- Principal conducts quarterly support team meetings to ensure improvement plans and budgets are being implemented with fidelity
- Federal Programs Coordinator completes the progress monitoring module in SLDS.
- The principal and CFO provide technical assistance and communicate with team members.

July - November:

- Provide a technical assistance session for staff following any English to Speakers of Other Languages (ESOL) Training to provide updates and any new guidelines pertaining to federal programs implemented at YHALE.

September - March:

- Work with staff on annual revision of compacts and school improvement plans, parent involvement plans and budgets
- All federal program staff will review plans and budgets to ensure that funds are being spent according to plans, and that plans have all the necessary components.

January - June:

- Develop and monitor an inventory of any renewable items purchased with federal funds
- Federal programs staff attend conferences and trainings aligned with CLIP/CNA.
- Federal Programs Coordinator completes the progress monitoring module in SLDS.

April - May:

- Conduct annual comprehensive needs assessment
- Collect data to determine prioritized needs for the following year.

June - July:

- Principal/CFO and any other stakeholders facilitate Annual Strategic Planning to compile and prioritize data from relevant needs assessments
- Stakeholders and Administrators review current strategic plans and improvement goals are revised. Targeted Assistance (TA) plan is revised.

### **List of Documentation to Verify Monitoring of Title Programs**

The Administration Team will document meetings with school leaders using sign-in sheets, checklists, or agendas. Regular meetings and/or communication will occur to review required monitoring documents and offer technical assistance. Documents related to monitoring implementation and effectiveness of action steps will be uploaded into the Progress Monitoring module in SLDS.

### **Identifying Needed Corrective Actions**

If corrective actions are found during the monitoring process, they will be addressed by school leaders through technical assistance provided by the Federal Programs Director and other LEA leaders. Professional learning is provided based on needs assessment(s). In addition, professional learning is utilized to ensure all personnel have a clear understanding of all expectations for every facet of federal programs implemented at YHALE. The Federal Programs Director, along with other LEA level staff and outside consultants, provide ongoing training as a means of ensuring that the system is in compliance at all times. A reasonable timeline for addressing corrective actions will be agreed upon by LEA leaders and adhered to by all parties.

### **Verification of Corrective Actions**

Corrective actions, findings, areas of concern, and recommendations received through monitoring feedback are discussed with personnel to assist in understanding the critical need for compliance with federal guidelines. Verification of corrective actions will be determined through ongoing technical assistance provided and documented appropriately by meeting agendas and sign-ins.

All expenditures must align with actions within the approved CLIP. Any changes, or amendments, to the CLIP require submission and prior approval by the GaDOE. Quarterly, the Principal and CFO, or relevant staff, will review budgets and expenditures.

Completion reports are annual reports required by the GaDOE for all grant funds. All relevant reports are due thirty days after the end date for each grant. Prior to preparing the completion report, the general ledger report for each grant will be reviewed to ensure that all expenditure postings are correctly recorded as required under consolidation of funding.

### **Identification of High-Risk Schools**

YHALE is approved by the State Charter School Commission (SCSC) and constitutes one LEA and one school. High risk will be determined by a CFM monitoring self-assessment checklist during the years that YHALE is not being monitored by the GaDOE and by the results of cross functional monitoring when the LEA is reviewed by the GaDOE. In either case, the LEA will be considered high risk if it receives more than four findings across all federal programs.

### **IDEA Procedures for Monitoring Schools and Programs**

#### **Student Support Teams**

- The YHALE Administrative team will meet quarterly to monitor procedural compliance in regard to tiered interventions.
- The YHALE Administrative Team conducts random MTSS/SST file compliance checks throughout the school year to review plans for compliance and fidelity.

- All administrators are expected to be an integral part of the MTSS/SST process and remain actively involved with all aspects of the process including professional learning, monitoring meetings, implementation of research-based practices, etc.
- Staff members who are determined to be “out of compliance” will be provided with continued professional learning and/or one-on-one assistance by the SPED Coordinator and the Academic Coaches to ensure students are receiving services needed.

### **Child Find**

As an LEA charter school, YHALE has Child Find responsibility for enrolled students. To meet this responsibility, information on Child Find is disseminated using the LEA website. The Special Education Coordinator and the administrative team conduct annual training on Child Find procedures. This annual training includes referral procedures to include directions for accepting requests for an evaluation outside of the MTSS/SST process. If a child under the age of five (5), who is not currently enrolled as a YHALE student, is discovered to be in need of services, the Principal and SPED coordinator shall refer the parent or guardian of said child to their zoned, traditional public school system for further information.

### **Evaluation/Re-evaluation**

The Special Education coordinator consistently monitors the evaluation and reevaluation process. All testing referrals for special education are discussed with the Special Education coordinator and special education staff. The school special education staff consults with the Special Education coordinator and monitors the referral process to ensure the 60-day timeline for all referrals is met with fidelity. Once a determination of eligibility is made, the school special education staff works with the IEP Team to develop and implement an appropriate IEP for said student. The school special education staff monitors the Georgia Online IEP (GO-IEP) dashboard for adherence to timelines and eligibility dates. If concerns arise, the school special education staff consults with the Special Education coordinator to develop a plan to ensure compliance and provide technical assistance.

Teachers who require technical assistance with policies and procedures regarding evaluation and re-evaluation are provided one-to-one conferences, webinars, training, and/or professional learning plans from the Special Education coordinator and school special education staff. If a teacher continues to have difficulty, despite the assistance listed above, he/she receives a letter of reprimand with specific goals. In addition, the principal will be notified so they may determine the next steps to ensure compliance.

### **Discipline**

The principal monitors school compliance with discipline policy and procedures by reviewing the associated data and their trends. The Administrative Team collaborates to review discipline data and their trends for students with disabilities. If concerns arise, the Special Education coordinator and Principal, or designee, will develop and implement a plan for technical assistance. In addition, the principal, or designee, will monitor teacher compliance regarding discipline. Individualized Education Plans (IEPs), Functional Behavior Analysis (FBAs), Behavior Intervention Plans (BIP), and Manifestation Determination Reviews (MDRs) are monitored by the Special Education coordinator by way of classroom observations, intermittent IEP and MDR meeting attendance, as well as random inspections of IEPs, FBAs, BIPs and MDRs.

Teachers who require additional technical assistance with policies and procedures regarding discipline will be provided technical assistance and support through training, one-to-one conferences, webinars, and/or professional learning plans from the Special Education coordinator or school administrators. If a teacher continues to have difficulty, despite the technical assistance, human resources will be notified so they may determine the next steps to ensure compliance.

## **Consolidated LEA Improvement Plan**

### **Procedures for Creation, Review, and Approval**

The Comprehensive LEA Improvement Plan (CLIP) is created as a result of a thorough comprehensive needs assessment (CNA) process. This process includes the following steps:

1. Establish a team that includes representation from all stakeholders, including all federal programs, district and school leadership, teachers, paraprofessionals, parents and families, community agencies and leaders, and higher education personnel.
2. Plan the CNA, including developing the scope of work, identifying deliverables, establishing roles and responsibilities, identifying needed supports, and developing a timeline.
3. Collect data, including perception, process, achievement, and demographic.
4. Analyze data to determine what it reveals, including if all subgroups are performing at the optimal level and to identify trends and patterns overall and for individual subgroups. A dialogue protocol will be used to make predictions, record actual observations based on data, summarize data, and make inferences.
5. Identify prioritized overarching needs to be addressed.
6. Conduct a root cause analysis to inform goals and action steps.
7. Develop SMART goals, action steps, and methods for monitoring implementation and effectiveness.
8. The CLIP will be presented to the GaDOE for review and/or approval.

### **Resolution for Unapproved CLIP**

If the GaDOE requests revisions to any portion of the CLIP, the principal or a designated staff member will retrieve the requested changes from the Audit Trail in the SLDS portal. The principal will then communicate with the appropriate personnel to ensure that the requested changes are completed. The principal or a designated staff member will provide technical assistance as appropriate, make corrections and/or approve corrections to the appropriate CLIP components, and re-submit the plan according to GaDOE guidelines. This process will continue until the plan has been approved by GaDOE.

## **Services to Eligible Private School Children**

YHALE is a State Commissioned Charter School with a statewide attendance zone. Private schools and equitable services are not applicable to YHALE.

## **Internal Controls, Expenditures, Inventory, Drawdowns, Cost Principles**

### **Allowability (CFR 200.302(b)(7))**

The following procedures must be followed to ensure the proper handling of federal funds:

1. Each budget is discussed among the Board, the Principal, the Admin Team, and the CFO, revised as necessary, and approved by the Board, or designee. Once the system or school makes the necessary changes and the budget is submitted and approved by the GaDOE, each department or school completes purchase requisitions that are submitted to the bookkeeper team.
2. Requisitions must include:
  - Complete vendor information including phone number (and fax number if applicable)
  - Ship to information including the address for the school
3. **The Federal Programs Coordinator will generate requisitions, ensuring that purchase requests are included in the GaDOE approved budget and in the School Improvement Plan/CLIP and that the expense is allocable, allowable, reasonable, and necessary.**

4. If the requested items/services are not included in the Schoolwide Plan and/or approved GaDOE budget, the Director of Federal Programs will amend the School Improvement Plan/CLIP and/or the appropriate federal program budget and obtain approval from the GaDOE before proceeding with submission of the requisition.
5. The Federal Programs Coordinator will then submit the requisition to the Operational Director. The Operational Director will review and/or approve the request and submit it to the accounting department for processing.
6. When the ordered item(s) arrive(s), the receiving team, including the inventory manager, compares what is received with what was ordered and alerts accounts payable that this order is ready to be paid. Any disputes are reconciled between the receiving team and the vendor.
7. The following procedures are followed for invoices:
  - a. The invoice is received by the Business Manager for approval.
  - b. Then it is sent to the bookkeeper team for the requisition form to be completed.
  - c. Then the bookkeeper team sends it over to the finance team for payment processing.
8. The following procedures are followed for payment of invoices:
  - a. The financial team charges the expenditures to the proper fund/program designated on the purchase order in the system financial software
  - b. Disbursement is not made until the invoice is validated as owned by the LEA and received on the system by the location/bookkeeper team
  - c. The financial team enters the bill to accounting software, compares it to the budget line item, then they approve it. Then, the bill will be sent to an Operational Director or Designee to approve next. After the Operational Director or Designee approves, the bill will be sent to the principal for final approval. If the bill exceeds \$5,000, it will be sent to the board chair for final approval.
9. The requisition is then sent to the appropriate federal program approvers.
10. No purchase or contract shall be divided into parts for the purpose of avoiding the above requirements

#### **Review of Expenditures to Determine Allowability**

The appropriate Federal Programs coordinator for each program will determine allowability by ensuring that each expenditure:

- Is allocable, reasonable, and necessary.
- Aligns to program purpose and the school's prioritized needs.
- Meets supplement not supplant guidelines.
- Aligns to cost principle allowability.
- Adheres to the period of performance.
- Avoids conflict of interest.
- Will be incurred during the approved budget period (fiscal year of the budget).

#### **Necessary, Reasonable and Allocable Costs (CFR 200.403-200.405)**

The following internal controls have been created and designed to provide reasonable assurance regarding the achievement of objectives in compliance with applicable laws and regulations.

Expenditure of federal funds must meet the clause of "allocable, reasonable, and necessary." When considering a purchase with federal funds, ask:

- Is the cost of goods or services chargeable or assignable to the federal award in accordance with relative benefits received (allocable)?

- Do I have the capacity to use what I am purchasing (reasonable)?
- Did I pay a fair rate, and can I prove it (reasonable)?
- Does this expenditure exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost (reasonable)?
- Is the proposed cost consistent with the underlying needs of the program (reasonable)?
- Do I really need this (necessary)?
- Do I need to spend these funds to meet the purposes and needs of the program (necessary)?
- Is this expenditure related to an identified area of need in an improvement plan (necessary, allowable)?
- Would I be comfortable defending this purchase (allocable, reasonable, and necessary)?

**Period of Performance Flexibility (2 CFR §200.77, 200.309, 200.403(g); 34 CFR §76.707)**

The intent of federal funds is to benefit students, teachers, and school leaders in that fiscal year through the grant period as indicated on the Grant Award Notice (GAN). Regarding purchases that cross grant periods (software, computers, equipment):

- Purchases may extend beyond one year to take advantage of cost reductions, if the students, teachers and school leaders in the current fiscal year receive benefit from the purchase
- Leases and licenses – All instructional software subscriptions must be purchased prior to January
- Professional Learning registration – To maximize cost efficiency, the LEA may take advantage of “early bird” professional development registration where early registration occurs in the original grant period and the actual professional development occurs in the carryover period.

Supporting documentation will be kept on file. Every effort should be made to align all purchases to the original grant period as much as possible.

**Segregation of Duties (CFR 200.303(a))**

YHALE requires the following segregation of duties associated with cash management to prevent errors and fraud.

**Chief Financial Officer**

Under the supervision of the Board Chair, or Designee, the CFO carries out the following duties:

- Prepare monthly and annual financial statements for inspection by the Governance Team
- Establish accounting procedures to ensure that proper internal controls are maintained for the LEA business office
- Manage cash flow and investment of available funds
- Prepare financial data for the state allotments and other financial areas
- Open all bank accounts and review prior to reconciliation
- Approve reconciliations of other staff members
- Oversee the reconciliation of all accounts
- Supervise operation of business office to include payables and payroll
- Compile annual budget for board approval and submit to the GaDOE
- Coordinate accounting procedures to ensure that central office and local school administrators follow proper procedures in the budgeting, record keeping, and expending of program funds for which they are responsible
- Oversee, approve, and post monthly and year-end adjustments, run and balance reports
- Oversee and assist with the preparation and submission of year end and interim financial reports to the GaDOE

- Manage funds for Capital Projects and Debt Service
- Ensure a yearly audit is completed and submitted to the Department of Audits and Accounts
- Compile data for audit, work with state auditors during audit, and prepare proper documentation for audit report
- Perform other duties as assigned by the Board Chair and Treasurer

### **Board Treasurer**

- Approve bank reconciliation prepared by CFO
- Monthly compliance review inspection
- Oversee internal audit

### **Accountant**

Under the supervision of the Chief Financial Officer, the bookkeeping team will carry out the following duties:

- Assist in the implementation of accounting procedures by maintaining accurate records and internal controls throughout the system and ensuring compliance with all applicable regulatory requirements
- Perform journal entries
- Assist in closing books at month and year end
- Assist year-end and interim financial reports to the GaDOE
- Compile data for audit, work with state auditors during audit process
- Assist the CFO with account analysis, report preparation and distribution, and month-end /year-end closeout procedures
- Maintain a wide variety of financial records to ensure compliance and the availability of documentation
- Assist with any duties required for annual audit preparation
- Perform other related duties as assigned by the Director of Operations

### **HR and Administrative Assistant**

Under the supervision of the Operational Director/Business Manager, the HR/Admin Assistant will carry out the following duties:

- Process monthly payroll and reporting for all system employees
- Oversee the preparation of an invoice for any payroll reimbursements
- Oversee the preparation of year-end reporting, including Form W-2 and Form 1099
- Calculate sick leave for retirement
- Assist with budget preparation
- Calculate salary adjustments
- Records Management
- Oversee verification of employment
- Oversee the preparation of quarterly tax reporting
- Compile data for audit, work with state auditors during audit
- Perform other duties as assigned by the Operational Director.

### **Finance Team**

Under the supervision of the CFO and Finance Team will carry out the following duties:

- Prepare invoices
- Prepare year-end reporting, including Form 1099
- Assist with budget preparation



- Pay invoices as they become due
- Enter vendors into the accounting software
- Oversee and consult on any liability insurance issues
- Compile data for audit, work with state auditors during audit
- Perform other duties as assigned by the CFO.

### **Federal Programs - Title I**

The Administration Team will carry out the following duties:

- Coordinate, monitor, and provide technical assistance for Title I, Part A
- Monitor all purchases to ensure that expenditures are allocable, reasonable, and necessary
- Ensure all board policies for purchasing, expending funds, and inventorying equipment are followed to avoid fraud, waste, abuse, and corruption (no items will be purchased without prior approval of the Principal and CFO and all items purchased must be a part of the approved budget)
- Approve each purchase requisition/order, travel expense statement and professional learning (PL) leave that is funded through Title IA
- Meet with the Finance team, as needed, and request financial reports to ensure alignment and balance on at least a quarterly basis
- Meet with and/or email directors or designees to ensure accuracy of budgets
- Ensure school inventory is maintained electronically and updated as needed
- Coordinate through the Operations Director and Inventory Manager a physical inventory check each year
- Ensure each employee is trained annually on his/her responsibility regarding fraud and proper reporting protocols if fraud is suspected.
- Pre-authorize all Title I expenditures

### **Federal Programs - Title II**

The Administration Team will carry out the following duties:

- Responsible for coordinating, monitoring, and providing technical assistance for Title II- A
- Review and authorize all expenditures and if necessary, reconciliation of costs charged to Title II-A
- Monitor all purchases to ensure that expenditures are allocable, reasonable, and necessary
- Ensure all school policies for purchasing, expending funds, and inventorying equipment are followed to avoid fraud, waste, abuse, and corruption (no items will be purchased without prior approval, and all items purchased must be a part of the approved budget)
- Approve each purchase requisition/order, travel expense statement and professional learning (PL) leave that is funded through Title II-A
- Meet with the Administrative Team and Accounts Payable bookkeeper team, as needed and request financial reports to ensure alignment and balance on at least a quarterly basis to monitor drawdowns to ensure they are based on actual expenditures
- Assist auditors by providing supporting documentation and/or information on internal processes (including financial documents, professional learning documentation, equipment inventory, and all Title II-A cross functional monitoring documents).

### **Federal Programs - Title III, Migrant Education**

The Administration Team will carry out the following duties:

- Ensure compliance with all applicable guidelines
- Provide technical assistance, as needed

- Assist auditors/monitors by providing supporting documentation and/or information on internal processes (including financial documents, professional learning documentation, and all Title III, Migrant, Immigrant cross functional monitoring documents)
- Assist in maintenance of equipment inventory and ensures compliance with board disposal policy

### **Homeless Liaison/McKinney-Vento**

The Administration Team will carry out the following duties:

- Ensure compliance with all applicable guidelines
- Provide technical assistance, as needed
- Assist auditors/monitors by providing supporting documentation and/or information on internal processes (including financial documents, professional learning documentation, and Homeless/McKinney-Vento cross functional monitoring documents)
- Assist in the maintenance of equipment inventory and ensure compliance with board policy

### **Special Education**

The Special Education Coordinator/Director will carry out the following duties:

- Assist the Operations Director/Business Manager with accurate records and internal controls ensuring compliance with all applicable regulatory requirements and accuracy of fund balances
- Review with Administration Team detail and summary reports for potential budget variances and ensure accuracy of fund balances
- Assist with financial records to ensure compliance and the availability of appropriate documentation
- Submit requisitions, travel expense statements, and registration payments for compliance and accuracy
- Assist with database activities related to the financial system
- Ensure the special education inventory is accurate
- Assist the Administration Team by providing supporting documentation and/or information on internal processes (including financial documents, professional learning documentation, equipment inventory, and all IDEA monitoring documents).

### **ESSER**

The Administration Team will carry out the following duties:

- Ensure compliance with all applicable guidelines
- Coordinate, monitor, and provide technical assistance
- Monitor all purchases to ensure that expenditures are allocable, reasonable, and necessary
- Ensure all board policies for purchasing, expending funds, and inventorying equipment are followed to avoid fraud, waste, abuse, and corruption (no items will be purchased without prior approval of the Administration Team and all items purchased must be a part of the approved budget)
- Approve each purchase requisition/order, travel expense statement and professional learning (PL) leave that is funded through the Program
- Meet with the Administrative Team, CFO, and bookkeeping team, as needed, and request financial reports to ensure alignment and balance on at least a quarterly basis
- Meet with and/or email directors or designees to ensure accuracy of budgets
- Ensure school inventory is maintained electronically and updated as needed
- Coordinate through the Operations Director a physical inventory check each year
- Ensure each employee is trained annually on his/her responsibility regarding fraud and proper reporting protocols if fraud is suspected.
- Pre-authorize all ESSER expenditures

## **Procurement Procedures (CFR 200.319(c))**

YHALE established procedures to provide for an efficient and fiscally responsible system for the purchase of materials and services necessary for the effective operation of the school.

- To the greatest extent practical, YHALE will purchase goods, services and products that were produced in the United States.
- The Board approves its Authorized Approver list and establishes the authority for the purchasing policy and contracts.
  - Authorized Purchasing Approvers: Operation Director, Principal, and CFO
  - Authorized Contract Approvers: The Board may grant authority to the Operation Director/Business Manager to negotiate and approve a contract if it falls within parameters set up by the Board. This will be on a case-by-case basis.
- The Operation Director is responsible for ensuring that purchasing practices and procedures are in accordance with applicable Federal, State, and local laws, regulations, codes, and ordinances.
- The Purchasers and Authorized Approvers are responsible for compliance with all policies and procedures for purchasing goods and services. They are responsible for ensuring that purchases are made within their allowable budget and scope of business activities.
- Only those authorized to do so may contract for goods and services which create financial obligations for YHALE.
- Verification of services is provided through detailed time logs, evaluations of training, attendance logs and/or documents related to training or programs.
- YHALE will not utilize multi-year contracts. Contracts must be written for and within the current fiscal year. If YHALE should decide to use multi-year contracts in the future, the following clause will be included in those contracts, "If federal funds are no longer available, the contract will be void."
- Contracts should be detailed enough to specify:
  - Service(s) being purchased/provided.
  - When service must be delivered (date).
  - Names entering into contract, contract rate (total fee/per hour)
  - Timeframe of contract.
  - Method of payment.
  - Where services will be provided (location), signatures/date.
  - Any other relevant information.
- Contracts and records are maintained by the Director of Operations/Federal Programs Director and stored electronically in a secure portal and in paper form in the Business Office.
- Those operating on behalf of YHALE will conduct themselves professionally and use methods that avoid appearances of impropriety or conflict of interest. Decisions will be made with integrity and objectivity in the best interest of the organization.
  - Any employee or Board member with a real or apparent potential or possible conflict of interest in a vendor bidding on proposed business, must not participate in the selection, award, administration or fulfillment of the contract. This also applies to any employee, agent, or officer who has a family member with a real or apparent conflict of interest in a vendor bidding on proposed business. If any employee or Board member has a real or apparent potential or possible conflict of interest, they must disclose the conflict and all relevant facts to the Principal/Operation Director.
  - Gifts made with the intent to influence the recipient's business decisions may not be accepted. Courtesy gifts of nominal value not influencing business decisions may be accepted.

The school procures only those items and services that are required to fulfill the mission and/or fill a bona fide need. Procurements are made using best value contracting, which entails assessing the best value considering quality, performance, and price.

The Operation Director will maintain a uniform vendor selection process. The Operation Director performs an analysis and evaluates proposals for the purpose of recommending a business award to the board for approval.

All qualified bidders will be given equal opportunity and terms to quote on a specified item. Bids will be awarded on a nondiscriminatory basis with appropriate efforts to include local and minority businesses. YHALE will select the most responsive and responsible vendor at the lowest cost.

When applicable, YHALE will attempt to use Georgia State Contracts issued by the Department of Administrative Services (D.O.A.S.) or the Georgia Technology Authority (G.T.A.), United States General Services Administration (G.S.A.), Western State Contracting Alliance (W.S.C.A.), and U.S. Communities.

Other than advertising novelties, acceptance of gifts at any time will be prohibited. No YHALE employee or Board member will become obligated to any vendor and will not conclude any transaction from which they may personally benefit directly or indirectly.

Procurement actions over \$250,000 require that a cost of price analysis be completed that includes evaluating the separate cost elements that make up the total price, including profits.

The Board Chair's approval shall be required for all purchases/expenditures greater than \$15,001 except those purchases/expenditures specifically excluded by the Board, approved contracts, and recurring operational payment such as payroll, TRS, SHBP, loan payments, and utilities. The Board may change its list of excluded items at any time and shall review the list as part of the annual budget adoption process.

Prior to receiving bids or proposals, the Board Chair will require that independent estimates are received.

If all other relevant factors are met, the purchasing staff is authorized to negotiate with a local bidder to reduce its bid to that of the lowest bid received from a non-local bidder if the local bid is within 3% of the lowest bid. Negotiation is limited to purchases up to \$25,000.

No purchase or contract shall be divided into parts for the purpose of avoiding the competitive bid process.

The Operations Director/bookkeeping team checks Georgia's System for Award Management (SAM) website, <https://www.sam.gov/portal/SAM/###11> prior to approving any purchase equal to or in excess of \$25,000 to ensure the vendor is not on the list of suspension and debarment. The resulting check must be printed, signed, dated, and kept with requisition/purchase order documentation.

Records will be maintained by the Federal Program Coordinator to detail the history of procurement. These records must include the rationale for the method of procurement, selection of contract type, contractor selection or rejection and the basis for the contract price.

## **Technical Evaluations of Competitive Proposals and Selecting Recipients (CFR 200.320(d)(3))**

YHALE ensures the process of procuring goods and services is fair and equitable via the following measures:

- Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. The description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use
- Avoid providing detailed product specifications
- When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description will be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers will be clearly stated
- Identify all requirements which the offers must fulfill and all other factors to be used in evaluating bids or proposals
- Ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition
- The school will not preclude potential bidders from qualifying during the solicitation period.

### **Informal Procurement Method**

**Micro-Purchases** - Purchases less than \$10,000.00 are considered micro-purchases and must be reasonable, competitive pricing from a qualified vendor. The originator of the request must also calculate the aggregate dollar amount of each purchase order of supplies or services. To the extent practicable, efforts must be made to distribute micro-purchases equitably among qualified suppliers and take into consideration reasonableness based on research, experience, and purchase history. Micro-purchases may be awarded without soliciting quotations.

**Small Purchase** - Purchases from \$10,000.01 – \$250,000.00 are considered a small purchase, or the dollar amount below which a non-Federal entity may purchase property or services using small purchase procedures to expedite the purchase of items or services. Simplified acquisition purchases above the micro-purchase threshold of \$10,000 require at least two (2) quotes from qualified vendors. The documentation must be maintained in the Finance Office, submitted with the quote to the Principal/Director of Operations/Federal Programs Director.

### **Formal Procurement Method**

Purchases exceeding \$250,000.00 require at least three (3) competitive sealed bids through a publicly announced formal bid process and board approval.

Purchases, Contracts or Leases that exceed \$250,000 shall be awarded based on competitive sealed bidding if the following conditions are present:

1. A complete, adequate, and realistic specification or purchase description is available;
2. Two or more responsible bidders are willing and able to compete effectively for the work;
3. The procurement lends itself to a firm fixed price contract;
4. The selection of the successful bidder can be made principally based on cost if other stipulations for using federal funds apply. (See Proposal Evaluation Method)
5. For professional service contracts, sealed bidding should not be used.

6. Procurements that exceed \$250,000 will be advertised in the local newspaper with wide general circulation in the area where the products or services are to be rendered and any other publication deemed appropriate by YHALE.

The Federal Programs Director will be responsible for obtaining price/rate quotes and ensuring technical evaluations are conducted in compliance with federal regulations. Documentation will be kept in the Federal Program's office.

The Governing Board may reject any or all bids. The Governing Board may, in its judgment, consider such factors as service, location, and timeliness of delivery; therefore, they may accept the bid that appears to be in the best interest of the school even if it is not the lowest bid. The Board of Directors reserves the right to waive any formalities in or reject any or all bids or any part of any bid. Any bid may be withdrawn prior to the scheduled time for the opening of bids.

Contracts binding the school and/or LEA can be made only by the Governing Board or approved agent.

### **Noncompetitive Proposals**

Sole source bids may be used only when one or more of the following circumstances apply:

1. The item is available only from a single source.
2. The public emergency for the requirement will not permit a delay resulting from competitive bidding.
3. The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to written requirements from non-federal entities.
4. After soliciting a number of sources, competition is determined inadequate.
5. Limited to Property Management requirements.

### **Conflict of Interest (CFR 200.318(c))**

Employees of YHALE who are engaged in the selection, award and administration of contracts shall abide by the following:

- No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.
- Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
- Nominal Items: Officers, employees, and agents of YHALE may neither solicit nor accept gratuities, favors, or anything of monetary value from vendors or contractors.
- Violation of these standards will result in reporting of said personnel to the Board Chair, and if appropriate, local authorities. Any misconduct could result in suspension, loss of employment, and any other consequences that are applicable by law.
- Any violation of these procedures must be disclosed in writing, in a timely manner.
- All violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award must be reported as failure to make disclosures can result in remedies for noncompliance, including suspension and debarment. Violations may result in a reprimand, suspension, or separation from employment.

## **Personal Compensation Policies**

The Human Resource Department will collaborate with the Operations Director to ensure payroll reports are accurate. In addition, the human resource department ensures that the number of federally funded employees is consistent with the approved application. Monthly payroll reports, expenditure summary and detail reports, and substitute reports will be used to ensure that each object code is accurate.

Employees may receive hazard pay for a national or local emergency or to perform critical services. Instances when this might happen may include a pandemic or a natural disaster. Employees will be compensated for fully completing an objective from a supervisor related to the aforementioned conditions.

Charges to a federal fund for salaries and wages must be based on records that accurately reflect the work performed. A time sheet must be maintained by any employee who provides supplemental instruction outside of school hours. If time sheets are recurring events, employees can attach teaching schedules with the timesheet, The Principal and Human Resource Department will ensure that an annual periodic certification will be maintained for all employees paid with federal funds.

## **Periodic Certification**

An annual periodic certification will be maintained for any employee who worked on one federal grant or one cost objective (job) only if 100% of an employee's salary is a single cost objective. These certifications will be completed after-the-fact and reflect the total activity. The certification will be completed at the end of June (or on the last contracted day of the school year for employees who do not work year-round) on an individual or group form. Supporting documentation will include schedules. The forms will be collected by the Federal Programs Director and kept on file in the Human Resources office. The principal will ensure that this procedures will be followed by the federal program director.

## **Personnel Activity Report (PAR)**

A Personnel Activity Report will be maintained for any employee who works on more than one federal grant and more than one cost objective (job). Personnel Activity Reports will be recorded on a monthly time log. PARs must be completed and signed by the Federal Programs Director, or designee as they have direct access to the Human Resources department, as well as direct knowledge of all personnel duties and time. It is the responsibility of the Federal Programs Director to ensure PARs or schedules are completed accurately and according to guidelines, as well as to maintain documentation for monitoring. Personnel Activity Reports or time logs will be maintained, inspected, and reconciled monthly by the employee and Federal Programs Director.

## **Stipends**

As federal programs permit, the director will be responsible for making sure stipends are allowable according to policy and program guidelines and included during the budget process. Certified personnel and paraprofessionals will only get a stipend if participation occurs beyond their regular contract time and that the professional learning will be implemented in the classroom. See YHALE Stipends Policy and Procedures for further clarification as follows:

### **Purpose:**

The purpose of this policy is to provide guidelines for school officials for granting federally funded stipends should the school be awarded Federal funds for the purpose of stipend expenditure.

### **Definitions:**

Stipend - the funds awarded by YHALE to certified personnel and paraprofessionals for having successfully

completed learning opportunities that have occurred at any time during the fiscal year outside of the employee's normal contract/work hours.

Allowable Funds – expenditures that are permissible by the guidelines of the funding source.

Knowledge, Skills, Practices, and Dispositions – the critical components addressed in Professional learning:

1. Knowledge: What one learns and understands.
2. Skills: What one is able to do
3. Practices: What one implements routinely.
4. Dispositions: What one values and is willing to do.

**Policy Statement:**

YHALE shall, in accordance with 2 C.F.R. Part 200 Subpart E 200.403(c) and SBOE Rule 160-3-3-.04, maintain and adhere to the required guidelines and procedures for granting federally funded stipends. The Board Chair, Principal, and Operation Director will be responsible for the development and maintenance of the required procedures under said guidelines.

**Guidelines for Granting Federally Funded Stipends:**

1. There is evidence that the knowledge, skills, practices, and dispositions gained from the professional learning activity are aligned to YHALE's approved CLIP/Schoolwide plan, a YHALE initiative and/or product, and/or specific goals.
2. There is evidence that the knowledge, skills, practices, and dispositions developed through participation in, or facilitation of professional learning have been implemented/demonstrated in the classroom/work setting.
3. Participation occurs beyond regular contract hours, days, or school year.
4. State and federal funds designated for professional learning shall not be used to pay stipends to school board members or to school council members who are not employees of the YHALE.
5. All stipends must be pre-approved by the Principal and Operation Director or the Federal Programs Director before the expense is incurred.
6. The Principal and Operation Director or the Federal Programs Director will determine allowability of the stipend before approval based on the following guidelines:
  - a. There are allowable funds in the Federal Program from which the stipend will be paid,
  - b. There is evidence that the knowledge, skills, practices, and dispositions gained from the professional learning activity are aligned to an approved individual plan, a school initiative and/or product, and/or specific goals related to the Federal Program from which the stipend will be paid,
  - c. There is research-based evidence that the knowledge, skills, practices, and dispositions developed through participation in or facilitation of the professional learning have been implemented/demonstrated in the classroom/work setting with success,
  - d. Participation occurs beyond regular contract hours, days, or school year.

Legal Ref: 2 C.F.R. Part 200 Subpart E 200.403(c) and SBOE Rule 160-3-3-.04

**Leave Policy**

Only full-time positions can earn any personal and sick leave. They will earn three (3) personal days per year and 1 sick day per month (August-May). Substitutes for Teachers/Paraprofessionals designated/funded through federal programs will adhere to state guidelines regarding compensation.



## **Travel Policy (CFR 200.474; 200.475)**

School employees must submit a request to travel for an employment-related purpose, and that request must be approved by the principal. Costs incurred by employees and officers for travel, including costs of lodging, other subsistence, and incidental expenses, must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by YHALE in its regular operations as the result of the school system's written travel policy. In addition, if these costs are charged directly to a federally funded source, documentation must justify that:

- Participation of the individual was necessary to the federal award
- The costs were reasonable and consistent with non-federal entities' established travel policy.

The following procedures are intended to ensure that charges are reasonable and consistent with GSA 48 CFR 31.205-46a and YHALE travel reimbursement policies:

- A travel expense form must be completed in its entirety to receive reimbursement for expenses and include travel authorization, pre-approval, agendas, and a travel reimbursement form.
- Employees are responsible for ensuring that expenses claimed in the travel expense report are necessary (agenda) for the project, proper, accurate, and incurred for official business (a traveler who knowingly presents a false or fraudulent claim may be subject to penalties under criminal statutes).
- Employee completes and sends the "Travel Expense Form" to the Principal/Operation Director, for approval.
- The Principal/Operation Director verifies the information on the form and once deemed accurate, submits it to the bookkeeper team to process through the financial software.
- Failure to request reimbursement within 45 days of travel may result in a loss of or reduction of funds.
- The Principal/Operation Director must approve any applicable federally funded PL before payment occurs.
- The purpose of the trip must be included on the expense report and must be applicable and approved in the appropriate Federal Programs Grant.
- Attendees are responsible for maintaining and providing upon request information related to registration and dues and fees to include agenda, sessions attended, and proof of attendance.

## **Transportation**

Mileage must be documented on a Travel Expense Form. According to the State Travel Regulations, "Reimbursement for business use of a personally-owned vehicle is calculated per mile, from point of departure after deduction for normal commuting mileage, based on the current reimbursement rate."

Employees may be reimbursed for the mileage incurred from the point of departure to the travel destination but not for normal commuting mileage. During the normal workweek, the point of departure will be either the employee's residence or headquarters; whichever is nearer to the destination point. If leaving from the residence you must deduct the normal commuting mileage to and from the worksite.

Employees traveling by personal vehicles and requesting reimbursement must record the actual odometer readings on the expense statement. Parking fees and tolls paid may be reimbursed and employees are expected to obtain receipts for these expenses. If it is not possible to obtain a receipt, a written explanation should be included on the expense statement.

## **Lodging**

To receive reimbursement for lodging expenses, the following guidelines must be followed:

- Lodging must be documented on a Travel Expense Form

- Employees are responsible for making their own reservations and guaranteeing those reservations
- Employees are responsible for submitting a copy of the tax exemption form for state and local hotel/motel excise taxes if staying at a hotel in Georgia
- Any tax paid, must include an explanation of why it was not waived
- Employees must travel more than 50 miles
- Employees should use the least expensive rates for lodging as any rates above this requires written authorization from the Principal/Operation Director, or designee, prior to the trip
- Expenses must be broken down by date and receipts for all expenditures are required
- Any out-of-state travel must first receive approval from the Principal/Operation Director

### **Subsistence**

The following guidelines must be followed for the reimbursement of meals:

- Meal reimbursement cannot exceed \$50.00 for one day
- Meal reimbursement for out-of-state, overnight travel are generally eligible for per diem amounts designed to cover the cost of three (3) meals per day for all days on travel status other than the day of departure and the day of return (Travelers are eligible for 75% of the total per diem rate on the first and last day of travel)
- Expenses must be delineated per meal on the expense report
- Taxes and gratuity are allowed and should be included in the total, but the total should not exceed the per meal rate
- Receipts must be included (alcoholic beverages are not reimbursable)

### **Expense Reimbursement**

To receive expense reimbursement, the following guidelines must be followed:

- Employees must submit expense reports within 45 calendar days of completion of travel
- YHALE prefers and strongly urges all receipts to be attached to the travel expense report for verification and for future audit requests
- All source documentation must be included

### **Suspension and Debarment (CFR 180.220; CFR 200.213)**

The Federal Programs Director and/or department head checks the System for Award Management (SAM) website, prior to approving any contract or subcontract expected to equal or exceed \$25,000 to ensure the vendor is not on the list of suspension and debarment. YHALE cannot and does not purchase from any vendor or contracted person/company identified on this website as being suspended or debarred. Evidence of the verification will be in the form of a search result screenshot printed, signed, dated, scanned, and attached to the requisition/purchase order.

### **Transferability**

LEAs are provided with the opportunity to transfer funds under the Every Student Succeeds Act. YHALE currently transfers Title II, Part A funds into Title I, Part A. The following procedures are followed:

- Once the principal or designee and the federal programs director decide to transfer funds from one federal program into another federal program, a notification is completed in the CLIP.
- The CFO will open a budget in the receiving program for transfer budgeting process
- The CFO budgets the transfer amount in the originating program. Once the originating program budget is approved, the transferred amount appears in the receiving program
- The CFO budgets the transferred funds in the receiving program.

- Once there are actual expenditures in the receiving program, the first drawdown via DE0147 will be requested from the originating program to cover the incurred expenditures
- YHALE can begin to drawdown funds from the receiving program via DE0147 for incurred expenditures after 100% of funds are drawdown from originating programs
- Adjustments will be made to required set asides as appropriate. Currently, YHALE does not receive more than a \$500,000 allocation (no PFE set aside), is exempt from serving private school students, and does not claim indirect costs.
- Actual expenditures for both the receiving program and original program(s) will be reported on the Title I completion report by function and object. Since the transfer-in amount was combined with the Title I itemized budget, the expenditures for both programs will be reported on Title I.

### **Equipment Management (CFR 200.313(d))**

All equipment will be properly tagged and labeled for inventory tracking and controlled through a physical inventory system. YHALE identifies by the source of funding: red labels for inventories purchased with the federal funds, green labels for inventories purchased with state funds, and blue labels for donation items. Inventory must be current and available for review and audit.

An inventory of tangible personal property having a useful life of more than one year will be maintained at the school level. This includes all items purchased under state object codes 615 (expendable equipment); 616 (expendable computer equipment); 730 (Purchase of Equipment - Other Than Buses and Computers); and 734 (Purchase or Lease Purchase of Equipment - Technology Related).

### **Acquisition of Equipment**

All purchases approved by the Principal or Operation Director or CFO for Title funds (Title I-A, Title I-C, Title II-A, Title III-LEP, Title III – Immigrant, Title IV-A, Title IV-B, Title VI-B, and Title X-C) and other Federal Funds (IDEA, IDEA-Individuals with Disabilities Education Act, Coronavirus, Aid, Relief & Economic Security (CARES) Act, CARES ACT I - School Nurse Program, Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) Act, ESSER III American Rescue Plan (ARP) Act, ESSER ARP Educator Bonus Grant, American Rescue Plan (ARP)- Homeless Children and Youth) will be made only after proper approval by either the Principal or Operation Director or CFO. Purchases must be allowable and consistent with academic assessment needs, and costs deemed as reasonable and necessary for operating federal programs. Federal funds are not to be used for general expenses required to carry out other responsibilities of a state or its subrecipients. Regardless of cost, items will be included on the inventory if they have a shelf life of more than one year.

### **Entry of information into inventory and management system**

Federal Programs inventory is entered directly into a secure physical inventory system, Asset Tiger. YHALE has a dedicated Inventory Manager who is responsible for verifying receipt of equipment and entering Federal Programs inventory into the spreadsheet promptly upon receipt. The condition of equipment is evaluated and recorded each year as part of the annual inventory audit. Once entered into the spreadsheet, inventory manager tags and labels each item with appropriate tag information. The inventory manager enters the item description, cost, source of funding including the FAIN number, date of purchase, vendor, serial number or other identification number, location, use, condition of property and disposition data including the date of disposal of each Federal Programs inventory item into the inventory database. Also included is the percentage of Federal participation in the project costs for the Federal award under which the property was acquired.

### **Off-site Use of Equipment**

All YHALE employees are provided with expectations, protocols and procedures for off-site use of technology purchased and owned by the school. All YHALE employees must acknowledge receipt and understanding of the Chromebook/Computer rental agreement.

### **Physical Inventory**

Inventory of all equipment and property belonging to any federal program will be identified and inventoried on an annual basis. April of each year is designated as the schoolwide inventory count month. The Inventory Manager for YHALE physically verifies the inventory.

Federal programs inventory will be randomly spot-checked by the Principal or Operation Director. Materials purchased for use in federal programs are labeled and are to be utilized in the capacity for which they were purchased. Any equipment, materials and/or supplies purchased with federal funds are considered solely for the use of that program. With the help of the inventory manager, the director must ensure the Federal Programs Inventory remains in use is an allowable capacity when rooms are reassigned, or equipment reassigned.

### **Disposition**

Inventory records are maintained until equipment is disposed of or transferred to another federal program. Records for real property and equipment acquired with federal funds are retained for three years after transfer or final disposition. Disposition/transfer can occur at the close of the federal program/school, if the equipment is no longer needed for the original intent and transferred to another program, or in the event the equipment is no longer usable. The Inventory Manager, with the approval of the principal, has sole discretion to determine when an item may be designated as disposable and is responsible for managing the process. Equipment <\$5000 and more than 3 years old that can be retained, sold or disposed, with no obligation to GaDOE. Equipment >\$5000 or more may be retained or sold and the GaDOE (awarding agency) has rights to state's share at \$500 or 10-percent of sales.

### **Safeguards for Unauthorized Use or Disposition**

An annual inventory is conducted to safeguard against the unauthorized use of disposition of equipment. Equipment that is damaged, lost, or stolen will be reported to the Principal or Operation Director. A Report of Lost, Stolen, or Damaged Technology Equipment form will be completed by the Inventory Management and signed by the Operations Director. A police report will be required for stolen property. A copy of the Report of Lost, Stolen or Damaged Technology Equipment form and/or police report will be forwarded to the Principal.

### **Equipment Use for Title I, Part A Targeted Assisted Programs**

YHALE does not have any targeted assistance schools.

### **Equipment Use for Private Schools**

As a State Commissioned Charter School, YHALE is exempt from providing equitable services to private school students.

### **Capital outlay purchases**

YHALE does not use federal funds to budget items under object code 700 (capital expense). If Capital outlay purchases are made in the future, those will be consistent with approved all Federal Programs' budget/budget amendment. Capital outlay purchases shall be pre-approved by the GaDOE prior to being included in the budget.

## **Maintenance Procedures to Keep Property in Good Condition**

The Operation Director will work cooperatively with the Inventory Manager to ensure the equipment is properly maintained to ensure longevity. Accurate records will be maintained about the current condition of equipment purchased with federal funds. When equipment is broken or not operable, the Operations Director will communicate that information to the Inventory Manager so that disposal procedures can be followed.

## **Cash Management & Drawdown of Funds (2CFR 200.302(b)(6); 2 CFR 200.305**

Funds are drawn down based on actual program expenditures. It is the responsibility of the Principal and Finance Team, or designee, to work cooperatively to review all expenditures monthly after budget approval before funds are drawn down from GAORS. Moreover, the following practices are observed:

- The CFO and the Director for each federal program must reconcile the respective budgets monthly to ensure that all expenditures charged to those programs are allowable.
- The CFO, or designee, will perform periodic reviews of the general ledger, including federal accounts and fund sources.
- The CFO exports a monthly detailed expenditure report to an Excel spreadsheet and uses the information to complete a DE0147 drawdown request. Prior to submitting the DE0147 to the GaDOE, the CFO will send a copy to the Federal Programs Director.
- The Federal Programs Director reconciles the funds requested on the DE0147 with the General Ledger or a detailed expenditure report, ensuring requests for reimbursement are only made after costs have been incurred. The Federal Programs Director will request corrections or sign a copy of the DE0147 once approved.
- The reports are then submitted to the principal, who will also sign the printed copy of the DE0147, verifying the accuracy of the report.
- After the Director of Federal Programs and the Principal have indicated their approval with a signature, the CFO will then process the drawdown request.
- Funds will be drawn down first from originating federal programs before drawing down funds from the receiving program.
- Federal funds are drawn down at least quarterly, preferably monthly, if there are actual expenditures and on a reimbursement basis only to minimize the time elapsing between transfer and disbursement. Drawdown requests will also be evaluated to ensure they are only for immediate needs.
- When the drawdown is received in the designated bank account, the Finance Team will create and post a journal entry in the accounting software and the CFO will review and approve the journal entry to the general ledger.
- The CFO and Finance Team reconciles all bank statements and performs periodic reviews of the general ledger.
- There is no cash involved as all drawdowns are directly deposited into the school's bank account.
- The Operations Director ensures that equipment/supplies are purchased and received during the period of performance of the grant award.
- YHALE does not request advance payments for federal fund disbursements, only reimbursements.
- The Federal Programs Director will reconcile budgets monthly to ensure expenditures are accurate and sign off on all drawdowns prior to them being submitted by the CFO.
- YHALE does not use sub-recipients.

Drawdown documentation, including files used to reconcile reports will be maintained by each federal program coordinator and the CFO. At year end reconciliation for GAORS grants, a report is printed from the accounting software along with the Consolidated Application, and the CFO and Federal Programs Director review and signs off on the completion report, maintaining a copy of the documentation. The CFO then submits the completion report. A copy of completion reports for the previous fiscal year will be kept on file in the CFO and administrative offices.

### **Ethics and Fraud, Waste, Abuse, and Corruption Purpose**

To ensure that the reporting of suspicion of fraudulent activity YHALE ensures employees, clients and providers of confidential channels to report suspicious activities.

### **Definitions**

Fraud - a false representation of a matter of fact, whether by words or by conduct, or by concealment of that which should have been disclosed, that is used for the purpose of misappropriating property and/or monetary funds from federal grants.

### **Statement of Administrative Regulations**

Prior to employment, all YHALE staff complete ethics training either by GaPSC certification standards or by school staff. The principal, or designee, thoroughly and expeditiously investigates any reported cases of suspected fraud to determine if disciplinary, financial recovery, and/or criminal action should be taken.

### **Confidentiality**

All reports of suspected fraud must be handled under the strictest confidentiality. Only those directly involved in the investigation should be given information. Informants may remain anonymous but should be encouraged to cooperate with the investigators and should provide as much detail and evidence of alleged fraudulent acts as possible.

### **Procedures and Responsibilities:**

- Anyone suspecting fraud concerning federal programs should report their concerns to the YHALE Governing Board at 4550 River Green Parkway, Duluth, GA. 30096
- Any employee with YHALE (temporary staff, full-time staff and contractors) who receives a report of suspected fraudulent activity must report this information to the Board Chair and Treasure, or designee, within the next business day
- Employees have the responsibility to report suspected fraud
- All reports can be made in confidence
- The Board Chair, or designee, shall conduct investigations of employees, providers, contractors, or vendors
- If necessary, the employee making the report will be contacted for additional information
- Periodic communication through meetings should emphasize the responsibilities and channels to report suspected fraud.

## **Title I, Part A Improving the Academic Achievement of the Disadvantaged**

### **Creating, Reviewing, and Approving Schoolwide Improvement Plans**

YHALE develops its own school wide program based upon the CLIP and the schools needs assessment. All stakeholders are invited and encouraged to collaborate in the school-wide planning process. Data collected from parent meetings, parents' surveys, faculty and staff surveys, climate surveys and student achievement data and other relevant data relevant to the school wide plan development process.

The principal and other team members complete the needs assessment, and the resulting information is used to inform the creation of the Consolidated LEA Improvement Plan (CLIP), which also serves as the school wide plan. Once information has been gathered for the CLIP, it is sent to the Federal Programs Director who shares the information during other planning sessions to gather additional information and input and complete the CLIP. The Director of Federal Programs then evaluates the school wide program/CLIP using the school wide checklist to ensure all requirements are met.

### **Resolution Procedures for Unapproved Plans**

Upon completion, the checklist is furnished to the principal along with detailed feedback. Collaborating with stakeholders, the principal revises the plan and submits it back to the Federal Programs Director for further review using the checklist. This iterative process continues until the school-wide plan (CLIP) receives approval. Once finalized, it is disseminated in the school's office and published on the school's website. Updates to the plan are promptly reflected on the website and in the office. The plan undergoes regular updates throughout the school year to accommodate evolving school needs. Significant changes prompt a request for a CLIP amendment, which is executed accordingly. YHALE strictly adheres to the school-wide plan/CLIP for the allocation of federal funds, ensuring activities align with approved initiatives.

### **Components of a School-wide Program**

Under the ESEA section 1114(a)(1), as amended by ESSA, a schoolwide reform strategy requires a school to:

- Conduct a comprehensive needs assessment.
- Identify and commit to specific goals and strategies that address those needs.
- Create a comprehensive plan.
- Conduct an annual evaluation of the effectiveness of the schoolwide program and revise the plan annually or as necessary.

YHALE, a State Charter School, has a continuous improvement process which includes a well-established and embedded strategic planning process. Annually, YHALE engages required stakeholders in planning for continuous improvement. All faculty and staff are surveyed for input around continuous improvement/strategic planning. All parents are surveyed annually through the Title I annual survey as well as the Parent Climate Survey. YHALE completes a comprehensive needs assessment and seeks input, as outlined in the state charter contract. YHALE conducts an annual input meeting with parents of qualified students to both identify needs and seek possible solutions/actions for improvement.

### **LEA Guidance**

The Administrative Team reviews the checklist components and updates the LEA improvement plan as necessary to meet checklist requirements. System leaders support in developing, revising, implementing, and coordinating school improvement efforts to ensure implementation of the strategic plan. During reviews, data is

analyzed to determine progress toward achievement goals, as well as to develop solutions to challenges related to instructional strategies, student performance around standards, parent involvement, professional learning, and budgets. Additionally, systemwide data teams meet quarterly to review and analyze leading student data. Data team members share the analysis with team members to ensure changes are made with instruction, curriculum and assessment.

### **Allocating Fund to Attendance Areas**

YHALE is a single, independent, stand-alone, charter school. Thus, allocations by rank order to attendance areas are not required.

### **Reservation of Funds**

#### **Parent and Family Engagement**

Required 1% Set Aside for Parental Involvement: YHALE does not currently receive a Title I allocation greater than \$500,000 and therefore is not required to set aside an allocation for parent and family engagement.

#### **Homeless Children and Youth**

Funds are allocated based on an annual analysis of student needs.

#### **Neglected and Delinquent Children**

YHALE is a State Charter School with a statewide attendance zone; therefore, we do not serve students housed in neglected and delinquent institutions.

#### **Private Schools**

YHALE is a State Charter School with a statewide attendance zone. Private schools and equitable services are not applicable to YHALE.

### **Rank Order**

YHALE is a state charter school operating a schoolwide Title I, Part A program. In addition, YHALE does not operate any Targeted Assistance-like programs. However, if our school should run a targeted assistance program or targeted assistance-like program in the future, the following guidance will be implemented.

Students in a targeted assistance-like program would be chosen based on multiple educationally related criteria. Those criteria would be established at the time of the creation of the program but may include academic performance on formative assessments, academic performance on summative assessments, grades, and teacher recommendation. Students would be ranked based on established criteria and served based on their ranking.

### **Assessment Security**

YHALE takes the ethical responsibility to provide secure and appropriate assessment environments for all students very seriously. During any state or federally mandated assessment window, YHALE expects its employees to act in accordance with the specific guidelines mandated by the assessment and the general guidelines of the GaDOE. For every administration of a high stakes assessment, the following guidelines will be followed:

- The Testing Coordinator will stay current on appropriate testing rules and practice by viewing required GaDOE webinars and reading all manuals and memorandums associated with the assessment.
- All assessments administered will be appropriately trained by the designated testing coordinator not less than two weeks prior to the assessment window opening.



- Records of participation and sign-in sheets for each training session will be maintained in a centralized location for a minimum of five years.
- Training at every level will include a segment covering ethics and ethical behavior in assessment environments.
- Assessment materials will be continuously maintained in a secured location with access limited to only pre-determined, authorized personnel.
- The school campus will be quiet and organized during all assessments.
- Any irregularity or anomalous event taking place during assessment will be promptly and fully reported to the Assessment Coordinator, or designee.
- Any Irregularity, involving possibly illegal or unethical actions on the part of an employee, will be reported to the Georgia Professional Standards Commission for further investigation.
- If an anomaly rises to the level of an irregularity, it will be promptly reported to the GaDOE.
- When assessment results are available to the appropriate school personnel, they will be disseminated to students and parents in a reasonable time frame.
- The LEA report card is provided for public access on the YHALE website.

### **Consequences for Violations Related to Assessment Security**

Any employee who suspects a breach in assessment security must immediately report the breach to their immediate supervisor. Failure to report suspected breaches in assessment security can have negative implications upon an employee. In addition, any investigation that results in a determination of guilt related to violations of assessment security can result in loss of employment and a report filed with the Georgia Professional Standards Commission, which may result in loss of a teacher's certificate.

### **Reporting of Accountability**

YHALE posts links to the district and school State Report Card on its webpage. The Federal Programs Director is responsible for ensuring that the links are posted on the school website. These links are checked during the fall of the school year and updated as new report cards are issued.

### **EL Assessment Participation**

The English Learner (EL) ACCESS Participation Rate will be monitored by both the Director of Federal Programs and the ESOL Coordinator. Both are responsible for checking the participation rate and collecting the justification reasons if the percentage falls below 95%

## **Professional Qualifications**

### **Professional Qualifications of Teachers and Paraprofessionals**

YHALE seeks to hire qualified teachers, paraprofessionals, and administrators. The Principal and HR will be responsible for ensuring all teachers and paraprofessionals meet applicable federal, state, and/or LEA professional qualification/certification requirements.

YHALE has broad flexibility and may waive certification due to Charter/Strategic Waiver. However, regular Education Teachers in Charter/Strategic Waiver must meet professional qualification requirements in alignment with the approved Charter application. Also, Special Education Teachers for Service in Charter/Strategic Waiver must meet Special Education Certification requirements for service (General or Adapted) in alignment with the student's IEP.

Qualified applicants are eligible to be interviewed by relevant team members. The Principal and HR makes all hiring decisions and presents those candidates to the Governing Board. The recommended and approved candidates are fingerprinted and complete other onboarding documentation.

When a teacher does not meet the charter waiver requirements in which the teacher has been assigned while he or she has been teaching for four or more consecutive weeks, the principal will disseminate within 10 business days following the four consecutive weeks, 20 Day Notification (Page: 35 - 20 Day Notification of Professional Qualifications).

For verification purposes, notifications must contain:

- The School Letterhead
- Day/Month/Year of notification,
- Name of the teacher who has not met professional qualification requirements,
- Name of the program,
- Statement that the teacher has not met state certification OR YHALE charter/strategic waiver professional qualifications requirements for the grade level(s) and/or subject area(s) in which the teacher is assigned. Grade level and/or subject area must be identified.

Parents may request and receive information regarding:

- Whether the teacher has met state qualifications for the grade levels and subject area(s) in which the teacher is assigned
- Whether the teacher is teaching under emergency or other provisional status
- The baccalaureate degree of the teacher and any other graduate certification or degree held by the teacher and the field or discipline of the certification or degree
- Whether the student is provided services by paraprofessionals.

YHALE will maintain records for all notifications, and response records and notification requests.

### **Regular Education Teachers**

Notification must be sent when students have been taught for four or more consecutive weeks by a teacher who does not meet the LEA's PQ requirements at the grade level and subject area in which the teacher has been assigned.

### **Special Education Teachers**

Special Education teachers who do not issue grades: 20-day notifications must be disseminated if the teacher does not hold special education certification. Special Education teachers who do issue grades: 20 day notifications must be disseminated if the teacher does not hold special education certification and content certification or equivalent as aligned with ESSA in-field.

### **Notifications are not required for paraprofessionals, substitutes, or lack of a clearance certificate.**

The HR will collaborate with the principal to send a 20-day notification to parents and review the requirements. Prior to the 20-day mark, a draft letter will be agreed upon and the letter translated, if necessary. Within ten business days following the four consecutive weeks, the notification will be sent to parents. Evidence of dissemination will be kept on file with the Principal and HR.

## **Parent Right to Know**

In accordance with ESSA, all schools are required to notify parents at the beginning of each school year of their “Right to Know” the professional qualifications of their student’s classroom teachers and paraprofessionals. The notification uses the language of the law and occurs within 30 calendar days from the start of school or upon enrollment. The Parents Right to Know notification is posted on the LEA webpage. At the start of school, YHALE will notify parents of their right to request the professional qualifications of their child’s teachers and paraprofessionals using the LEA webpage.

## **Title I, Part A Notice to Parents**

### **English Learners Participating in Title I or Title III Supplemental Language Programs**

No later than 30 calendar days after the beginning of the school year (or within the first two weeks of an EL being placed in a program), the Title I Team will notify parents of English Learners if their child may be participating in a Spanish supplementary language program as part of the consolidated program. The notification will be provided in a language parents can understand. As new students who are identified as ELs enroll, subsequent letters will be generated by the ESOL Coordinator and mailed along with the Office of Civil Right eligibility letter. As letters are sent to parents, a copy is kept in the students hard copy folder.

The ESOL coordinator will host outreach to parents of English Learners two times a year (at least one in-person). In addition, the ESOL coordinator will provide notice to parents and other school related information related to school and parent programs, meetings, and other activities of participating EL’s in a language the parents can understand. The school principal will ensure compliance. YHALE will conduct self-monitoring for compliance by completing a check-list for all procedures. Evidence to document procedures include agendas, sign-in sheets, handouts, monitoring-checklist.

## **Title I, Part A Parent and Family Engagement**

### **Parent Involvement Policy**

YHALE has an ongoing commitment to Title I parents. Parental involvement is defined as the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities. Our goal is to ensure that Title I parents and their children receive extraordinary services and assistance that will lead to improved academic achievement. The LEA recognizes that parents are an integral part of a child’s success in school, starting with the concept of being the child’s first teacher. As a conduit for their children’s success, the LEA will assist parents of all socioeconomic levels in solidifying their ongoing commitment to their child’s success.

Title I, Section 1118 of the Elementary and Secondary Education Act of 1965 (ESEA) requires that each school receiving Title I, Part A funds develop jointly with, agree with, and distribute to parents of participating children a written parental involvement policy.

YHALE is committed to cultivating and sustaining partnerships with parents and community stakeholders, and encourages their participation in the development, implementation, review and evaluation of its parental involvement policy/plan. This written policy/plan focuses on improving academic achievement and school performance and outlines how the LEA will coordinate, provide technical assistance and other support in planning and implementing effective parental involvement activities, training, and workshops. The LEA, school,

parents, and community stakeholders will jointly develop and agree on the Parental Involvement Policy/Plan which will describe the means for carrying out Title I, Part A requirements. The policy/plan will be made available to the local community and parents of students enrolled in YHALE using multiple means. The policy/plan will be available on the Federal Programs page of the LEA's website and in hard copy format in the main office.

The LEA/school parent and family engagement policy is reviewed and revised annually with parents and other stakeholders (teachers, directors, administrators, and other school personnel). All parents, teachers, administrators, and other school personnel in the LEA are invited to provide input. Invitations are sent in multiple ways including email, social media, parent portal in Infinite Campus, and flyers posted at the school and on the website

The Principal will be responsible for collecting the required information (agendas, meeting notes, and sign in sheets). Meetings will be held in the Spring to revise plans for the next school year. The GaDOE Parent Involvement Policy checklist will be applied to the plan. Revision dates will be clearly marked on each plan. Plans include activities/workshops that have been identified and requested through the previous year's annual parent involvement survey. The Parent and Family Engagement plan is posted on the website, available at the YHALE office.

### **School/Parent Compacts**

YHALE will share responsibilities for high student academic achievement with all parents and students enrolled in the school system and will develop, in collaboration with parents and students, a school-parent compact that outlines how parents, school staff, and students will share the responsibility for improved student academic achievement. The school-parent-student compact will also describe the means by which the school, parents, and students will build and develop a partnership to ensure student mastery of the GaDOE's high academic content standards.

All Title I schools are required to have school-parent compacts. It is the responsibility of the principal to ensure the compact is reviewed and revised annually. The review and revision will occur in the Spring of the year at the annual Title I Parent Planning Meetings. An invitation will be sent home to all parents and meeting dates will be publicized on the website, via email, social media, and/or parent portal in Infinite Campus. Flyers will also be posted at the school and the website. The principal will be responsible for coordinating the scheduled meetings and collecting required information (agenda, meeting notes, and sign in sheets). Parent compacts will include responsibilities for the teachers, parents, and students. Compacts will be distributed to all parties involved for signatures each fall. Copies of the signed parent compacts are kept on file.

YHALE will require all teachers to review compact goals during monthly grade level meetings. Teachers will collaborate on progress towards meeting the Compact goals. Each semester teachers will collaborate on activities to teach parents and develop a partnership to help children achieve the defined goals within the School-Parent Compact. Teachers will complete questionnaires during each grade level meeting to ensure compliance.

### **Family Engagement Policy and School-Parent Compact Input and Distribution Policy**

YHALE revisits, reviews, and revises the Family Engagement Policy and School-Parent Compact annually with input from parents, teachers, administrators, and other school personnel. The principal, or designee, will

facilitate at least one parent meeting in order to ensure parents have an opportunity to review and give input into the Family Engagement Policy as well as the School-Parent Compact. In addition, The Principal, or designee, invites parents to the annual Comprehensive Improvement Planning (CLIP) meetings where parents are asked for input in the Family Engagement Policy, School Parent Compact, Comprehensive Needs Assessment, and School Improvement plans. The primary method to gather input will be in-person. The evidence of compliance will be invitations (email, parent bulletin, social media, text message, website), meeting agenda, sign-in sheets, feedback from stakeholder, survey questions and results. An Input survey will be sent in November and an in-person meeting will be held in March. The school principal will ensure compliance using a checklist.

YHALE staff sends meeting notices via email, newsletters, and the school website.

The Schools’ Family Engagement Policy and School-Parent compact are distributed to qualifying families and/or available in multiple ways:

1. At the beginning of each school year, or upon enrollment, in order to receive a school email address and Chromebook, parents must verify for each child (either digitally or hard copy signature) that they have read and understand the Family Engagement Policy, School-Parent Compact, and the Student Handbook.
2. The Family Engagement Policy, School-Parent Compact, Student Handbook, and School Improvement Plan are available on the school website and hard copies are available upon request in the main office of the school.
3. Hard copies of the Family Engagement Policy and School-Parent Compact are distributed at the Annual Title I Meeting and available in the school lobby during Open House, Curriculum Night, and all other family engagement events.

**Federal Programs Calendar/Checklist**

<u>Month</u>	<u>Action Steps</u>	<u>Person(s) Responsible</u>
July	The Administrative Team meets to review updated/revised rules/regulations for all applicable federal programs, review the CLIP and submit for Superintendent’s approval (due by July 31).	Principal
	Plan/prepare Title I Parent documents to be included in the Open House packet.	Principal
	CFO and Federal Programs Director meet for annual budget review.	CFO and Principal
	The Administrative Team meets to revise/draft School Improvement Plan, Family Engagement Plan, School-Parent Compact shared with faculty and staff during pre-planning.	Principal
August	Advertise date, time, and location of the Annual Title I Meeting via email, newsletters, school website, and social media.	Principal
	Collect digital/hard signatures for School-Parent Compact and Family Engagement Policy, review Student Registry Questionnaire, Home Survey, Parent Occupational Surveys, Home Language Surveys and forward to necessary staff.	Principal
	Notify parents of EL students participating in language support services (within 30 days of school start date or within 2 weeks of identification of	ESOL Coordinator

	needing services).	
	Begin dissemination of 20-Day parent notifications (if applicable)	Principal, CFO
September	Finalize, submit, and sign off on budgets for Federal Programs.	Principal, CFO
	Review PQ, in-field, and certification for teachers and paraprofessionals prior to CPI collections	Principal, CFO
	Provide McKinney-Vento Homelessness training for all faculty and staff - save sign-in sheets/digital evidence of review	Operations Dir/HR
	Plan Family Engagement Curriculum Nights for parents - set dates - advertise via email, newsletters, school website, and social media.	Principal
October	Federal Programs Director and CFO meet to review budgets and drawdowns.	Principal, CFO
	Monitor any ongoing corrective actions (if applicable) and fully participate in any required webinars and training.	Principal
	Host Annual Title I Meeting prior to November 1 - save agenda, presentation(s), sign-in sheets/digital evidence for review.	Principal
November	Provide Family Engagement-Building Staff Capacity Training - save sign-in sheets/digital evidence for review.	Principal
	Advertise all upcoming "Parent Engagement" events via email, newsletters, school website, and social media.	Principal
	Set dates for ACCESS Testing	Principal
December	Begin School Improvement Data review for mid-year effectiveness	Principal
	Host Parent Engagement events - save agenda, presentation(s), sign-in sheets/digital evidence for review.	Principal
	Host Parent Advisory Committee Meeting - save agenda, meeting minutes, sign-in sheet/digital evidence for review.	Principal
January	Federal Programs Director and CFO meet to review budgets and drawdowns.	Principal, CFO
	Review Family Engagement documentation.	Principal, Principal
	Administer ACCESS 2.0 to EL students	Principal
	Continue dissemination of 20-Day parent notifications (if applicable)	Principal

February	Host Improvement Plan Mid-Year Review - discuss progress, documentation - save agenda, sign-in sheet/digital evidence for review.	Principal
	Host Parent Engagement events - save agenda, presentation(s), sign-in sheets/digital evidence for review.	Principal
	Disseminate (via email, newsletters, school website, and social media), collect, review stakeholder surveys to be used as evidence for seeking parent input for school improvement, parent engagement, and School-Parent Compact.	Principal
March	Plan and advertise Parent Input Meeting dates via email, newsletters, school website, and social media.	Principal
	Meet with Data Specialist and HR prior to official CPI collections	Principal
	Begin work on FY23 CLIP (Comprehensive Needs Assessment, review and revise PQ as needed, etc.)	Principal
	Collect Periodic Certifications for the first semester.	Principal, CFO
April	Federal Programs Director and CFO meet to review budgets and drawdowns.	Principal, CFO
	Host multiple "Parent Input Meetings for School Improvement" using varied dates and times to accommodate parents. Include CCRPI data, survey data, Family Engagement Policy review, and School-Parent Compact review.	Principal
	Continue FY23 CLIP Meetings for School Improvement	Principal
May	Complete Physical Inventory of all equipment purchased with federal funds.	Inventory Manager
	Review ACCESS test results, determine eligibility, send reports to parents in home language and determine continuation of services or exit notifications, and finalize EL folders	Principal
	Continue FY23 CLIP Meetings for School Improvement	Principal
June	Finalize and submit (via GaDOE Portal) FY22 CLIP	Principal
	Attend Federal Programs Conference	Principal
	Collect Periodic Certifications for the second semester.	Principal, CFO

### **Technical Assistance to School**

The LEA provides technical assistance in the following ways:

- A minimum of two professional learning sessions during administrative and curriculum meetings and school staff meetings that address effective parent and family engagement practices. The school principal will ensure compliance. All teaching staff are required to attend technical assistance opportunities.
- The creation and sharing of a Federal Programs Handbook
- Technical assistance with planning, organizing, and conducting parent meetings
- Ongoing contact
- The Administrative Staff will maintain all documentation of professional learning such as agendas, sign-in sheets, handouts, and monitoring checklist. Principal will ensure compliance using a self-monitoring checklist.

### **Annual Title I Meeting**

All Title I schools or Targeted Assistance schools are required to hold an annual meeting at the beginning of the school year, before November 1st. It is the responsibility of the principal in collaboration with relevant team members to arrange meeting times and invite qualified stakeholders to the meetings. The principal will be responsible for collecting and submitting documentation of the required Title I Annual Meeting, including copies of sign in sheets, agendas, and multiple ways of inviting parents. Meetings are publicized via invitations sent to parents, e-mails, the website, Parent Bulletins, and newsletters.

### **Annual Evaluation of Parental Involvement**

**Process to Collect:** An annual survey is conducted. The survey is posted online, and parents are informed of the availability of a paper survey if they so desire. Advertisement of the survey and requests for completion occur through emails, the website, parent portal and parents' bulletin. The survey is collected and compiled, and the following year's parent involvement activities are built from the responses.

**Process to Review:** The results of the survey are shared among several groups of stakeholders, including, but not limited to, parents, school and central office employees, and community members. School Governance Teams and those attending Annual Title I Meetings. The results of the survey are used to review and revise parent involvement plans and components.

### **LEA Actions to Improve the Quality and Effectiveness of Parent Involvement Policies and Practices:**

The Principal reviews the annual survey results, as well as all feedback received during the annual needs assessment process. Additions/deletions/revisions are discussed and agreed upon during Principal, CFO, Operations Director meetings. Formatting and revisions are made after the meeting and then provided to stakeholders for review and suggestions.

### **Capacity for Parent Involvement**

Information is provided to school personnel and parents regarding procedures to build parent capacity through presentations made during meetings, through emails, through response to parent needs on surveys, through student handbooks, newsletters, and Parent Bulletin. The Principal considers and plans based on the six requirements for building capacity by answering the following questions:

1. What strategies/materials have been offered to parents on understanding academic content standards?
2. What training has been offered to parents related to literacy and the use of technology?



3. How have faculty and staff been encouraged to communicate with and involve parents in their child's education (see below for Building Staff Capacity)?
4. What efforts have been made to foster parental involvement in prekindergarten programs? (Not applicable)
5. What attempts have been made to communicate parental involvement information to parents using language parents can understand?
6. What other support do parents receive for parental involvement activities?

### **Building Staff Capacity**

YHALE will provide in-person capacity building opportunities for all teaching staff on how to engage parents with a focus on the value and utility of contributions of parents and how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school. The schools resource center will encourage and support parents to fully participate in the education of their children.

One capacity building opportunity per semester - evidence of fulfillment includes: detailed agenda (date, time, location, participants), sign-in sheet, and training materials.

### **Title I, School Improvement (1003a) Grant**

YHALE conducts a Schoolwide Program. The LEA will utilize LEA leadership to build capacity and support the school improvement process should YHALE be identified as needing comprehensive or targeted support interventions.

If YHALE is determined as needing comprehensive or targeted support interventions, we will be involved in school improvement efforts through the work of the LEA, GLRS, RESA, and GaDOE. LEA leadership will work to implement practices that have proven effective with improving schools. LEA leadership, along with GaDOE, will establish clear expectations for personnel as they systematically support continuous improvement at YHALE. LEA leadership will conduct a yearly evaluation of school improvement efforts. Members of LEA leadership will determine the extent to which targeted school improvement efforts are implemented.

### **McKinney-Vento Program (MVP) Education of Homeless Children and Youth**

#### **Introduction**

YHALE will follow the requirements of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001 to ensure that all children and youth receive a free appropriate public education and are given meaningful opportunities to succeed in our school.

#### **Local Homeless Liaison**

Melissa Clermont  
[mclermont@yhale.org](mailto:mclermont@yhale.org)  
(404) 738-6219

## **Definitions**

- The term children and youth experiencing homelessness includes students who are otherwise legally entitled to, or eligible for, a free, public education (including preschool), but who lack a fixed, regular, and adequate nighttime residence.
- A child or youth is considered to be experiencing homelessness for as long as he or she is in a living situation outlined in the McKinney-Vento Act and until the end of the school year in which the student moves into permanent housing.
- The term unaccompanied youth includes a youth not in the physical custody of a parent or guardian and who is homeless as defined by law. The more general term youth also includes unaccompanied youth.
- The terms enrollment include attending classes and participating fully in school activities. Immediate means without delay.
- Parent means a person having legal or physical custody of a child or youth. Legal guardians are included in this term.
- The Federal Programs Director is the staff person designated as the person responsible for carrying out the duties assigned by the McKinney-Vento Homeless Assistance Act.

## **Identification**

In collaboration with school personnel and community organizations, The Operations Director, or designee, will identify children and youth experiencing homelessness in the LEA, both in and out of school, and maintain access to data regarding students in this situation. The Operations Director, and Principal, or designee, will train school personnel on possible indicators of homelessness, sensitivity in identifying families and youth experiencing homelessness, and procedures for forwarding information indicating homelessness to the liaison.

## **Enrollment**

Consistent, uninterrupted education is vital for academic achievement. Due to the realities of homelessness and mobility, students experiencing homelessness may not have school enrollment documents readily available. Nonetheless, the school must immediately enroll any child or youth in this situation. Enrollment may not be denied or delayed due to the lack of any document normally required for enrollment.

Unaccompanied youth must also be immediately enrolled in school. They may either enroll themselves or be enrolled by a parent, non-parent caretaker, older sibling, or the LEA local liaison. If complete records are not available, IEP teams or other committees or school officials, as appropriate, must use good judgment in choosing the best course of action, balancing procedural requirements, and the provision of services. In all cases, the goal will be to avoid any disruption in appropriate services.

## **Transportation**

Transportation is not offered to any student at YHALE; however, YHALE will provide vouchers for public transportation when needed by any student considered experiencing homelessness.

## **Services**

Children and youths experiencing homelessness shall be provided services comparable to services offered to other students. School personnel must also inform parents of all educational and related opportunities available to their children and provide parents with meaningful opportunities to participate in their children's education. All parent information required by any provision of this policy must be provided in a form, manner, and language understandable to each.

## **Disputes**

If a dispute arises over any issue covered in this policy, the child or youth experiencing homelessness will be immediately admitted, pending final resolution of the dispute. The student shall also have the rights of a student experiencing homelessness to all appropriate educational services while the dispute is pending.

The school where the dispute arises shall provide the parent or unaccompanied youth with a written explanation of its decision, give an explanation of the right to appeal, and immediately refer the parent or youth to the local liaison. The parent or unaccompanied youth shall be given every opportunity to participate meaningfully in the resolution of the dispute.

## **Title I, Part A**

Children and youths experiencing homelessness are automatically eligible for Title I services, regardless of what school they attend. The LEA's Title I plan will be coordinated with all McKinney-Vento services through collaboration between the principal and the local liaison. Children and youths experiencing homelessness will be assessed, reported on, and included in accountability systems as required by federal law and U.S. Department of Education Regulations and Policy Guidance.

## **Credit for Full or Partial Coursework**

The principal, or designee has discretion to assist homeless students by awarding full or partial credit utilizing the following:

1. Evaluating the student's schedule at enrollment and building a schedule that will match as closely as possible to maximize attainment.
2. Assignment of regular classes with unit recovery, if needed.
3. Scheduling a student in online learning classrooms; and/or
4. Using a system of support for students struggling academically or having issues that hinder their academic progress because of homelessness.

The Principal, Homeless Liaison, or designee will work in coordination with the student's previous or forwarding school to ensure that all possible credit is awarded.

## **Training of Personnel**

The Principal, Homeless Liaison, or designee will assign training through McKinneyVento.org to the appropriate personnel annually.

## **Coordination**

The local liaison shall coordinate with and seek support from the State Director for the Education of Homeless Children and Youth, public and private service providers in the community, housing and placement agencies, the pupil transportation department, local liaisons in neighboring LEAs, and other organizations and agencies.

The following is a list of agencies that may be used for referral to homeless families:

### **Local DFCS**

Help for Food  
Georgia Family Connections  
235 Peachtree St.  
Suite 1600  
Atlanta, GA 30303

404-527-7394

Mission statement can be found on website

<https://gafcp.org/about-us/#:~:text=Our%20Purpose,solutions%20based%20on%20local%20decisions.>

### Social Services

Gwinnett County Division of Family and Children Services

95 Constitution Blvd

Lawrenceville, GA 30046

678-518-5500

Mission statement can be found on website

<https://dfcs.georgia.gov/about-us/vision-mission-and-guiding-principles>

Georgia Division of Family & Children Services

Education Support Monitor - Sheena Lewis

877 Battle Creek Rd.

Jonesboro GA, 30236

404-387-7115

Mission statement can be found on website

<https://dfcs.georgia.gov/about-us/vision-mission-and-guiding-principles>

### Immunizations, Vision and Hearing Screening, Other Health Issues

Gwinnett County Health Department

5030 Georgia Belle Court

Norcross, GA 30093

770-638-5700

Mission statement can be found on website

<https://www.gwinnettcounty.com/web/gwinnett/departments/boardofcommissioners/missionvisionvalues>

### Housing

Rainbow Village

3427 Duluth Highway 120

Duluth, GA 30096

770-497-1888

Mission statement can be found on website

<https://rainbowvillage.org/about-us/>

### Protocols

YHALE does not receive direct funding from the McKinney-Vento Homeless Program. The system Homeless Liaison trains school personnel to identify children in homeless situations. A home survey is also used to identify homeless students. The Homeless Liaison is consulted if any staff member suspects that a student qualifies for homeless services. The Homeless Liaison, in partnership with the Admin Team, then investigates the situation and makes determination on whether or not students qualify. When a student does qualify, the appropriate information is sent to the system registrar to be entered into the Student Information System. Title I, Part A funds are reserved to benefit the education of homeless students. Funds are allocated based on an annual analysis of student needs.

## **Services for Neglected and Delinquent Children**

YHALE is a state charter school with a statewide attendance zone. Services for Neglected and Delinquent Children are not applicable for YHALE.

### **Transportation Plan**

YHALE does not operate a transportation system. YHALE will administer an occupational survey to families and code eligible students for identification on the school's student support system. YHALE will coordinate migrant services and protocols through the regional MEP Office.

## **Services for Children in Foster Care**

The Foster Care Program is dedicated to ensuring school access, improving educational outcomes, and enhancing academic stability for children and youth in foster care. Guided by provisions outlined in Every Student Succeeds Act (ESSA), this program establishes guidelines to recognize and address the unique needs of foster care children and youth. The foster care liaison plays a pivotal role in collaborating closely with local child welfare agencies to identify children and youth in foster care and to ensure the effective implementation of ESSA provisions.

At YHALE, the Principal and Operations Specialist, or their designated representative, serve as the primary points of contact for foster care matters. This designated contact or liaison collaborates with local child welfare agencies to identify children and youth in foster care and to ensure their needs are addressed at the school level.

YHALE is committed to maintaining educational stability for children in foster care by adhering to the following Title I, Part A educational stability requirements:

- Children in foster care are kept in their school of origin unless it is determined that remaining there is not in the child's best interest.
- If it is deemed not in the child's best interest to remain in their school of origin, they are promptly enrolled in a new school, even if they are unable to provide the usual enrollment records.
- The new (enrolling) school promptly contacts the school of origin to obtain relevant academic and other records for the child.

## **Title IV, Part A Student Support and Academic Enrichment**

### **Purpose**

Title IV, Part A, Student Support and Academic Enrichment (SSAE) grants are intended to improve students' academic achievement by increasing the capacity of States, LEAs, schools, and local communities to:

- provide all students with access to a well-rounded education
- improve school conditions for student learning
- improve the use of technology in order to improve the academic achievement and digital literacy of all students. (ESEA section 4101).

## **Use of Funds**

YHALE makes a determination of how funds will be spent following a needs assessment process in which a variety of stakeholders participate. Needs are then prioritized and funded depending upon the availability of funds. In order to have the most flexibility to carry out Targeted Assistance Plans and meet the needs of students, as allowable by federal statutes, YHALE shall transfer all Title IV, Part A funds. If, in the future, YHALE administration does not transfer Title IV, Part A funds, this section of the handbook shall be immediately updated.

## **Title I, Part C - Migrant Education Program (MEP) Services**

YHALE will coordinate migrant services and protocols through the Regions MEP office.

### **Records Maintenance and Transfer**

The Data Specialist is the authorized MEP data exchange user in the education portal in the GaDOE portal. As the Data Specialist receives email notification of recently released documents, the files are accessed and acted on within one week of receipt. The Principal collaborates with the Data Specialist and updates are made within the local SIS (Infinite Campus), both on the enrollment screen for FTE/student record purposes, and with a migrant “flag” to inform teachers each time they access the student roster. The Data Specialist regularly reviews MEP reports: current enrollment report; current participant report; new participant report and regularly provides the Consortium Recruiter with any needed changes or updates. Current SIS reports are submitted to the GaDOE during monitoring or upon request.

The transfer of records to and from other schools, states or countries are handled by the Data Specialist. Upon receipt of a signed records request, the registrar secures the appropriate documents and releases them in a timely manner (i.e. - records exchange program within Infinite Campus for participating schools and/or standard mail). As migrant students enroll, the registrar requests required records from other schools, states or countries in a similar manner by having the parent/guardian sign a records release request and contacting the previous organization, usually by email and a follow up phone call. All records are maintained electronically in the SIS (Infinite Campus) along with hard-copies maintained in each student’s permanent file.

As the Data Specialist becomes aware of student changes (address changes, departures, etc. ), the Principal is notified using the proper forms and communication.

### **Identification and Recruitment**

The principal receives an email notification from the Data Specialist when a parent or guardian indicates a positive response to questions in the Online Registration System related to moves into the LEA for occupational reasons and the nature of such employment.

## **Title II, Part A - Teacher and Leader Effectiveness**

### **Purpose**

The purpose of Title II, Part A is to increase academic achievement by improving teacher and leader quality.

### **Equity Belief Statement**

YHALE believes all students should have equitable access to quality instruction and strives to recruit, prepare, train, and support high-quality teachers, paraprofessionals and leaders who are adept at working with students

in a non-traditional environment. YHALE is focused on developing school and LEA level improvement plans with measurable objectives that will ensure that all teachers are and remain highly effective.

### **Needs Assessment**

Annually, YHALE engages required stakeholders in planning for continuous improvement. All faculty and staff including leaders, teachers and paraprofessionals are surveyed for input around continuous improvement/strategic planning. All parents are surveyed annually through the Title I annual survey as well as the Parent Climate Survey. YHALE completes a comprehensive needs assessment and seeks input as outlined in the state charter contract. YHALE hosts an Academic Committee meeting and parents of all students to inform, identify needs, and seek possible solutions/actions for improvement.

### **Equity Plan**

The principal monitors the implementation of the Equity Plan and area of focus, while collecting the documentation required to provide evidence of effective implementation. All source documentation is maintained in electronic files.

### **Effectiveness Plan**

The Title II-A funded activities in each major program component are analyzed and a plan is developed to assess the effectiveness of each activity.

### **Professional Learning**

Professional Learning at YHALE is standards based, results-driven, and job-embedded. It is designed to improve student achievement by enhancing teacher content expertise and developing appropriate pedagogical skills for working in a non-traditional school. Professional Learning needs are assessed during the Comprehensive Needs Assessment process. Student achievement data and performance data are analyzed. The principal, and School Administrative Team review the combined data to collaboratively develop plans for professional learning. Once plans are designed and approved, the focus becomes the implementation of quality professional learning. Evaluations of professional learning training sessions and the analysis of the evaluations are ongoing.

Professional learning will focus on increasing the ability of the teaching staff and administration to help all students achieve high academic standards and eliminate the achievement gap that separates low-income and minority students from other students. YHALE will provide training to enable teachers, paraprofessionals and administrators to address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency; improve student behavior in the classroom and identify early and appropriate interventions to help students; involve parents in their child's education; and understand and use data and assessments to improve classroom practice and student learning.

## **Title III and English to Speakers of Other Languages (ESOL)**

### **Purpose**

The purpose of the State funded ESOL program is to assist students to develop proficiency in the English language, including listening, speaking, reading, and writing, sufficient to perform effectively at the currently assigned grade level. The purpose of the federally funded Title III supplemental program is to ensure that English learners (ELs) and immigrant students develop English proficiency and meet the same academic content and academic achievement standards that other children are expected to meet.

## **Student Assessment, Identification, and Enrollment Procedures**

Parents/guardians of all students enrolling in YHALE are surveyed via a Home Language Survey (HLS) question on registration packet to determine the student's first-learned, primary, and home language(s). For students with a language reported on the HLS question other than or in addition to English, eligibility for ESOL services is determined using the WIDA Screener, or transfer records demonstrating current eligibility for language assistance services. ELs are assessed annually on the appropriate state-adopted English proficiency measure (ACCESS for ELLs 2.0 or Alternate ACCESS) to determine continued eligibility or readiness to exit English language assistance services.

The LEA notifies parents/guardians annually of their child's eligibility for ESOL. Such notification is made within the first thirty (30) days of school for students continuing in the ESOL program and within two (2) weeks of the date of eligibility determination for newly identified students. Parents/guardians have the right to decline ESOL services, as outlined in the annual notification. Upon their request, the ESOL Coordinator will contact the parents/guardians to ensure a clear understanding of the services offered and the educational implications of declining participation in the ESOL program. If the parents/guardians affirm their desire for their child to be removed from the ESOL program, the school will provide a waiver form. Upon receipt of a signed parent waiver, the student will be removed from the ESOL program. The school must provide language assistance services through alternate means as outlined in the LEA procedures for indirect language assistance services. The student remains eligible for classroom and testing accommodations and must participate in the state-mandated annual English proficiency assessment until meeting exit criteria. Parents/guardians continue to be notified annually of their child's eligibility until such time that the student meets exit criteria, and a new waiver must be collected annually. At any time, the parents/guardians may request reinstatement of ESOL services for their child.

### **Exit Guidelines**

According to GaDOE guidelines, a kindergarten student must score a Composite Proficiency Level (CPL) of 5.0 or higher, a Writing sub score of 4.5 or higher, and no other individual domain score less than 5.0 in order to exit the ESOL program. Students in grades 1-12 who score a CPL of 5.0 or higher are considered English proficient and are exit-ed from English language assistance services in accordance with GaDOE guidelines.

An ESOL teacher monitors each exit-ed student's academic performance for two calendar years following exit from English language assistance services. If an exit-ed student transfers to the LEA during the two-year period following attainment of English proficiency criteria, the student is monitored for the remainder of the two-year period. ESOL teachers further collaborate with regular education teachers when the data indicates students may be struggling in one or more areas. If needed, additional academic support may be implemented through RTI. If a reasonable period of intervention and monitoring is unsuccessful and the student's difficulties appear to be related to English proficiency rather than academic deficits or disability, the RTI team may recommend a consideration to redesignate to EL status with direct ESOL services. The LEA reviews and responds to the disaggregated data for Formerly EL students.

### **Funding**

YHALE does not receive direct funding for Title III and does not participate in a Consortium. YHALE utilizes local funds to staff ESOL programs and purchase instructional materials, provide professional learning, conduct parent outreach, and hire the necessary personnel to ensure that the needs of English Learners (ELs) are met.



## **Professional Learning**

The results of the annual comprehensive needs assessment guide school and LEA professional learning plans. ESOL teachers communicate students' current English Language Proficiency (ELP) scores to staff members and assist their colleagues with identifying appropriate scaffolding techniques and instructional strategies based on these scores.

## **Parent Outreach**

Though YHALE does not receive Title III funds, the LEA informs parents of ways to assist their students academically, including understanding English Language Proficiency (ELP) scores as well as other assessments in which their children participate and their implications. School programs, resources, and activities are also shared with parents in these meetings, and parents are provided an opportunity to provide feedback and input at later scheduled events.

## **Supporting the Unique, Non-linguistic Needs of Immigrant Students**

Immigrant students who qualify for English language assistance services are supported through the ESOL program. Regardless of English proficiency, immigrant students often arrive with myriad non-linguistic needs. Supplemental instructional materials and/or tutoring are provided to address academic gaps.

## **Program Evaluation and Accountability**

The success of the ESOL instructional program and Title III supplemental programs and initiatives will be measured by analyzing the results of English Language Proficiency (ELP) assessments, academic assessments, and other available measures. As a result of this analysis, programmatic and instructional adjustments are implemented as appropriate.

## **IDEA-Individuals with Disabilities Education Act**

IDEA procedures, including those for SST, Child Find, Evaluation/Re-evaluation, Eligibility, and Discipline, can be found in YHALE's Special Education Department Handbook.

## **Coronavirus, Aid, Relief & Economic Security (CARES) Act**

YHALE received a grant for Coronavirus Aid, Relief and Economic Security (CARES) Act Elementary and Secondary School Emergency Relief Fund to offset expenditures related to the impact of the COVID-19 pandemic. The purpose of this grant is to provide the school with emergency relief funds to address the impact that COVID-19 has had, and continues to have, on school.

## **CARES ACT - School Nurse Program**

YHALE has not drawn down CARES ACT School Nurse Program for school nursing personnel and school health services and supplies. The purpose of this grant is to provide emergency relief funds for School Nursing programs to offset the impacts of COVID-19.

## **Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) Act**

YHALE did not receive the second grant for Coronavirus Aid, Relief and Economic Security (CARES) Act Elementary and Secondary School Emergency Relief Fund .

## **The American Rescue Plan (ARP)**

On Thursday, March 11, 2021, the American Rescue Plan (ARP) Act was signed into law. It is a \$1.9 trillion package of assistance measures, including \$122 billion for the ARP Elementary and Secondary School

Emergency Relief (ARP ESSER) Fund. Funds are provided to State educational agencies (SEAs) and school districts to help safely reopen and sustain the safe operation of schools and address the impact of the coronavirus pandemic on the nation's students.

Maintenance of equity (MOE) is a law that was established for the first time in the American Rescue Plan, and that only applies to fiscal years 2022 and 2023. Maintenance of effort (MOE) applies to all the fiscal years that are related to the covid funds which includes fiscal years 2020, 2021, 2022, and 2023.

For the purposes of the IDEA, CARES Act, CRRSA Act, and ARP Act funds are considered Federal funds and may not replace State and local funds in LEA MOE calculations. As a result, if an LEA uses CARES Act, CRRSA Act, or ARP Act funds to replace State or local funding for the education of children with disabilities, this may result in a failure of the LEA to meet the budget and/or expenditure requirements for LEA MOE under IDEA. If an LEA fails to meet the MOE budget requirement, the LEA is not eligible for an IDEA Part B subgrant. If the LEA fails to meet the MOE expenditure requirement, then the SEA is liable in a recovery action to return non-Federal funds to the Department in an amount equal to the amount of the LEA's MOE shortfall or the amount of the LEA's IDEA Part B subgrant in that fiscal year, whichever is lower. SEAs may, but are not required to, seek reimbursement from the LEA that failed to meet MOE.

Section 8521 of the ESEA contains an LEA MOE requirement applicable to covered ESEA programs in addition to the State MOE requirements in the CARES Act, CRRSA Act, and ARP Act, and the State and LEA maintenance of equity requirements in the ARP Act. Under section 8521 and 34 CFR § 299.5, an LEA's expenditures for the provision of free public education in the preceding fiscal year may not be less than 90 percent of its expenditures in the second preceding fiscal year, determined either by the LEA's 53 combined fiscal effort per student or its aggregate expenditures of State and local funds. CARES Act, CRRSA Act, and ARP Act funds are Federal funds and may not replace State and local funds in LEA MOE calculations. As a result, if an LEA uses CARES Act, CRRSA Act, and ARP Act funds to replace State or local funding to provide free public education, the LEA may fail to meet MOE under section 8521. Absent a waiver of the MOE requirement, an SEA must reduce an LEA's allocation for each covered program by the amount the LEA failed to meet MOE. The Department may waive the MOE requirement in section 8521 of the ESEA if it determines a waiver would be equitable due to exceptional or uncontrollable circumstances or a precipitous decline in the financial resources of an LEA. If an LEA experienced a precipitous decline in State and local resources caused by the COVID-19 pandemic, that could warrant the Department's granting an MOE waiver.

An LEA that receives ARP ESSER funds will develop, submit to the SEA, and make publicly available on the LEA's website, a plan for the LEA's use of ARP ESSER funds. The plan, and any revisions to the plan will be submitted consistent with procedures.

The LEA, YHALE, assures that ARP ESSER funds will be used for their intended purposes, including:

- whether and how they will use the funds specifically for COVID-19 prevention and mitigation strategies,
- how the funds will be used to address the academic impact of lost instructional time through the implementation of evidence-based interventions,
- and how the LEA will ensure that those interventions respond to the academic, social, emotional, and mental health needs of all students and particularly those students disproportionately impacted by the COVID-19 pandemic.

The LEA assures, during the period of the ARP ESSER award established in section 2001(a) of the ARP Act the LEA will periodically, but no less frequently than every six months, review and, as appropriate, revise its

plan. Consistent with section 2001(i)(2) of the ARP Act, the LEA will seek public comment on the development of its plan, the LEA will seek public input and take such input into account in determining whether to revise its plan and, if it determines revisions are necessary, on the revisions it makes to its plan.

The LEA assures if they revise their plan, the revised plan will address each of the aspects of safety currently recommended by the CDC or, if the CDC has updated its safety recommendations at the time the LEA is revising its plan, the revised plan will address the extent to which the LEA has adopted policies, and describe any such policies, for each of the updated safety recommendations.

The LEA assures if a plan has been developed prior to the enactment of the ARP Act that meets the requirements under section 2001(i)(1) and (2) of the ARP Act, but does not address each of the required aspects of safety established in the interim final rule requirement, they will (as part of the required periodic review) revise the plan consistent with these requirements no later than six months after its last review.

The LEA assures the plan will be in an understandable and uniform format; to the extent practicable, written in a language that parents can understand or, if not practicable, orally translated; and upon request by a parent who is an individual with a disability, provided in an alternative format accessible to that parent.

### **ESSER III American Rescue Plan (ARP) Act**

In response to the Covid-19 pandemic, ESSER funds offer the opportunity to make educational systems better for students, educators, staff, schools, and their communities post-pandemic in order to address the impact of lost instructional time from the pandemic on all students and to address pre-existing challenges that, if left unaddressed, will impede recovery from the pandemic.

Employees may receive hazard pay for a national or local emergency or to perform critical services. Instances when this might happen may include a pandemic or a natural disaster. Employees will be compensated for fully completing an objective from a supervisor related to the aforementioned conditions.

### **ESSER ARP Educator Bonus Grant**

ESSER ARP Educator Bonus Grant is to provide \$1,000 retention bonuses to educators no later than June 30, 2021 to encourage educators to stay in the profession as a gesture of gratitude for their work and sacrifices during the COVID-19 pandemic. A specific listing of eligible job codes is provided in the CP051-ESSER Bonus for School-Based Staff report. Funding is allocated based on the number of employees with eligible job codes reported in the most recent CPI count.

### **American Rescue Plan (ARP) - Homeless Children and Youth**

The McKinney-Vento Education for Homeless Children and Youth (EHCY) program is designed to address the problems that homeless children and youth have faced in enrolling, attending, and succeeding in school. The fund is to address the needs of children and youth experiencing homelessness.

The authorizing legislation for ESSER, CARES, CRRSA, and ARP can be found by clicking [here](#).

Additional resources for each of these grants from the Office of Elementary and Secondary Education are available [here](#).

## **Reviews and Revisions to the Federal Programs Handbook**

The YHALE Federal Programs Handbook will be reviewed and/or revised at least every six months.

## **Appendix A: Complaint Procedures Related To Federal Grant(s)**

### **Grounds for a Complaint:**

Any individual, organization or agency may file a complaint with the YHALE Charter School if that individual, organization or agency believes and alleges that the YHALE is violating a Federal Statute or regulation that applies to a program under the Elementary and Secondary Education Act of 1965 (ESEA). The complaint must allege a violation that occurred not more than one (1) year prior to the date that the complaint is received, unless a longer period is reasonable because the violation is considered ongoing.

### **Filing a Complaint:**

Complaints and grievances shall be handled and resolved as close to their origin as possible and through the proper channels using the following procedures:

A complaint must be made in writing and signed by the complainant and must include the following information:

- A statement that YHALE has violated a requirement of a Federal statute or regulation that applied to an applicable program
- The date(s) on which the violation occurred
- The facts on which the statement is based and the specific requirement allegedly violated
- A list of the names and telephone numbers of individuals who can provide additional information
- Whether a complaint has been filed with any other government agency, and if so, which agency
- Copies of all applicable documents supporting the complainant's position
- The address of the complainant

The complaint must be addressed to:           YHALE (Federal Programs)  
  4550 River Green Pkwy  
  Duluth, GA 30096

### **Investigation of the Complaint:**

1. Any complaints or grievances shall be forwarded to the Principal. The Principal or designee, will issue a Letter of Acknowledgement to the complainant that contains the following information:
  - The date the complaint was received
  - How the complainant may provide additional information
  - A statement of the ways in which the Principal and the Administration Team may investigate or address the complaint
  - Any other pertinent information
2. The decision of the Principal and the Administration Team may be appealed to the Board, in writing
3. All decisions and appeals shall be submitted in writing.
4. Complaints will be tracked by the Principal and the Administration Team by maintaining documentation of written complaints and other supporting information.
5. Reports will be maintained with letters of complaint and the final resolutions.

**Appendix B: Complaint Form**



**YI HWANG ACADEMY**  
*of LANGUAGE EXCELLENCE*

**Complaint Form for Federal Programs  
under the Elementary and Secondary School Emergency Relief (ESSER) Fund**

Name (Complainant): \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Alternate Phone Number: \_\_\_\_\_

Program complaint is being filed against: \_\_\_\_\_

Date alleged violation occurred: \_\_\_\_\_

Statement that the School for Arts-Infused Learning has violated a requirement of a Federal statute or regulation that applies to an applicable program (include citation to the Federal statute or regulation):

\_\_\_\_\_

The facts on which the statement is based and the specific requirement allegedly violated:  
(Attach additional sheets if necessary) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

List the names and telephone numbers of individuals who can provide additional information:

\_\_\_\_\_

\_\_\_\_\_

Has a complaint been filed with any other government agency? If so, provide the name of the agency. Also, please attach/enclose copies of all applicable documents supporting your position.

\_\_\_\_\_

Signature of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

Mail this form to:  
YHALE (Federal Programs)  
4550 River Green Pkwy  
Duluth, GA 30096

**Appendix C: Tracking Form**



**YI HWANG ACADEMY  
of LANGUAGE EXCELLENCE**

**Federal Program Tracking Form for Resolution of Complaints**

Date Complaint Received	Person Receiving Complaint	Person Filing Complaint	Person To Whom Complaint Assigned	Complaint	Resolution	Date Resolved

**Appendix D: FEDERAL PROGRAMS Fund Requests**



**YI HWANG ACADEMY  
of LANGUAGE EXCELLENCE**

**FEDERAL PROGRAMS  
Fund Requests**

Fund No: \_\_\_\_\_ Fund Name: \_\_\_\_\_

Amount of Funds request Form GADOE: \$

Date Funds Requested: \_\_\_\_\_

Funds Requested By: \_\_\_\_\_

Fudget Amount: \$ \_\_\_\_\_

Fund Requested: \$ \_\_\_\_\_

Fund Previously Request: \$ \_\_\_\_\_

Total Funds Requested: \$ \_\_\_\_\_

Total Funds Expended: \$ \_\_\_\_\_

Budget Balance: \$ \_\_\_\_\_

Budget Amount Required to be Expended: \$ \_\_\_\_\_

Percent Expended: \_\_\_\_\_ %

**Draw Down Approved By:**

\*\*\*\*\*

\_\_\_\_\_  
CFO

\_\_\_\_\_  
Principal

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date





Special Education Manual for Teachers &  
Other Personnel Serving Students with  
Disabilities  
*Revised Spring 2023*

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## **PREFACE**

This manual has been created to provide guidance to service providers in the Yi Hwang Academy of Language Excellence related to the implementation and compliance of special education programs as required by the Individuals with Disability Education Improvement Act 2004 (IDEA) and its regulations. In this manual, general guidelines and specific procedures may be found to assist you with the evaluation process, IEP development for students with disabilities, and the provision of a Free and Appropriate Education (FAPE). It is also designed to guide staff working with students with special needs through the appropriate procedures for the identification and evaluation of students with disabilities.

This manual is a district supplement to Georgia's Department of Education's Special Education Rules and Implementation Manuals and is meant to serve as a practical guide for implementing the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and its regulations. It is not intended to state new laws or supplant any federal or state laws, regulations, or requirements. No part of this manual should be seen as having the force of law. This manual should not be cited as law or as imposing any additional requirements or obligations outside the requirements of existing law.

All staff members have access to the State Special Education Rules and Implementation Manual, which should be consulted first when questions arise regarding laws and policies.

While compliance is imperative and non-negotiable, YHALE is focused on providing excellence in the educational experience which focuses on providing high-quality instruction that is engaging and challenging, a physically and emotionally safe learning environment, and data driven decision making. The mission of YHALE is to prepare young people to become lifelong learners, based on high academic standards for all, individual appreciation for each student and teacher, a culture of trust, respect for the diverse traditions of Georgia, and involvement of family and community. The School expects that all Special Education Staff will review the contents of this manual, participate in opportunities for training and review and effectively implement the procedures outlined. Other personnel are expected to review, participate in trainings and implement the procedures for the sections appropriate for their professional duties and responsibilities.

Laws mandating special education and related services are some of the most highly litigated laws in the United States. For this reason, if you are ever in doubt about what steps you should take in a particular case, please contact the YHALE's Special Education Director.

## **Purpose Statement**

Personnel in the YHALE have the responsibility to ensure that all students attending YHALE are provided appropriate public education (FAPE).

The Individuals with Disabilities Education Act (IDEA) requires that states review the data of each Local Education Agency (school system) each year in order to evaluate the system's performance in meeting the requirements and purposes of the IDEA. After a review of the data, the Georgia Department of Education (GaDOE) is required to make determinations (Meets Requirements; Needs Assistance; Needs Intervention; or Needs Substantial Intervention) about each indicator related to the system's compliance.

Compliance Indicators are:

Rates of Suspension and Expulsion for Children with Disabilities by Racial and Ethnic Groups

Disproportionate Representation of Racial and Ethnic Groups in Special Education and Related Services

Disproportionate Representation of Racial and Ethnic Groups in Specific Disability

Categories General Supervision

Meets Maintenance of Effort Fiscal Standards

Initial Evaluations (Child Find) Completed within Prescribed Timelines

Early Childhood Transitions

Measurable Postsecondary Goals for Transition

Timely and Accurate Data

**SECTION 1:**  
**STUDENT RECORDS AND CONFIDENTIALITY**

YHALE ensures that confidentiality rights are afforded to parents as explained in the Parent Rights Document (procedural safeguards) and Family Educational Rights and Privacy Act (FERPA) of 1974, which applies to all students, not just those with disabilities.

All district personnel (including contracted employees) will participate in training and sign that they are governed by confidentiality requirements and receive annual school based training and information regarding the law.

**SUPERVISION AND MONITORING:**

- All staff working with students with disabilities will sign that they have completed the annual confidential requirement in the annual school-based training and that they understand the confidentiality requirements.
- The Special Education Director will monitor the school to ensure completion and submission and the Principal will receive notification of any staff not completing.
- Staff not having completed tasks within 10 days of training will be reported to the Principal and will be required to participate in one-to-one in-person training.

Written and dated parental consent must be obtained before personally identifiable information can be disclosed to unauthorized individuals, organizations, or agencies (unless authorized to do so under FERPA: <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>)

- All special education information is confidential.
- Unless in immediate use, files should be maintained in a locked filing cabinet.
- List of personnel (list specific titles, not names) with access to files should be displayed.
- **For all personnel in the school system, breaching confidentiality is a violation of ethics and may result in a reprimand or dismissal.**
- Georgia State Rules for Special Education
- [http://www.doe.k12.ga.us/ci\\_exceptional.aspx?PageReq=CIEXCAadoptedRules](http://www.doe.k12.ga.us/ci_exceptional.aspx?PageReq=CIEXCAadoptedRules)

Personally identifiable information is defined by the district but may include the following:

- The name of the student, the student's parent, or other family member
- The student's address
- Any personal identifier such as the student's social security number or student number
- Any personal characteristics or other information that would make it possible to identify the student

**Description of the children on whom personally identifiable information is maintained:**

The YHALE uses special education records to help with planning and implementing instruction, guidance and monitoring the educational progress of students with disabilities in order to provide information to parents and staff as we comply with federal and state regulatory requirements. YHALE complies with federal laws and

regulations pertaining to the privacy and confidentiality of special education records. Information that is collected, stored or disclosed, or destroyed will be protected in the following manner.

- The district maintains electronic information on an internal secure server.
- All personal computers are assigned to appropriate staff and are password protected.
- When not in use, all hard copy documents are stored in locked areas or filing cabinets accessible to only those individuals who need access to confidential information.
- Any confidential Information (at school) of students that are no longer active is destroyed in a secure manner. Records of inactive students are kept at the district office for a set number of years before being destroyed in a secure manner.

### **Access Rights and Required Procedures**

YHALE permits parents or guardians to inspect and review any education records relating to their children that are collected, maintained, or used by the district. The district complies in a timely manner with any request without unnecessary delay and before any meeting regarding an IEP, any due process hearing, or resolution session. The rights of parents regarding education records are transferred to the adult student at age 18.

### **District wide Special Education Student records will be organized in the following manner:**

- Active files are kept for all students currently in any special education program in the office of the Special Education Director. Inactive files (i.e., files representing students whose services were terminated or who did not meet eligibility requirements) are also maintained in the office of the Special Education Director.
- Working Special Education files will be kept at the school with case managers in secure locations.
- Special Education paperwork within that folder should be kept together in a folder and clearly marked as confidential information.
- An Access sheet will be completed when information is reviewed or provided to anyone outside of the employment of YHALE or who does not have a current educational interest in the student. General education teachers (and others not on the Record of Access list for the school's records) should sign the Record of Access form when information in the file is reviewed or discussed unless the information is discussed in a documented meeting.

The right to inspect/review FERPA for Students:

<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/students.html>

- A right to a response from YHALE to reasonable requests for explanations and interpretations of the records.
- A right to request that YHALE provide copies of the records containing the information, if failure to provide those copies would effectively prevent the parents from exercising the right to inspect and review the records.
- A right to have a representative of the parents inspect and review the records YHALE will presume that the parents have the authority to inspect and review all records relating



to their child unless YHALE has been advised that the parents do not have the authority under applicable State law governing such matters as guardianship, separation and divorce.

- Record of parties obtaining access; YHALE will keep a record of parties obtaining access to educational records collected or maintained (except access by parents and authorized employees of the LEA), including the name of the party, the date access was given, and the purpose for which the party is authorized to review or use the records.

More information about FERPA can be found at:

<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

**SUPERVISION AND MONITORING:**

- If a records request is made by anyone other than the parent, student, or others as identified as not needing parental consent, signed consent must be obtained before proceeding through the process.
- Special Education Records can be requested directly from the SPED Director or the parent can request them from the case manager. The case manager will then contact the SPED Director.
- Confidential Special Education files kept by the SPED Director will be reviewed and copied by the Special Education Director.

## **SECTION 2:** **PARENT INFORMATION AND RIGHTS**

The state of Georgia has adopted the federal definition of parent which includes explanations for "parent," "person acting as a parent," "surrogate parent," and "guardian." (See 34 C.F.R. § 300.30; Georgia Rule 160-4-7-.21(31)). Throughout the rest of this document, the IDEA definition of parent is being used wherever "parent" is referenced.

- "Parent" means a biological parent, an adoptive parent, a person acting as a parent, a legal guardian, a surrogate parent, or a foster parent.
- "Person acting in the place of a parent" means a person such as a grandparent, a stepparent or other relative with whom the child lives, or a person other than a parent who is legally responsible for the welfare of a child.
- "Surrogate Parent" means an individual appointed by the LEA to make educational decisions regarding a FAPE of a child with a disability.
- "Guardian" means a person authorized to act as the child's parent and/or to make educational decisions, but it does not mean the State if the child is a ward of the State

School personnel must determine the appropriate person(s) to make educational decisions on behalf of the child. In most instances, this person is the child's parent. The parent receives notice, gives consent, requests mediation, files formal complaints, requests due process hearings, gives or refuses to give permission for release of records, and fulfills all other requirements.

YHALE's Program for Exceptional Students recognizes and values parent(s) and/or guardian(s) of a student with a disability as they are necessary participants in the development of the IEP. Meaningful partnerships recognize the family as the most important and enduring resource in a child's life. It is important that the parents provide information about their views of the student's progress or lack of progress, as well as express concerns about the overall educational development of the child. Parents provide important knowledge about how the student behaves and performs outside the school setting. YHALE will make every effort to ensure parent(s) and/or guardian(s) are:

- involved in every aspect of the development of an initial IEP
- involved in every aspect of the development of the annual IEP
- involved in amendments if placement and/or services will be discussed • given the opportunity to participate by telephone conference call if unable to physically attend

### **Parent and Student Rights**

Parents and children have many rights under the special education law, Individuals with Disabilities Education Act (IDEA). It is important that parents and children understand their rights to a free appropriate public education (FAPE). The term "appropriate" is based on the educational needs of the individual child that are outlined in the Individualized Education Program (IEP). The IEP is deemed a working document created by a team of educators and the family that establishes individual goals for a child to achieve and succeed. It is the responsibility of the local educational agency (LEA) to provide parents with notice of their parental rights (also called procedural safeguards) in an understandable language. Parents are

encouraged to participate in meetings about their child to discuss with the school staff the child's evaluation and instructional needs, as well as the progress on goals and objectives within the IEP and in the general education curriculum.

**Surrogate Parents** (Georgia Rule 160-4-7-.11) All children with disabilities are entitled to a FAPE under state rules and federal special education laws and regulations. Included in these laws is a mandate that the parents of children with disabilities have the opportunity to participate actively in the educational decision-making process. However, some children with disabilities do not have parents (as defined in the previous section) who can fulfill this very important role. The IDEA and Georgia Rules require that, in certain cases, an individual must be appointed by the LEA or a judge as a surrogate parent to make decisions regarding the FAPE of a child with a disability.

A surrogate parent is needed when:

- no parent (as defined by the IDEA) can be identified;
- the LEA, after reasonable efforts, cannot locate a parent,
- the child is a ward of the state or
- the child is an unaccompanied, homeless youth as defined by the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (6)).

#### **Efforts to Locate Parents:**

Every effort will be made to locate the child's parents. These efforts include talking with older brothers/sisters (if applicable), conferencing with the previous school, and/ or communicating with the associated public agency to obtain any contact information available.

#### **Determining Need:**

If YHALE is able to locate the parents of the child, the district will work with the parent to determine if appointment of a surrogate parent is necessary. The district maintains the responsibility for determining the need for a surrogate parent and for assigning the surrogate parent.

When attempts to locate parents have been unsuccessful, YHALE will appoint a surrogate parent for the child. YHALE will provide surrogate parent training to all selected surrogate parents. A list of eligibility persons that may serve as surrogate parents is maintained within the district.

#### **Criteria for Surrogate Parent Selection**

The surrogate parent will not be an employee of the GADOE, YHALE or any other agency that is involved in the education or care of the child. The surrogate parent will have 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.

#### **Surrogate Responsibilities**

For a child who is a ward of the State, a judge overseeing the child's case may appoint a surrogate parent. The surrogate parent has no financial responsibility or other responsibility for the day-to-day care of the child. The surrogate parent must:

protect the child's rights in the educational and decision-making processes, including the identification, evaluation, and placement of the child and the provision of a FAPE to the child;

- follow confidentiality requirements of Georgia Rules and federal law;
- participate in developing, reviewing, and revising the child's IEP;
- exercise other rights as needed given to parents under the IDEA and Georgia Rules; not be an employee of the GaDOE, the LEA, or any other agency\* that is involved in the education or care of the child;
- have no personal or professional interest that conflicts with the child he or she represents; and have the knowledge and skills that ensure adequate representation of the child.

### **SUPERVISION AND MONITORING:**

Parent Participation (See Georgia Rules: 160-4-7-.04, 160-4-7-.05, 160-4-7-.06) Parents are to be included as members of any decision-making team for their child. Parent participation includes decisions about eligibility, initial evaluation, reevaluation, development, review, and revision of the IEP, the provision of a FAPE, and educational placement. This requirement does not include informal or unscheduled meetings involving LEA personnel or meetings on issues such as teaching methods, lesson plans, or coordination of service provision, as long as those issues are not addressed in the child's IEP. Nor does it include meetings involving the preparation of a proposal or response to a parent proposal that will be discussed at a later meeting.

Parent participation and parent signature requirements will be reviewed by the Special Education Director when the IEP is submitted.

- The Case Manager will be contacted for all submitted IEP's that are not marked as providing parental rights, documenting parental notice attempts, including parent participation or parental review with staff or documentation that parents agreed for district to continue in their absence.
- Parents will be contacted by the Special Education Director and the information will be appropriately updated.

**PARENTAL TRAINING AND AWARENESS** (a) Parents may be provided assistance: (i) To understand the special needs of their child and information about child development; and (ii) To acquire the necessary skills to support the implementation of their child's IEP if determined by the IEP Team as a related service. [34 C.F.R. § 300.34(c)(8)(i) – (iii)]

**Procedural Safeguards/Parent Rights Document** (Georgia Rule 160-4-7-.09) The Parent Rights in Special Education (Parent Rights) notice provides the foundation for ensuring that a child with a disability has access to a FAPE. The Parent Rights notice, also called procedural safeguards notice, provides parents with the opportunity to understand their rights, the rights of their child, and the procedures for resolving differences. This document should also help facilitate communication between parents and LEA personnel. The Parent Rights notice outlines the rights and safeguards available to parents of children with disabilities and students who have reached the age of majority (age 18) and are decision makers. A copy of the Parent Rights notice must be given to the parents (and students 18 or older) at least once in a school year. Additionally, a copy of the Parent Rights notification must also be given upon:

- initial referral or parental request for evaluation;
- receipt of the first state complaint in a school year;
- receipt of the first due process hearing request in a school year;
- notification by the LEA to the parent of a disciplinary removal of a child from school that would constitute a change of placement;
- prior to accessing a child's or parent's public benefits or insurance for the first time and parental request.

The Parent Rights notice should be written in language understandable to the general public and provided in the native language of the parent or other mode of communication (e.g., braille or sign language) used by the parent, unless it is clearly not feasible to do so. If necessary, the LEA will translate the notice orally or by other means so that the parent understands the content of the notice. See 34 C.F.R. § 300.504(d). The Parent Rights notice may be provided by electronic mail (email) and may be posted for access on the GaDOE and/or LEA website(s). If parents would like a more detailed explanation of these rights, they can contact a teacher or administrator, the local special education director, and/or the Georgia Department of Education, Division of Special Education Services and Supports at 404-657-9968 or [spedhelpdesk@doe.k12.ga.us](mailto:spedhelpdesk@doe.k12.ga.us).

Parents may also check to see whether their LEA has a Parent Mentor on staff. Parent Mentors are parents of a child with a disability who work for the LEA as a connection between schools and families. More information may also be obtained through Georgia Parent Mentor Partnership, <http://www.parentmentors.org/>.

Confidentiality (Georgia Rule 160-4-7-.08) (see also 34 C.F.R. §§ 300.610-300.627) Confidentiality is one of the rights afforded to parents. Confidentiality of educational records is a basic right shared by all students in public schools and their parents. These fundamental rights are described in the Family Educational Rights and Privacy Act (FERPA) of 1974, which applies to all students, not just those with disabilities. All LEA personnel (including contracted employees) are governed by confidentiality requirements and should receive training and information regarding the law. Written and dated parental consent must be obtained before personally identifiable information can be disclosed to unauthorized individuals, organizations, or agencies (unless otherwise authorized to do so under FERPA).

Personally identifiable information includes the following:

- the name of the student, the student's parent, or other family member;
- the student's address;
- any personal identifier such as the student's social security number or student number; and
- any personal characteristics or other information that would make it possible to identify the student.

FERPA allows parents to inspect and review all educational records of their child maintained by an educational agency that receives federal funds. This includes all public schools. IDEA also specifies that each LEA must permit parents to inspect and review any education records that are collected, maintained, or used by the LEA under Part B of the IDEA. The LEA must comply with a request to inspect records without unnecessary delay and before any meeting regarding an IEP, a disciplinary

**Access/Opportunity to Examine Records** (See 34 C.F.R. § 300.501)

LEAs must maintain the confidentiality of information in children’s educational records. The LEA can assume that both parents of a child have authority to inspect and review the child's records unless the LEA has been advised that a parent's rights to see the records have been terminated by a court order. Parents of a child with a disability must be allowed an opportunity to inspect and review all education records with respect to:

- Identification - Process to determine eligibility
- Evaluation - Nature and scope of assessment procedures
- Placement - Educational placement of the child
- FAPE - Provision of a free appropriate public education.

**FREE APPROPRIATE PUBLIC EDUCATION (FAPE) (34 C.F.R. §§ 300.101-300.113; GEORGIA RULE 160-4-7-.02)**

Definition of FAPE All children with an Individualized Education Program (IEP) are entitled to a free appropriate public education (FAPE). This includes children who are eligible for special education from the ages of three (3) through twenty-one (21). The special education and related services that make up a FAPE are provided to children identified with disabilities and who have an IEP, and the services are provided at no cost to the parent.

Special education and related services, including special education at the preschool, elementary, and secondary levels, are services that are provided so eligible children can make progress toward and/or meet the Georgia Standards of Excellence (GSE). All eligible children will be provided an education that includes access to the Georgia curriculum and addresses the unique needs of the individual child and his or her disability.

While the education provided to the child with an IEP must be appropriate and must address what the individual child needs in order to make educational progress, this is neither a guarantee of achievement of each goal on the IEP nor a guarantee of promotion, passing grades, or graduation. Likewise, passing from grade-to-grade or receiving all passing grades does not mean that a child is receiving FAPE. Each child is an individual and his or her appropriate education is determined on a case-by-case basis.

In addition, the term “appropriate” is not the same as “best.” “Appropriate” is a standard that assures the child has the opportunity to make educational progress. In the recent U.S. Supreme Court case, it was determined that “a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances” and the local educational agency (LEA) should be able to provide “a cogent and responsive explanation for their decisions that shows the IEP is reasonably calculated to enable the child to make progress appropriate in light of [the child’s] circumstances.” See *Endrew F. v. Douglas Cnty. Sch. Dist. RE-1*, 137 S. Ct. 988 (2017).

**Children are Entitled to FAPE**

Local educational agencies include public boards of education or other public authorities legally constituted All students with an IEP are entitled to a free appropriate public education.

This includes children that are eligible for special education from the ages of three (3) through twenty-one (21). Entitlement to FAPE ends upon reaching age 22 or graduating with a regular diploma, whichever comes first.

### **FAPE for Children Beginning at Age 3**

The obligation to make FAPE available to each eligible child residing in the LEA begins no later than the child's third birthday. An IEP or an IFSP will be in effect for the child by that date. If a child's third birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP or IFSP will begin.

The education provided to the student with an IEP must be appropriate and must address what the individual student needs in order to make educational progress, but this is neither a guarantee of achievement of each goal on the IEP nor a guarantee of promotion, passing grades, or graduation. Likewise, passing from grade-to-grade or receiving all passing grades does not mean that a student is receiving FAPE. Each student is an individual and his or her appropriate education is determined on a case-by-case basis. In addition, the term "appropriate" is not the same as "best"; appropriate is a minimal standard that assures the student has the opportunity to make educational progress.

FAPE can also include nonacademic and extracurricular services. Supplementary aids and services necessary to provide students with disabilities the equal opportunity to participate in nonacademic and extracurricular activities must be considered in the IEP. Educational opportunity entitles all children to have access to the same education and services that all other children have within the district. For information on possible services and supports for participation in nonacademic and extracurricular activities, please contact your SPED Director in a timely manner to ensure supports can be scheduled.

When a student with an IEP graduates with a regular high school diploma or ages out of school (i.e., turns 22 years of age), he or she must be provided with a summary of his or her academic and functional needs. The Summary of Performance (SOP) also includes strategies to assist the student in achieving his or her desired postsecondary goals. Although not required for students who receive a special education diploma or other exit document, such as a high school certificate of attendance, best practice is to provide the SOP to ALL students with IEPs who are exiting public school. Those students who do not earn a regular high school diploma or transition to a specific job are those who will most likely need all the assistance available to develop positive post school outcomes.

### **FAPE: Methods and Payment**

The LEA may use whatever federal, state, private, or other sources of funds that are available to provide a FAPE to eligible children. If private or public insurance will be used, this requires parental consent.

YHALE must/will not delay the delivery of services required by an IEP until funding source is located or secured. Public insurance such as Medicaid or private insurance may also be used to

support the services if such use is at no cost to the parents and does not decrease the lifetime coverage available, nor result in an increase in premiums.

YHALE will obtain consent from the parent the first time they plan to access, inform parents of their right to refuse the LEA's access to the insurance benefits, and inform parents that such refusal does not relieve the LEA of its responsibility to ensure that all required services are provided at no cost for the child to receive a FAPE, then the placement is at public expense and paid for by the LEA.

### **Limitations - Exceptions to FAPE for Certain Ages**

FAPE is not required for adult student aged eighteen (18) through twenty-one (21), who, in the last educational placement, prior to their incarceration in an adult correctional facility were not actually identified as a student with a disability; did not have an IEP in effect; and graduates from high school with a regular high school diploma. Written prior notice is required when a change in placement occurs.

The exception does not apply to adult students with disabilities, aged eighteen (18) through twenty-one (21), who was identified as a child with a disability and was receiving services in accordance with an IEP but who left school prior to their incarceration in an adult correctional facility or local jail; did not have an IEP in their last educational setting, but who had actually been identified as a child with a disability; or graduated from high school but was not awarded a regular high school diploma.

A regular high school diploma does not include an alternative degree that is not aligned with the State's academic standards such as a special education diploma, certificate of attendance, or a general education development credential (GED).

### **Child Find**

Yi Hwang Academy of Language and Excellence recognizes its responsibility to provide free and appropriate public education to eligible students with disabilities within its geographical boundaries.

YHALE has a "child find" process that is designed to locate, identify and evaluate children with disabilities residing within its geographical boundaries kindergarten through grade 5.

If you know a child who lives within the boundaries of YHALE and who may be in need of special education and /or related services, please contact YHALE's Director of Special Education for further information regarding the referral and evaluation process.

YHALE's Child Find process extends to students with physical or mental impairments that substantially limit a major life activity. Such students may be eligible for services or accommodations pursuant to Section 504 Coordinator for more information regarding Section 504 eligibility and services.



## **Methods and Payments**

When the determination of funding for special education and related services is pending, YHALE shall continue the implementation of the student's services without delay.

## **Accessible Instructional Materials and Assistive Technology**

LEAs must provide instructional materials in an accessible format to children who are blind or other print disabled in a timely manner as part of the provision of a FAPE. Accessible formats include braille, audio, digital text, or large print, but do not include the altering or modifying of

the content. Additional information on the provision of a FAPE for children who are blind or print disabled can be located in Georgia Rule 160-4-7-.02. Information on accessible instructional materials can be found at the Georgia Instructional Materials Center website.

- Print instructional materials include textbooks and related core materials that are required by the district and related core materials that are required by the district for use by students in the classroom.
- Specialized formats refer to Braille, audio, or digital text which is exclusively for use by students who are blind or other persons with print disabilities.
- Large print formats are also included when the materials are distributed exclusively for use by students who are blind or other persons with disabilities.
- Specialized formats do not include altering the content (e.g., breadth, depth, or complexity) of the print instructional material in the production of accessible instructional materials.

## **Children who are blind or print disabled include:**

- Children whose visual acuity, as determined by a competent authority, is 20/200 or less in the better eye with correcting glasses, or whose widest diameter of visual field subtends an angular distance no greater than 20 degrees.
- Children whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material.
- Children certified by a competent authority as unable to read or unable to use standard printed material as a result of physical limitations.
- Children certified by competent authorities as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent reading printed material in a normal manner.
  - The following groups of individuals are eligible to certify children who are blind or other print disabled for specialized format instructional material:
    - In case of blindness, visual disability, or physical limitations “competent authority” is defined to include doctor of medicine, doctors of osteopathy,
    - If the ophthalmologist, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public or welfare agencies (e.g, social workers, case workers, counselors, rehabilitation teachers, and superintendents).

- in the case of a reading disability from organic dysfunction, competent authority is defined as Doctor of Medicine who may consult with colleagues in Associated disciplines.
- To ensure the timely provision of high quality, accessible instructional. Materials to children who are blind and other disabled, YHALE must adapt the National Instructional Materials Accessibility Standards (NIMAS).
  - The NIMAS refers to standard first files created by textbook publishers for producing accessible instructional materials. NIMAS files are not child ready files and will be used by authorized users and entities to produce accessible materials for children who are blind and visually impaired.
    - Children who are certified as blind or other print disabled are eligible to receive accessible instructional materials produce with NIMAS Files.
- YHALE will coordinate with the National Instructional Materials Access Center To facilitate the production and delivery of accessible materials to children who are blind or other print disabled.
  - The NIMAC Refers to the central repository which is responsible for processing, storing, and distributing NIMAS files of textbooks and core instructional materials.
  - The district must provide written assurances to the Georgia Department of Education regarding the intention to coordinate with the NIMAC. YHALE will require textbook publishers to deliver the contents of the print instructional materials to the NIMAC in a NIMAS form at file on or before delivery of the print instructional materials.
  - Instructional materials may also be purchased from the textbook publishers that are produced in or maybe rendered in a specialized Format.
- If the district chooses not to coordinate what the NIMAC, assurances must be made to the Georgia Department of Education that the district will provide accessible instructional materials to the children who are blind or other print disabled in a timely manner. the district will take all reasonable steps to ensure that students with print disabilities have access to formatted instructional materials at the same time as students without print disabilities.
  - If the district let's not to coordinate with the NIMIC, YHALE will be responsible for purchasing, producing or otherwise providing high quality, accessible and specialized, formatted instructional materials in a timely manner for children who are blind or print disabled.
  - The district will take all reasonable steps to ensure that students with print disabilities have access to accessible formatted instructional materials at the same time as students without print Disabilities.
- YHALE is also responsible for providing accessible materials to children who require instructional materials in accessible formats, but who do not qualify for the materials under the definition of blind and other printed disabled or who need materials that cannot be produced from NIMAS.
- Some children who require accessible instructional materials will need assistive technology to access the materials (e.g. text reader to read digital files, screen magnification program to read digital files.)

### **Assistive Technology**

LEAs must also consider each child's need for assistive technology devices and services in the development, review, and revision of the child's IEPs. This includes the purchase of

technology and training for staff, the parent and child. Additional information on assistive technology is located on the Georgia Project for Assistive Technology website.

1. Children with disabilities would require assistive technology in order to receive FAPE are eligible for assistive technology devices or services, or both, as a part of the child's special education, related, or supplemental aids and services.
2. Each IEP team will consider whether or not a child requires assistive technology devices and services in order to receive FAPE. minimal compliance will be indicating the appropriate response in the consideration of the special factors section of the IEP. Assistive technology can also be addressed when considering other factors such as communication needs and instruction in the use of Braille.
3. An assistive technology evaluation may be required if appropriate Assistive Technology Solutions are not known to the students IEP team through the consideration process. This evaluation shall be conducted by a multidisciplinary team of professionals knowledgeable about assistive technology devices in the technology areas being assessed. The child and family should also be included in this evaluation process. The evaluation should result in recommendations for assistive technology devices and services, if required.
4. If the student's IEP team determines the assistive technology devices or services are required for the student to receive FAPE, a statement to that effect must be included in the student's IEP.
  - a. If assistive technology is required for the student to participate in local or Statewide testing; the need for technology should be documented in the appropriate section of the IEP and provided to the student.
  - b. If assistive technology devices or services, or both, are required for a child who is blind or other print disabled to access alternative forms of instructional materials, the system technology should be documented in the IP and provided to the student.
5. If the IEP team determines that the child with a disability requires school-purchased assistive technology at home or in other settings to receive FAPE, the assistive technology must be provided to the student at no cost to the parent. the need for assistive technology in the non-School settings should be documented in the student's IEP

### **Routine Checking of Hearing Aids/Other Components**

LEAs must have procedures and practices in place that ensure the proper functioning of hearing aids for children with hearing impairments, including deafness. Regular inspection of hearing aids should be documented. This also applies to external components of surgically implanted medical devices such as cochlear implants. However, LEAs are not responsible for programming such devices or for providing post-surgery maintenance.

### **Extended School Year**

Each LEA must provide extended school year (ESY) services to children who need such services to receive FAPE. ESY services are those services a child requires beyond the normal school year of the LEA, are not limited to only the summer months or other breaks and are provided at no cost to the parent. The IEP Team makes the determination regarding whether a child needs ESY and, if so, what services will be provided. This includes determining the details of ESY, such as what services will be provided, when and where the

services will take place, the frequency and the duration of the services, and the selected goals. Any services provided as ESY must meet the requirements of FAPE. A LEA must not state that ESY is only for certain groups of students.

### **Non-academic services**

1. Yi Hwang Academy of Language in Excellence will take steps, including the provision of supplementary aides and services determine appropriate and necessary by the student's IEP team, to provide non-academic and extracurricular services and activities in the manner necessary to afford students with disabilities equal opportunity for participation in those services and activities.
2. Non-academic and extracurricular services and activities may include counseling services, athletics, transportation, Health services, recreational activities, especially interest groups or clubs sponsored by the district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the district and assistance in making outside employment available.

### **Physical Education**

1. Physical education services, especially designed if necessary, shall be made available to every child with a disability receiving FAPE unless the district enrolled students without disabilities and does not provide physical education to students without disabilities in the same grades.
2. Each student with a disability must be afforded the opportunity to participate in the regular physical education program available to non-disabled peers unless the student is enrolled full-time in a separate facility or the students needs specially-designed physical education, as prescribed in the student's IEP.
3. If specially-designed physical education is prescribed in the student's IEP, the district is responsible for the education of that student and must provide the services strictly or make arrangements for those services to be provided through other public or private programs.
4. If the district is responsible for the education of a student with a disability, enrolled in a separate facility, the district must ensure that the student receives appropriate physical education services.

### **Full Educational Opportunity Goal**

Yi Hwang Academy of Language and Excellence System will have in effect policies and procedures to demonstrate that the district has established the goal of providing full educational opportunities to all children with disabilities, age birth through 21, and a detailed timetable for accomplishing that goal.

### **Charter Schools**

Children who attend public charter schools and their parents retain all the rights given to them under the IDEA, including FAPE. In general, two types of charter schools are present in the state: (1) locally approved charter schools that operate according to the terms of a charter or contract that has been approved by a local board of education; and (2) LEA charter schools

that operate according to the terms of a charter or contract that has been approved by the State Charter Schools Commission. The ultimate responsibility to provide FAPE to children attending locally approved charter schools resides with the LEA that approved the charter or contract. For LEA charter schools, they are their own LEA and each individual LEA charter school has the responsibility to provide FAPE to children attending the LEA charter school. The ultimate responsibility to provide FAPE to children attending YHALE resides within their LEA and has the responsibility to provide FAPE to children attending the LEA charter school.

Yi Hwang Academy of Language and Excellence must ensure that public charter schools of the district must serve students with disabilities attending those charter schools in the same manner as the district serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the district has policy or practice providing such services on the site to each other public schools; and provide funds to those charter schools at the same time and on the same basis as the district provides funds to the district's other public schools, including proportional distribution based on relative enrollment of children with disabilities.

If the Public's charter school is an LEA, the charter school is responsible for ensuring that all requirements are met. YHALE is a LEA.

### **Program Options**

Yi Hwang Academy of Language and Excellence She'll take steps to ensure that students with disabilities have available a variety of educational programs and services is non-disabled peers, including art, music, and career, Technical and agricultural education. Students with disabilities will have equal access to all offered options.

#### **Routine Checking of Hearing Aids/Other Components**

1. Hearing aids
  - A. YHALE shall ensure that hearing aids worn in school by students with hearing impairments, including deafness, or functioning properly.
2. External components of surgically implanted medical devices
  - A. YHALE shall ensure that the external components of surgically implanted medical devices are functioning properly. The district is not responsible for the Post-Surgical maintenance, programming or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device).

### **SUPERVISION AND MONITORING:**

- Each IEP will be monitored for provision of FAPE, accuracy, and completion of database processes by the SPED Director.
- The SPED Director will monitor samples of IEPs from each case manager on a rotating basis for accuracy.
- The Case Managers will monitor any IEPs that are requesting a change in placement or have parental concerns.

- The SPED Director will review random IEPs identified with concerns or complaints and assist Case managers with IEP reviews.

### **Prohibition of Mandatory Medication**

- YHALE may not require medication as a condition of attending school, receiving an evaluation, or receiving services.
- Parents make the decisions regarding their children and any medication they administer or do not administer.
- YHALE staff should not make medical recommendations that require medication. Nothing prohibits YHALE; however, from sharing classroom observations regarding the academic, behavioral, or functional performance of a child with the parents in order to better inform the parents of the student's behavior and academic performance when taking or not taking medication. If a LEA believes a child is not receiving medication that is essential for his or her health or education, it may refer the family to the Georgia Division of Family and Children Services for assistance.
- Please contact the SPED Director to discuss extreme situations regarding medication.

### **SUPERVISION AND MONITORING:**

- Medication training will be provided to all staff at each school at the beginning of the year and as appropriate when new students or staff enter during the school year.

### **PRIVATE SCHOOLS (GEORGIA RULE 160-4-7-.13) Updated 9-4-2019**

#### **Children with Disabilities Placed in Private Schools by the LEA**

When the Individualized Education Program (IEP) Team decides that the most appropriate placement for a child is in a private school, the local educational agency (LEA) that places the child in the private school continues to be responsible for making sure that the child receives the special education and related services included in the child's IEP and that those services are provided at no cost to the parent.

The LEA should make sure that the education provided at the private school meets the standards that apply to other children with disabilities and that the child and parent continue to have all the same rights that other children with disabilities and their parents have. LEAs should monitor compliance with the Individuals with Disabilities Education Act (IDEA) for these children through procedures such as written reports, on-site visits, and parent surveys. Ultimately, the LEA remains responsible for ensuring a free appropriate public education (FAPE) is provided when a child is placed in a private school by the LEA.

LEAs may apply for reimbursement grants if specific criteria are met. LEAs may apply for the state Residential and Reintegration Grant if the child is placed in a private residential facility that is approved by the Georgia Department of Education (GaDOE) or if the child is reintegrating from a private residential facility. If the private residential facility is out of the state, the facility must be on the approved list of the state where the facility is located. LEAs may also apply for the High-Cost Grant to receive federal funds for exceptionally costly students. If the LEA does not receive grant funding, the LEA still has the obligation to provide the necessary education in a private setting at no cost to the parent.

### **Children with Disabilities Placed in Private Schools by the Parent**

Parents have the right to enroll their child in a private school of their choice; however, they are not guaranteed the same rights as when eligible children are enrolled in public school or when placed in private school by the LEA. Children who are home-schooled within the boundaries of the traditional LEA are considered parentally placed private school children for the purposes of special education.

### **Provision of Written Notice by Parent to Place in Private School**

- YHALE is Not responsible for students placed in private schools by their parents.
- YHALE asks the parents to provide written notice of their plans to withdraw the student from YHALE to enroll them in a private school. If this occurs, YHALE will schedule a meeting with the parent and provide prior written notice of services that will cease to be delivered upon withdrawal from YHALE if the intent of the parent is to enroll the student in a private school.
- Reimbursement and Limitations on Reimbursement for Private School Placement
- YHALE is not responsible for students placed in private schools by their parents. Therefore, YHALE will not reimburse parents for the cost of placement of a student in a private school.
- Home Schooled Students
- YHALE will consult with parents of home-schooled children regarding the design and development of special education and related services for home-schooled children and to determine an accurate count of students. This consultation process will be timely and meaningful. More than one timely and meaningful consultation may be held to fully meet the requirement.

### **Child Find Process and Children in Private Schools**

Child Find The traditional LEA is required to carry out child find activities to locate, identify, and evaluate children attending private schools within the jurisdiction of the traditional LEA. The traditional LEA must consult with representatives of the private school to complete child-find activities. These Child Find activities must be similar to activities undertaken for the children in the traditional LEA and must be completed in a time period comparable to that for other children enrolled in the traditional LEA. Child find activities include any parentally-placed private school children who attend a private school within the jurisdiction of the traditional LEA, even if the child resides in a different LEA or in a state other than Georgia. See 34 C.F.R. §300.131

### **Part B and Related Services for Private School Students**

- YHALE is not responsible for students placed in private schools by their parents. Therefore, YHALE will not provide an IEP or service plan for parentally-placed private school students.
- Provision of IEPs and Service Plans to Privately Placed Students
- YHALE is not responsible for students placed in private schools by their parents. Therefore, YHALE will not provide an IEP or service plan for parentally-placed private school students.

- Consultation with Private Schools for Child Count
- YHALE is not responsible for students placed in private schools by their parents. Therefore, YHALE will not consult with private schools unless the LEA recommends a private school placement for a student. If the LEA recommends a private school placement for students, YHALE will consult with the representative of the private school regarding the design and development of special education and related services. This consultation process will be timely and meaningful. more than one timely and meaningful consultation may be held to fully meet the requirement.
- Private School Representatives at IEPs
- YHALE is not responsible for students placed in private schools by their parents. If the LEA recommends a private school placement for a student, YHALE will consult with the representative of the private school regarding the design and development of special education and related services, including the development of the IEP.
- No Parentally-placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in the LEA. See 34 C.F.R. § 300.137(a). Additionally, YHALE's not responsible for students placed in private schools by their parents.

**Materials Provision, Location of Services and Transportation and Provision of Property, Equipment, and Supplies to Private Schools**

YHALE is not responsible for students placed in private schools by their parents. If the LEA recommends a private school placement for students, YHALE will consult with the representatives of the private school regarding the provision of the materials, the provision of services and transportation, and provision of property, equipment, and supplies.

**Services Plans**

A services plan will be developed and implemented for each private school child with disabilities who will receive special education and related services from the traditional LEA. The services plan must:

1. contain a statement of the special education and related services, and supplementary aids and services, to be provided to the child;
2. be in effect at the beginning of each school year; and
3. be developed, reviewed, and revised periodically, but not less than annually, in accordance with IEP requirements in IDEA and Georgia Rules. The traditional LEA will initiate and conduct the meetings to develop, review, and revise a services plan and ensure that a representative of the private school attends each meeting. As with IEPs, in-person participation in the meeting is encouraged, but participation may be through a conference call or other means. Services provided to private school children must be provided by personnel who meet the same standards as personnel providing the services in the traditional LEA, except private school teachers do not have to meet the special education teacher qualifications in 34 C.F.R. § 300.156(c). See 34 C.F.R. § 300.138(a)

Services may be provided at the private school, or children may be transported to



the public school or community setting to receive services. If necessary for the child to benefit from or participate in services, transportation must be provided by the traditional LEA, but the traditional LEA is not required to transport the child from their home to the private school. Transportation costs will be included in calculating whether the traditional LEA has met the requirements of proportionate funding.

The traditional LEA may provide materials, equipment, and property purchased to implement the services to children with disabilities in the private school. These must be used only for those purposes and must be returned when no longer needed. It is also permissible to use funds for indirect services such as consultation and private school staff training. No funds may be used for repairs, minor remodeling, or construction of private school facilities. The LEA may not use the IDEA Part B flow-through or federal preschool funds to finance the existing level of instruction in a private school, the needs of the private school, or the general needs of the children in the private school.

### **Expenditures**

To meet the requirements for provision of services to parentally-placed private school children, the LEA must follow these guidelines:

- For children ages 3-21, the LEA must expend an amount that is the same proportion of the LEA's total Part B of the IDEA flow-through funding as the number of private school children with disabilities, ages 3-21, attending private and home schools in its jurisdiction is to the total number of children with disabilities in its jurisdiction.
- For children ages 3-5, the LEA must expend an amount that is the same proportion of the LEA's preschool funding as the number of private school children and home-schooled children with disabilities, ages 3-5, attending private and home schools in its jurisdiction is to the total number of children with disabilities, ages 3-5, in its jurisdiction.
- Once an LEA expends all of the proportionate share funds for a fiscal year, there is no requirement for the LEA to provide additional funds or continue services.
- If the LEA has not expended all of the funds required by the end of the fiscal year, the LEA must carry over funds for a period of one additional year to be used for proportionate share.
- The LEA must consult with representatives of the private school in deciding how to conduct the annual count of the number of private school children with disabilities who reside in its jurisdiction.
- The LEA must ensure that the child count is done on October FTE-1 of each year since this count is used to determine the amount the LEA must spend in the following fiscal year. This count is also reported in the Consolidated Application with IDEA grant application submission. If the original submitted IDEA grant application and budget detail in the Consolidated Application does not accurately reflect the count reported in October FTE1, a budget amendment must be submitted to revise the count and accurately reflect services and expenditures for proportionate share.

Each LEA must maintain records and report to the GaDOE the following information related to parentally-placed private school children:

- the number of children evaluated
- the number of children determined to be children with disabilities

- the number of children served

### **Placement of Children by Parent When FAPE is at Issue**

Sometimes an LEA will make a FAPE available to a child, but the child's parent decides to place the child in a private school or facility. The LEA is not required to pay for the cost of the education for this child at the private school. When the LEA and the parent disagree regarding the availability of an appropriate program for the child in the LEA, due process hearing procedures may be initiated by the parent. Through a due process hearing, an administrative law judge (ALJ) may find that the LEA had not made a FAPE available to the child in a timely manner prior to the child's enrollment in the private school and that the private placement is appropriate, resulting in reimbursement to the parent of the cost of the private school placement. A parental placement may be found to be appropriate by an ALJ even if it does not meet Georgia's standards that apply to education provided by Georgia or the LEA.

When a FAPE is at issue between the parent and the LEA, and the parent determines that he or she is going to place the child in a private school at public expense, the parent must notify the LEA in writing at least 10 business days prior to the removal of the child or at an IEP Team meeting prior to the removal. If the parent does not provide the notice, then the cost of reimbursement for private school services may be reduced or denied by the ALJ. The cost of reimbursement will not be reduced or denied for the parent's failure to give the above described notices if the LEA prevented the parent from providing the notice, the parent had not received the information regarding the notice requirement, the parent is not literate or cannot write in English, or the notice requirement would result in serious emotional or physical harm to the child. See 34 C.F.R. § 300.148.

### **Parent Consent:**

Written consent is required for the following actions:

1. To conduct an initial evaluation.
2. To conduct a reevaluation.
3. For the initial provision of special education and related services on the IEP.
4. To make a substantial change in special education and related services; and before disclosure of personally identifiable information that is subject to confidentiality.
5. To conduct a Functional Behavior Analysis and/or Behavioral Intervention Plan.
6. YHALE will ensure written Consent to Place for students entering from other systems with an IEP
7. Whenever guardianship changes.
8. Before disclosure of personally identifiable information that is subject to confidentiality.

### **Revocation of Consent Procedures:**

IDEA gives parents the right to determine their child's education.

IDEA states parents should participate in all components of their child's education and be the primary protector of the rights of the child.

Parents have the right to revoke consent for special education and related services.

### **Revocation of Consent:**

1. A parent must provide written intent to withdraw consent.
2. If a parent cannot provide the request in writing, the system should assist the parent to put the request in writing.
3. Once the Revocation of Consent is received by the school, the school will provide prior written notice (PWN) to the parent about the revocation of consent.
4. The system may not challenge the revocation through mediation or a due process hearing.
5. The system may not delay the revocation of services, even for the purpose of holding an IEP meeting.
6. Other considerations regarding services that may discontinue may also include the need for schedule changes and transportation changes.
7. When a parent/student revokes consent for special education and related services, the student should be reported with the withdrawal code in Infinite Campus. The date of the Event Code indicates the date at which the student no longer received special education services.
8. If a parent disagrees with the results of a completed evaluation done by the district, the parent may request an outside independent educational evaluation (IEE) paid for by the district. The district must agree to pay for the independent evaluation or begin due process procedures to show that the district's evaluation is adequate. If there is a due process hearing and the district's evaluation is judged to be sufficient, then it will not have to pay for an IEE.

Revocation of consent and prior written notice for written notice to discontinue special education services.

- Revocation of Consent revokes all services. Consent for services is consent for special education. If the parent revokes consent, all services are discontinued.
- Once the system receives the written Revocation of Consent from the parent, the school must provide Prior Written Notice before services can be discontinued and this must occur in a timely manner.
- A student who has reached the age of majority may not hold the LEA responsible for the lack of provision of FAPE if the parent has previously revoked consent.
- A student who has reached the age of majority (age 18 years) may revoke consent for placement. In this case, PWN should be provided both to the child and to the parent.

### **Independent Educational Evaluations (IEE)**

If a parent disagrees with the results of a completed evaluation done by the district, the parent may request an outside independent educational evaluation (IEE) paid for by the district. The district must agree to pay for the independent evaluation or begin due process procedures to show that the district's evaluation is adequate. If there is a due process hearing and the district's evaluation is judged to be sufficient, then it will not have to pay for an IEE.

A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees. (Public

expense means that the district either pays for the full cost of the evaluation or ensures that the evaluation is provided at no cost to the parent.

The qualifications of the independent evaluator must be the same as those required of the district evaluators and the district may set a reasonable limit on the cost of the independent evaluation.

Parents are not entitled to an independent educational evaluation at public expense before they allow the district to conduct its own evaluation. Once the district evaluation occurs, and the parents disagree with the results of the evaluation, they can request one at the public expense. If granted by the district, the district will provide the parents with a list of qualified examiners from which to choose for the independent educational evaluation.

If a parent obtains an independent educational evaluation at his or her expense, the results of the evaluation that meet state and district criteria shall be considered by the district in any decision made with respect to the provision of FAPE for the child.

### **PROCEDURE: IEE REQUEST**

- If a parent requests an IEE, the request should be submitted in writing with an explanation of why he/she is requesting to the SPED Director.
- The parent will receive a letter to include IEE requirements and a district example list of qualified applicants to provide the IEE.
- Consent to test Vision and Hearing is obtained, if needed. Vision and Hearing are cleared.
- If the parent requests someone who is not on the district approved list, the district reviews the request and determines if it is appropriate or if the district refuses the request.
- The parent signs consent to release and discuss records with the selected evaluator.
- Once an examiner is agreed upon, the district sends the requirements and request to the examiner.
- A contract is set up through the Director to facilitate payment and service expectations.
- A parent signs the consent to evaluate.
- The examination is scheduled and completed.
- The examiner shared all records with the district.
- Once the documentation is received, a meeting is scheduled with the parent and team members to review the information and update the present levels of performance and other necessary IEP components as appropriate.

### **SUPERVISION AND MONITORING**

- The IEE request will be submitted to the SPED Director.
- The SPED Director will document the following:
  - Name
  - School
  - Date of Request
  - Date Director responded

- Response in the agreement or moving to Due process
  - Outcome and date completed
- The SPED Director will monitor the IEE request to ensure timely completion.
- The SPED Director will set up Due Process Request or IEE request to include:
- Contract with provider to Create a financial plan
- Work with parents to schedule an appointment
- Receive/review final report submission
- Schedule of meeting to review.

### **SECTION 3:** **DISPUTE RESOLUTION**

A resolution in a dispute with a local educational agency (LEA)<sup>1</sup> over the rights and services afforded to children with disabilities and their families can be accomplished several different ways. The quickest and most efficient method is to contact the special education administration. The special education director can often assist a family in working out the differences with minimal time and conflict. Parents or LEA personnel may also initiate a Facilitated IEP (FIEP) Team meeting with the Georgia Department of Education (GaDOE).

#### **IEP TEAM MEETING FACILITATION**

Individualized Education Program (IEP) Team meeting facilitation is all about the student and helping the IEP Team overcome the pressure and anxiety often associated with a contentious meeting. IEP Team Meeting Facilitation is an optional process, not required by the IDEA, that state educational agencies (SEA) or LEAs may provide to parents and schools. A facilitated IEP (FIEP) Team meeting is the same as any other IEP Team meeting, except that a facilitator joins the meeting. The IEP facilitator makes sure that the focus of the Team remains on the best interests of the child. The facilitator is a skilled individual who has received specialized training in the area of conflict prevention and resolution through the IEP Team Meeting Facilitation process. The facilitator's primary goal is to assist team members in the thoughtful, productive construction of a quality IEP. This is achieved by encouraging and directing communication specific to the IEP and assuring that the members of the IEP Team are empowered in their participation and invested in the IEP. The facilitator is not a member of the IEP Team and cannot provide legal advice to any Team member. Rather, the facilitator will help the IEP Team create an agenda, ground rules, and desired outcomes, and address issues during the IEP Team meeting that produce tension within the Team so that the Team is able to find their own solutions. The facilitator will also guide the discussions during the IEP Team meeting by asking student focused questions. The parent or LEA may initiate the Facilitated IEP process by completing the request form on the GaDOE's website. <http://www.gadoe.org/CurriculumInstruction-and-Assessment/Special-Education/Services/Pages/IEP-Facilitation.aspx>. The request should be submitted 7-10 days prior to the scheduled meeting.

If you believe that a parent is upset or concerned about a situation, a proactive response is recommended.

- Offer the parent a copy of their parent rights.
- Have the parents write down their concerns and offer to schedule a meeting.
- Contact the case manager to discuss the situation and assist with scheduling a meeting and determine who should be in attendance.
- Ensure that the Principal is aware of any parental issues that require a response beyond the scope of your authority to commit resources.
- Have your Principal or SPED Director work with you to address the parent's concerns or questions.
- Ensure that the parents understand who the SPED Director is for the school and has their contact information.

### **Formal Written Complaint:**

A formal written complaint is a written, signed complaint alleging the violation of IDEA procedures or a violation of State Special Education Rules that occurred not more than one year prior to the date the complaint is received.

- Any organization or individual may file a signed, written complaint.
- The person filing the complaint must submit a copy to the district at the same time as submission to the Georgia Department of Education (GaDOE).
- The complaint must include a statement that a public agency has violated a requirement of IDEA, the facts on which the complaint statement is based and suggested resolutions to the complaint issue.
- The complaint will be reviewed and investigated by the GaDOE within 45 calendar days of receipt.

More information regarding the written complaint process can be found on the Parental Rights and the GaDOE website. DUE PROCESS HEARING (SEE 34 C.F.R §§ 300.507-300.518 AND SBOE RULE 160-4-7-.12)

### **Formal written complaint procedure:**

1. The State Division for Special Education Services and Supports shall contact YHALE and forward a copy of the complaint. The GaDOE will also request in writing a written response within 10 business days from the public agency directly involved.
2. YHALE SPED Director will submit a written response to the State and to the person filing the complaint within ten business days of receiving the official letter from the State.
3. YHALE SPED Director will contact the parent or complainant in writing and provide them with the procedural safeguards.
4. YHALE will schedule a meeting to review the complaint.
5. YHALE SPED Director will offer mediation and a proposal to resolve the issue.
6. YHALE will authorize the release of records.
7. GaDOE conducts an investigation to confirm details and get clarification of the issues. The investigation may include interviews with the parties, on site visits, and other activities as indicated by the nature of the allegation. The State gives the complainant the opportunity to submit additional information in writing about the allegations of the complaint once it has reviewed the response from the LEA.
8. The State issues a written decision within 45 days to the district and complainant that addresses each allegation in the complaint, the finding of fact, and the conclusions. If there is a violation of the law or regulations, then a resolution is required that may include technical assistance activities or corrective action to achieve compliance.

### **Mediation Process**

When the parent(s) and district disagree about the education of a student with a disability, either party may request mediation. Each LEA shall ensure that procedures are established and implemented to allow parties to dispute involving any matter relating to the identification, evaluation and educational placement, or provision of a free appropriate public education (FAPE) to resolve such disputes through a mediation process.

### **YHALE's Procedures for Mediation**

1. If a family member is requesting mediation, contact the SPED Director and they will complete the request for mediation form and submit it to GaDOE.
2. The mediation request is faxed to the GaDOE Special Education Services and Supports. (770) 357-9340.
3. Upon receipt, State Special Education Services and Supports assigns the request to a mediator.
4. The mediator will contact both parties to develop the timeline, set up the meeting location and begin preparation.
5. Mediation will occur at a location and time convenient to both parties.
6. Once parties have agreed to a date and location, participants should be prepared to spend most of the day in mediation.
7. If a resolution is reached, the mediator will facilitate the agreement and all parties will sign the mediation agreement.
8. After mediation, both parties are expected to carry out the activities they agreed to during the mediation as outlined in the agreement since this is a legally binding document.
9. If mediation is being requested as part of a due process hearing, the mediation will not delay nor deny the right to a due process hearing. However, discussions during mediation cannot be used as evidence in any due process hearing or civil proceeding.

If a parent chooses not to participate in mediation, YHALE will offer an opportunity to meet at a time and location convenient to the parents with a disinterested party who is under contract with an appropriate Alternative Dispute Resolution Entity, a parent training or information center or a community parent resource in the State established under section 671 or 672 under IDEA, who would explain the benefits of and encourage the use of the mediation process to parents.

### **Impartial Due Process Hearing**

The impartial due process hearing is designed to provide a parent or LEA an avenue for resolving differences with regard to the identification, evaluation, placement or provision of a (FAPE) to a child with a disability. More information regarding the written complaint process can be found on the Parental Rights and the GaDOE website. DUE PROCESS HEARING (SEE 34 C.F.R §§ 300.507-300.518 AND SBOE RULE 160-4-7-.12)

(a) The due process hearing request must allege a violation that occurred not more than two (2) years before the date the parent or LEA knew or should have known about the alleged action that forms the basis of the due process hearing request.

### **Impartial Due Process Request Procedures are as follows:**

- YHALE will ensure that training is provided for understanding that either party or their legal representations may file a due process hearing request.
- The filing party will provide a copy of the written request to the System Superintendent and the GaDOE. All parties shall keep the content of the request confidential.
- The content of the complaint must include:



- The name of the child
  - The address of the residence of the child
  - The name of the school and the LEA the child is attending;
  - For a homeless child, the contact information for the child and the name of the school and LEA the child is attending;
  - A description of the nature of the problem of the child relating to the proposed or refused initiation or change in the identification, evaluation, placement, or provision of a free and appropriate public education (FAPE) including the facts relating to the problem.
  - A proposed resolution to the problem to the extent known and available to the party at the time.
- A hearing may not occur until the party or attorney representing the party files a request that meets the requirements stated above.
  - Upon request, YHALE will inform the parent of low-cost or no cost legal and other relevant services available if the parent requests the information or whenever a due process request is received.
  - YHALE will notify the complaining party and the hearing officer in writing within 15 days of receipt if it believes that the request does not meet the requirements listed above.
  - YHALE understands that either party may amend its due process request only if:
    - The other party consents in writing to the amendment and is given the opportunity to resolve the due process request through mediation or a resolution meeting; or
    - The administrative law judge or hearing office grants permission no later than five days prior to the beginning of the hearing
  - If an amended due process hearing request is appropriately filed, the timelines for the resolution meeting and the resolution period begins again.
  - YHALE will send prior written notice within ten days of receiving the due process hearing request to the parent that includes an explanation of why the LEA proposed or refused to take action; a description of other options that the IEP team considered and the reasons why these options were rejected; a description of each evaluation procedure, assessment, record, or report the LEA used as the basis of the proposed or refused action; a description of the other factors that are relevant to the LEA's proposed or refused action.
  - Unless responded to as above, YHALE will send a response to the other party within ten (10) days; a response that specifically addresses the issues raised in the due process hearing request.

### **Resolution Process**

- If agreed to, the YHALE SPED district staff will convene a meeting with the parent and relevant IEP team members who have knowledge of the due process complaint within 15 days of receiving a parent's due process hearing request and prior to the initiation of a due process hearing. This meeting is for the parent to discuss the facts of the due process request in an effort to resolve the dispute.
- A representative of YHALE who has decision-making authority on behalf of YHALE shall participate.

- The parent and YHALE Special Ed staff shall determine the relevant members of the IEP team to attend the meeting.
- The district will not include an attorney for the District unless the parent is accompanied by an attorney.
- If the parent and YHALE agree in writing to waive the meeting or if they agree to use mediation to attempt to solve the request, the resolution meeting will not be held.
- If a resolution is reached, a legally binding agreement signed by both parties will be executed. Either party may void the agreement within 3 business days.

**Resolution Period:** YHALE will notify the appropriate personnel. If YHALE has not resolved the due process hearing request to the satisfaction of the parent within 30 days of receipt of the due process complaint and the due process hearing may occur.

The 45-day timeline for the due process hearing starts the day after the administrative law judge or hearing officer has been informed of one of the following events:

- (a) Both parties agree in writing to waive the resolution meeting.
- (b) After the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible.
- (c) If both parties agree in writing to continue the mediation at the end of the resolution period, but later, the parent or LEA withdraws from mediation.

A final decision must be reached in the hearing no later than 45 days after the expiration of 30-day resolution period of the adjusted time.

Any party aggrieved by the finding and decision made by an administrative law judge or hearing officer has the right to bring a civil action with respect to the due process hearing request notice requesting a due process hearing. The action may be brought in any State court of complement jurisdiction or in a district court of the United States without regard to the amount in controversy.

For additional information, please contact the SPED Director or review information on the Georgia Department of Education Website at <http://www.gadoe.org/Curriculum-Instruction-andAssessment/Special-Education-Services/Pages/Dispute-Resolution.aspx>

#### **SECTION 4:** **CHILD FIND**

Each State must have policies and procedures to ensure that all children with disabilities, birth through age 21, residing in the State and who are in need of special education and related services or early intervention services are identified, located, and evaluated. 34 C.F.R. § 300.111; 34 C.F.R. § 303.302. In Georgia, the Child Find Process for infants and toddlers with disabilities, birth to age 3, is coordinated through the Georgia Department of Public Health Early Intervention Program, Babies Can't Wait. For children, ages 3 through 21, the local education agencies (LEAs)<sup>1</sup> in Georgia are responsible for identifying, locating, and evaluating all children within the jurisdiction of the LEA who are suspected of having disabilities that may result in a need for special education and related services. LEAs must have policies and procedures in place to ensure the identification, location, and evaluation of these children. Public notification must be given before any significant Child Find activities are implemented.

YHALE implements the Child Find requirements in a variety of ways. Child Find is a process required by law that districts use to identify, locate, and evaluate all children, birth through 21, who are suspected of having disabilities that may result in a need for special education and related services. These policies and procedures ensure the identification, location, and evaluation of children and ensure that public notification is given before any significant Child Find activity is implemented. YHALE is responsible for identifying, locating and evaluating all children ages 3-21, reported to staff as suspected of having a disability in attendance at YHALE or a child at age 3 that staff or a parent refers to for consideration of services. Throughout the school year, the YHALE will provide information concerning special education and related services through fliers, local newspapers, and the district website.

The district:

- provides school wide Multi-Tiered System of Supports, 504 and Student Support Team guidelines and activities
- submits education and related services in a timely and accurate manner
- provides child find statements on the website for individuals with student disability concerns.

#### **SUPERVISION AND MONITORING:**

- Documentation of all Child Find activities, meetings, and training will be kept by the SPED Director.
- The SPED Director will track the completion of school based training through sign off by the Principal at the school level.
- Identified staff will be provided the opportunity to participate in additional group training.
- The Principal and SPED Director are contacted regarding individuals who demonstrate difficulties in areas of Child Find training.
- These individuals will be assigned to small group professional development with the appropriate staff member.

- Continued non-compliance will result in consultation with the SPED Director, Principal, and individual.

YHALE is responsible for all children suspected of having disabilities, regardless of the severity of the disabilities. YHALE identifies and provides early intervention for young children with special needs. Parents, doctors, or other interested persons may refer the child (birth through 3) for suspected delays to Babies Can't Wait. In collaboration with Babies Can't Wait Program, the school ensures that students Birth to age 3 are identified, located, and evaluated.

Students at the preschool level enrolled in the pre-k class in the school can be referred for suspected delays in their cognitive, communication, adaptive, social/emotional, and motor skills. The Health Departments in counties served by YHALE and Babies Can't Wait Program provide services for children birth through age 3.

YHALE has a response to intervention program which is used to assess individual student needs, provide interventions, document results of interventions and to make referrals for special education evaluations when students are suspected of having a disability.

If a child is detained or incarcerated in the city/county operated jail or correctional facility, YHALE's Special education department personnel will contact the designated officer from the Gwinnett County Juvenile Justice System.

Exceptions may be made in circumstances where immediate evaluation/or placement is required due to a significant disability that precludes access to instruction period the exception noted above should be an infrequent and rare occurrence, and the circumstances evidencing the need for the Lea's use of the exception must be clearly documented in the eligibility decision.

### **Policies for Highly Mobile Children, Migrant Children, and Homeless Children**

When children withdraw from YHALE, parents are asked to complete a withdrawal form, on which they are to indicate the reason for withdrawing and where the child will be enrolling. If YHALE has not received a release request from the receiving school in 30 days, we will contact the parent to determine if the child has in fact enrolled in another school.

YHALE will conduct quarterly calls to local homeless shelters to identify children who may be new to the area seeking shelter, and in search of nearby schools for their child(ren). We will also have yearly meetings to invite parents of students who they suspect of a disability in for an information session.

The following procedures are in place to serve students should migrant children enroll: A release form for a record will be used to secure student files in Academic history. School records will be transferred to other schools in a timely manner, usually no later than 24 hours after receiving the request. If there is difficulty in receiving information, the school uses SLDS to determine the student's academic history. Assessments using a Universal Screener will be utilized to appropriately place in support students. If needed, MSIX, a database for locating records or documents for migrant students, will be used to secure information regarding the students. Parents will receive the MSIX brochure. The school's data clerk will facilitate this process for enrollments and withdrawals.

### **The Referral Process for Ages 3-21**

IDEA does not require that a child receive scientific, research, or evidence-based interventions before being referred for consideration for eligibility for special education and related services. See 34 C.F.R. § 300.111. However, per our State Child Find Rule, the implementation of a multi-tiered system of supports, including the use of scientific, research, or evidence-based interventions are required before referring a child for an initial evaluation for special education. See Georgia Rule 160-4-7-.03(2)

The Child Find process is facilitated in pre-kindergarten through ninth grade by the locally developed Multi-Tiered System of Supports. All students in YHALE participate in evidence based instruction, which is developed on grade level Georgia Common Core Performance Standards. When students struggle in the general education curriculum, Tier 2 and, if needed, Tier 3 interventions are provided. Data is collected at all tier levels to determine the students' responses to interventions that have been implemented.

A multi-tiered system of supports, including the use of scientific, research or evidence-based interventions are required before referring a child for an initial evaluation for special education. If a parent or teacher requests an evaluation and interventions have not been provided prior to the referral, interventions may be provided while the child is being evaluated, within the 60-day timeline. A lack of interventions must not be a reason for a child determined ineligible for services. YHALE's CHILD FIND responsibility extends to the students enrolled in YHALE and any referrals made by staff or parents. The school is responsible for screening and sending the correct documentation to the contracted school psychologist to assist with determining eligibility for services.

Exceptions may be made in circumstances where immediate evaluation and/or placement is required due to a significant disability that precludes access to instruction. These exceptions require Principal and Special Education Director review and data to support should the evaluation be clearly documented in the eligibility decision.

### **Frequently Asked Questions: Child Find**

1. Does Child Find apply to home-schooled children?

Yes. If the child is a resident within the jurisdiction of the LEA, then the Child Find responsibility rests with the LEA in which the child resides. In addition, as a home-schooled child, a child who is determined eligible for special education and related services must also be considered in a proportionate share of federal funds for private school children. In Georgia, home-schooled children are treated as private school children in regard to special education. See Georgia Rule 160-4-7-.13(3)(a)(1).

2. If an LEA charter school and a traditional LEA serve the same demographic area, who has the Child Find responsibility?

Both of them. The LEA charter school's Child Find responsibility extends only to children enrolled in the LEA charter school. The traditional LEA's Child Find responsibility extends to all other children within their jurisdiction.

3. If an LEA charter school only serves a designated population, such as grades six through eight, should the LEA charter school's Child Find procedures address children outside of the designated population, such as children in grades kindergarten through fifth grade?

Yes. As a matter of best practice, an LEA charter school's Child Find procedures should include children age 3-21. However, an LEA charter school's Child Find procedures must address the currently designated population of the LEA charter school. Since LEA charter schools may decide to expand their designated population, LEA charter schools should consider developing Child Find procedures to include children ages 3-21 or update their Child Find procedures as the LEA charter school expands their designated population.

4. Are private/home-school children required to have instructional interventions documented prior to referral to special education?

No. There is no requirement under IDEA for any child suspected of having a disability and being in need of special education services to have instructional interventions before being referred for an initial evaluation for special education. LEA personnel can work with referring individuals to document prior interventions, if conducted, and the results of those interventions. Interventions may also be implemented as part of any evaluation process.

5. Can a parent request an evaluation without prior documentation of interventions?

Yes. Parents maintain their right under the IDEA to request an evaluation. See 34 C.F.R. § 300.301(b). LEAs may not refuse to conduct an evaluation nor delay an evaluation due to the absence of information about prior interventions. Interventions and documentation of such may be developed during the evaluation period to support the other information the evaluation is gathering. If a LEA does not suspect that the child has a disability, and denies the request for an initial evaluation, the LEA must provide written notice to the parent explaining why the LEA refuses to conduct an initial evaluation and the information that was used as the basis for the decision, in accordance with 34 C.F.R. § 300.503(a) and (b). The parent can challenge this decision by filing a formal complaint or requesting a due process hearing to resolve the dispute regarding the child's need for an evaluation. See Memorandum from the U.S. Dep't of Educ., Office of Special Education Programs (OSEP), Memo 11-07, January 21, 2011.

6. Would a child's participation in a response to the interventions process be considered a "basis of knowledge" that the child may be a "child with a disability"?

Participation in a response to interventions process, in and of itself, would not appear to meet the "basis of knowledge" standards. The standards for whether a public agency has a "basis of knowledge" include (1) written concern from the parent to the child's teacher or other supervisory or administrative personnel of the LEA that the child is in need of special education and related services, (2) a parent request for an evaluation to determine if the child is a child with a disability or (3) the child's teacher or other personnel expressing specific concern about a pattern of behavior of the child directly to the special education director of the LEA or other supervisory personnel of the LEA. See 34 C.F.R. § 300.534(b).

## **SECTION 5:**

### **STUDENT SUPPORT TEAM**

YHALE implements a district wide Multi-Tiered Support System approach. This interdisciplinary team utilizes a systematic process to address learning, speech, and/or behavioral problems of students, K-12, with a set of minimal district criteria. Students entering with a current IEP or Section 504 are not required to go through the SST process.

- Annual trainings are provided at each school level by the designated trainer to ensure that all professionals have the information needed to implement the MTSS tiers and complete the process.
- Parents/guardians are invited to participate in all meetings of their child's Tier/MTSS intervention and SST and in the development of interventions.
- Documentation of a minimum of two attempts for notification and written notice will be kept with the completed forms.
- Teams use the MTSS/SST forms and data collection results to monitor identified student progress as outlined in the MTSS training manual.
- Schools keep a list of all students in the Tier process.
- MTSS/SST coordinators at the school should be aware of the students in Tier 3.
- A list of all Tier 3 students will be turned into the SPED Director every 9 weeks.
- Referrals for supplemental or support services require that an evaluation and/or assessment of the student be conducted.
- The following steps make up the SST process in YHALE.
- Completion and submission of required paperwork at each tier.
- Minutes taken and reviewed for all meetings.
- Parent invitation to participate in all meetings.
- Review of current data and assessments.
- Identification of learning and/or behavioral problems. Development of a learning plan using research-based interventions.
- Implementation of the learning plan.
- Follow-up and Support of Progress Monitoring and evaluation of results and student needs.
- Students who have been referred for an evaluation will have all MTSS data and information submitted to the SPED Director following the SST referral process.
- Files are reviewed for required documentation as outlined in the SST referral process  
Documentation shall include:
  - Student's name
  - Name of team members
  - Meeting dates
- Identification of student learning and/or behavioral problems in any record of assessment
- Educational plan and implementation results Follow-up and, as appropriate, continuous evaluation
- Upon completion, SST coordinators at each school review referrals with the Due Process Checklist through the peer review process, and quarterly the leadership team at each school monitors files.

School personnel and parents/guardians may determine that there is a reasonable cause to request to bypass the SST process for an individual student.

If there is a reason to bypass the SST process for an individual student, the School Psychologist should work with the SPED Director to review documentation to justify the bypass. Documentation must include:

- Any collected RTI/SST data
- Identification of specific skills identified and data that supports the skill weaknesses to justify the action.
- Parental or guardian knowledge and agreement with the decision.
- What strategies, interventions, modifications, and data collection method and how it will be implemented during the evaluation period.

### **SUPERVISION AND MONITORING:**

- Documentation of all MTSS tier activities, meetings, and training will be kept in the school.
- The MTSS Coordinator will track completion of all school-based trainings through sign off by each school's principal.
- Parents will either sign documentation or the committee will document attempts to set up meeting and/or contract parent sent to review results from meeting for Tiers.
- Meetings, home visits, etc. will be scheduled with the parent to review paperwork and sign and date if they could not attend Tier, SST, or eligibility meetings.
- The SST Coordinators will track all Tier and Learning Plans and keep a quarterly list of students at each school.
- Individuals who need additional training are identified by the School Administration and provided opportunity for additional group training.
- The Principal is contacted regarding individuals who continue to demonstrate difficulties in areas or training.
- These individuals will be assigned to small group/individual professional development with the appropriate staff members.
- Continued non-compliance will result in a meeting with the Principal, Superintendent, and the individual.



## **SECTION 6:**

### **EVALUATION PROCESS**

YHALE ensures that evaluations are completed using a variety of evaluation tools and strategies to gather relevant academic, functional and developmental information about the student. These assessments must be selected and administered so as not to be discriminatory on a racial or cultural basis and must be provided in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is not feasible to do so. The instruments must be used in a manner to support the instruments validity and reliability and in accordance with publisher instructions and provided in the native language or other mode of communication. If the evaluation is not conducted under standard conditions, this must be explained in the evaluation report.

All evaluations must be administered by trained and knowledgeable personnel. This includes school psychologists with a valid certification, psychologists licensed in the state of Georgia and with experience in either school psychology or child clinical psychology. All evaluators are held to the state of GA requirements to include SLPs, OTs, PTs, etc.

As part of an evaluation (initial or re-evaluation), the committee must review existing data on the student, including evaluations and information provided by the parent, current classroom based data, local, and state assessment, classroom observations, and teacher and service providers' observations. On the basis of this information, the committee can determine what additional data, if any, are necessary to determine if the student demonstrates a disability and the student's educational needs. The child must be assessed in all areas related to the suspected disability.

### **INITIAL EVALUATIONS GUIDELINES**

A student is typically referred for an evaluation by a Student Support Team (SST) when it has been documented sufficient evidence to suspect that a disability may be the primary cause of the student's learning or behavior problem(s). This occurs after appropriate interventions in the general education classroom have failed to find a satisfactory solution.

Prior to referral for evaluation, students are provided a wide range of intensive, research-based interventions. School level data review teams/SST Support Teams meet regularly to review the progress of students who are referred for interventions. When a student does not make the progress required to meet age or grade level standards, the student's Response to Interventions (MTSS) referral packet is submitted to the SPED Department at the YHALE.

YHALE will obtain informed consent from the parents before the evaluation is conducted. Reasonable effort will be made to obtain the consent to include but not limited to detailed records of phone conversation, copies of correspondence, etc.

If a parent refuses to respond or consent to the evaluation request, YHALE may pursue the initial evaluation through the mediation and impartial due process hearing procedures if the child is enrolled in public school. If a child is a ward of the state and is not residing with the parents, YHALE is not required to obtain consent from the parent if despite reasonable efforts, the parent cannot be located, the rights have been terminated or subrogated by a

judge. The MTSS Coordinator and/or Principal should contact the SPED Director if there are significant concerns obtaining parental consent.

The initial evaluation must be completed before the initial provision of special education and related services are provided to a child with a disability.

Parental consent is not required for:

- Reviewing existing data as part of an evaluation or reevaluation.
- Giving a test or evaluation that is given to all students unless consent is required for all students (State assessments, benchmarks, etc.)
- A screening to determine appropriate instructional strategies for curriculum implementation that shall not be considered to be an evaluation or eligibility. The SST Coordinator at the school is responsible for gathering the data and completing the referral packet. This packet must include the following completed documents:
  - Initial Evaluation Referral Checklist
  - Notice of referral
  - Cleared vision and hearing documentation and Parent Consent for Evaluation
  - Completed student background information form (Submit documentation of attempts to gain parental input)
  - Student Case History (Babies Can't Wait, Pre-K enrollment, retained, etc.)
  - Tier 3/YHALE Learning Plan with any supporting tier and intervention data
  - Current report card, State assessment scores, copy of permanent record card indicating grade and attendance and any medical reports.
  - All progress monitoring data on summary sheets with charts

Depending on evaluation needs, additional information may be recommended.

Once the referral packet is completed by school personnel, it must be submitted to the SPED Department within 5 days of the committee decision to refer. If there is a delay in the submission process, the reason must be documented and included in the referral packet. The LEA has 60 calendar days after receiving parental consent to complete the initial evaluation. Completion of the initial evaluation is defined as completion of the evaluation report(s). LEAs are not required to make the eligibility determination during the 60-day initial evaluation timeline.

#### **Timelines for Initial Evaluations:**

The LEA has 60 calendar days after receiving parental consent to the initial evaluation. Completion of the initial evaluation is defined as completion of the evaluation report(s). LEAs are not required to make the eligibility determination during the 60-day initial evaluation timeline.

Exceptions include:

- When students are not required to be in attendance for five consecutive days, (e.g., during holidays, vacation, or special circumstances), an extension to the timeline equaling those days out will be applied.

- If the permission is received less than 30 days before the end of the school year, the days can be split between the current and next school year.
- When the parent repeatedly fails or refuses to produce the child for evaluation.
- If a parent chooses to revoke the consent to evaluate, the process stops and is marked inactive and filed in the inactive files with paperwork indicating why the process was stopped.

If the parent decides to request an evaluation at a later time, the team must meet and a new consent for evaluation must be signed with the new date.

If the student is no longer enrolled in YHALE, the process stops and is marked inactive and filed in the inactive files with paperwork indicating why the process was stopped. If the student returns to YHALE, a new consent to evaluate will be completed and new timelines will begin.

### **Initial Evaluation Process**

The school psychologist will obtain the referral packet once it has been provided from the YHALE SPED Department. The following steps are recommended for the school psychologist.

1. Verify that all required information is in the file and obtain missing information. Determine if additional information is needed.
  - a. Identify the 60-day timeline.
  - b. Make a note to schedule staffing at least two weeks prior to the 60-day deadline.
2. Make a list of tasks to complete and the needed materials.
3. Provide rating scales as soon as possible, particularly in end-of-the-year cases.
4. Provide with the testing portion of the evaluation.
  - a. Monitor if additional assessments may be needed. Involve additional support personnel, if needed, previous teachers are interviewed. Parents are interviewed.
  - b. Request observations and associated work samples, if applicable.
  - c. Request that the classroom teachers continue intervention and data collection through the course of the evaluation, and bring the updated data to the staffing.

### **Set up the Initial Staffing:**

5. Once the psychological has been completed, the SPED Director will be notified and begin contacting IEP members to establish a mutually agreeable time and date for the staffing.
  - a. Approximately 14 days before the meeting, the SPED Director will complete the invitation in GoIEP.
  - b. Invitation to all committee members will be provided.

- c. Prior to the staffing, the SPED Director will contact the parent regarding the time and date of the upcoming meeting.

**Prepare Staffing Documents:**

6. 3-5 days prior to the meeting, the SPED Director will provide the case manager a draft of the psychological report which must include the summary and test results.
7. Prior to the meeting, the psychologist and case manager will complete appropriate portions of the eligibility report.

**SUPERVISION AND MONITORING:**

Once a student is referred for an evaluation, the school psychologist will be assigned the referral to review and/or complete the testing. Once the testing is complete, the school psychologist will review the referral and completed evaluation.

**Reevaluation Consideration**

Reevaluations are consistent with initial evaluations in terms of “what” you should be able to do with them when they are complete. Specifically, the purpose of the reevaluation process is to review current evaluation information and to consider what additional information might be needed to determine, among other things, whether the child continues to have a disability and the educational needs of the child. Reevaluations are considered just as important as the initial evaluation for special education. Throughout the child’s educational career, their educational needs may change constantly, and the reevaluation assesses the child’s evolving needs. A reevaluation of a child with a disability, which can include only a review of existing evaluation data, must be conducted at least once every three years unless the parent and the LEA agree that a reevaluation is unnecessary. The reevaluation may be conducted at any time if the LEA feels the needs of the child should be reevaluated or if the child’s teacher or parent requests a reevaluation. However, a reevaluation may not occur more than once a year unless the parent and the LEA agree to more than once a year.

As part of the reevaluation process, the IEP Team, including the parent and other qualified professionals must review evaluation data, including but not limited to the current full eligibility on the child that is already available. This review may include evaluations and information provided by the parent, current classroom-based local or state assessments, classroom-based observations, and observations by the teacher and related service providers. This review may be conducted without a meeting if the parent and LEA agree not to convene a meeting for this purpose. The team will, on the basis of that review, and considering how long it has been since a comprehensive evaluation of the child last occurred, identify additional data needed, if any, to determine the following:

- the present levels of academic achievement and related developmental needs of the child;
- whether the child continues to have a disability or additional areas of need due to a disability
- whether the child continues to need special education and related services;
- whether the child needs any additions or modifications to the special education and related services to meet the measurable annual goals set in the IEP; and
- whether the child needs any additions or modifications to special education and related services to enable participation, as appropriate, in the general education curriculum.

After reviewing the existing data on the child, if the IEP Team determines that no additional information is needed to determine whether the child continues to be a child with a disability and to determine the child's educational needs, then the LEA must notify the child's parent of that determination, the reasons for the determination, and the parent's right to request assessments for the determination of eligibility and the child's educational needs. If no additional information is needed, this completes the reevaluation process and the date of this determination is the child's reevaluation date. In no more than three years from that date, the need for a reevaluation must be considered again.

### **Reevaluation Process:**

#### Review of Existing Evaluation Data

As part of the reevaluation process, the IEP Team, including the parent and other qualified professionals must review evaluation data, including but not limited to the current full eligibility on the child that is already available. This review may include evaluations and information provided by the parent, current classroom-based local or state assessments, classroom-based observations, and observations by the teacher and related service providers. This review may be conducted without a meeting if the parent and LEA agree not to convene a meeting for this purpose. The team will, on the basis of that review, and considering how long it has been since a comprehensive evaluation of the child last occurred, identify additional data needed, if any, to determine the following:

- the present levels of academic achievement and related developmental needs of the child;
- whether the child continues to have a disability or additional areas of need due to a disability;
- whether the child continues to need special education and related services;
- whether the child needs any additions or modifications to the special education and related services to meet the measurable annual goals set in the IEP; and
- whether the child needs any additions or modifications to special education and related services to enable participation, as appropriate, in the general education curriculum.

After reviewing the existing data on the child, if the IEP Team determines that no additional information is needed to determine whether the child continues to be a child with a disability and to determine the child's educational needs, then the LEA must notify the child's parent of that determination, the reasons for the determination, and the parent's right to request assessments for the determination of eligibility and the child's educational needs. If no additional information is needed, this completes the reevaluation process and the date of this determination is the child's reevaluation date. In no more than three years from that date, the need for a reevaluation must be considered again. YHALE requires that parental consent is obtained before conducting a reevaluation. Parents shall be provided written notice and parental procedural safeguards before all evaluations.

- An evaluation must be completed before determining that a child is no longer a child with a disability.
- Unless the student receives a regular education diploma, or ages out. (22<sup>nd</sup> birthday) YHALE will provide the child with a summary of the child's academic

achievement and functional performance and include recommendations on assisting the child in post-secondary goals.

- The evaluation must use technically sound instructions and include a variety of tools and strategies to address academic, functional and developmental information including information from the parent.
- The evaluation must be sufficiently comprehensive to identify all of the child's special education and related needs, whether or not commonly linked to the disability category in which the child has been classified.
- The evaluation for learning and/or behavior problems is completed by a multidisciplinary evaluation team. Referrals for psychological and clinical evaluations must be conducted by a qualified psychological examiner.
- This information is used to assist with determining:
  - if the child continues to be a child with a disability and
  - what information should be included in the individualized educational planning to enable the child to be involved in and progress in the general curriculum.
- Within 3 years of the current eligibility date, the student must be reevaluated or have a review of data meeting. **There are NO exceptions to this rule.**

#### **Evaluation before Termination of Eligibility:**

The LEA must comprehensively reevaluate a child with a disability before determining that the child is no longer a child with a disability who requires special education services.

However, reevaluation is not needed:

1. when the child graduates from high school with a regular education diploma, or
2. when the child has exceeded the age of eligibility (22nd birthday) for a FAPE.

The review of data may be conducted at any time if the school thinks the needs of the child should be reevaluated or if the child's teacher or parent requests a reevaluation.

However, a reevaluation may not occur more than once a year unless the parent and the district agree to more than once a year. The DOB of students identified as Significantly Developmentally Delayed will be examined to determine appropriate scheduling of evaluations before turning 9 years of age.

- At the beginning of each year, the SPED director refers all students who are under consideration for a reevaluation, for vision and hearing screening. This screening is good for one year.
- The SPED director will work with the psychologist and/or speech language pathologist at the beginning of each semester to develop a reevaluation schedule for the school year and/or semester.
- Anytime there are concerns that new information may be needed for a particular student, it is important for teachers to talk to the SPED Director and/or speech language pathologist to discuss and decide upon an appropriate time frame for IEP meeting.
- A parent has a right to request an evaluation. If a parent requests testing, a meeting should be scheduled to include the SPED Director and/or Speech Language Pathologist to discuss parent testing concerns.

- SPED Director, Case managers, SLP, as appropriate, tracks all due 3-year eligibility dates for the year and coordinates Eligibility Review meetings with appropriate team members to include the parents.
- The Case manager collects all needed documentation for the Eligibility Review meeting to include information from the regular education teachers, progress monitoring data, behavioral data, and any other information needed to review eligibility.
- The review team should look at each student individually to determine if a reevaluation is needed.
- No broad decisions should be made, such as excluding all middle school students from reevaluation.

### **Independent Educational Evaluation**

If a parent disagrees with the results of a completed evaluation completed by the LEA, the parent may request that the LEA pay for an outside independent educational evaluation (IEE). The LEA must agree to pay for the IEE or begin the due process hearing procedures to show that the LEA's evaluation is adequate. If there is a due process hearing and the LEA's evaluation is judged to be sufficient, then the LEA will not have to pay for an IEE. A parent is entitled to only one IEE at public expense each time the LEA conducts an evaluation with which the parent disagrees. The list of criteria of the independent evaluator must be the same as those required of the LEA's evaluators. The LEA may set a reasonable limit on the cost of the IEE. However, the LEA must also allow parents the opportunity to prove extraordinary circumstances warranting an IEE at public expense that does not meet the LEA's criteria. See 34 C.F.R. § 300.502 for a complete explanation of IEEs.

A parent does not have the right to an IEE at public expense until he or she has allowed the LEA to conduct its own evaluation. Then, if the parent disagrees with the results of the evaluation, he or she may request an IEE. The parent always has the right to obtain an outside IEE at his or her own expense, before or after the LEA's evaluation. As long as the evaluation was conducted by someone who meets the qualifications for LEA evaluations, the LEA must consider the results of the parentally obtained evaluation.

### **SUPERVISION AND MONITORING:**

- SPED Director and Case Managers will review GoIEP and previous reports for upcoming 3-year eligibility due dates.
- The Case Manager and/or Speech Language Pathologist will review the list accuracy and completion.
- SPED Director will be notified immediately if paperwork is within 14 days of the deadline and no meeting is scheduled.
- The SPED Director and Case Manager will meet to address in writing any IEP, Evaluation, or Redetermination found to be out of compliance.
- An action plan will be written to address the issue which will include small group training.
- A second offense of untimely completion will result in a formal letter of concern to the school Principal and the SPED Director.
- A third offense of untimely completion will result in a formal letter of concern to the school Principal, SPED Director, and the Superintendent.

## **Review of Data Process**

- The current Eligibility date is located at the top of the Eligibility Report and on the first page of the IEP. (The 60-day timeline does not apply to re-evaluation. The important date is the eligibility due date).
- **IMPORTANT:** At the annual review before the redetermination is due, the committee needs to consider what action is needed before the eligibility due date—re-evaluate or redetermination. This decision should be documented in the minutes.
- All students with a triennial date occurring during the current school year, should discuss at the annual review and the team should meet a minimum of 90 days before the 3-year eligibility date is due to ensure that there will be time for testing if the committee determines that a reevaluation is needed before eligibility can be determined.
- Please make special notice to students with SDD eligibility. The SDD eligibility expires at the end of the school year in which the student turns age 9.

## **The Process:**

Case managers should annually provide current levels of performance, benchmark testing, and standardized test scores. For students with an eligibility of in intellectual disability, a copy of a completed informal adaptive behavior form is required as well.

Use this information to complete the following steps:

- Complete the Review of Data Form in GO-IEP. Data Reviewed: in order to help navigate through pertinent points to be reviewed (i.e., attendance, teacher/staff observations, etc.) Be sure to check off items once discussed.
- Date Eligibility is due should reflect the next eligibility date 3 years from the current date eligibility is being established (essentially this should indicate the date of next redetermination).
- Review current eligibility area(s), most recent psychological report, and any other pertinent information used to determine eligibility (i.e., medical info., behavior data).
- Teachers, parents, student, related services report on progress and present levels of performance.

Use the Redetermination Form in Go-IEP: Parents should be part of the determination meeting. Notify parents of their right to request an evaluation to determine continued eligibility and to determine the student's educational needs.

### **1. Refer for reevaluation in order to determine continued eligibility:**

- Identify area(s) to be evaluated.
- Obtain vision and hearing screening
- Obtain consent for evaluation and psychological report. (The 60-day timeline does not apply to reevaluation. The important date is the eligibility due date).
- Complete evaluation and psychological report.
- Reconvene to discuss evaluation results and determine eligibility. (Meeting notice will be sent from the board office from the SPED Secretary).
- Complete eligibility report, GA eligibility Summary and Eligibility Determination.
- Obtain consent for services.

### **2. Refer for evaluation to consider new/additional eligibility:**

- Identify area(s) recommended for assessment.



- Obtain vision and hearing screenings.
- Obtain consent for evaluation.
- Complete evaluation and psychological report.
- Reconvene to discuss evaluation results and determine eligibility (Meeting notice will be sent from the board office from the SPED Secretary).
- Complete eligibility report, GA eligibility Summary and Eligibility Determination.
- Obtain consent for services.

### 3. Refer for assessment in the following areas in order to aid in instructional planning:

- Identify area(s) recommended for assessment.
- Complete Eligibility Determination in GoIEP.
- Obtain vision and hearing screening.
- Complete evaluation and Assessment for Instructional Planning Form
- Reconvene to discuss evaluation results and make recommendations for instruction.
- No additional data is needed for continued eligibility.

Use the Review of Data Form in Go-IEP

- (1) If Student continues to meet eligibility
  - Identify and fill in eligibility areas.
  - Complete Eligibility Determination in GoIEP.
  - Obtain consent for services.
- (2) If Eligibility Determination will be made after additional data is obtained
- (3) Complete evaluation and psychological report.
  - Reconvene prior to due date to discuss evaluation results and determine eligibility. (Meeting notice will be sent from the board office from the SPED Secretary).
  - Complete eligibility report, GA eligibility Summary and Eligibility Determination in GoIEP.
  - Obtain consent for services.
- (4) If Student does not meet eligibility
  - Obtain consent for services.
  - Identify and fill in eligibility area(s).
  - Complete Eligibility Determination.

### **Review of Data Process**

- The current Eligibility date is located at the top of the Eligibility Report and on the first page of the IEP. (The 60-day timeline does not apply to re-evaluation. The important date is the eligibility due date).
- **IMPORTANT:** At the annual review before the redetermination is due, the committee needs to consider what action is needed before the eligibility due date—re-evaluate or redetermination. This decision should be documented in the minutes.
- All students with a triennial date occurring during the current school year, should discuss at the annual review and the team should meet a minimum of 90 days before the 3-year eligibility date is due to ensure that there will be time for testing if the committee determines that a reevaluation is needed before eligibility can be determined.

- Please make special notice to students with SDD eligibility. The SDD eligibility expires at the end of the school year in which the student turns age 9.

**Frequently Asked Questions:**

1. When are hearing and vision to be screened? Federal regulations list vision and hearing as areas that may be evaluated in a special education evaluation, “as appropriate.” See 34 C.F.R. § 300.304(c)(4). However, professional ethics require that a diagnostic evaluation not proceed until it is documented that the child has acceptable levels of vision and hearing. Failure to do this would render test results invalid and might prevent discovery of vision and/or hearing problems as the primary or contributing source of the child’s problem(s). Therefore, if the hearing and vision screening was not conducted prior to receiving parental consent for evaluation, then the child should be screened at the beginning of the 60-day comprehensive evaluation. If the comprehensive evaluation will rely on prior hearing and vision screening (such as screening completed during the Student Support Team (SST) process), such screening should have been completed within one calendar year. If problems with the child’s hearing or vision need medical diagnosis or require the purchase of hearing aids or eyeglasses and the parents are unable to accomplish this, then the LEA must make sure that these devices and services are made available to the child.
2. If during the course of an evaluation, the child is found to need glasses and the parents do not get the necessary glasses, is the LEA responsible for getting them? If the eyeglasses would be needed for the LEA to provide FAPE and for the child to avail himself/herself of the right to an evaluation, then the LEA must provide them. Schools and parents can work with public and private agencies to obtain funding for the glasses.

**SECTION 7:**  
**ELIGIBILITY**

Special Education Eligibility Decision Making LEAs must recognize the direct and relevant relationship between a multi-tiered system of supports, Student Support Team (SST), and the individual evaluation requirements of the IDEA. Once problem-solving teams determine that a child is suspected of having a disability, a comprehensive evaluation shall be provided to the child being considered for special education eligibility. However, an eligibility determination cannot occur until the existing data are reviewed to determine whether one or more of the exclusionary factors is the determinant factor(s) for the determination that the child is a child with a disability and the child does not otherwise meet the specific eligibility criteria.

All eligibility categories include the following exclusionary factors:

- Lack of appropriate instruction in reading, including the essential components of reading instruction as defined in section 1208(3) of ESEA or
- Lack of appropriate instruction in mathematics or
- Limited English proficiency

\*\*Additional exclusionary factors exist for Specific Learning Disability (SLD)

Each special education area of disability has specific eligibility requirements. To qualify for special education placement, each student must meet eligibility requirements for at least one area. Qualified professionals and parents create an eligibility team which will review assessment data and other information to determine the student's program of eligibility. The parents must be invited to participate in the process and with documentation of multiple attempts of parental notification created. Although the local school system has the responsibility of determining the student's program eligibility, the IEP team will determine placement based upon IEP programming requirements.

An eligibility report (in GoIEP) must be completed or updated anytime Parental Consent for Evaluation has been signed and an evaluation has been completed. This includes initials, reevaluations, and referrals to a new program. A copy of the eligibility and determination report must be provided to the parents.

Exclusionary Factors must be reviewed for each eligibility determination with written documentation to support the decision.

Eligibility must be demonstrated prior to initial placement in a program and must be demonstrated at the time of reevaluation consideration.

Eligibility or non-eligibility must be documented for all students referred and evaluated for special education placement. An appropriate evaluation report must be done as part of the due process procedure for all referred students.

YHALE utilizes the GoIEP eligibility forms which must document the following information prior to determining eligibility for a student:

- Student information

- A documented case history
- A summary of interventions and data prior to referral
- A summary of progress monitoring towards achieving standards
- Results of relevant district, state, and benchmark assessments
- Individual student data, as applicable
- Consideration of exclusionary factors
- Decision making of educational impact
- A summary of considerations
- Eligibility Determination and Eligibility Report

**Georgia Eligibility Categories: Click website to obtain GaDOE link**

**Autism (AU)**

Autism spectrum disorder is a developmental disability generally evident before Age 3 that adversely affects the child's educational performance and significantly affects the developmental rates and sequences, verbal and nonverbal communication and social interaction and participation. other characteristics often associated with autism spectrum disorder or unusual responses to sensory experiences, engagement in repetitive activities and stereotypical movements and resistance to environmental change or change in daily routines. autism does not apply if a child's educational performance is adversely affected primarily because the child is an emotional disturbance is defined in (d). Children with autism spectrum disorder vary widely in their abilities and behavior.

The term of Autism Spectrum Disorder includes all subtypes of Pervasive Developmental Disorder such as Autistic Disorder; Rett's disorder; Childhood Disintegrative Disorder; Asperger's Syndrome and Pervasive Developmental Disorder Not Otherwise Specified) Provided the child's educational performances adversely affected and the child meets the eligibility criteria. autism spectrum disorder may exist concurrently with other areas of disability.

[http://www.doe.k12.ga.us/DMGetDocument.aspx/exceptional\\_eligibility\\_autism.pdf?p=4BE1EECF99ELECTRONICVERSION364EA5554055463F1FBBF5D074D5FB1F2CAEB3B63B3ECB220ELECTRONICVERSIOND26C2114F3C57D8D295A92E9B2BE1E991&Type=D](http://www.doe.k12.ga.us/DMGetDocument.aspx/exceptional_eligibility_autism.pdf?p=4BE1EECF99ELECTRONICVERSION364EA5554055463F1FBBF5D074D5FB1F2CAEB3B63B3ECB220ELECTRONICVERSIOND26C2114F3C57D8D295A92E9B2BE1E991&Type=D)

**Deaf/Blind**

Deaf/Blind means concomitant hearing and visual impairments, the combination of which causes such severe communication in other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

[http://www.doe.k12.ga.us/DMGetDocument.aspx/exceptional\\_eligibility\\_deafblind.pdf?p=4BE1EECF99ELECTRONICVERSION364EA5554055463F1FBBF5D074D5FB1F2CAEB3B63B3ECB220ELECTRONICVERSIOND26C2114F3C57D8D2A996F2D2A8DD37FE&Type=D](http://www.doe.k12.ga.us/DMGetDocument.aspx/exceptional_eligibility_deafblind.pdf?p=4BE1EECF99ELECTRONICVERSION364EA5554055463F1FBBF5D074D5FB1F2CAEB3B63B3ECB220ELECTRONICVERSIOND26C2114F3C57D8D2A996F2D2A8DD37FE&Type=D)

**Deaf/Hard of Hearing (D/HH)**

A child who is deaf or hard of hearing is one who exhibits a hearing loss that, whether permanent or fluctuating, interferes with the acquisition or maintenance of auditory skills necessary for the

normal development of speech, language, and academic achievement and, therefore adversely affects the child's educational performance.

A child who is deaf can be characterized by the absence of enough measurable hearing (usually a pure tone average of 66- 90 + decibels American National Standards Institute without amplification) such that the primary sensory input for communication may be other than the auditory channel.

A child who is hard of hearing can be characterized by the absence of enough measurable hearing (usually a pure tone average range of 30- 65 decibels American National Standards Institute without amplification) that the ability to communicate is adversely affected; however, the child who is hard of hearing typically relies upon the auditory channel is the primary sensory input for communication.

[http://www.doe.k12.ga.us/DMGetDocument.aspx/DHH\\_Rules\\_and\\_Regulations.pdf?p=6CC6799F8C1371F603FE C15D61D462810206EFC6597482136605AB10BBC9A77C&Type=D](http://www.doe.k12.ga.us/DMGetDocument.aspx/DHH_Rules_and_Regulations.pdf?p=6CC6799F8C1371F603FE C15D61D462810206EFC6597482136605AB10BBC9A77C&Type=D)

### **Emotional Behavioral Disorder (EBD)**

An emotional and behavioral disorder is an emotional disability characterized by the following:

An inability to build or maintain satisfactory interpersonal relationships with peers/ or for preschool-age children, this would include other care providers.

Inability to learn, which cannot be adequately explained by intellectual comma sensory or health factors.

A consistent or chronic inappropriate type of behavior or feelings under normal conditions.

A displayed pervasive mood of unhappiness or depression.

A displayed tendency to develop physical symptoms, pains or unreasonable fears associated with personal or school problems.

A child with EBD is a child who exhibits one or more of the above emotionally based characteristics of enough duration, frequency and intensity that interfere significantly with educational performance to the degree that provision of special educational services is necessary.

EBD is an emotional disorder characterized by excesses, deficits or disturbances of behavior.

The child's difficulty is emotionally based and cannot be adequately explained by intellectual, sensory General Health factors, or other additional exclusionary factors.

<http://public.doe.k12.ga.us/DMGetDocument.aspx/EMOTIONAL%20AND%20BEHAVIORAL%20DISORDER.pdf?p=6CC6799F8C1371F6B8F2A7669398C922E63F2BDC2C8B7BAE1D64B35B9DC25364&Type=D> •

### **Intellectual Disability**

Intellectual disabilities refer to significantly subaverage general intellectual functioning which exists concurrently with deficits in adaptive behavior that adversely affects educational performance and originates before age 18. Intellectual disability does not include conditions primarily due to a sensory or physical impairment, traumatic brain injury, autism spectrum disorders, several multiple impairments, cultural influences or history of living inconsistent/ and/or inadequate educational programming.

1. Significantly subaverage General intellectual functioning is defined as approximately 70 IQ or below as measured by a qualified psychological examiner on individually administered, nationally normed standardized measures of intelligence.
2. All IQ scores defining eligibility for children with intellectual disabilities shall be interpreted as a range of scores encompassed by not more than one standard error of measurement below and above the obtained score. The standard error of measurement for tests may be found in the technical data section of the test manual.
3. Any final determination of the level of intellectual functioning shall be based on multiple sources of information and shall include more than one formal measure of intelligence administered by a qualified psychological examiner. There may be children with IQ scores below 70 who do not need special education. Interpretation of results should consider factors that may affect test performance such as socioeconomic status, native language, and cultural background and Associated disabilities in communication, sensory or motor areas.
4. Significantly subaverage intellectual functioning must be verified through a written summary of at least one structured observation that demonstrates the child's inability to progress in a typical, age appropriate manner and with consideration for culturally relevant information, medical and education history.
5. Deficits in adaptive Behavior are defined as significant limitations in a child's Effectiveness in meeting the standards of maturation, learning, personal Independence or social responsibility, and especially school performance that is expected of the individual's age level and cultural group, is determined by clinical judgment.
6. The child demonstrates significantly some average adaptive behavior in school and home, and, if appropriate, community environments. These limitations in adaptive behavior shall be established using standardized adaptive Behavior measures normed on the general population, including people with disabilities and people without disabilities. On these standardized measures, significant limitations in adaptive Behavior are operationally defined as performance that is at least two standard deviations below the mean of either a) one of the following three types of adaptive Behavior: conceptual, social, or practical, or b) and overall (composite) score on a standardized measure of the conceptual, social, practical skills. documentation must include information from at least two sources. The first source shall be someone from the local school who knows the child and the second source shall be someone who knows a child outside of the school environment such as a parent, guardian, or person acting as a parent.
7. Interpretation of results should consider the child's cultural background, socioeconomic status and any associated disabilities that may limit or impact the results of the adaptive behavior measures.
8. Differences and intellectual functioning and adaptive behavior must have existed prior to age 18.
9. A child must not be determined to be a child with intellectual disability if the determination factor for that determination is:
  - Lack of appropriate instruction in reading, including the essential components of reading instruction;
  - Lack of appropriate instruction in math;
  - Lack of appropriate instruction in written expression;

- Limited English proficiency;
- Visual, hearing or motor disability;
- Emotional disturbances;
- Cultural factors;
- Environmental or economic disadvantage; or
- Atypical educational history (multiple School attendance, lack of attendance, Etc).

[http://www.doe.k12.ga.us/DMGetDocument.aspx/exceptional\\_eligibility\\_mildintellectual.pdf?p=4BE1EECF99ELECTRONICVERSION364EA5554055463F1FBBF5D074D5FB1F2CAEB3B63B3ECB220ELECTRONICVERSIOND26C2114F3C57D8D2C46FB6EB703C23EC&Type](http://www.doe.k12.ga.us/DMGetDocument.aspx/exceptional_eligibility_mildintellectual.pdf?p=4BE1EECF99ELECTRONICVERSION364EA5554055463F1FBBF5D074D5FB1F2CAEB3B63B3ECB220ELECTRONICVERSIOND26C2114F3C57D8D2C46FB6EB703C23EC&Type)

### **Intellectual Disability (Mild)**

Intellectual functioning based on multiple sources of information documenting IQ scores between approximately 55 and 70 (use range of scores +/- one standard error of measurement for interpretation)

Consider impact of communication, motor, and/ or sensory deficits

Significant limitations in child's Effectiveness in meeting standards of maturation, learning, personal, independence, or social responsibility

Adaptive Behavior

- two measures required, one must be formal (i.e standardized instruments such as the ABAS-II or Vineland-II)
- formal measure from someone at the school and informal assessment from someone outside the school, such as a parent
- or composite score that is two standard deviations below the mean or a score that is at least two standard deviations below the mean in one of the three areas:
  - Conceptual
  - Social
  - Practical OR
  - Deficit and intellectual functioning and adaptive Behavior existed prior to age 18
- Classroom observation demonstrating child's inability to progress in a typical, age-appropriate manner, considering cultural comma medical, and educational history

Possible exclusions

- visual, hearing, or motor disability
- emotional disturbances

### **Intellectual Disability (Moderate, Severe, Profound)**

Intellectual functioning based on multiple sources of information documenting IQ scores between approximately 40 and 55(Moderate); approximately 25 and 40 (Severe); envelope approximately 25(Profound) (use range of scores +/- one standard error of measurement for interpretation)

Consider impact of communication, motor, and/ or sensory deficits

- significant limitations in child's Effectiveness in meeting standards of maturation, learning, personal, independence, or social responsibility

## Adaptive Behavior

- two measures required one must be formal (i.e. standardized instruments such as the ABAS-II, or Vineland-II) formal measure from someone at the school and informal assessment from someone else at the school, such as parent
- a composite score that is two standard deviation below the mean or a score that is at least two standard deviations below the mean and one of the three areas:
  - Conceptual
  - Social
  - Practical OR
- deficit intellectual functioning and adaptive Behavior existed prior to age 18
- classroom observation demonstrating child's inability to progress in a typical, age-appropriate manner, considering cultural, medical, and educational history
- possible exclusions
  - visual, hearing, or motor disability
  - emotional disturbances

[http://www.doe.k12.ga.us/DMGetDocument.aspx/exceptional\\_eligibility\\_intellectual.pdf?p=4BE1EECF99ELECTRONICVERSION364EA5554055463F1FBBF5D074D5FB1F2CAEB3B63B3ECB220ELECTRONICVERSIOND26C2114F3C57D8D21AD9F8857B2168ELECTRONICVERSION&Type=D](http://www.doe.k12.ga.us/DMGetDocument.aspx/exceptional_eligibility_intellectual.pdf?p=4BE1EECF99ELECTRONICVERSION364EA5554055463F1FBBF5D074D5FB1F2CAEB3B63B3ECB220ELECTRONICVERSIOND26C2114F3C57D8D21AD9F8857B2168ELECTRONICVERSION&Type=D)

## Orthopedic Impairment (OI)

Orthopedic impairment refers to a child whose severe Orthopedic impairments adversely affect their educational performance to the degree that the child requires special education.

1. Impairment caused by congenital and anomalies. E.g, deformity or absence of some limb;
2. Impairment caused by disease (poliomyelitis, Osteogenesis imperfecta, muscular dystrophy, bone tuberculosis, etc.); and/or
3. Impairment from other causes e.g., several palsy, invitations, and fractures or burns that cause contractors.

[http://www.doe.k12.ga.us/DMGetDocument.aspx/Orthopedic\\_Impairment\\_Rules\\_Regs.pdf?p=6CC6799F8C1371F65545E28E215201AA21D6C3174AC002573ELECTRONICVERSION6F3BD70BDBCF3&Type=D](http://www.doe.k12.ga.us/DMGetDocument.aspx/Orthopedic_Impairment_Rules_Regs.pdf?p=6CC6799F8C1371F65545E28E215201AA21D6C3174AC002573ELECTRONICVERSION6F3BD70BDBCF3&Type=D)

## Other Health Impairment (OHI)

Other health impairment means having limited strength, vitality, or alertness including a heightened alertness to environmental stimuli, the results in limited alertness with respect to the educational environment, that

1. Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, or a heart condition, hemophilia, lead poisoning, leukemia, nephritis, Rheumatic fever, sickle cell anemia, and Tourette syndrome; and
2. Adversely affects the child's educational performance.

in some cases, heightened awareness to environmental stimulus results in difficulties with starting, staying on, and completing tasks; making transitions between tasks; interacting with



others; following directions; producing work consistently; and, organizing multi-step tasks.  
[http://www.doe.k12.ga.us/DMGetDocument.aspx/OHI\\_Rules\\_and\\_Regulations.pdf?p=6CC6799F8C1371F6C24E001B33B21F8D923A06632FECA29C0A1C0B77F4864BD2&Type=D](http://www.doe.k12.ga.us/DMGetDocument.aspx/OHI_Rules_and_Regulations.pdf?p=6CC6799F8C1371F6C24E001B33B21F8D923A06632FECA29C0A1C0B77F4864BD2&Type=D)

### **Significant Developmental Delay (SDD)**

The term significant development delay refers to a delay in a child's development in adaptive behavior, cognition, communication, motor development or emotional development to the extent that, if not provided especially by intervention, the delay may adversely affect the child's education performance in age-appropriate activities.

The term does not apply to children who are experiencing a slight or temporary lag in one or more areas of development, or a delay which is primarily due to environmental, cultural, or economic disadvantage or lack of experience in age appropriate activities. The STD eligibility may be used for children from ages 3 through 9 (the end of the school year in which the child turns nine).

[http://www.doe.k12.ga.us/DMGetDocument.aspx/SDD\\_Rules\\_and\\_Regulations.pdf?p=6CC6799F8C1371F641AB3A546FF0E82D326518E920C90484578800E399541276&Type=D](http://www.doe.k12.ga.us/DMGetDocument.aspx/SDD_Rules_and_Regulations.pdf?p=6CC6799F8C1371F641AB3A546FF0E82D326518E920C90484578800E399541276&Type=D)

### **Specific Learning Disability (SLD)**

Specific learning disability is defined as a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect liability to listen, think, speak, read, right, spell or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not apply to children who have learning problems that are primarily the result of visual, hearing or motor disabilities, intellectual disabilities, emotional or behavior disorders, environmental, cultural or economic disadvantage.

The child with a specific learning disability has one or more serious academic deficiencies and does not achieve adequate age to meet State-Approved grade- level standards.

These achievement deficiencies must be directly related to a pervasive processing deficit into the child's response to scientific, research-based interventions. the nature of the deficits is such that classroom performance is not correctable without specialized techniques that are fundamentally different from those provided by general education teachers, basic remedial/tutorial approaches, or other compensatory programs. This is clearly documented by the child's response to instruction and is demonstrated by a review of the progress that monitoring available in general education and Student Support team (SST) intervention plans as supported by work samples and classroom observations. The child's need for academic support alone is not enough for eligibility and does not override the other established requirements for determining eligibility.

[http://www.doe.k12.ga.us/DMGetDocument.aspx/160-4-7-.05\\_SLD\\_Eligibility\\_3-31-10.pdf?p=6CC6799F8C1371F663E40FB40C44553EDB7CB5259FFB3192CEAB2E7B758D84E0&Type=D](http://www.doe.k12.ga.us/DMGetDocument.aspx/160-4-7-.05_SLD_Eligibility_3-31-10.pdf?p=6CC6799F8C1371F663E40FB40C44553EDB7CB5259FFB3192CEAB2E7B758D84E0&Type=D)

### **Speech-Language Impairment (SI)**

Speech or language impairment refers to communication disorder, so just stuttering impaired articulation, language or voice impairment that adversely affects the child's educational performance. A speech language impairment may be congenital or acquired. It refers to impairments in the areas of articulation, fluency, Voice or language. Individuals demonstrate one or any combination of speech or language impairments. A speech or language impairment may be a primary disability, or it may be secondary to other disabilities.

1. **Speech sound production impairment** (articulation impairment) is atypical production of speech sounds characterized by substitutions, omissions, additions or distortions that interferes with intelligibility in conversational speech and obstructs learning, successful verbal communication in the educational setting. the term may include the atypical production of speech sounds resulting from phonology, motor or other issues. the term speech sound impairment does not include:
  - a. Inconsistent or situational errors;
  - b. Communication problems primarily from regional, dialectic, and/ or cultural differences;
  - c. Speech sound errors at or above age level according to established research- based developmental norms, speech that is intelligible and without documented evidence of adverse effect on educational performance;
  - d. Physical structures (e.g. missing teeth, unrepaired cleft lip and/or palate) Are the primary cause of the speech sound impairment; or
  - e. Children who exhibit tongue thrust Behavior without an Associated speech sound impairment.
  
2. **Language impairment** is impaired comprehension and/ or use of spoken language which may also impair written and/ or other symbol systems and is negatively impacting the child's ability to participate in the classroom environment. The impairment may involve, in any combination, the form of language (Phonology, morphology, and syntax), the content of language (semantics) and /or the use of language and communication(pragmatics) that is adversely affecting the child's educational performance. the term language impairment does not include:
  - a. Children who are in the normal stages of second language/ learning whose communication problems result from English being a secondary language unless it is also determined that they have a speech language impairment in their native/primary language.
  - b. Children who have regional, dialectic, and/ or cultural differences
  - c. Children who have auditory processing disorders not accompanied by language impairment
  - d. Children who have anxiety disorders (e.g. selective mutism) unless it is also determined that they have a speech language impairment. There must be a document to the speech- language impairment that adversely affects the educational performance for these children to qualify for special education services.

3. **Fluency impairment** is an interruption in the flow of speech characterized by another typical rate, or rhythm, and/ or repetitions in sounds, syllables, words and phrases the significantly reduces the speakers ability to participate within the learning environment. excessive tension, struggling behaviors and secondary characteristics may accompany fluency impairments. secondary characteristics are defined as ritualistic behaviors or movements that accompanied disfluencies. ritualistic behaviors may include avoidance of specific sounds and words. Fluency impairment includes disorders such as stuttering and cluttering. It does not include these fluencies evident in only one setting or reported by one observer.
  
4. **Voice/ Resonance impairment** is an interruption in one or more processes of pitch, quality, intensity, or resonance resonance that significantly reduces the speaker's ability to communicate effectively. Voice/ Residence impairment includes aphonia or the abnormal production of vocal quality, peach, loudness, resonance, and/or duration, which is inappropriate for an individual's age/or gender. the term voice/ re impairment does not refer to:
  - a. Anxiety disorders (e.g., selective mutism)
  - b. Differences that are the district result of regional, dialectic, and/ or cultural differences;
  - c. Differences related to medical issues not directly related to the vocal mechanism (e.g. laryngitis, allergies, asthma, laryngopharyngeal reflux (eg. acid reflux of the throat, cold, abnormal tonsils or adenoids, short-term vocal abuse or abuse, neurological pathology); or
  - d. Vocal impairments that are found to be the direct results of or symptom of a medical condition unless the impairment impacts the child's performance and the educational environment and is amenable to improvement with therapeutic intervention.

[http://www.doe.k12.ga.us/DMGetDocument.aspx/SI\\_Rules\\_and\\_Regulations.pdf?p=6CC6799F8C1371F6EELECTRONICVERSION701F3B10F58FBC3284DAD0567D0001367CE02A527CF38&Type=D](http://www.doe.k12.ga.us/DMGetDocument.aspx/SI_Rules_and_Regulations.pdf?p=6CC6799F8C1371F6EELECTRONICVERSION701F3B10F58FBC3284DAD0567D0001367CE02A527CF38&Type=D)

### **Traumatic Brain Injury (TBI)**

Traumatic brain injury (TBI) refers to an acquired injury to the brain caused by external Physical Force resulting in total or partial functional disability or psychosocial impairment, Or both, that adversely affects the child's educational performance. the term applies to open or closed head injuries resulting in impairment which are immediate or delayed in one or more areas, such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual a motor abilities, psychosocial behavior, physical functions, speech and information processing. The term does not apply to brain injuries that are congenital or degenerative in nature, brain injuries induced by birth trauma.

[http://www.doe.k12.ga.us/DMGetDocument.aspx/exceptional\\_eligibility\\_tbi.pdf?p=4BE1EECF99ELECTRONICV](http://www.doe.k12.ga.us/DMGetDocument.aspx/exceptional_eligibility_tbi.pdf?p=4BE1EECF99ELECTRONICV)

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### **Visual Impairment and Blindness (VI)**

A child with a visual impairment is one whose vision, even with correction, adversely impacts the child's educational performance. examples are children whose visual impairments may result from congenital defects, eye diseases, Or injuries to the eye. the term includes both visual impairment and blindness as follows:

Blind refers to a child whose visual Acuity is 20/200 or less in the better eye after correction who has a limitation in the field of vision that subtends an angle of 20°. Some children who are legally blind have useful vision and may read print.

Visually impaired refers to a child whose visual acuity is 20/ 70 to 20/200 in the better eye after correction or who has a limitation in the field of vision that adversely impacts educational progress.

Progressive visual disorders: Children whose current visual acuity is greater than 20/70, but who have a medically indicated expectation of visual deterioration from the child's optometrist or ophthalmologist.

[http://www.doe.k12.ga.us/DMGetDocument.aspx/exceptional\\_eligibility\\_visual.pdf?p=4BE1EECF99ELECTRONI](http://www.doe.k12.ga.us/DMGetDocument.aspx/exceptional_eligibility_visual.pdf?p=4BE1EECF99ELECTRONI)

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**SECTION 8:**  
**INDIVIDUALIZED EDUCATION PROGRAM (IEPs)**

The Individualized Education Program (IEP) serves as the framework for determining the meaning of the term a free appropriate public education (FAPE) in the least restrictive environment (LRE), a term frequently referenced in the Individuals with Disabilities Education Act (IDEA). IEPs must be developed and reviewed annually and must be in effect at the beginning of each school year. The IEP may be reviewed more than once a year if the parent or the local educational agency (LEA) requests a review. YHALE will have IEPs reviewed at least annually for all students with disabilities that meet state board rule requirements at the beginning of each school year. This district uses an electronic data system to compose IEPs that are comprised of all the required IDEA and state regulation components. Teachers are trained on writing IEPs and use the current electronic data system. All service providers and staff have appropriately leveled access to documents. (See confidentiality).

**Purpose of the IEP:**

The purpose of the Individualized Education Program (IEP) is to: provide a plan designed to meet the educational needs of an eligible individual and to commit the resources necessary to meet those needs.

The IEP is based on the following guideline principles:

- The IEP is a process and a product that documents that students ages 3 to 21 are receiving a free and appropriate public education (FAPE) consistent with all federal and state requirements including children who have been suspended or expelled from school.
- To the maximum extent appropriate, students are educated and participate with other students with disabilities and nondisabled children in the general education environment.
- IEP development is a collaborative process.
- The IEP team develops a program that is designed so that the student can progress toward meeting annual goals of the IEP, be involved in and progress in the general curriculum, participate in nonacademic and extracurricular activities, and be educated with nondisabled peers, and
- The IEP process involves on-going progress monitoring and decision-making. Decision making is based on the student's needs and is used to improve student results.

The SPED Director will monitor IEP in their development and implementation.

During pre-planning and at the beginning of every school term, each case manager will review all IEPs on their case load for accuracy and timelines.

- ensure that all staff members have knowledge of all Students with disabilities that they work with, have access to the IEP and Behavior Intervention Plan and have reviewed the requirements.
- ensure that all staff members have copies of testing accommodations for all Students with disabilities that they work with and have signed off saying they have received.
- request training or coaching if they are unsure about conducting an IEP Meeting or writing the IEP independently.

The SPED Director will monitor the meeting calendar to ensure that all meetings are scheduled and held in a timely manner.

All staff will receive training annually.

#### Parent Consent for Services

- Prior to the initial provision of special education services, YHALE must obtain informed consent from the student's parents.
- Consent will be obtained by any IEP's indicating an eligibility placement or dismissal.
- Consent will be obtained for any IEP that has a change of placements.
- Consent for services will be signed by the parents and witnessed by YHALE staff. Consent should not be sent home with the student.
- A student may not receive special education services until informed parental consent is obtained.

#### Revocation of Consent for Services

- If, at any time following the initial provision of special education services, the parent of the child revokes consent in writing for continuing the special education services, the Case Manager should contact the SPED Director immediately.
- Once this occurs, the Case Manager:
  - May not continue to provide special education services, but must provide prior written notice ceasing the provision of special education services through an IEP meeting stating in the minutes services are revoked per the parent on the specific date of the meeting.
  - May not use procedural safeguards in order to obtain agreement or use a ruling from a hearing, mediation, or state complaints to provide services to the child.
  - Will not be considered in violation of the FAPE requirement because of failure to provide special education services.

#### YHALE Transitioning from Babies Can't Wait

- BCW personnel sends a referral to Special Education Director's office.
- A meeting will be held to complete intake paperwork, including Social Background form, and request additional records.
- After vision & hearing records have been received an evaluation can be initiated. A comprehensive evaluation will take place.
- IEP meeting will be held prior to the child's 3rd birthday. Refer to the following link for information from the GaDOE:

[http://www.doe.k12.ga.us/DMGetDocument.aspx/Ch\\_8\\_IM\\_Transition\\_from\\_Early\\_Intervention.pdf?p=6CC6799F8C1371F65F9F10F82EBF153D89CF66F30E0AC47AAB13C4E844466E71\\_&Type=D](http://www.doe.k12.ga.us/DMGetDocument.aspx/Ch_8_IM_Transition_from_Early_Intervention.pdf?p=6CC6799F8C1371F65F9F10F82EBF153D89CF66F30E0AC47AAB13C4E844466E71_&Type=D)

#### Initial Meeting:

- Initial IEP meetings are held following the completion of a full and individual evaluation, and the determination of eligibility for special education services.
- An initial IEP meeting must be completed within 30 days after the Initial Eligibility Determination.

- The meeting in which a team reviews evaluation results, and determined eligibility is often held in conjunction with the initial IEP meeting. The requirements of an initial IEP are the same as any other IEP meeting, but must also taking into account:
  - If two meetings are held—one to establish eligibility and one to develop an IEP— the initial IEP meeting must be held within 30 calendar days of the meeting at which eligibility was established, and
  - For children who are transitioning from Babies Can’t Wait (infant and toddler services) to preschool and school-age services, an IEP or IFSP must be developed and implemented by their third birthday.
  - After the initial IEP is developed, special education and related services should be made available as soon as possible.

Annual Review Meeting:

- IEP reviews are conducted periodically but must be conducted at least annually.
- The student’s entire IEP must be reviewed.
- It is the responsibility of the case manager to lead all IEP meetings related to his/her caseload.

Steps to follow in the annual review process:

The IEP Case Manager will schedule an IEP meeting before the due date of the current IEP.

- a. Prior Written Notice and parental information sheet must be given to parents and team members as soon as a date is selected
- b. It must provide timely notice prior to the meeting through email notification to teachers and mail to the parents of the IEP meeting which must include:
  - Purpose of the meeting (including transition, if appropriate)
  - Proposed date, time, and location of the meeting
  - Names and positions of the team members (required and additional members including student if transition will be discussed or as appropriate)
  - Must have prior parent/student (if 18) permission for outside agencies to attend meeting by including the name and agency of the party invited (under additional members) and parent/student (if 18) must check that they approve of the representative participating in the meeting.

Required Team Members: The parent notification will include information indicating that the parents have the right to invite others who have knowledge of specific expertise regarding their child to include the right to request that an invitation to the initial IEP Team meeting be sent to the service coordinator or other representative of Babies Can’t Wait to assist with smooth transition of services.

- The parent(s) and/or guardian
- Local Education Agency (LEA): is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of the child; is knowledgeable of the general education curriculum; and is knowledgeable about the availability of resources in the LEA; and someone who can interpret evaluation results related to classroom instruction and

settings (this person may be one of the persons already listed above with the exception of the parent).

- Not less than one of the student's general education teachers. At least one general education teacher must be listed on the required side. The general education teacher that fully participates in the meeting should be chosen based on the student's weaknesses identified through progress monitoring.
- Not less than one of the student's special education teachers that serves the student. The provider that fully participates in the meeting should be chosen based on the student's weaknesses identified through progress monitoring.
- School Psychologist (as appropriate)
- Someone who can interpret evaluation results related to classroom instruction and settings (this person may be one of the persons already listed above with the exception of the parent).
- Other members required under certain circumstances:
- Other individuals who have knowledge or special expertise regarding the child, including related services personnel (based on the discretion of the parent or LEA);
- The child with a disability, when the transition services plan is being discussed, or earlier as appropriate; or
- A representative of any agency that is likely to provide or pay for any transition services, if appropriate, and with the consent of the parent or student (if he or she has reached the age of 18).
- Babies Can't Wait coordinator or other representative if appropriate.

Additional Team Members: Additional participants of an IEP meeting must be listed on the original notification that was given to the parent unless the parent gives permission for their participation.

ATTORNEYS AND/OR ADVOCATES IN IEP MEETING: If parent indicates that an attorney and/or advocate will participate in the IEP meeting either verbally and/or in writing:

When an advocate or parent support mentor participates in any meeting, then the district Superintendent along with the SPED Director must be in attendance.

- Contact the SPED Director to discuss attendance and scheduling of meeting.
- When an attorney participates in any meeting, then the district Superintendent and YHALE attorney must attend.
- Contact the SPED Director to discuss scheduling and attendance by the Superintendent and YHALE attorney.

If a parent comes to any IEP meeting with an attorney and/or advocates and did not provide notification, then

- Contact the Superintendent's secretary to determine if someone can participate.
- If he/she is unable to participate, adjourn the meeting and reschedule.

Notice for Excusal: Only two circumstances may allow a required member of the IEP team to be excused from an IEP meeting.



- When an IEP team member's area of curriculum or related services is NOT being changed or discussed at the IEP meeting, the parent and the district agree to excuse an IEP team member from all or part of a meeting with the parent consents, in writing, to this excusal.
- When the IEP team member's area of curriculum or related services is being discussed at the meeting, the parent and the district may excuse an IEP team member from all or part of a meeting if the parent consents, in writing, to the excusal.

#### Steps for Notice of Excusal

- (1) When it is determined that a member is asking to be excused from the meeting, the requesting member will submit written information related to the meeting to the case manager.
- (2) The case manager will notify the parent of the team member's absence and will provide them with the submitted written information related to the development of the IEP.
- (3) The case manager will ask the parent if they will excuse the required member and if so, to sign the Excusal Form from GoIEP.
- (4) If no written information is provided and/or the parent does not sign the excusal, the meeting will need to be rescheduled.

#### **SUPERVISION AND MONITORING:**

The SPED Director will monitor the list, communicate regularly with case managers about outside involvement, and notify the Principal and Superintendent, as appropriate.

#### Meeting:

- (1) Provide parents with an annual copy of the Parental Rights adapted from the state of Georgia example to include all required components.
  - a. Parent rights must be provided at the initial referral or parent request for an evaluation.
  - b. Receipt for the first state complaint in a school year.
  - c. Receipts of the first request for a due process hearing in a school year.
  - d. With the written disciplinary notice for removals that constitute a change in placement under IDEA or violation of code of conduct.
  - e. Prior to accessing the child/family public benefits or insurance for the first time.
  - f. Upon request by the parent.
- (2) Provide the parent with current data or a DRAFT copy of the IEP at the meeting.
- (3) Bring a copy of all information to the meeting with copies for members as appropriate.
- (4) Follow the Agenda for holding an IEP meeting. (See agenda in Appendix)
- (5) Be sure to complete in full every section within IEP program when constructing the IEP.
- (6) The new IEP should have a duration of no more than one year.
- (7) Obtain necessary signatures of participants to include parent signatures.
- (8) Each IEP will be reviewed by the SPED Director to include areas addressed by the Due Process Checklist.

While we discourage meetings without parent attendance, if the parent cannot attend the meeting, document all attempts to reschedule and allow participation in other means. Meeting minutes and the finalized IEP will be mailed to the parents with contact information of the case manager if they have any questions once receiving the documents.

### **SUPERVISION AND MONIROTING OF IEPs:**

- The SPED Director will monitor each IEP for:
  - Documentation of required parent participation at meetings or the review of documentation after meeting if not present but agree for the district to continue.
  - Documentation that all finalized documents were mailed to the parent with case manager contact information.
  - Documentation to indicate parent was provided with parental rights and any other paperwork by IEP committee.
  - Accuracy and data-based completion within 3 days of the IEP meeting
- Before IEPs are finalized, the SPED Director will review IEPs and address any inaccuracies with the case manager.

### **SUPERVISION AND MONIROTING OF IEP IMPLEMENTATION:**

- The importance of IEP implementation will be addressed at the beginning and midpoint of each year during meetings of all staff.
- SPED Director will visit classes with implementation inaccuracies to assist with the needed correction.
- SPED Director will conduct random classroom visits to monitor implementation of IEPs and document the outcomes.

### **SUPERVISION AND MONITORING:**

- The SPED Director will review GoIEP reports to include:
  - Student name
  - IEP date
  - Eligibility date
  - Redetermination Date
  - Revocation of Services Date
  - Dismissal of any Services Date
- The SPED Director will review the list accuracy and completion.
- Case managers and School Administrators will be notified immediately if paperwork is within 14 days of the deadline and no meeting scheduled.
- The School Administration and SPED Director will meet to address in writing any IEP, Evaluation or Redetermination found to be out of compliance.
- An action plan will be written to address the issue which will include small group training.
- A second offense of untimely completion will result in notification of the SPED Director and School Administration for a formal letter of concern to the case manager.
- A third offense of untimely completion will result in notification of the SPED Director, School Administration, and Superintendent for a formal letter of concern to the case manager, School Administration, and Superintendent.

## **Individualized Education Program and Transition**

### **Scheduling the meeting:**

An IEP team annual review meeting should be scheduled for a week prior to the ending date on the current IEP with a meeting date at least one week prior to the IEP due date.

First, call the parents to find out when they're available then schedule a meeting accordingly.

Notice for this meeting should be either hand delivered via student or mail to the parent a minimum of 7 to 10 days prior to the date scheduled for the annual review along with parental rights.

List all team members (i.e. general education teacher, special education teacher, dean, etc.) that will attend the annual review on the notice letter.

Proceed with the annual review meeting is scheduled unless the parent has requested a change in the date or time.

### **Preparing for the Meeting:**

SPED Teacher Shooting formally meets with teachers (those who are invited to the meeting and those that will not attend) or other service providers to gather information.

SPED Teacher and/ or case manager must determine the student's progress on IEP goals and objectives (documentation should be used to verify mastery of the IEP goals and objectives).

SPED Teacher Prepares the "draft" IEP for the annual review meeting.

### **Conducting the Meeting:**

Introductions of IEP team members should be made.

If an invited teacher to the meeting is not present, written documentation concerning student progress should be provided to the IEP Team. The parent (if in attendance) must sign agreeing that written documentation is adequate if the IEP team participant not present must sign an excuse notice if the required team member is not in attendance. If the parents do not agree, the annual review should be tabled and rescheduled. Meeting summary notes should indicate the parent asks for the rescheduling of the meeting to have all team members present.

If IEP team members are present or absenteeism is agreed upon by the parent, then the current IEP should be discussed.

The discussion of the IEP should occur in the following order:

Present level of performance must be updated and include:

- Present level of academic achievement and functional performance
- This section must include the latest GMAS, MAP scores for those in the general curriculum for those in the Adaptive curriculum, current GAA goal status should be included.
- The results of the initial or most recent evaluation of the child: This should include a summary of the relevant information from the child's evaluation (not just a listing of scores). This section does not have to include only the results and recommendations of formal

evaluation measures performed on a child. It should also include additional formative and summative assessments used for instructional purposes that are often more recent than the formal evaluation measures.

- The results of district or statewide assessments: This information must include the results of statewide assessments including test scores and must indicate the achievement level, whether the child achieved as a beginning learner, developing learner, proficient learner, or distinguished learner. This should also include an individual analysis that provides a frame of reference for how the child is performing in comparison to peers of the same age. In addition, IEPs should include the strengths and weaknesses as indicated by the domains of the subtests.
- A description of academic, developmental, and/or functional strengths and needs:
  - Areas of strength may refer to academic subjects such as: reading, language arts, math, etc.;
  - developmental areas such as: communication, motor, cognitive, social/emotional, etc.;
  - functional areas such as: self-care, social skills, daily living, communication, social/emotional, executive functioning, etc.
  - This area should describe specific needs that impact performance and achievement in academic, developmental, and functional areas and must be addressed through the IEP goals and/or objectives or through accommodations.
- Parental concerns regarding the child’s education: What is written in this section should be the result of ongoing communication with the parent regarding the child’s academics, behavior, performance on goals, and/or future plans. The parent should be provided an opportunity for specific input. Even if the parent does not attend the meeting or does not provide input at the time of the meeting, the information entered should be drawn from communication that has occurred over the previous school year with the parent.
- Impact of the disability on involvement and progress in the general education curriculum: This section should describe individual characteristics of the child’s disability that affect his or her classroom performance. Examples of specific characteristics for a specific learning disability may include short term memory problems, poor organizational skills, and auditory processing problems, etc. This section must indicate how classroom instruction is impacted by the specific characteristics or deficits of the disability. Merely stating the child’s eligibility category does not adequately describe the impact on involvement and progress in the general education curriculum. Statements should reflect individual needs and not be applicable to a large group of children.

#### Consideration of Special Factors

#### **Consideration of special factors must be documented in the IEP.**

The factors to consider are: behavior, limited English proficiency, visual impairments, communication needs, assistive technology, and alternative format instructional materials.

Needs should be clearly described in an individualized manner. If needs are determined in any of these areas, the IEP must include a description of the supports and/or services that will be provided to the child.

Special considerations page should be completed.

- If problem behavior is impacting educational performance, a behavior intervention plan is not always necessary. Many behavior issues can be addressed through appropriate goals. If a behavior for intervention plan is warranted. A functional Behavior assessment must be completed prior to development of the plan.
- Complete or review the assistive technology checklist, as needed.

**Documentation should be used to determine whether goals and objectives have been mastered.**

- a statement of measurable annual goals, including both academic and functional goals.
- address how the child's progress toward meeting the annual goals will be measured; and 2. 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; [34 C.F.R. § 300.320(a)(3)]
- give regular education teachers an opportunity to discuss the students' performance.
- a piece must include a description of benchmarks or short-term objectives only for children who take alternative assessments aligned to alternate achievement standards
- Students receive all instruction in the general curriculum (consultation or collaborative models) also require measurable annual goals.

**Student Supports must be reviewed.**

- Remember, accommodations do not change the curriculum but allow for the students to overcome their disability. modifications change the curriculum and may not be appropriate for students in the general curriculum.
- Consider support for general education teachers, elective teachers, Etc.
- Testing participation in accommodations in testing must be addressed.
- Discuss extended school year services and determine whether continued Services through the summer are needed.
- Refer to information regarding Extended School Year in your materials.

**List all related services the student receives.**

IDEA 2004 attempts to give the opportunity to reduce paperwork. If an accommodation is placed in the IEP on one section, it does not have to be repeated throughout the IEP (for example supportive instruction may be listed on the modification section only).

**Parents' rights must be provided at least annually.** Provide a copy of parent rights at the annual review IEP team meeting, explain them, ask the parents if they have any questions and document this in the meeting summary notes.

Ask parents for their concerns and if there are any additions they would like to have included in the IEP.

### **Audio or Videotape recorded IEP meeting procedures**

Any recording of an IEP is an educational record within the meaning of the family educational rights and Privacy Act (FERPA) and IDEA. The audio and/or video tape must be maintained within the students due process file and personnel shall adhere to all confidentiality requirements.

### **TRANSITION**

The successful transition of children with disabilities from school to post-school environments should be a priority of every IEP Team. The purpose of a Transition Service Plan is to assist children in building the skills and supports they need to reach their post-school goals. Transition requires support from multiple sources so the child and his or her family can make choices, develop connections, and access services. Beginning not later than the IEP to be in effect when the child begins **ninth grade or turns 16** (or younger if determined appropriate by the IEP Team), and updated annually thereafter, the IEP must include:

- 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.

A course of study should focus on instructional and educational classes and experiences that will assist the child in preparing for transition from secondary education to postsecondary life. This should relate directly to the child's postsecondary outcome goals and should show how a planned course of study is linked to these goals. The course of study should be meaningful to the child's future and should motivate the child to reach successful post-school outcomes.

**High School Diploma** - the document awarded to students certifying that they have satisfied attendance requirements, unit requirements and the state assessment requirements. This does not include students who have received an alternative degree that is not aligned with the state's academic standards such as special education diploma, certificate of attendance or GED.

### **SUPERVISION AND MONITORING OF TRANSITION:**

- High School will identify a case manager lead who has an understanding of the transition process and will work with other staff to ensure accuracy and compliance.
- Transition Training will be provided annually to the Middle and High School as deemed appropriate.
- The SPED Director will review IEPs for transitions and provide additional training to the individual or department as needed.

### **Persons and Agency Involved**

The individuals, agencies, and groups identified should include those who will help the child achieve the goals stated. They may be individuals who will likely provide or pay for transition

services. Documentation that these persons were invited to the Transition IEP Team meeting and that the parent and student (if over 18) were notified of their possible attendance must be kept. When a participating agency does not attend, the IEP Team should document actions to assist the child and his/her family to support contact and communication with the agency. If the child does not attend the IEP Team meeting, the LEA must take other steps, including verbal and written input, to ensure that the child's preferences and interests are considered before developing the transition goals of the IEP.

### **Transfer of Rights at 18 Years of Age**

At least one year before the student turns 18, a statement that the student has been informed of his or her rights under IDEA and that the IDEA rights will transfer to the student upon reaching the age of 18 must be included in the IEP. The IEP must document at age 18 that the rights have been transferred. Once the rights have transferred to the student at age 18, the LEA must provide any IDEA required notices to both the student and the parent. All rights given to the parent transfer to the student.

### **The Summary of Performance (SOP)**

For a student whose eligibility terminates due to graduation with a regular diploma or to exceed the age requirements under IDEA, the LEA must provide the student with a summary of his or her academic achievements and functional performance, including recommendations on how to assist the student in meeting the student's post secondary goals. Although not required, it is good practice to provide the SOP for students who graduate with a certificate of attendance or a special education diploma as well. The purpose of the SOP is to provide strategies for successful transition with needed supports. The SOP and directions for completing the SOP are available on the GaDOE Special Education web page.

**Providing FAPE through 21, Inclusive** (Free Appropriate Public Education) YHALE provides a free appropriate public education to all children eligible for special education services residing within the district between the ages of 3 and 21, inclusive including children with disabilities who have been suspended or expelled from school.

- A student shall receive services for the first semester if his/her 22<sup>nd</sup> birthday falls before the first day of school and December 31 of that school year. Any student who turns 22 prior to the opening of school shall be prohibited from attending school unless determined appropriate by the IEP team.
- A student whose 22<sup>nd</sup> birthday falls between January first and the last day of the school year shall be entitled to attend the entire school year.
- A student may be granted permission to remain in school until the end of the year in which they turn 22 if:
  - They are participating in a program that requires a full year's participation in order to receive a certificate of completion and it is approved by the SPED Director.
  - The IEP committee determines it is necessary in order to meet the needs of the individual student.
  - The IEP committee shall notify the student and parent that although services will continue, no individual entitlement to FAPE or other rights under IDEA are afforded.

### Assistive Technology:

As part of the IEP Agenda, the Assistive Technology consideration is completed in all IEPs to ensure that each child receives FAPE. The consideration is included with the student's IEP and a statement regarding the outcome is included in the IEP.

If the IEP team cannot address the Assistive Technology of the student through the use of the AT considerations list and expertise in the IEP team, an Assistive Technology evaluation may be requested by the committee.

- All accepted Assistive Technology must be documented in the IEP and provided to the student to include AT for district wide or statewide testing devices or services for a child who is blind or other print disabled.
- The IEP team must consider if the Assistive Technology is required in the home or other settings to receive FAPE. If it is required, it must be provided at no cost to the parent and documented in the IEP.
- If an outside evaluation is determined necessary by the Director or requested by the parent, it is the responsibility of the SPED Director to work with the school to ensure that the student has current Vision and Hearing, a parent signed consent to release information with the outside agency and YHALE and a signed consent for evaluation by the parent.

### **SUPERVISION AND MONITORING OF ASSISTIVE TECHNOLOGY:**

- Assistive Technology Checklists will be reviewed by the SPED Director and additional training will be provided to the individual or school as needed.
- The SPED Director will track and monitor Assistive Technology evaluation requests per region.
- Case Managers will keep an inventory of all AT equipment and turn in inventories to the SPED Director.

### **Extended School Year Services (ESY)**

The IEP Team shall consider each child's need for ESY services annually. The individual needs of the child shall be considered and may include such factors as:

- the severity of the disability;
- the age of the child;
- any transitional needs;
- the rate of progress or regression that may limit the child's ability to achieve IEP goals/objectives;
- the relative importance of IEP goals at issue;
- whether the child is at a critical point of instruction, such as emerging skills; and
- whether any delays or interruptions in services occurred during the school year.

If the need for ESY is determined, the IEP Team must identify which goals in the current IEP are being extended or modified. ESY is not the same thing as summer school; however, ESY services may be provided during the school year as well as during the summer.



As part of the IEP Agenda, the Extended School Year Service checklist is completed at all IEPs to ensure that each child receives FAPE. The checklist is included with the student's IEP and a statement regarding the outcome is indicated in the IEP.

- ESY may not be limited to particular categories of a disability or unilaterally limit the type, amount, or durations of services.
- ESY must be provided beyond the normal school year, in accordance with the individual's IEP, at no cost to the parents of the child and meet the standard of the state.
- The consideration of ESY must be documented in options considered in the IEP with a statement indicating the decision of the committee at the time of the IEP.
- The committee should decide if ESY is appropriate at the time of the meeting but can indicate that the committee will reconvene to address any additional service options at a later date.
- Homework, work packets, and tutorials do not qualify as ESY services but can be used to compliment instruction and meet the needs of students.
- For more information, contact your SPED Director.

YHALE ensures that students with disabilities are provided the appropriate supplementary aids and services to provide nonacademic and extracurricular services to ensure equal opportunity for participation through the individualized IEP. This may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs, referrals to agencies that provide assistance, and assistance in making outside employment available as applicable.

### **ACCOMMODATIONS & ASSESSMENTS**

- In determining appropriate accommodations to provide the student with a disability the opportunity to participate in the assessment in the most standard way possible, there should be a direct link between classroom accommodations and assessment accommodations and must be specified in the student's IEP or 504 Plan.
- No accommodation(s) for a student should be considered for the first time during a state or local assessment.
- Just because a student needs an accommodation does not mean he/she will know how to use it. Students need training and practice in using accommodations.
- Informed decision making regarding accommodations is critical in assuring successful and meaningful participation of students with disabilities. IEP teams (which should include the student at least by age 14) should analyze an assessment for what it requires the student to do in order to take the test.

Student supports must be documented in the IEP and consist of accommodations for instruction and testing, supplemental aids and services, and/or supports for LEA personnel. These may be provided to assist children in advancing toward attaining annual goals, in being involved and making progress in the general curriculum, and/or in being educated and participating with other nondisabled children in academic, nonacademic, or extracurricular activities. The special education and related services and supplementary aids and services must be based on peer reviewed research to the extent practicable. Peer-reviewed research is

“research that is reviewed by qualified and independent reviewers to ensure that the quality of the information meets the standards of the field before the research is published.” 71 Fed. Reg 46,664 (2006).

### **SUPERVISION AND MONITORING:**

- All Case Managers will be trained to pull accommodation reports from GoIEP and provide reports to all teachers and testing coordinators for review at the beginning of the year and before the end of the year assessments.
- SPED Director will provide for Teachers of Students with Disabilities on DOE Accommodations manual.
  - All Teachers of Students with Disabilities will receive a copy of the DOE Accommodations manual at the beginning of each year and as the district receives notification that it has been updated.
  - All Administrators will receive a copy of the manual to be disseminated to all teachers and administrators.

### **SERVICE DELIVERY & LEAST RESTRICTIVE ENVIRONMENT (LRE) (34 C.F.R. §§ 300.114-300.117; GEORGIA RULE 160.4-7-.07)**

One of the most significant requirements of the Individuals with Disabilities Education Act (IDEA) is that children with disabilities be educated in the least restrictive environment (LRE) to the maximum extent appropriate. Special education and related services are designed to help meet the unique needs of children with disabilities in the LRE.

The IEP Team can consider placing the child outside of regular education settings only when the IEP Team has evidence that even with the use of supplemental aids and services, education in regular education settings will not be successful. If the child is placed in a setting other than regular education settings for a portion of the school day, high expectations for achievement on the GSE and a plan for moving back into less restrictive settings should continue to be in place.

YHALE will ensure that students are not removed from the regular classroom environment unless the nature or severity of the disability is such that the students’ needs cannot be satisfactorily met even with the use of supplementary aids and services. Students will not be removed from education in age-appropriate classrooms solely because of needed modifications.

Preschool services are provided through Bright from the Start Pre-Kindergarten, and preschool programs with special education services delivered as additional supportive services and/or direct services.

YHALE will ensure that school age placements are based upon consideration and implementation of the following:

- (1) General education classroom with age-appropriate non-disabled peers, if required by the IEP:

- a. Additional supportive services. The child remains in regular classroom with supplementary aids and services provided to the teacher and/or child to implement the IEP. The services provided may be from personnel such as paraprofessionals.
  - b. Direct services. The child remains in the regular classroom with direct services from special education personnel on a consultative, collaborative, or co-teaching basis.
- (2) Instruction outside the general classroom for individuals or small groups.

The SPED Director and school Principal must be part of the IEP team if consideration for the following will be discussed:

- (3) Separate day school or program.
- (4) Home-Based instruction may be used as a short-term placement option on occasions when the parent and LEA agree at an IEP meeting with the following considerations:
  - a. A free and appropriate education (FAPE) is provided and includes access to the general curriculum and an opportunity to make progress toward the goals and objectives included in the IEP;
  - b. Home-based services must be reviewed no less than quarterly by the IEP team, and all IEPs that require home-based placements will include a reintegration plan for returning to the school setting.
- (5) Residential placement in-state or out-of-state.
- (6) Hospital/Homebound instruction program (HHB) is used for students with disabilities who are placed in a special education program and have a medically diagnosed condition that will significantly interfere with their education and requires them to be restricted to their home or a hospital for a period of time. YHALE shall provide hospital/homebound instruction to students with disabilities under the requirements found in Georgia rule 160-4-2.31 Hospital Homebound Services. Please contact the SPED Director for additional HHB information.

Through the child's IEP, YHALE will ensure that all extra curriculum services and activities are available to a child with a disability to provide participation with nondisabled peers to the maximum extent appropriate to meet the needs of the child through supplementary aids and services.

### **LRE Decision Practices and Procedures**

The IEP team will at least annually:

- (1) Review and document student's present levels of academic achievement and functional performance.
- (2) Develop IEP goals (and objectives or transition plan, if needed) based on present levels.
- (3) Determine whether the goal or objective can be taught in the general education classroom with significant levels of support. Document what level of technical assistance will be needed for appropriate instructional practices (i.e., accommodations and modification, personnel supports, general education settings). Determine appropriate continuum of services or setting based on data.
- (4) Determine the alternative placement or community setting where those goals and objectives that cannot be taught in a general education classroom be taught.
- (5) Document in the IEP all options considered and accepted.

- (6) Determine how the student will be monitored.
- (7) Evaluate the student’s performance on goals and objectives and determine if mastered based on data.

Continuum of Services Model

General Education	Consultation	Supportive Instruction	Collaboration	Co-Teaching	Special Education Classroom	Separate School, Facility, Hospital
Least Restrictive Most Environment    ← ..... →    Most						

**Students moving into YHALE**

YHALE will provide students moving into the county with FAPE to include services comparable to those described in the child’s IEP from the previous county without service delay. Following the Family Educational Rights and Privacy Act, the district will ensure that records are requested and received from the previous district promptly to assist with placement and assignment decisions. The district will ensure that the student promptly received appropriate services, is reviewed for possible evaluation needs and develops, adopts and implements a new IEP as needed.

Procedures for incoming students:

- (1) All Parents/Guardians of new students with special needs will be directed to complete the appropriate enrollment paperwork with the registrar personnel at the school. Any special education paperwork (IEP, psychological, medical, etc.) will be given to the Special Education Director.
- (2) If no paperwork is available, but the parent/guardian noted on the registrar paperwork that the incoming student had an IEP, registrar personnel will notify the SPED Director so that SPED records can be requested from the previous district.

**RETRIEVING RECORDS FOR STUDENTS MOVING INTO THE DISTRICT**

YHALE is defined under FERPA as one of the entities that may obtain educational records without parental consent. Under no circumstances should FAPE be withheld because of paperwork issues.

- Incoming students with special needs will be referred to the Special Education Director.
- YHALE will immediately begin the request for records from the previous school system through a fax or call to the previous system.
- Once the paperwork is secured, it will be uploaded into the student data system (GoIEP) and assigned to a case manager.
- All students with disabilities will receive immediate and uninterrupted services while the processes are being completed.

The district provides records to requesting educational agencies within a timely manner and works to ensure that parents have copies of any records needed to assist the new case

manager with placement and assignment decisions. Procedures for Records being requested from another county:

- (1) Request is made to the SPED Director.
- (2) Request is documented in student's file.
- (3) Information is promptly copied and submitted to the previous county by the SPED Director.
- (4) Completion is documented and filed into the student's file.

**INITIAL:**

- Student never received eligibility in our state
- Student where it is determined that we cannot accept eligibility from another state
- Student staffed out of all eligibilities from GA
- Parent revoked GA services
- Complete referral process as appropriate based on individual situations
- Put in Infinite Campus—GA determination and summary REDETERMINATION—  
When we determine that the eligibility is appropriate.
- Student with current eligibility that continue to qualify
- Student with current eligibility that we are adding or removing other eligibilities •  
Student where we accepted out of state eligibility and evaluated within school year if appropriate
- Completed before 3-year date for 3 year requirements
- Accepted from out of state: Completed before end of school year if needed for accepted eligibilities
- Put in Infinite Campus-GA eligibility determination and year of event in SPED

**RE-EVALUATION**-When you have performed an evaluation on a student who has eligibility in any area. (Including Speech students)

**Procedures for students who enter with in-state eligibility or where we accept and adopt the out of state eligibility and IEP:**

- (1) SPED office will request all records and reviews for acceptance and assignment. Eligibility and IEP will be entered and uploaded into GoIEP and Infinite Campus.
  - a. If information/paperwork is not completed correctly, SPED Director will make the assignment and then contact the previous district for assistance with getting paperwork completed appropriately and resubmitted to YHALE.
- (2) Infinite Campus staff inputs the initial information from last districts information.
- (3) SPED staff input the following event dates:
  - a. Initial Eligibility is the PRIOR State's Eligibility date and it expires 3 years from the Prior State's last Eligibility Determination.
  - b. Initial IEP Meeting is the Prior State's IEP date and it expires as indicated on IEP from Prior State.
  - c. Initial Placement Date is the Date the student was placed and Services were started in GA.
- (4) SPED Department provides a copy of Parental Rights and has parent sign consent to receive services based on prior information.

- (5) School implements IEP.
  - a. Case manager does not have to do an IEP as we are implementing the IEP.
  - b. An IEP will need to be scheduled before the out of county IEP expires.

Procedures for students who enter with OUT of state eligibility and IEP but we decide to move to GA Forms:

- (1) SPED Director will request records and records will be reviewed. We accept all incoming information as is but we create GA Eligibility and IEP based on incoming information.
- (2) Hold a 10-day meeting:
  - a. Write an Initial IEP and create GA Eligibility and Eligibility Report based on incoming information alone.
  - b. SPED Director will input the needed section into Infinite Campus as the day WE in GA accepted and transferred the information to GA forms and implemented the IEP.
  - c. Re-determination will be due within 3 years of the Event Date.

Procedures for when we cannot accept incoming eligibility and IEP from the previous state or expired eligibility.

- (1) Registrar personnel at the school will request records and records will be reviewed.
- (2) The SPED Director will be notified that services are being provided and that vision and hearing clearance is needed.
- (3) School meets to write a plan with services coming in that everyone agrees will provide FAPE.
  - a. Upload minutes from meetings to support the need for FAPE driven services.
  - b. Student not coded as SWD until Initial completed. The student is NOT on a GA IEP at all until the Initial is completed.
- (4) The school should:
  - a. Get cleared Hearing and Vision and hold a 10-day meeting.
  - b. Get Consent to Evaluate and then we are bound to a 60-day timeline to Evaluate and Determine Georgia Eligibility.
  - c. When eligibility is completed, write an Initial IEP and 90-day timeline applies.
  - d. SPED Director will enter these events into Infinite Campus.

Student Enters with proof that an Initial Evaluation was in progress in the Previous State.

- (1) Special Ed Director will request records and records will be reviewed.
- (2) The school and SPED Director will be notified that an evaluation was in progress.
- (3) School meets to review information and determine if a Tier 3 plan is needed.
  - a. Enter minutes from meeting to support need for FAPE driven services.
  - b. Student not coded as SWD until Initial completed. The student is NOT on a GA IEP at all until the Initial is completed.
- (4) The school should:
  - a. Get cleared Hearing and Vision
  - b. Get Consent to Evaluate and then begin the 60-day timeline to Evaluate and Determine Georgia Eligibility.
  - c. If appropriate, write an Initial IEP and 90-day timeline applies.

- d. SPED Director will enter these events into GoIEP.
- (5) We do not serve or report until GA eligibility has been determined.

### **Transition to Next Grade when changing Grades**

- At the end of the third 9 weeks of the year, the SPED Director will review students to determine who may be moving to a new grade
- When the SPED Director anticipates that a student will be moving to a new grade and caseload teacher, (usually as the result of promotion), she will invite the case manager from the receiving grade to attend the last IEP meeting before the transition will occur.

Participants should include:

the lead or specialized teacher from the current grade, the lead or specialized teacher from the next grade or someone from an appropriate model class, a regular education teacher, the parents, the SPED director, any therapists, and other members as needed.

- If the last IEP meeting is in the fall, schedule a general transition meeting in the spring. Participants should include: the lead or specialized teacher from the current grade, the lead or specialized teacher from the next grade or someone from an appropriate model class, a regular education teacher, the parents, the SPED director, any therapists, and other members as needed.

### **Withdrawal or Termination of Students**

- If a student withdraws or special education services are terminated during the school year, it will be documented in Infinite Campus and GOIEP.
- Termination paperwork of a copy of the withdrawal will be sent to the SPED Director.
- Note: Students who turn 22 withdraw at the end of the semester in which they turn 22 Referral Procedure Georgia Network for Educational and Therapeutic Support (GNETS)

### **Eligibility and Placement: GNETS**

Referral to GNETS and for students that may need intensive, therapeutic, educational support. Referral documentation must include evidence that appropriate research based interventions to include positive behavioral interventions and supports that were provided for a significant length of time. Documentation should also indicate less restrictive services that have been provided with supporting data that indicates such services have not enabled the child to benefit educationally as needed. Data should reflect the severity, duration, frequency, and intensity of one or more characteristics of the behavior. Any referrals or resulting placements at GNETS are through collaboration between school and GNETS.

### **Documentation of Ongoing Effectiveness and Improvement:**

According to the GNETS operations manual, GNETS must address the following goals in the Georgia's Continuous Improvement Monitoring Process Plan for GNETS Programs:

- (1) Eliminating or reducing the use of PHYSICAL RESTRAINT, if used in the program.
- (2) Educating all students in THE LEAST RESTRICTIVE ENVIRONMENT.
- (3) Improving ACADEMIC ACHIEVEMENT IN READING AND MATH.

Program and student data will be analyzed and determine areas of needing improvement.

### Recommended Class Size by Level:

According to the GNETS operations manual, students are considered for placement in GNETS programs due to the severity of their emotional and behavioral disorder. Consequently, the teacher to student ratio supports a smaller class size to enhance the implementation of the required therapeutic and educational interventions. The recommended maximum class size for preschool, elementary, and middle school classes is eight students. The recommended maximum class size for high school classes is ten.

### Positive Behavioral Interventions and Supports

The GNETS rule states that GNETS programs shall utilize evidence-based positive behavioral interventions, supports, and other strategies designed to increase children's resilience and social emotional competence. Students served in GNETS programs receive therapeutic interventions in classrooms with teachers trained in the specific interventions adopted by the GNETS program.

All GNETS staff are trained in the therapeutic interventions that are utilized in the program. Program interventions are frequently monitored through student progress monitoring to ensure fidelity of implementation of the therapeutic interventions and program changes are made as needed. In addition, GNETS collaborates with local mental health providers to address students socio-emotional well-being.

### Academic Curriculum

Students receiving services in a GNETS class receive academic instruction based upon the Georgia Common Core Performance Standards. All GNETS staff is trained in the delivery of Georgia's curriculum, which is based on the Georgia Common Core Performance Standards. Academic program interventions are frequently monitored through student progress monitoring to ensure fidelity of implementation of the Georgia Common Core Performance Standards.

### Procedure:

- (1) The Case Manager contacts the SPED Director to discuss behavioral concerns that may lead to a possible GNETS referral.
- (2) The committee meets to review the situation, discusses the need for an updated FBA/BIP, possible updated Behavior Rating Scales and possible referral. Full criteria are outlined in GNETS packet.
- (3) After intervention implementation and data collection review, the Case Manager, with the committee, begins the Referral Packet.
- (4) The Referral is submitted to GNETS. The team reviews the packet and schedules a meeting to discuss student options including school administration, special and regular education teachers, parents, School Principal, SPED Director, and other members as necessary.

### Monitoring:

- (1) SPED Director reviews IEPs written for YHALE students and provides input into FAPE and compliance concerns.



(2) SPED Director reviews GNETS Referral packets to ensure that guidelines and requirements have been followed by local school personnel.

(3) YHALE tracks and monitors academic, disciplinary, and compliance data for all YHALE students attending GNETS. Contact the SPED Director for more information on GNETS Referral Packet, GNETS implementation manual and Training.

### **Amendment IEP (with or without a meeting)**

After the annual IEP Team meeting, the child's IEP may need to be changed. This can be done either by reconvening the IEP Team to amend the IEP or by mutual agreement between the parent and LEA to make changes to the IEP without a meeting. The parent always retains the right to request a meeting to discuss any and all changes or amendments to the IEP. Regardless of the method of amending the IEP, the LEA must ensure the child's IEP Team is informed of any changes, and upon request, provide the parent with the amended IEP in a timely manner.

- An existing IEP may be amended. Amendments to an existing IEP may be made at an IEP meeting or, if the parent(s) and the LEA agree, the amendments to an existing IEP may occur without a formal meeting.
- Amendments to IEP's facilitation changes that need to be made in the student's program that arise between regularly scheduled annual review dates but amending an IEP does not extend the duration of the IEP.
- An existing IEP may be amended to make changes to a student's program, provided the team has collected and reviewed data sufficient to justify the proposed changes.
- There are no restrictions on the use of amendments to make changes in a student's educational program or the kind of changes to an IEP that can be made without a meeting.
- An existing IEP may be amended as often as necessary between required annual reviews.
- The extent of the changes and the proximity to the IEP's anniversary date should be considered in making the decision.
- It is necessary to ensure that all key members of the IEP team meaningfully participate in the amendment process either through a conference meeting or a phone conference.

### **Process for amending an IEP:**

(1) Through collaboration with the service providers and LEA, the case managers will determine what changes are to be proposed for the existing IEP.

(2) Determine that changes can appropriately be addressed through the amendment process.

(3) Contact the parents to discuss the areas of potential change to the IEP and establish, through mutual agreement, whether or not a meeting will be held.

(4) Use the GoIEP Amendment Process to amend the IEP in GoIEP.

(5) If a meeting is not held, document in the minutes:

- a. Who has agreed to amend the IEP without a meeting, and
- b. How the contact with the parents was made (the Case Manager must make a parent contact to amend the IEP without a meeting).
- c. Purpose for amending the IEP: What was changed and how

(6) Consider the portions of the IEP where there are potential changes.

- a. Update the Present Levels of Academic Achievement and Functional Performance with current data to reflect the changes.
  - b. Update any area of change needed.
- (7) The IEP team members will be informed in writing of the completion of the amendment. All members of the team will access the student information system and review the amended changes.
- (8) Provide the revised copy of the IEP with the amendments to the parent and submit to SPED Director.

### **Procedures for Residential Placement Consideration**

The IEP team determines the least restrictive environment to include services and supports needed for each Individual student with a disability. IEP teams make recommendations for placements in accordance with GADOE rules, available data and the consideration of the continuum of least restrictive environments to meet student's needs.

YHALE provides a full continuum of placements to meet the needs of students with disabilities. A placement decision to a residential facility is based on the student's disability, the severity of the disability and placement options currently available. Documentation of efforts to serve the students in the LEA as well as efforts to enable the student to benefit from instruction in the least restrictive setting must be reviewed. The cost including non-medical care and room and board will be offered at no cost to the parents.

- (1) When a school, with the assistance of the SPED Director, identifies a student is a candidate for consideration for a residential placement, the SPED Director should contact the Superintendent to review the case.
- (2) An IEP should be scheduled to address current student needs. A plan is developed to include data, prescriptive interventions, who is responsible for implementing the interventions, taking the data and a timeline for data collection.
- (3) The team will review the full continuum of service options in the least restrictive environment before considering the need for a residential placement.
- (4) The team will develop or review a list of residential schools
  - a. The GADOE may be consulted for a list of resources and placement options.
  - b. The team looks at the list for the best fit and proximity to the district and services available.
- (5) The IEP team meets to review data collected, need for residential placement and write an appropriate IEP. Parents must attend this meeting to discuss consideration for residential placement.
- (6) The district obtains consent to release records from the parent.
- (7) The district contacts the residential placement facility to discuss available services.
- (8) Information is shared with the residential facility to initiate the residential school's review of the student information.
- (9) Referral Packets are forwarded to the selected residential schools without delay.
  - a. In certain circumstances a student's needs may dictate that the referral process be expedited.
  - b. In these cases, steps may be combined to expedite the process.

- (10) Parental concerns regarding a recommended residential placement should be fully considered and discussed, however the decision to accept or reject a particular residential placement cannot be based solely on a parent's objection or recommendation.
- (11) The residential facility responds with a decision about acceptance.
- (12) If the residential facility accepts the student and the YHALE deems placement is appropriate based on student's needs, the SPED Director and the school will make arrangements for the student's entrance into the program and conduct an amendment meeting to update the IEP to include transition planning.
- (13) The committee will write a global plan to determine target behaviors and expected progress criteria for exiting the residential setting.
- (14) Contract and payments will be scheduled following the YHALE Budgeting and Purchasing guidelines.

### **Ensuring FAPE for Students Publicly Placed in a Residential Setting or Outside Agency**

- (1) Once the student is enrolled at the residential facility or outside service agency, the SPED Director will arrange monthly phone conference meetings with the facility. The purpose of these conferences will be to discuss the following topics. This list is not exhaustive and any other relevant issues should be addressed.
  - a. Attendance data
  - b. Academic progress or concerns and Behavioral progress or concerns
  - c. IEP
  - d. Medical issues that may impact students' progress towards IEP goals or academic growth
  - e. Student and parent concerns
  - f. Review of Exit Plan and students' readiness to return to a lesser restrictive environment.
- (2) As agreed to by the District and Facility/Agency, the Residential Facility or Outside Service Agency shall submit in writing materials to support IEP goal progress, work samples, behavioral data to the Region Program Manager to the case on a monthly basis.
- (3) The local special education director will arrange conferences with the parent, guardian, or student at a minimum of once per progress reporting period. The purpose of these conferences will be to discuss student progress and review readiness to move into a lesser restrictive environment.
- (4) As appropriate, the special education director will arrange visits to the facility a minimum of once per semester of the academic school year. Additional visits will be arranged on a case-by-case basis.

### **EXIT FROM THE FACILITY**

- (1) When the facility data supports that a student may have met the exit criteria or because the placement may no longer be appropriate, the facility will contact the district to discuss scheduling a meeting.
- (2) When the facility with the assistance of the district determined that an IEP meeting is needed to discuss a possible change in placement either because they have met the exit

criteria or the placement is no longer appropriate, the district will schedule an IEP meeting to write an appropriate IEP and discuss placement options.

a. Timely notification of a mutually agreed upon time and date must be given to the Parent, guardian and student as appropriate. These individuals must participate in this meeting.

b. The IEP committee will discuss all areas of concern, the exit plan and develop an IEP.

(3) If the decision is to return to the district, an appropriate IEP addressing transition from residential placement to the district along with services and supports to be provided by the district will be written.

a. The district will undertake all reasonable efforts along with the full continuum of service before determining the continued need for or exit from a residential placement.

b. Parents sign consent for placement based on the services written in the IEP.

(4) If the decision is to change the students' placement to another residential facility, the district will follow the same process for placing students for an initial residential placement.

a. Referral Packets are forwarded to the selected residential schools without delay. I. In certain circumstances a student's needs may dictate that the referral process be expedited.

b. Parental concerns regarding a recommended school should be fully considered and discussed, however the decision to accept or reject a particular residential school cannot be based solely on a parent's objection or recommendation.

c. Residential Placement responds with a decision about acceptance.

d. If the residential school accepts the student and the YHALE deems placement is appropriate based on student's needs, the SPED Director and the school will make arrangements for the student's entrance into the program and conduct an amendment meeting to update the IEP to include transition planning.

e. Parents sign consent for placement based on the services written in the IEP.

f. The committee will write a global plan to determine target behaviors and expected progress criteria for exiting the residential setting.

g. Contracts and payments will be scheduled following the YHALE Budgeting and Purchasing guidelines.

## **SECTION 9:**

### **PERSONNEL, FACILITIES, SERVICES AND CASELOADS**

The YHALE tracks and monitors all incoming staff and monitors to create plans with current credentialed staff to ensure highly qualified personnel unless otherwise specified under a program area. Records are maintained of current credentials and/or plans for all staff.

All staff members are monitored to ensure that they hold required standard credentialing. Individuals found to be out of compliance are contacted by the SPED Director and assisted in creating a plan to either meet the credentialing requirement or apply for additional positions. The YHALE Special Education Department works directly with the YHALE staff to provide trainings, support, and recruiting of highly qualified personnel and assist with state and federal reporting requirements. Job posting are available under the Employment Opportunities tab on the YHALE website and TEACH GEORGIA.

#### **Maximum Class Size and Caseloads by Eligibility Category**

YHALE shall provide a classroom of suitable size in a distraction free area required by the type of programmer services to be established, with appropriate furniture, materials, supplies and equipment to meet the needs of the class or individual children to be served.

YHALE monitors facilities and caseloads to ensure that classrooms provide the necessary space and furnishings appropriate for instruction through reviews, FTE review, and school facility visits. If there are questions concerning caseloads or facility use or space:

- For questions regarding facility use or size, the Principal should contact the SPED Director.
- For questions regarding caseloads or class sizes, the Principal or Case Manager should contact the SPED Director.

YHALE takes reasonable steps to ensure that children who are blind or other print disabled receive print instructional materials that are specialized and in an accessible format as determined appropriate by the IEP committee.

YHALE ensures that all students have access and the opportunity to participate in regular physical education unless the opportunity is not afforded to children without disabilities in the same grade. Exceptions include students who are enrolled full time in a separate facility or who require specifically designed physical education per the IEP. If the IEP specifically designs the physical education, the district is responsible to provide the services to make arrangement for the services to be provided.

YHALE requires that students in all schools have access and opportunities to the same educational programs and services available to nondisabled peers to include electives, art, music, etc.

#### **FEEDING & SWALLOWING FOR SWDs**

YHALE recognizes that many students have medical and developmental needs that may require an evaluation and/or intervention in the areas of feeding and swallowing in order to

access, participate, and progress in their curricula. In order to provide FAPE for students with these needs, the district ensures that the needs of the students are met.

#### Special Diets Procedure:

- (1) Obtain Diet information
- (2) Parents or Guardian must complete a form and get signed by the child's physician.
- (3) Return the completed form to the SPED Director.
- (4) The Director and case manager will discuss and design a plan of action to accommodate.
- (5) Be sure the IEP indicates the special diet requirements.
- (6) The Director will meet with key people involved in the student's status, which might include the Parent, Principal, Teacher, Case manager, Cafeteria personnel, etc.

#### Feeding and Swallowing Disorders Interdisciplinary Team Suggested Roles

- Parent-The parent of the student is a very integral member of the interdisciplinary team. Parental signed consent is required for the district and school staff to share and receive medical information with the student's medical staff.
- Teacher-The teacher will help evaluate students and implement their intervention plans.
- Paraprofessional-Support personnel may play a role in evaluating students and implementing their intervention plans.
- Occupational Therapist (OT)-The Occupational Therapist can address pre-feeding, oral phase of eating, selection of appropriate utensils in the school environment, limited use of upper extremities, sensory (e.g. tactile defensiveness), and the training and evaluation of others who carry out eating/feeding interventions during school day.
- Physical Therapist (PT)-The Physical Therapist will provide input to the school team that includes positioning (tonal issues, head/trunk control), seating option (e.g., wheelchair, adapted chair), and assistance with assistive technology needs.
- Speech and Language Pathologist (SLP)-The SLP can assist with identifying students at risk for feeding and swallowing disorders; the SLP mentor addresses any oral motor issues, lip closure, and sucking concerns.
- CareConnect- The PA can address any medical interventions for students with swallowing disabilities, including precautions to prevent aspiration, oral feeding, non-oral methods (tube feeding, IV feeding, emergency care, positioning (in collaboration with OT and PT), safety and surveillance, referral and ongoing communication with medical teams, and nourishment preparation.

## **SECTION 10:**

**DISCIPLINE (GEORGIA RULE 160-4-7-.10)** Local educational agency (LEA) personnel must follow specific procedures when they discipline children with disabilities. Removals of children by LEA officials refer to out-of-school suspensions (OSS), expulsions, or other disciplinary actions resulting in children not receiving a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA). All schools in Georgia have a code of student conduct and school rules. This information is usually shared in a handbook that is provided at the time of enrollment. Parents, children, educators, and administrators need to know what the code of conduct and rules are, and all children are expected to follow them, including children with disabilities. Disciplinary procedures outlined in this section pertain to all children with disabilities in any category of eligibility who violate the code of student conduct.

In YHALE we believe that parents, students, and school staff are each vital parts of the MTSS, 504, and IEP committees. Their input is crucial for creating a successful behavior intervention plan for students with challenging behaviors.

YHALE provides written guidelines for disciplinary procedures and appeals with the parent rights presented to parents when they enter the district, annually and at each disciplinary removal that may constitute a change in placement, Manifestation Meeting, Initial and Redetermination Eligibility Meetings.

Individuals with Disabilities Education Act (IDEA) require the use of Functional Behavioral Assessments (FBA) and the consideration of PBIS. This means:

- The Individualized Education Program (IEP) team should consider the use of Positive Behavioral Interventions and Supports for any student whose behavior impedes his or her learning or the learning of others.
- A Functional Behavioral Assessment should be conducted when a child who does not have a Behavior Intervention Plan is removed from their current placement for more than 10 school days (e.g. suspension) for behavior that turns out to be a manifestation of the child's disability.
- A Functional Behavioral Assessment, when appropriate, should be used to address any behavior that results in a long-term removal.
- Positive Behavior Interventions and Supports involve four basic components:
  - Identifying the purpose of challenging behavior
  - Teaching appropriate alternative responses that meet the needs served by the challenging behavior
  - Consistently rewarding positive behaviors and minimizing the rewards for challenging behavior,
  - Minimizing or altering the physiological, environmental, and curricular events that trigger challenging behavior.
- Examples of PBIS strategies include altering the classroom environment, increasing predictability and scheduling, increasing choice making, adapting the curriculum, appreciating positive behaviors, and teaching replacement skills. There are

several other positive behavior interventions that can be used. For a more comprehensive list, please visit [www.pbis.org](http://www.pbis.org).

### School-wide Positive Behavior Supports

The mission of schools is to provide proactive opportunities for students to achieve in the school setting. There are three primary and interrelated expectations that enable participation, contribution, and success in schools, communities, and post-school outcomes. These expectations are Academic Skill Competence; Social Skill Competence; and Lifestyle Skill Competence.

In order for schools to address problem behavior successfully, best practice is to place an increased emphasis on proactive approaches rather than reactive behavior management. Proactive approaches to discipline for all students include expectation of more socially acceptable behaviors that are directly taught, skills that are regularly practiced in the school environment by staff and students, and frequent recognition of everyone in the school environment in the performance of these behaviors.

The Individual Education Plan team works to create plans that include interventions based on Positive Behavioral Supports, instruction in areas of behavioral weakness and discipline that is based on intervention, data collection, multi-disciplinary team decision making. Team members needing training in the areas of Positive Behavioral Support should contact the SPED Director.

### DISCIPLINE

School personnel should follow specific procedures when they discipline students with disabilities. In this manual, removals of students from the classroom by school officials refer to any removal from the classroom which results in the student missing instruction from In-School Suspension, Out-of-School Suspensions (OSS), sent home for the day, or other disciplinary actions of students under the Individuals with Disabilities Education Act. It is important to understand a removal from the classroom could also include removing a student to a partner teacher's room if the same instruction isn't being provided.

Questions concerning disciplinary actions for students with disabilities should be addressed following the continuum of communication that follows:

- Begin with the Student's Case Manager
- the School Administrator
- the Special Education Director
- and following the process for contacting the Georgia Department of Education (GaDOE) in parental rights.

If parents determine that they cannot get assistance at the school level, they may at any point contact the Special Education Director of Georgia. While we work to ensure that parents' concerns are addressed at the school and district level, parents are informed they may contact the GaDOE at any time.



YHALE has a code of student conduct and school rules. A handbook is given out at the time of enrollment. Parents, students, educators, and administrators need to know what the code of conduct and rules are, and students with disabilities should be expected to follow the rules that are in effect for all of the students in the school. School personnel must consider unique circumstances on a case by case basis to determine disciplinary actions for students with disabilities. The disciplinary procedures described in this chapter pertain to all students with disabilities in any category of eligibility who violate the code of student conduct unless the IEP team determines that a student is unable to follow the district code of conduct. This statement must be included in the Individual Education Plan and reviewed at each annual review or amendment.

Students with disabilities should be expected to follow the YHALE code of conduct and the school rules. A student with a disability, who has an active IEP, can be removed to Out of School Suspension, In-School Suspension, or an appropriate interim alternative educational setting, just as any other student without a disability, for up to a total 10 school days per school year, for violations of the code of conduct or school rules. The 10 days can be consecutive or cumulative and can occur during one school year.

As a student nears the 10-day limit of days of ISS or OSS, at day 7, it is necessary for the IEP team to meet and discuss the behavioral concerns. It is the team's responsibility to determine if it is necessary for a Manifestation Determination to be completed, a FBA to be conducted, a BIP developed, or for any special education services to be provided. Services for suspensions of less than 10 days are only required if they are provided for non-disabled peers.

Disciplinary actions and punishments for Students with Disabilities should be considered on a case by case basis with consideration of unique circumstances. YHALE must consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this Rule, is appropriate for a child with a disability who violates a code of student conduct.

Students who are in ISS must continue to have access to the general curriculum and peers, the services prescribed in their IEP, and to progress toward the goals in the IEP. ISS **does** count towards the 10 days of discipline removal. The school must have documentation to support these areas for each student assigned to ISS.

#### PROCEDURE FOR REVIEWING DISCIPLINE DATA:

- Caseload teacher will review discipline data in Infinite campus the first week of each month for their students.
- Caseload teacher will contact the SPED Director to investigate removals or ISS over 6 days and review the IEP.
- The Case Mangers, SPED Director, and school administration will meet to review removals to determine if frequent independent removals demonstrate a pattern that constitutes a change in placement.
- If appropriate, the SPED Director will schedule an IEP meeting to discuss any additional Present Level of Academic Achievement and Functional Performance information,

review of goals/accommodations/services of need for an FBA, BIP or BIP update to include Positive Behavioral Strategies.

- School administration will be contacted monthly by SPED Director to indicate which students are beyond 6 days of removal and may need to be monitored for compensatory services.
- The school should work with the SPED Director to determine the need for how compensatory services should be provided at the school level.
- A meeting will be held with SPED Director, school administration, and IEP team with minutes taken to create a written plan for what compensatory services will be offered, who will provide the compensatory support, how many hours of services will be provided, and a timeline for services.
- In cases where a student with 10 days of classroom removals commits a weapon, drug, or serious bodily injury offense, the administration should contact the SPED Director to arrange an emergency IEP meeting to discuss placement needs. This should occur before any further removals from the classroom occur.

### **Implementation and Monitoring of the Behavior Intervention Plan:**

#### **During pre-planning, each case manager will:**

- review all IEPs on their case load for accuracy and timeliness.
- ensure that all staff members have knowledge of all students with disabilities that they work with, have access to the IEP and Behavior Intervention Plan and have reviewed the requirements.
- ensure that all staff members assigned a student with a Behavior Intervention Plan receive a hard copy of the plan and sign for receipt each time it is updated. Retain a copy of these forms at the school and send originals to the special education director's office.

**NOTE: THERE ARE NO EXCEPTIONS MADE TO THIS RULE! FAILURE TO DO SO WILL RESULT IN WRITTEN REPRIMAND.**

- review behavioral data to determine if there is no change or an increase in behaviors, which will require a meeting to review the FBA/BIP, IEP, request consultation, etc. If there is a decrease in the target behavior, the current intervention will be continued.
- check with all staff serving the student at each notification of ISS or OSS to ensure that the IEP and/or BIP are being implemented and to determine if a meeting needs to be scheduled.

#### **Special Education Caseload teacher will:**

- compile a behavior notebook (electronic or hardcopy) to include the Behavior Intervention Plans for all student, monthly behavior data reviews and students assigned
- review discipline data monthly and meet to discuss any students with more than 6 days OSS or ISS.
- request parent conferences for student with patterns of behavior that receive OSS or ISS.
- schedule IEP meetings for students over 6 days of OSS or ISS with multiple events to review for the need for and FBA/BIP or to update the BIP and/or IEP.
- after review with the principal, compile a list of any students over 10 days in OSS or ISS.
- track and monitor compensatory service needs.

**The School with the assistance of the Principal will:**

- ask about the implementation of the BIP when an office referral is submitted.
- request to see documentation of BIP implementation and data when students have more than 2 disciplinary events or more than 6 days of OSS.
- provide annual training on staff duties and responsibilities for implementing the IEP and BIP.
- notify the case manager or lead at each ISS or OSS for a SWD.
- ensure that FBA and BIP training are provided for all new staff and any staff having difficulty with behavior management.
- create regularly scheduled opportunities (weekly or bi-weekly) during planning, meetings, before or after school or as school determines appropriate for their setting for departments, teams, or grade levels to review BIP requirements for individual students they service or work with
- update disciplined data within 5 days of the event as required for documentation purposes.
- monitor and make corrections within 3 days of notification for disciplinary events skewed by human input error.
- indicate on the discipline notice that parental rights were provided if the student is at or over 10 days of OSS.

**Principals along with the SPED Director will:**

- track and monitor any student at 10 days of OSS and work with school personnel to create plans that prevent additional suspensions from being given.
- ensure that all staff participate in mandatory training provided through the district and hold staff accountable for not implementing BIPs, IEPs, and school expectations through the teacher evaluation process.
- ensure that administrative staff read and are familiar with all student with IEPs.
- ensures that the SPED Director participates in all IEPs for students with over 6 days of OSS or significant behavioral concerns.
- ensures that all support personnel are familiar with their students with disabilities, including bus drivers
- ensures that the IEP is reviewed before suspension of a student with a disability.
- work to build a school climate that uses positive interventions to change behavior
- ensures that teacher with significant discipline referrals participate in training on de-escalation techniques.
- provide training on positive behavior interventions and classroom management for faculties as deemed appropriate.
- work to involve parents in discipline and academics for their children, when possible.

**For Removals of TEN or fewer day after review of the individual student for unique circumstance**

A short-term suspension is one in which the student is removed from class up to 10 cumulative school days in a school year.

- This does not constitute a change in placement, consequently, the student is subject to normal discipline guidelines whether or not there is a casual connection between the student's disability and the misconduct.

- Removals for one or more days must be considered at short-term suspensions.
- A suspension of bus privileges resulting in a student's absence from school would be considered a short-term suspension.
- Services must only be provided if they are provided for non-disabled peers.
- IEP Case manager and student's parent are notified of each removal (in writing, including reason for removal and number of days)
- YHALE requires Timely and Accurate Tracking system where disciplinary events for all students must be entered into student information system with 5 school days of disciplinary action.

### Functional Behavioral Assessment and Behavior Intervention Plan

A Functional Behavioral Assessment and Behavior Intervention Plan must be completed for any child whose:

1. Behavior impedes his/her learning or the learning of others (i.e., observable and measureable behaviors such as throwing objects, disruptive outbursts, physical aggression.
2. Behavior is chronic. Ten incidences of the behavior in ten days of data collection remain statistically viable.
3. Behavior has resulted in a pattern of three or more disciplinary referrals to the office for similar offenses during the nine-month period.

### Procedure for FBAs and BIPs:

- Meet with the parent and the committee to discuss the need for additional data needed for present levels of educational performance and educational needs. List the target behavior(s) for the student in question for which you will be collecting the data. Obtain parental permission to complete a FBA and BIP.
- Articulate those behaviors (one or two preferably, no more than three) in observable terms.
- Identify and modify the setting events, antecedents, consequences and student responses, per training guidelines.
- As a behavior team, agree on what each target behavior looks like, so there will be no confusion over what to chart.
- Train all observers how to code the start/end times, setting events, antecedents, and other information contained in the Data Chart.
- Collect data per FBA guidelines.
- Analyze the data from the Data Charts as a substantial piece of data in determining the function, frequency, and duration of the behavior.
- Interviews (parent, student, and teacher), rating scales, attendance records, discipline data, grades, and similar data are also important elements to review as you complete FBA.
- Use the FBA to draw conclusions and a hypothesis for the behaviors. The information documented should include the following:
  - When this occurs (describe circumstances/antecedents),
  - The child does (describe target behavior)
  - To get/to avoid (describe consequences)

- Complete the Behavior Intervention Plan document based on the information obtained from the Functional Behavior Assessment.

The goal is to proactively minimize/eliminate the inappropriate behaviors by replacing them with acceptable alternative behaviors that provide the same/similar reinforcement to the student. In other words, fulfills the function of the inappropriate behavior with an acceptable alternative behavior. Remember, it takes one month of CONSISTENT intervention to effectively change one year of behavior patterns.

### **Completed FBAs and BIPs**

Upon completion of a FBA/BIP, documents are presented at the IEP meeting. Once accepted as part of the IEP, a copy of the BIP needs to be given to the parents, building principal, assistant principals, and counselors. All regular education teachers are related service providers who work with this student and must also be given a copy of the BIP as well as training on how to implement the plan. Similar to the goals/objectives, data must be maintained on the target behaviors. A progress monitoring system will need to be completed that tracks the effectiveness of the prescribed interventions. This data will be reviewed and reported at least once every 9 weeks at designated Progress Report dates, and be considered if a BIP needs to continue, be revised, and/or a new FBA completed. The FBA needs to be maintained as a working document by the Case Manager.

YHALE recommends attaching a BIP to all IEPs developed for serving students who are placed in the EBD category. If one is NOT developed, there should be sufficient documentation to indicate the reason(s) that the IEP team does not feel that a BIP is necessary.

### **DISCIPLINARY ACTIONS BEYOND 10 DAYS**

When frequent disciplinary actions add up to more than 10 school days in a school year, or when frequent disciplinary actions clearly indicate a pattern that is a change in placement, the IEP team must determine appropriate services that allow the student to continue to participate in the general education curriculum and progress toward meeting the goals outlined in the student's IEP, although in another setting. The Local Education Agency (LEA) must determine on a case-by-case basis whether a pattern of removals constitutes a change in placement. A change in placement occurs if:

- The removal is or more than 10 consecutive school days, or
- The child has been subjected to a series of removals that constitute a pattern
  - a. Because the series of removals total more than 10 school days in a year;
  - b. Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals, and;
  - c. 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.
- YHALE determines on a case-by-case basis whether a pattern of removals constitutes a change of placement.

The determination of a pattern of removals is subject to review through due process hearings and judicial proceedings.

If school officials want to suspend a student from school which culminates in more than 10 consecutive school days, for a removal that constitutes a pattern of removals or to have a student's educational setting changed to an interim alternative educational setting that may be up to 45 school days for weapon or drug possession or for infliction of serious bodily injury on another person:

- On the day the decision is made for a removal that constitutes a change of placement, the school administration must notify the SPED Director and provide the parent with written notification of the decision and provide a copy of the Parental Rights,
- A manifestation meeting must be held within 10 days of the event and followed by the IEP Team placement meeting.
- In cases involving a tribunal offense the Manifestation and Tribunal must take place within 10 days of the offense.
- Procedures must be followed in regards to: Students with Disabilities Referral to Tribunal Procedures for Special Circumstances: Weapons, Drugs, Serious Bodily Injury. (Incident occurs where students may need an alternative placement.)

#### **PROCEDURES FOR DETERMINING A PATTERN OF REMOVALS:**

- The SPED Director, case manager, and school administration will meet to review frequent removals of up to 8 days to specifically determine if frequent independent removals demonstrate a pattern that constitutes a change in placement.
- The team will review each student on a case by case basis.
- If it is determined that the removal does constitute a change in placement or the team deems it appropriate, the SPED Director will schedule an IEP meeting to include a minimum of one of the student's teachers to discuss any additional PLAAFP information, review of goals/accommodations/services or need for an FBA, BIP or BIP update to include Positive Behavioral Support strategies and to determine the extent to which services will be provided.

#### **MANIFESTATION DETERMINATIONS**

In *Vandygrift vs. Turlington*, the court stated the following conditions for expulsion for behavior.

1. The child cannot be expelled for behavior which is a manifestation of the handicapping condition (i.e., a deaf child not paying attention in class).
2. It is the responsibility of the school system to determine and prove that the behavior is not a manifestation of the handicapping condition.
3. The Board of Education cannot make the determination. It must be done by a trained group much like the IEP Placement Committee.
4. Even when the behavior is determined not to be a manifestation of the handicapping condition, and expulsion occurs, IDEA requires the education of all handicapped children, and services cannot be withheld.
5. Expulsion is a change in placement, and due process safeguards must be implemented.

6. Expulsion is a proper disciplinary tool, but denial of educational services is not permitted.
7. A special education student may be expelled from school, but services cannot be terminated.

Within 10 school days from the beginning of a disciplinary action that either exceeds 10 school days in a row or that constitutes a pattern of removals (a change in placement), the student's IEP team must meet to determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct was a result of the district's failure to implement the student's IEP.

In making the manifestation determination, the IEP team will review the student's IEP, BIP to include positive behavior supports, teacher observations, and parent information. SPED Director and School Administration are mandated to attend all Manifestation Determination Meetings. In situations where an alternative school placement may be discussed during the subsequent IEP meeting, the SPED Director must be in attendance and a staff member from the alternative school must have input into the IEP.

If the IEP team finds that the student's behavior was caused by or had a direct and substantial relationship to the student's disability, or that the behavior was a direct result of the district's failure to implement the IEP, then the behavior is a manifestation of the student's disability. In this case the student must be returned to the placement from which the student was removed, except in cases involving weapons, serious bodily injury, or illegal drugs or controlled substances, unless the parent and the district agree to a change in placement. A FBA must be conducted and an appropriate BIP implemented or updated. The team will create a plan outlining which data to collect, the length of time to collect the data and who will be collecting it based on student need. A minimum of 10 school days of student data is typically required but should be determined on a case by case basis.

If the IEP team finds that the student's behavior was not a manifestation of the student's disability, the same disciplinary actions can be imposed on the student with a disability as those imposed on any student (with exception of duration). If these actions include expulsion, the IEP team must determine how the student will continue to receive educational services that allow him or her to continue to participate in the general education curriculum and progress toward meeting the goals in the IEP. In addition, the IEP team, if appropriate, will conduct a FBA and develop a BIP.

### **Notification**

Parents must be notified of the decision to take disciplinary actions that involve a change in placement and be provided with a copy of their parental rights no later than the date on which the decision to take the action is made. This is not necessarily the same day the behavior occurred—rather the day the decision is made to take the subsequent action (removal/expulsion).

The manifestation determination must be conducted before the committee deems a tribunal referral is necessary, except cases that are a tribunal offense. These involve weapons, serious bodily injury, or illegal drugs or controlled substances.

### **PROCEDURES FOR MANIFESTATIONS:**

SPED Director contacts parents to discuss the need for a manifestation meeting and to determine if they will waive their rights to timely notice. If they will not the meeting should be scheduled 3 to 5 days from the event.

- SPED Director schedules manifestation meeting by working with team members to determine a mutually agreed upon time and day within the timeline.
- Notification is sent to all members.
- Paperwork is completed and entered into Infinite Campus.
- Original paperwork with signatures is submitted to the Superintendent and filed in SPED folders.

### **TRIBUNAL CONSIDERATION**

In cases where the IEP team considers a Tribunal Referral is necessary, a Behavior Intervention Plan must be in place with data to support such referral. If a BIP is not in place the following must occur:

- The IEP team must conduct a FBA, unless the district had conducted one prior to the behavior; and a BIP should be implemented.
- If a BIP is already in place, then the IEP team must review the existing BIP; and the IEP team must make changes needed in the BIP to address the behavior, except in cases involving weapons, serious bodily injury, or illegal drugs or controlled substances, unless the parent and the district agree to a change in placement.

The school conducts a tribunal to determine guilt or innocence when a student is accused of a serious or repeated violation of the code of conduct (only if guilt is denied). The tribunal does not determine placement, the IEP committee determines the placement of the student that ensures he or she continues progress toward meeting the IEP goals and accessing the general education curriculum.

### **SPECIAL OFFENSES:**

Certain serious behavior problems can lead to a student being moved to an alternative educational setting for up to 45 school days, even if the conduct is determined to be a manifestation of the student's disability. Removing the student for these offenses does not require parent consent or agreement, nor does it require a tribunal hearing. These offenses involve:

1. Weapons-If a child carries or possesses a weapon as defined in 18 U.S.C. § 930(g)(2) – (a device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that the term does not include a pocketknife with a blade of less than 2 1/2 inches in length).
2. Drugs-If the child knowingly possesses or uses illegal drugs or sells or solicits the sale of controlled substances (illegal drugs are a controlled substance not legally possessed or used under the supervision of a licensed health care professional, or legally possessed or used under any other authority under the Controlled Substances Act (21 U.S.C. § 1812) or under any other provision of federal law. A controlled substance is a drug or other substance identified under Schedule I, II, III, IV, or V in the Controlled Substances Act); and



3. Serious Bodily Injury-If a child has inflicted serious bodily injury upon another person (injury that 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 (18 U.S.C. § 1365(3)(h))).

#### **PROCEDURES FOR SPECIAL OFFENSES:**

- Administration contact SPED Director to indicate special offense infraction.
- Administration contacts parents to discuss special offense infraction and recommended disciplinary action.
- When parents receive disciplinary notification, administration provides them with a copy of the parental rights to include the procedures for appeals.
- Administration submits paperwork to SPED Director.
- The SPED Director will contact the parents for a manifestation and IEP meeting and to determine if they will waive their rights to timely notice. If they will not, the meeting should be scheduled 3 to 5 days from the event.
- The SPED Director schedules manifestation by working with the team members to determine a mutually agreed upon time and day within the timeline.
  - Notification is sent to all members.
  - The Manifestation Agenda is followed during the meeting.
- If consensus is reached, an IEP meeting is held and the IEP agenda is followed.
- If the Manifestation committee determines that the behavior was a manifestation, the committee reviews the Present Level of Academic Achievement and Functional Performance (PLAAFT), FBA, BIP, and student services to include determining if up to 45 days at an alternative sight is appropriate for the individual student for the special offense.
- If the Manifestation consensus is that the behavior was not a manifestation, the committee reviews the student services to include which services will be appropriate and if/how long the student will be served in the alternative setting.
- Paperwork is completed and uploaded into Infinite Campus.
- Original paperwork with signatures is submitted to the SPED office with a copy to school principal.

#### **Within 24 hours of the infraction the school will:**

- Submit Discipline Referral to the SPED Director.
- Contact the parent to schedule a Manifestation Meeting.
- Review individual student for unique circumstances.
- Provide Parental Rights to the parent with notice of disciplinary event.
- The referral is reviewed by the Administration team and SPED Director to determine if offense warrants tribunal and if so a tribunal is scheduled. A hearing must be held within 10 days of the 1st day of OSS.
- Offer a Tribunal Waiver to include the Principal's recommendation.

#### **If the parent agrees with the offense and signs a waiver and the offense has been accepted by the Administration team and SPED Director:**

- Conduct a Manifestation Determination If behavior IS a manifestation, must review BIP and/or conduct FBA and discuss appropriate placement based on individual student need and

circumstances. If behavior IS NOT a manifestation, as appropriate with supporting documentation, review BIP and/or conduct FBA.

- Convene an IEP placement meeting of relevant members of the IEP team.

When the parent disagrees and appeals, the student will remain in the interim alternative educational setting pending the hearing decision or until the expiration of the IEP driven time frame if the infraction involved illegal drugs, controlled substances, weapons, or serious bodily injury, unless the parent and the district agree otherwise. The parent is advised that they can appeal the IEP and/or Manifestation decision to the SPED Director by submitting an appeal form with 72 hours of the decision.

### **Students with Disabilities Referred to Tribunal Procedures for Infractions other than Special Circumstances:**

Within 24 hours of the infraction the school will:

- Submit Discipline Referral to the SPED Director.
- Contact the parent to schedule a Manifestation Meeting.
- Review individual student for unique circumstances.
- Provide Parental Rights to the parent with notice of disciplinary event.
- The referral is reviewed by the Administration team and SPED Director to determine if the offense warrant tribunal and if so a tribunal is scheduled.
- A hearing must be held within 10 days of the 1st day of OSS.
- Review individual student for unique circumstances.
- Offer a Tribunal Waiver to include the principal's recommendation.

If the parent agrees with the offense and signs a waiver and the offense has been accepted by the Administration Team and the SPED Director:

- Conduct a Manifestation Determination.
- If the student pleads guilty to the offense, no Tribunal Hearing is necessary.
- If the student denies guilt, A Tribunal Hearing must be held within 10 days of the 1st day of Out of School Suspension.
- The Manifestation Meeting must be held within 10 days of the offense.

If the parent agrees with the offense & the Manifestation Committee agrees that the infraction Is a Manifestation of the student's disability:

- Convene an IEP meeting to determine if a FBA/BIP is needed or needs to be revised. If a change in placement is warranted (i.e. continuum of services) the IEP Team discusses logical consequences for the offense.
- A more restrictive environment may be an option

If the parent agrees with the offense & the Manifestation Committee agrees that the infraction **is NOT a Manifestation** of the student's disability and the offense has been accepted by Administration Team:

- Convene an IEP meeting to determine if changes need to be made to the FBA/BIP and if a change in placement is warranted and to discuss logical consequences for the offense.
- If the IEP meeting determines an alternative placement is warranted the parent signs an Agreement to Place in an alternative setting and signs a Tribunal Waiver.

- The SPED Director will complete the assignment and arrange for placement in an alternative setting.

If the parent does not agree with the manifestation or that the offense occurred and it is a Violation of the Student Code of Conduct, a Tribunal Hearing will be scheduled to determine guilt or innocence and make a recommendation.

- IEP meeting is scheduled to be held after the tribunal hearing when the tribunal is scheduled.
- Manifestation Meeting is held to review alleged offense.
- If the Tribunal renders a guilty verdict with a recommendation:
  - Convene and IEP meeting immediately following the tribunal to determine if changes need to be made to the FBA/BIP and if a change in placement is warranted and to discuss logical consequences for the offense.
  - If the IEP meeting determines an alternative placement is warranted the parent signs an Agreement to Place in the alternative setting. ○ The SPED Director will complete the assignment and arrange for services in the alternative setting.

If the parent does not agree with the decision of the Tribunal, an appeal can be made to the YHALE Governing Board within 20 days of the decision. This procedure will be shared with the parent at the end of each tribunal and will be included in the parental rights.

If the Tribunal renders an innocent verdict: the student returns to the placement from which the student was removed at the time of the incident.

If the parent does not agree with the Manifestation Committee decision when a Special Circumstance is not involved:

- The parents will be given the option by the SPED Director to appeal through the submission of the Manifestation Determination Appeal Form within 48 hours.
- An IEP Meeting is not held.
- The SPED Director will notify school administration and the Superintendent if an appeal is sought and will render a decision in writing and provide a copy to the parent, the principals, assistant principals, case manager, and Superintendent within 72 hours of the appeal.
- If the parent disagrees with the SPED Director's appeal decision, the parent will be advised of their parental rights to appeal the decision through the Expedited Due Process Procedures.

If a committee member is not in agreement with the Manifestation Committee decision:

- The committee member must submit a Manifestation Determination Appeal Form within 48 hours to the SPED Director. The SPED Director will render a decision in writing and provide a copy to the parent, the principals, assistant principals, case manager, and Superintendent within 72 hours of the appeal.

## **APPEALS**

A parent may appeal the manifestation determination and/or the selection of an interim alternative educational setting to the Director of Program for Exceptional Students or their designee. The appeal and decision will be completed within 72 hours of receipt of the disagreement in writing.

### PROCEDURE FOR APPEAL TO DIRECTOR:

1. The parent is provided with a copy of the parental rights upon entering the system, at the Initial Eligibility Meeting or Redetermination Meeting, at each Annual IEP Meeting, and at the Manifestation Meeting that includes the appeal process and when the student obtains 10 days of OSS or a change in placement.
2. At the conclusion of the Manifestation Meeting, the Administrative Team in attendance informs the disagreeing parent of the option to appeal the decision to the SPED Director.
3. The Administrative Team gives the parent a copy of the YHALE Appeal form to complete and sign.
4. The parent delivers the completed form to the SPED Director.
5. Within 72 hours of receipt of written appeal request, the SPED Director will review the information, investigate and make a decision regarding the manifestation determination.
6. The Program for Exceptional Students will inform the parent and the school of the final decision in writing.

**DISPUTE RESOLUTION** (GEORGIA RULE 160-4-7-.12) A resolution in a dispute with a local educational agency (LEA) over the rights and services afforded to children with disabilities and their families can be accomplished several different ways. The quickest and most efficient method is to contact the special education administration in the LEA. The special education director can often assist a family in working out the differences with minimal time and conflict. Parents or LEA personnel may also initiate a Facilitated IEP (FIEP) Team meeting with the Georgia Department of Education (GaDOE). When a resolution cannot be worked out locally, other processes are guaranteed to children with disabilities under the Individuals with Disabilities Education Act (IDEA). These include (1) mediation, (2) formal complaints, and (3) a due process hearing.

### **IEP TEAM MEETING FACILITATION**

Individualized Education Program (IEP) Team meeting facilitation is all about the student and helping the IEP Team overcome the pressure and anxiety often associated with a contentious meeting. IEP Team Meeting Facilitation is an optional process, not required by the IDEA, that state educational agencies (SEA) or LEAs may provide to parents and schools. A facilitated IEP (FIEP) Team meeting is the same as any other IEP Team meeting, except that a facilitator joins the meeting. The IEP facilitator makes sure that the focus of the Team remains on the best interests of the child. The facilitator is a skilled individual who has received specialized training in the area of conflict prevention and resolution through the IEP Team Meeting Facilitation process. The facilitator's primary goal is to assist team members in the thoughtful, productive construction of a quality IEP. This is achieved by encouraging and directing communication specific to the IEP and assuring that the members of the IEP Team are empowered in their participation and invested in the IEP. The facilitator is not a member of the IEP Team and cannot provide legal advice to any Team member. Rather, the facilitator will help the IEP Team create an agenda, ground rules, and desired outcomes, and address issues during the IEP Team meeting that produce tension within the Team so that the Team is able to find their own solutions. The facilitator will also guide the discussions during the IEP Team meeting by asking student focused questions. An FIEP Team Meeting:

- is voluntary, but must be agreed to by the parent and LEA
- is informal

- is helpful to guide communication among the IEP Team
- is free to both the family and the LEA
- is useful to prevent disputes
- has a high success rate
- can be used as often as needed

Procedures for Requesting a Facilitated IEP Team Meeting Parents or LEA personnel may initiate the Facilitated IEP (FIEP) Team meeting process by completing the IEP Team Meeting Facilitation Request form located on the GaDOE's website.

- Both the parties (LEA and parents or student if 18 years or older) must agree to participate.
- A complete and signed FIEP request form and notice of meeting must be submitted to the GaDOE at least 7-10 days before the scheduled IEP Team meeting.
- Upon approval, a facilitator will be provided at no cost to the parent or LEA.

Access to the FIEP Request form and other information regarding facilitated IEP Team meetings is located on the GaDOE's website: <http://www.gadoe.org/CurriculumInstruction-and-Assessment/Special-Education-Services/Pages/IEP-Facilitation.aspx>.

### **PREPARATION FOR A FACILITATED IEP TEAM MEETING**

Making decisions by consensus can take a long time. One of the most important aspects of a successful facilitated IEP Team meeting is the preparation prior to the meeting. The appointed facilitator will call both parties to gather information, issues/concerns, and desired outcomes from each party. Both parties should gather all documentation needed for the IEP Team meeting and bring it to the meeting. School staff should bring all forms that will or may be needed. Preparation will help expedite the meeting process. Preparation prior to the meeting includes, but is not limited to:

- The parent sending suggestions for the goal sheets to the school before the meeting;
- The school sending any current evaluation reports to the parent; and
- The parent sending the school any private evaluation reports he or she may have obtained. As with all IEP Team meetings, the location should provide ample space for the number of adults attending the meeting. IEP facilitators use charts during the meeting and wall space will be needed for the charts.

**MEDIATION (SEE 34 C.F.R § 300.506 AND GEORGIA RULE 160-4-7-.12)** When the parent and the LEA disagree about the education of a child with a disability, either may request mediation. An impartial or neutral person, called a mediator, assists the LEA and the parent in clarifying the problem, exploring interests, discussing options, and reaching a mutually agreeable solution. The mediator does not tell either party how to resolve the dispute, but he or she works with both in the development of their solution. If an agreement is reached, it is documented in writing and signed by all parties. The written agreement is a legally binding agreement and is enforceable in any Georgia court of competent jurisdiction, in a District Court of the United States, or through the formal complaint process. This informal and collaborative approach to problem solving can often foster a positive working relationship between the LEA and the family.

Mediators are trained in conflict resolution, collaborative problem solving, and effective communication. In addition, mediators for special education are required to have knowledge and

experience in the laws impacting the education of children with disabilities. The GaDOE has a set of qualified mediators under contract. When mediation is requested, a mediator will be assigned from that list.

#### MEDIATION:

- is confidential
- is voluntary
- is informal
- occurs in a short period of time
- is free to both the family and the LEA
- is less burdensome than a due process hearing or a formal complaint
- has a high success rate
- Can result in a legally binding agreement

#### **Procedures for Mediation**

- Either the parent and the student or the LEA may request mediation.
- The first step is to ask the other party if they are willing to mediate the disputed issues.
- If a family member is requesting mediation, you may contact the LEA's special education office, and LEA personnel will complete and/or forward the request for mediation and submit it to the GaDOE. A mediation request form is located on the Mediation Requests web page on the GaDOE website.
- Upon receipt, the GaDOE assigns the request to a mediator.
- The mediator will contact both parties to develop the timeline, set up the meeting location, and begin preparation.
- Mediation will occur at a location, date, and time convenient to both parties.
- Once parties have agreed to a date, time, and location, participants should be prepared to spend most of the day in mediation.
- If a resolution is reached, the mediator will facilitate the agreement, and all parties will sign the mediation agreement.
- After mediation, both parties are expected to carry out the activities they agreed to during the mediation as outlined in the agreement, which is a legally binding document.
- If mediation is being requested as part of a due process hearing or formal complaint, the mediation will not delay nor deny the right to a due process hearing or the complaint investigation. However, discussions during mediation are confidential and they cannot be used as evidence in any due process hearing or civil proceeding.

#### Preparing for Mediation

- Be prepared to define the problem and explain any concerns.
- Be prepared to state preferred resolutions.
- Be prepared to share information that will help clarify and resolve the problem.
- Be prepared to listen to the information and the points of view shared by others.
- Be prepared to keep an open mind. (Multiple solutions to a problem are often possible.)
- Be prepared to brainstorm with the other parties involved and to develop a creative solution to the problem.

## **FORMAL COMPLAINTS**

(SEE 34 C.F.R. §§ 300.151-300.153 AND GEORGIA RULE 160-4-7-.12) A formal complaint is a written, signed complaint alleging a violation(s) of the IDEA or of Georgia Special Education Rules. Any organization or individual may file a signed written complaint. The complaint must include:

- A statement that a public agency has violated a requirement of the IDEA or Georgia Special Education Rules;
- The facts on which the statement is based;
- The signature and contact information for the complainant; and if alleging violations with respect to a specific child, include the name and address of the residence of the child; the name of the school the child is attending;
- In the case of a homeless child or youth, include available contact information for the child, and the name of the school the child is attending;
- A description of the nature of the problem of the child, including facts relating to the problem; and a proposed resolution of the problem to the extent known and available to the party the time the complaint is filed;
- The complaint must allege a violation that occurred not more than one year prior to the date the complaint is received;
- The party filing the complaint must forward a copy of the complaint to the LEA or public agency serving the child at the same time the party files the complaint with the GaDOE.

### **Procedures for Filing a Complaint**

1. Formal complaints are filed in writing and sent to the LEA and the GaDOE, Division for Special Education Services and Supports (DSESS). A formal complaint form, which may be used to submit a formal complaint, is located on the Formal Complaint web page on the GaDOE website.

2. In addition to the LEA having the opportunity to present a proposal, the mediation process is also available. Mediation is available at no cost. Mediation is a non-adversarial process conducted by a qualified and impartial mediator who is trained in effective mediation techniques to resolve disputes. If both parties choose to participate in the mediation process, the complaint investigation may still proceed. The timeline for the complaint may be extended if both parties agree to extend the timeline while they participate in mediation. If both parties agree to mediation, a written agreement will be developed and implemented. Mediation is legally binding in a State or District court. If an agreement is reached and the complainant withdraws their complaint, the complaint will be closed. If agreement is not reached or if the complainant does not withdraw their complaint, the complaint investigation will continue, and a decision of compliance will be made by the GaDOE.

3. Upon receipt of the first written complaint, the LEA will provide a copy of procedural safeguards to the parent of a child with a disability.

4. If both parties indicate on the complaint form or through other means that they are interested in mediation, then the GaDOE will assign a mediator.

5. The LEA must provide a written response to the GaDOE DSESS and also send a copy to the person filing the complaint (with some exceptions). The DSESS requests that the LEA send this response within 10 days of receiving the formal complaint initiation letter. The DSESS will conduct an investigation to confirm details and to get clarification of the issues. The investigation may include interviews with the parties, observations, on-site visits, and other activities as indicated by the nature of the allegation.

6. The DSESS will give the complainant the opportunity to submit additional information in writing about the allegations of the complaint once it has seen the response from the LEA. If both parties reach an agreement and resolve the complaint before the GaDOE investigation is complete, the complainant may withdraw the complaint and the complaint will be closed without making a determination regarding compliance. If both parties go to mediation and reach an agreement and the complainant withdraws the complaint, then the complaint will be closed without a decision regarding compliance. If mediation is used and an agreement is not reached or if the complainant does not withdraw the complaint, then the complaint investigation will continue.

7. Within 60 days of the receipt of the complaint, the DSESS will issue a written decision that addresses each allegation in the complaint and contains findings of fact and determinations of compliance or noncompliance. The timeline may be extended to accommodate for mediation (if both parties agree) or other exceptional circumstances with respect to a particular complaint. When a violation of the law or regulations has occurred, a resolution will be required. The resolution may include technical assistance activities, compensatory services, reimbursement, and other corrective actions to achieve compliance.

8. Complaints that a LEA has failed to meet the requirements regarding children who are parentally-placed in private schools must be filed under the complaint procedures outlined above.

#### Why File a Complaint?

Filing a formal complaint provides an opportunity for anyone to express concerns regarding possible IDEA and state special education rule violations. The process is simple and user friendly.

As explained in the Parent Rights provided annually:

- The regulations for IDEA set forth separate procedures for State complaints and for due process complaints and hearings.
- Any individual or organization may file a State complaint alleging a violation of any IDEA requirement by a school system, the State Educational Agency, or any other public agency.
- Only a parent or a school system may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of a child with a disability, or the provision of a free appropriate public education (FAPE) to the child.
- While staff of the State Educational Agency generally must resolve a State complaint within a 60- calendar-day timeline, unless the timeline is properly extended, an impartial due process hearing officer must hear a due process complaint (if not resolved through a



resolution meeting or through mediation) and issue a written decision within 45- calendar days after the end of the resolution period, as described in this document under the heading Resolution Process, unless the hearing officer grants a specific extension of the timeline at your request or the school system's request.

- The State complaint and due process complaint, resolution and hearing procedures are described more fully in the parent rights.

Parents also have the right to appeal for an expedited due process hearing which will occur within 20 school days of the date the hearing is requested. Once an expedited due process hearing is requested, the determination must be made by the Administrative Law Judge within 10 school days after the hearing.

#### PROCEDURE TO APPEAL FOR AN EXPEDITED DUE PROCESS HEARING:

- A parent or school alleging a due process violation under IDEA, or his or her attorney, is required to provide a due process complaint notice to the other party (or their attorney) and the Georgia Department of Education. The party presenting the due process complaint must file this notice before a due process hearing can occur.
- The notice must include the name and home address of the child; the name of the school the child attends; in the case of a homeless child or youth, the child's contact information and the name of the child's school; a description of the nature of the problem, and a proposed resolution.
- If the district feels that the parent's due process complaint notice is insufficient, the system must notify the hearing officer in writing immediately in regards to an expedited due process hearing.
- The Administrative Law Judges (ALJs)/Hearing Officers then have up to 20 school days from the date of the hearing request.
- The ALJ/Hearing Officer must result in a determination within 10 school days after the hearing. They must immediately notify all parties in writing of the decision.
- Once the district receives a due process complaint notice, it must first determine whether it has provided prior written notice regarding the subject matter of the complaint. If it has not done so, the district must provide a response to the parent
- Prior written notice must contain the following:
  - An explanation of why the agency proposed or refused to take the action raised in the due process complaint.
  - A description of other options that the IEP team considered and the reasons those were rejected.
  - A description of each evaluation procedure, assessment, record or report the agency used to as the basis for the proposed or refused action
  - A description of the relevant factors in the school's proposal or refusal.
- If both parties are in agreement as noted on the due process complaint, a resolution session must occur within 7 days of the date the hearing is requested.
- The Resolution session must include a representative of the district who has decision-making authority on behalf of the district. The session may not include an attorney for the district unless the parent is bringing an attorney.
- If the parties reach an agreement, they must execute a legally binding agreement that is signed by the parent and the district representative.

- Either party may void the agreement up to 3 days after its execution.
- If the due process complaint is not resolved through this session, then the parties may proceed to a due process hearing which will be conducted within 15 days of the receipt of the hearing request by the Georgia Department of Education or a contracted impartial agent at no cost to either party.

When the parents disagree and appeals, the student will remain in the interim alternative educational setting pending the hearing decision or until expiration of the 45 school day time period if the infraction involved illegal drugs, controlled substances, weapons, or serious bodily injury, unless the parent and the district agree otherwise.

### **PROTECTIONS FOR STUDENTS NOT YET ELIGIBLE**

A student may assert procedures under the Discipline Rule if the district had knowledge that the student was a student with a disability. A district is deemed to have knowledge that a student was a student with a disability if any of the following occurred prior to the behavior that precipitated the disciplinary action:

- The parent expressed concern that the student was in need of special education and related services. (This concern must have been expressed in writing to supervisory or administrative personnel in the district, or to a teacher of the student.) The parent requested an evaluation of the student.
- The teacher of the student, or other district personnel, expressed specific concerns about a pattern of behavior of the student. (These concerns must have been expressed directly to the local special education director or other district supervisory personnel.)
- If a parent requests an evaluation of a student during the time in which a student is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner which is expected to be completed at least 5 days before the timeline for a typical evaluation.

### **PROCEDURES FOR EXPEDITED EVALUATION:**

- The MTSS coordinator, School Assigned Personnel and the SPED Director should be contacted immediately concerning the evaluation request.
- If the school does not have current vision and hearing clearance, consent should be obtained from the parent and the screening should be completed.
- A meeting should be scheduled to discuss the request and the expedited timeline.
- Once vision and hearing are cleared and the consent is signed, the evaluation packet will be provided to the school psychologist and should be completed in an expedited manner.
- A meeting should be held to review the evaluation and discuss eligibility considerations until the evaluation is completed, the student remains in the educational placement determined by district authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, the district must provide special education and related services.

### **PROCEDURES FOR PROTECTIONS FOR STUDENTS NOT YET ELIGIBLE**

- MTSS meeting held to review disciplinary data, identified needs and possible increased behavioral supports and services.

- With the assistance of the MTTTS coordinator and SPED Director, each school should keep a list of students currently suspected of having a disability that meet the criteria for students not yet eligible as outlined in this section.
- The disciplinary actions for each student should be reviewed monthly to ensure that protections have been provided to meet student needs.
- If needed, a meeting should be scheduled to address any behavioral concerns to include the completion of a Functional Behavioral Analysis, Behavior Intervention Plan or Student Contract.

### **REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES**

Law enforcement officials can be informed of suspected criminal activity of a student with a disability. If a student with a disability commits a crime and it is reported to law enforcement, copies of the student's special education and disciplinary record, if appropriate, are sent to the agency to which the crime is reported upon request.

### **PROCEDURES FOR PAPERWORK SUBMISSION**

- If a student with a disability commits a crime and is reported to law enforcement by the school, the school administration will work with the SPED Director to ensure that copies of the special education records (i.e. IEP, Eligibility) and disciplinary records are sent to the appropriate agency.
- The receiving agency will sign an agreement that they agree to obtain parental/guardian consent to disclose records.
- This must be documented on the Review of Student Record log on the school special education folder
- If a subpoena is served for a student's special education records, the Special Education district office will provide all copies and documentation.
- This must be documented on the Review of Student Record log on the district permanent special education folder.

YHALE will ensure that all regulating and reporting requirements are completed to the Georgia Department of Education in a timely and accurate manner.

## **SECTION 11:**

### **SPECIAL EDUCATION BUDGET AND GRANT APPLICATION PROCESS**

To receive IDEA grant funds, each local educational agency (LEA)<sup>1</sup> must submit a Comprehensive Plan for Special Education and Related Services annually for serving all eligible children with disabilities ages 3 through 21, including parentally-placed private and home school students and those in local jails within the LEA's jurisdiction (Georgia Rule 160-4-7-.17). The federal Flow Through grant funds are used to:

- ensure that all children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and to prepare them for further education, employment, and independent living;
  - ensure that the rights of children with disabilities and their parents are protected;
  - enhance ongoing learning for parents, teachers, paraprofessionals, and instructional staff;
  - provide LEAs with support services and/or technical assistance to children, parents, and staff; and
  - assess and ensure the effectiveness of efforts to educate children with disabilities.
1. Federal Distribution of Funds IDEA Flow-through Grant – Part B, Section 611 of IDEA 2004 requires that from FY 1999 forward, funds be distributed as follows: The State shall first award each LEA the amount that agency would have received for FY 1999, if the State had distributed 75% of its grant for that year. After making this base allocation, the State shall allocate 85% of any remaining funds on a basis of relative numbers of children enrolled in public and private elementary and secondary schools within the agency's jurisdiction and allocate 15% of those remaining funds to those agencies in accordance with their relative numbers of children living in poverty. Free and reduced lunch figures from the previous full-time equivalency (FTE – 1) count are utilized to define poverty for each agency (34 C.F.R. § 300.705).
  2. IDEA Preschool Grant – Part B, Section 619 of the IDEA 2004 requires that from FY 1997 forward, funds be distributed as follows: The State shall first award each agency the amount that agency would have received for FY 1997 if the State had distributed 75% of its grant for that year. After making the base allocation, the State shall allocate 85% of any remaining funds on a basis of relative numbers of children enrolled in public and private elementary and secondary schools within the agency's jurisdiction and allocate 15% of those remaining funds to those agencies in accordance with their relative numbers of children living in poverty. Free and reduced lunch figures from FTE - 1 are utilized to define poverty for each agency (34 C.F.R. § 300.816).

LEA allocations from federal programs, to include state charter schools and state operated programs, are based on a formula provided in the regulations (34 C.F.R. § 300.705). The United States Education Department (USED), Office of Special Education Programs (OSEP) sends the state allocation to each State Educational Agency (SEA) in the spring. The SEA applies the allocation formula, which has a restricted amount for discretionary and administration funds deducted from the total grant, with the remaining funds distributed to LEAs. This LEA formula has a base allocation of 75% of the FY 1999 allocation amount with any remaining funds for

flow through being distributed based on each LEA's general population (85%) and poverty (15%). Poverty is defined as free and reduced lunch data from FTE-1.

To receive allocated funds, LEAs must submit grant applications into the GaDOE Consolidated Application Portal. All special education federal and state applications, including detailed budgets, are submitted in this location. All forms and resources needed for IDEA Budget Approval can be found on the GaDOE website on the Special Education Services and Supports Page > Budgets, Grants, Consolidated Application. Prior to IDEA 611 Flow through and IDEA 619 Preschool Budget Submission, the following must be completed or attached:

- Prior year reconciliation of Maintenance of Effort (MOE), Excess Cost Calculation, and Cross Functional Monitoring Corrective Action Plans (CAPs)
- IDEA 611 Flow through Budget or Budget Amendment (all LEAs)
- IDEA 619 Preschool Budget or Budget Amendment (all LEAs)
- Prior Approval Requests for Equipment or Participant Support Costs (via email to Budget Liaison) Georgia Department of Education Mr. Richard Woods, Georgia's School Superintendent
- Budget Attachment: Current Year MOE Eligibility Form
- The following information must be submitted in the Consolidated Application inside of the IDEA Flow through Budget for BOTH IDEA grants:
  - Program Information Tab: IDEA Fiscal Monitoring Self-Assessment Tab
  - Program Information Tab:
  - Exceptional Students Tab: Proportionate Share Tab
  - Program Information Tab: Exceptional Students Tab: Coordinating Early Intervening Services
  - (CEIS) Tab
  - CEIS and Proportionate Share funds must be included in the budget with specific detailed information and amounts as needed
- All budgets must have detailed information in line item description

Maintenance of Effort (MOE) (See 34 C.F.R. §§ 300.203-300.205) An LEA is required to maintain effort or spend at least the same amount of state and local funds as it did in the previous year. State and local may be calculated in any of four methods:

1. State and local combined;
2. local only;
3. state and local combined per capita; and
4. local only per capita.

Before receiving IDEA allocations in any fiscal year, an LEA must show evidence they have budgeted at least the same amount using one of the four methods as they did in the most recent year for which data is available. This is done using the MOE Eligibility Worksheet, which must be completed prior to budget approval. The MOE Eligibility Worksheet contains the codes needed to calculate MOE locally. No additional codes are permitted in the final calculation. Therefore, the MOE Eligibility Worksheet must not be altered. MOE compliance is verified after the GaDOE has received all expenditures from LEAs. The Special Education MOE portal is automatically updated with finalized and approved DE046 results. The MOE compliance results will show whether the LEA met or did not meet using data from the most recent fiscal year

available. The GaDOE will test aggregate and per pupil expenditures of state and local funds to determine whether the MOE standard is met.

Supplement NOT Supplant: A LEA may use IDEA funds only to supplement and not supplant federal, state, and local funds. If the LEA meets or exceeds its level of state/local expenditures for special education and related services from year to year, either in total or per pupil through the Maintenance of Effort Calculation; and meets the Excess Cost Calculation, then IDEA funds are, in fact, supplementing state/local expenditures.

## **SECTION 12**

### **SPECIAL EDUCATION ANNUAL REPORTS**

The Individuals with Disabilities Education Act (IDEA) has multiple data requirements for states regarding special education. Federal reporting requirements are often referred to as Section 616 and Section 618 public reporting requirements. States must collect information from local educational agencies (LEAs)<sup>1</sup> to create the required reports to the Federal government and publicly report the data. Each state must collect information about children with disabilities and the services they receive. The IDEA requires states to report annually to the public on each LEA located in the state on the indicators in the State Performance Plan. The Georgia Department of Education (GaDOE) is required to make the State Performance Plan and accompanying Annual Performance Report available by posting the data on the state's website, distribution to the media, and distribution through public agencies. The Special Education Annual Performance Reports for each LEA in Georgia are located on the GaDOE website. YHALE's Annual Report has been "Meets" for the years established with a 100% compliance.

FTE Cycles 1 and 3: Full Time Equivalent (FTE) reporting refers to the GaDOE funding mechanism based on student enrollment and educational services LEAs provide to children. Educational programs are divided into seventeen (17) GaDOE funded categories. Five (5) of the categories are special education. A specific weight is assigned to each category. The base amount of money received for each FTE is determined by the Georgia General Assembly. Refer to O.C.G.A. § 20-2-161 for information regarding the Quality Basic Education (QBE) formula.

Federal Child Count of Children with Disabilities:

Student Record: Student Record is the largest annual student data collection conducted by the GaDOE. Data is collected for accountability reporting which provides data for the College and Career Readiness Performance Index (CCRPI), the Governor's Office of Student Achievement (GOSA) and the Special Education Annual Performance Report (APR). Student Record data provide information on student program participation for an entire school year; data are used from program evaluation and to meet Federal reporting requirements. Student Record contains nine (9) record types: 1. LEA 2. School 3. Student 4. Enrollment 5. Course 6. Student Safety (discipline) 7. Program 8. Special Education 9. Addresses Child Count A count is taken of children ages 3-21, receiving special education and related services under IDEA, Part B on a specified date each year. Data are reported separately for children ages 3-5 and children ages 6-21.

**APPENDIX A:**  
**COMMONLY USED ABBREVIATIONS/ACRONYMS RELATED TO SPEDICAL SERVICES**

ABA = Applied Behavior Analysis	IS=Instructional Specialist
ADA = American with Disabilities Act	IQ = Intelligence Quotient
ADHD = Attention Deficit Hyperactive Disorder	ISS = In School Suspension
APD = Auditory Processing Disorder	LEA = Local Education Agency
AS = Asperger's Syndrome	LRE = Least Restrictive Environment
ASD = Autism Spectrum Disorder	LVE = Low Vision Evaluation
ASL = American Sign Language	MID = Mild Intellectual Disability
AT = Assistive Technology	MoID = Moderate Intellectual Disability
BCW = Babies Can't Wait	OCD = Obsessive Compulsive Disorder
BIP = Behavior Intervention Plan	ODD = Oppositional Defiant Disorder
CA = Chronological Age Supports	OHI = Other Health Impaired
CP = Cerebral Palsy	OI = Orthopedic Impairment
D/HH = Deaf/Hard of Hearing	O&M = Orientation and Mobility
DOB = Date of Birth	OSS = Out of School Suspension
DPF=Due Process Facilitator	OT = Occupational Therapy or Therapist
DTT = Discrete Trial Teaching/Training	PBIS = Positive Behavioral Interventions
DX = Diagnosis	PDD-NOS = Pervasive Developmental Disorder Not Otherwise Specified
EBD = Emotional Behavior Disorder	PES = Program for Exceptional Students
EI = Early Intervention	PID = Profound Intellectual Disability
ENT = Ear, Nose and Throat Agency	PT = Physical Therapy or Therapist
ESY = Extended School Year	PWN = Prior Written Notice
FAPE = Free Appropriate Public Education	RTI = Response to Intervention
FBA = Functional Behavior Assessment	RESA = Regional Educational Service
GAA = Georgia Alternate Assessment	ROM = Range of Motion
GaDOE = Georgia Department of Education	SDD = Significant Developmental Delay
GLRS = Georgia Learning Resources System	SI = Speech/Language Impairment
GNETS = Georgia Network for Educational	SID = Severe Intellectual Disability
HI = Hearing Impaired	SLD = Specific Learning Disability
ID = Intellectual Disability	SLP = Speech Language Pathologist
IDEA = Individuals with Disabilities Education Act	ST = Speech Therapy
IEE = Independent Educational Evaluation	SOP = Summary of Performance
IEP = Individualized Education Program	TX = Treatment
IFSP = Individualized Family Service Plan	VI = Visual Impairment
	WNL = Within Normal Limits



## **APPENDIX B: GLOSSARY**

**Accommodations** The provisions made to allow a student to access and demonstrate learning. Accommodations do not substantially change the instructional level, the content or the performance criteria, but are made in order to provide a student equal access to learning an equal opportunity to demonstrate what is known. Accommodations shall not alter the content of the test or provide inappropriate assistance to the student within the context of the test – they are intended to provide equity, not advantage, for students with disabilities. Adapted Physical Education (AdPE). Physical Education that has been modified so that students with disabilities who are unable to participate in regular PE can participate in a modified or adapted PE.

**Alternative assessment**. An assessment aligned with alternate achievement standards for children with the most significant cognitive disabilities designed by the State and required in lieu of regular statewide assessments, when determined necessary by the child’s IEP team. In Georgia, it is called the GAA (Georgia Alternate Assessment).

**Alternative placement**. The special education teacher provides instruction to students with disabilities in a separate classroom (pull-out), special schools, home environment, hospitals, or institutions.

**Applied Behavioral Analysis (ABA)**. A scientifically designed teaching method that utilizes rewards to teach specific behaviors and reduce unwanted behaviors.

**Assistive Technology (AT)**. The systematic application of technology, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, persons with developmental disabilities in areas including education, employment, supported employment, transportation, independent living, and other community living arrangements.

**Assistive technology device**. Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device. Examples of commonly used devices are a pencil grip, BoardMaker, specialized software, or low or high voice output devices. **Assistive technology service**. Any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes (1) the evaluation of the needs of such a child, including a functional evaluation of the child in the child’s customary environment; (2) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by such child; (3) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices; (4) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs; (5) training or technical assistance for such child, or, where appropriate, the family of such child; and (6) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of such child.

At no cost. All specially-designed instruction is provided without charge, but does not include incidental fees that are normally charged to nondisabled children or their parents as a part of the regular education program.

Audiology. Includes identification of children with hearing loss; (ii) determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing; (iii) provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation; (iv) creation and administration of programs for prevention of hearing loss; (v) counseling and guidance of children, parents, and teachers regarding hearing loss; and (vi) determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

Autism Spectrum Disorder (ASD). Students with ASD exhibit evidence of delay, arrests, or inconsistencies in developmental rates and sequences in motor, sensory, social, cognitive, or communication skills; difficulties in social interaction and participation; deficit in the use of verbal/nonverbal language, especially for social communication; unconventional, unusual or repetitive responses to sensory stimuli; and display of stress over changes and/or engagement in repetitive activities.

Behavioral Intervention Plan (BIP). A plan for a child with a disability, included in the IEP when appropriate, which uses positive behavior interventions, supports and other strategies to address challenging behaviors and enables the child to learn socially appropriate and responsible behavior in school and/or educational settings Blind or Print Disabled Students.

- Children whose visual acuity, as determined by a competent authority, is 20/200 or less in the better eye with correcting glasses, or whose widest diameter of visual field subtends an angular distance no greater than 20 degrees.
- Children whose visual disability with corrective and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material. Children certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations.
- As defined by doctors of medicine, doctors of osteopathy, ophthalmologist, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public welfare agencies (e.g. social workers, case workers, counselors, rehabilitation teachers, and superintendents).
- Children certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner.
- As defined by doctors of medicine who may consult with colleagues in associate disciplines.

Case Manager. The individual responsible for the IEP.

Child with a disability. In general, (a) refers to a child evaluated as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as emotional disturbance), an orthopedic impairment, autism, traumatic brain injury, another health

impairment, a specific learning disability, or deaf-blindness and who needs special education and related services. If it is determined, through an appropriate evaluation, that a child has one of the above disabilities identified but only needs a related service and not special education, the child is not a child with a disability. If the related service required by the child is considered special education rather than a related service, the child would be determined to be a child with a disability. (b) A child with a disability aged three through nine (or any subset of that age range, including ages three through five) experiencing developmental delays, may include a child:

1. Who is experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and
2. Who, by reason thereof, needs special education and related service.

Collaboration. A special education teacher works with identified students with disabilities and the general education teacher within the general education classroom for less than a full segment daily.

Consent. Means that the parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication; the parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom, and the parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

Consultative. Students with disabilities receive their instruction with accommodations or modifications as required in their IEPs from the General Education teacher in a regular education class. Special Education provides direct support by consulting with the General Education teacher and the student for at least one segment per month.

Co-Teaching. The special education teacher provides service in the general education classroom by sharing teaching responsibility with the general education teacher (full segment daily).

Counseling services. Services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

Critical Point of Instruction or Emerging Skill. The point at which a student has almost mastered the skills in an instructional sequence. As the need for ESY service(s) is made, the IEP team must determine that a break in instructional programming would result in the loss of significant progress made toward the acquisition of a critical or emerging skill.

Deaf blind. Concomitant hearing and visual impairments that cause severe communication and educational needs that cannot be accommodated in programs solely for children with deafness or blindness.

Deaf/Hard of Hearing (D/HH). Absence of measurable hearing such that the primary sensory input for communication is other than auditory, or absence of enough measurable hearing that

the ability to communicate is adversely affected (but child usually relies on auditory channel for sensory input communication), and adverse impact on education is documented.

Drugs. Illegal drugs, controlled substances, and may include over-the-counter drugs. For detailed listing see section 202(c) of the Controlled Substances Act.

Eligibility for special education. The student must have one of the disabilities recognized by the State and must also require special education services in order to benefit from an educational program.

Eligibility team. A group of qualified professionals and the parent of the child, which determines whether the child is a child with a disability and determines the educational needs of the child.

Emotional Behavior Disorder (EBD). Must have documentation and analysis of duration, frequency, and intensity in at least one of the following: an inability to build or maintain satisfactory interpersonal relationships; an inability to learn that is not explained by intellectual, sensory, or health factors; consistent or chronic inappropriate behavior or feelings under normal circumstances; displayed pervasive mood of unhappiness or depression; or displayed tendency to develop physical symptoms, pains or unreasonable fears associated with personal or school problems. Definition does not include children who are socially maladjusted unless they are also determined to have an emotional disability as determined by evaluation.

Evaluation. Procedures used to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.

Evaluator. A qualified person in a field relevant to the child's disability who administers specific and individualized assessment for the purpose of special education evaluation and placement.

Evaluation report. A summary of evaluation results obtained in the process of collecting information to determine if a child is a child with a disability and the educational needs of the child. The evaluation reports will vary from child to child, depending on the types of evaluations completed. An eligibility report or written statement of reevaluation considerations may serve as an evaluation report.

Extended school year (ESY). Additional special education and related services for students with disabilities to supplement the normal school year which are provided as part of a free and appropriate public education as defined in PL 94-192. The intent of ESY is to prevent significant regression which compromises the student's ability to make meaningful progress on the IEP, therefore, not providing the student with FAPE. ESY is not provided to guarantee mastery of goals/objectives.

Free appropriate public education (FAPE). Special education and related services that

1. are provided at public expense, under public supervision and direction, and without charge;
2. meet the standards of the State educational agency (DOE);

3. include an appropriate preschool, elementary school, or secondary school education in the State involved; and
4. are provided in conformity with an individualized education program (IEP) that meets the requirements of IDEA 2004.

Functional behavioral assessment (FBA). A systematic process for defining a child's specific behavior and determining the reason why (function or purpose) the behavior is occurring. The FBA process includes examination of the contextual variables (antecedents and consequences) of the behavior, environmental components, and other information related to the behavior. The purpose of conducting an FBA is to determine whether a Behavioral Intervention Plan should be developed.

Functional Curriculum. A curriculum model for students with moderate and severe disabilities. Content is selected based on identified skills needed for functioning in current and future integrated community, residential, and vocational environments.

Georgia Network for Educational and Therapeutic Supports (GNETS). Supports local school systems' continuum of services by providing comprehensive special education and therapeutic support for students whose behavior severely impedes their learning.

General education. Students with disabilities are served in the general education class with no personnel support.

Homeless children. Has the meaning given the term homeless children and youths in section 725 (42 U.S.C. 11434a) of the McKinney-Vento Homeless Assistance Act, as amended (42 U.S.C. 11431 et. seq).

Infant or toddler with a disability. An individual under three years of age who needs early intervention services because the individual:

1. Is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or
2. Has a diagnosed physical or mental condition that has a high probability of resulting in a development delay.

Independent educational evaluation (IEE). An evaluation conducted by a qualified evaluator who is not employed by the public agency responsible for the child in question.

Individualized education program (IEP). A written statement for a child with a disability for providing special education services for that child that is developed, reviewed, and revised in accordance with IDEA 2004, including the pupil's present levels of educational performance, the measurable annual goals, benchmarks for evaluating progress toward those goals, and the specific special education and related services to be provided.

Individualized education program team (IEP team). A team whose task is to develop an appropriate educational program for the child with a disability and includes: the parent; at least one of the child's regular education teachers; one of the child's special education teachers; a representative of the public agency that is qualified to provide or supervise the provision of instruction that is designed specifically for children with disabilities who is knowledgeable about general curriculum and the availability of resources (LEA); a person who can interpret the instructional implications of evaluation results; the child, if appropriate (required for transition meetings); and at the discretion of the parent or the public agency, other persons with knowledge or special expertise related to the child.

Individualized family service plan (IFSP). A written plan for services to an infant or toddler in the Part C Babies Can't Wait early intervention program that may be used in the Part B preschool program until an IEP can be written, if the IFSP meets all the requirements of the IEP.

Intellectual Disability (ID). Intellectual functioning based on multiple sources of information documenting IQ scores below 70; significant limitations in the child's effectiveness in meeting standards of maturation, learning, personal, independence or social responsibility; adaptive behavior in school and home that is at least two standard deviations below the mean in one of three areas: conceptual, social, or practical OR composite score that is two standard deviations below the mean; and documentation that deficits in intellectual functioning and adaptive behavior existed prior to age 18.

Interfering Behaviors. Behaviors such as stereotypic, ritualistic, aggressive, or self-injurious behavior(s), targeted by IEP objectives that would have prevented the student from receiving some benefit from his or her educational program during the regular school year, or whether the interruption of programming for this (these) interfering behavior(s) is likely to prevent the student from receiving benefit from his or her educational program without ESY service(s).

Interpreting services. Includes the following, when used with respect to children who are deaf or hard of hearing: oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print, and Type Well, and special interpreting services for children who are deaf-blind.

Least Restrictive Environment (LRE). To the greatest extent appropriate, children with disabilities (in public or private institutions or other care facilities) are educated with children who are nondisabled. Local educational agency (LEA). A public board of education or other public authority legally constituted within Georgia for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of the State, or for a combination of school districts or counties as are recognized in the State as an administrative agency for its public elementary schools or secondary schools. The term includes an educational service agency and any other public institution or agency having administrative control and direction of a public elementary or secondary school, including a public nonprofit charter school that is established as a LEA under State law.

Long-term suspension. The disciplinary exclusion of a student from attending his or her assigned school for more than 10 school days (consecutive or cumulative).

Manifestation Determination. Within 10 school days from the beginning of a disciplinary action that either exceeds 10 school days or that constitutes a pattern of removals (a change of placement), the local educational agency, the parent, and relevant member of the IEP team (as determined by the LEA and the parent) shall meet to review all relevant information, including the student's IEP, the student's behavior intervention plan, any relevant teacher observations, and any relevant information provided by the parents to determine: (1) if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or (2) if the conduct in question was the direct result of the local educational agency's failure to implement the IEP. If the review team determines that either (1) or (2) is applicable for the student, the conduct shall be determined to be a manifestation of the student's disability.

Medical services. Services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.

Modifications. Alterations that change, lower, or reduce learning expectations. Modifications can increase the gap between achievement of students with disabilities and expectations for proficiency at a particular grade level. Consistent use of modifications could adversely affect students throughout their educational career, and modifications in statewide assessments may invalidate results.

Occupational therapy (OT). Skilled services and interventions provided by a qualified occupational therapist/occupational therapy assistant that include: improving developing, or restoring functions impaired or lost through illness, injury, or deprivation related to the student's ability to perform school-related tasks as independently as possible by evaluating and establishing goals to address deficits in the following are, as appropriate based on a student's individualized needs: fine and gross motor skills, sensorimotor skills, visual motor/perceptual skills, social integration, activities of daily living, feeding, positioning, and sensory processing and regulation for alertness/attention; (ii) improving ability to perform tasks for independent functioning if functions are impaired or lost; (iii) preventing, through skilled intervention, initial or further impairment or loss of function; and (iv) providing education and training of school personnel to support and monitor occupational therapy programs such a sensory diet, positioning, and feeding.

Orientation and mobility (O&M) services. Services provided to blind or visually impaired children by qualified personnel to enable those children to attain systematic orientation to and safe movement within their environments in school, home, and community. They include teaching children the following, as appropriate: spatial and environmental concepts and use of information received by the senses (such as sound, temperature, and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street); (ii) to use the long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for children with no available travel vision; (iii) to understand and use remaining vision and distance low vision aids; and (iv) other concepts, technique, and tools. Orthopedic Impairment (OI). Requires medical report indicating the

diagnosis and prognosis; deficits in academic functioning, emotional development, adaptive behavior, motor, or communication skills.

Other Health Impaired (OHI). Chronic or acute health problems documented with medical report that indicates limits in strength, vitality, or alertness; deficits in pre-academic or academic functioning, adaptive behavior, social/emotional development, motor, or communication skills as a result of the health impairment

Parent. (a) Refers to:

1. A biological or adoptive parent of a child;
2. A foster parent;
3. A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not State if the child is a ward of the State);
4. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or
5. A surrogate parent who has been appointed.

(b) Except as provided in paragraph (c) below, the biological or adoptive parent must be presumed to be the parent unless the biological or adoptive parent does not have legal authority to make educational decisions for the child. (c) If a judicial decree or order identifies a specific person or persons under paragraphs (a)(1) through (4) to act as the "parent" of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the "parent."

Parent counseling and training. Assisting parents in understanding the special needs of their child; providing parents with information about child development; and helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.

Personally identifiable information. Includes: the name of the child, the child's parent, or other family member; the address of the child; a personal identifier, such as the child's social security number or student number; or a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

Physical education (PE). The development of physical and motor fitness, fundamental motor skills and patterns and skills in aquatics, dance and individual and group games and sports (including intramural and lifetime sports). It includes special physical education, adapted physical education, movement education, and motor development.

Physical therapy (PT). Services provided by a qualified physical therapist to include: improving, developing, or restoring function and participation that have been impaired related to the student's ability to perform educational and related tasks as independently as possible; physical therapy in the school settings supports the purpose of IDEA – to advance "further education, employment and independent living" of children with disabilities and addresses the students' goals for the educational environment; school-based physical therapy is a related service provided when it is required in order to assist a child with a disability to benefit from special



education as determined by the student's IEP team; physical therapy provided in educational environments supports children's ability to function, access, and participate safely in all school environments. Physical therapists address issues involving safe access, balance, strength, motor skills, coordination, ambulation, transfers, safe mobility, and general independence as they relate to tasks required in educational environments. Physical therapists assist in providing equipment for students who need support for posture, positioning, proper structural alignment, class participation, and activities of daily living during school activities. This includes providing consult or training services to teaching staff and other personnel on behalf of students for training and monitoring physical therapy programs and equipment; and (v) prevention, through prompt skilled intervention, initial or further impairment or loss of function and participation.

Positive Behavioral Interventions and Supports (PBIS). An evidence-based, data-driven framework proven to reduce disciplinary incidents, increase a school's sense of safety, and support improved academic outcomes.

Preschool child. A child who is at least three years of age but who has not reached the required age for kindergarten.

Prior written notice (PWN). Notice that includes a description of the action proposed or refused by the school, an explanation of why the school proposes or refuses to take the action, a description of any options the school considered and the reasons why those options were rejected, a description of each evaluation procedure, test, record or report the school used as a basis for the proposal or refusal, a description of any other factors that were relevant to the school's proposal or refusal, a full explanation of all of the procedural safeguards available to the parent and a listing of sources for parents to contact to obtain assistance in understanding the notice.

Psychological services. Includes administering psychological and educational tests, and other assessment procedures; interpreting assessment results; obtaining, integrating, and interpreting information about child behavior and conditions relating to learning; consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, direct observation, and behavioral evaluations; planning and managing a program of psychological services, including psychological counseling for children and parents; and assisting in developing positive behavioral intervention strategies

Recreation. Includes assessment of leisure function; therapeutic recreation services; recreation programs in schools and community agencies; and leisure education. Recoupment. The ability to recover or regain skills at the level demonstrated prior to the interruption of education programming.

Regression. A decline to a lower level of functioning demonstrated by a decrease of previously attained skills that occur as a result of an interruption in educational programming. Severe Regression occurs when the amount of time required to relearn skills or behaviors becomes so significant that it interferes with the gains made during the school year. Since most students experience some regression over extended breaks, a significant increase in the recoupment

period must exist in order for regression to pose a significant threat to the gains made during the school year.

Rehabilitation counseling services. Services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a child with a disability. The term also includes vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended 29 U.S.C. 701 et. seq.

Related services. Transportation, and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education. Includes speech-language pathology and auditory services, interpreting services, psychological services, physical and occupational therapy, recreation (including therapeutic recreation), early identification and assessment of disabilities in children, counseling services (including rehabilitation counseling), orientation and mobility services, travel training instruction, and medical services for diagnostic or evaluation purposes. Also includes school health services and school nurse services, social work services in schools, and parent counseling and training. Exception: does not include services that apply to children with surgically implanted devices (including cochlear implants) - the optimization of that device's functioning, the maintenance of that device, or the replacement of that device.

Removal from the classroom. Any disciplinary exclusion that results in a student being unable to access the general curriculum and progress toward his or her IEP goals; it may include in-school suspension and out-of-school suspension (including removals by school personnel for more than one-half of the school day) when either of the aforementioned provisions are not met. Residential special education placement. The placement of a child with a disability in a public or private residential program, in order to provide the necessary special education and related services as specified in the child's individualized education program.

Revocation of Parent Consent for Placement. Based on the December 8, 2008 Congressional amendment to IDEA, the right of a parent to unilaterally remove their child from special education by putting their request in writing to the school district.

School health services and school nurse services. Health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person. Serious Bodily Injury. An injury that involves (A) substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty. Accusing a student of inflicting serious bodily injury is a serious matter. Best practice suggests that careful consideration should be made to ensure the validity of the injury claim. For purposes of this rule, the definition of serious bodily injury is found in 21 U.S.C. Section 18(c).

Significant Development Delay (SDD). A child that is 2 standard deviations below the mean in one these areas: adaptive development, cognition, communication, motor skills, or emotional

development; a child that is 1.5 standard deviations below the mean in at least two of these areas: adaptive development, cognition, communication, motor skills, or emotional development; initial eligibility must be established on or before the child's 7th birthday; may be used for children ages 3 through 9.

Short-term suspension. The disciplinary exclusion of a student from attending his or her assigned school for up to 10 school days. The 10 days can be consecutive or cumulative and can occur during one school year.

Social work services (in schools). Includes preparing a social or developmental history on a child with a disability; group and individual counseling with the child and family; working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment at school; mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and assisting in developing positive behavioral intervention strategies.

Special Education. (a) General. 1. Specially-designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings and instruction in physical education. 2. May also include the following if the services otherwise meet the requirements of (a) 1: speech-language pathology services; travel training; and vocational education.

Specially-designed instruction. Adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction to address the unique needs of the child that result from the child's disability; and to ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children.

Specific Learning Disability (SLD). Primary deficit in basic psychological processes identified; underachievement in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, reading fluency, mathematical calculation, or mathematical problem solving; progress monitoring over a minimum of 12 weeks that indicates the child is not expected to make progress toward the benchmark.

Speech/Language Impairment (SI). An impairment in the areas of articulation, fluency, voice or language that adversely affects educational performance.

Speech/language pathology services. Includes: identification of children with speech or language impairments; diagnosis and appraisal of specific speech or language impairments; referral for medical or other professional attention necessary for the habilitation of speech or language provision of speech and language services for habilitation or prevention of communicative impairments; and counseling and guidance of parents, children, and teachers regarding speech and language impairments.

Supplementary aids and services. Aids, services, and other supports that are provided in general education classes or other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with the requirements for FAPE. Supportive instruction. Students with disabilities receive service from personnel other than a certified teacher in the general education classroom (I.e., a paraprofessional, interpreter, or job coach).

Traditional Summer School. Summer programs designed for special and/or general education students. These programs are voluntary and optional and provide enrichment or reinforcement activities. Summer school is not required to provide a student FAPE. ESY service(s) could be provided in combination with an existing summer school program as appropriate and as designated in a student's IEP.

Transition services. A coordinated set of activities for a child with a disability that (1) is designed to be within a results oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including support employment), continuing and adult education, adult services, independent living, or community participation; (2) is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and (3) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation.

Transportation. Includes travel to and from school and between schools; travel in and around school buildings; and specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

Traumatic Brain Injury (TBI). Deficits in cognitive, social, or motor skills due to acquired injury that adversely impact educational performance in cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, physical functions, communication and information processing; medical report or other that documents a traumatic brain injury has occurred.

Visual Impairment (VI). Even with correction, a loss in visual acuity or visual field as determined by evaluation that adversely affects a child's educational performance.

Vocational education. Organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree.

Weapon. A weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. The definition is from 18 U.S.C. Section 930(g)(2) and is also used for the term "weapon" in Georgia's Special Education Discipline Rule.

## **APPENDIX C: COMPONENTS OF A FUNCTIONAL BEHAVIOR ASSESSMENT (FBA)**

- FBA team members work collaboratively through the process and document the results.
- Team members use the antecedent-behavior-consequence model as the basis for behavior.
- The team develops a description/operational definition of the target/problem behavior that clearly describes what the student is doing and is stated in observable, objective, and measurable terms.
- Team members select FBA direct measurement data systems that are appropriate for the target behaviors (e.g., frequency, duration, latency, interval recording, time sampling, and permanent product recording).
- Team based decision making should include manageable strategies for sampling behavior during relevant times and contexts.
- Direct data collection team planning should include how the raw data will be converted into a standardized format (e.g., rate, percent).
- In addition to direct observation of behavior, FBA information sources can include multi element assessments, documentation of student, teacher, and parent interviews (including student preferences), indirect data collection (checklists, questionnaires), previous interventions tried, educational impact of the behavior, and record review.
- The team's analysis of the comprehensive FBA assessments should identify patterns and result in summative information that should include:
  - time of day and settings where the behavior typically occurs
  - subject/activity when the behavior most often occurs
  - frequency/duration/intensity of the behavior
  - people present during the behavior
  - antecedents/events or conditions that immediately precede/trigger the behavior
  - consequences that maintain the problem behavior
- Through the collaborative team based decision making process, the team agrees on a hypothesis/summary statement as to the function/purpose of the target behavior.

#### **APPENDIX D: COMPONENTS OF A BEHAVIOR INTERVENTION PLAN (BIP)**

- Target/problem behavior, the hypothesized function of the behavior, and a summary of data collected that led to the hypothesis are included in the plan
- Behavior intervention plans are driven by the hypotheses and the FBA data collected. They are individualized for the student and include:
- positive (preventive) strategies to avoid the target behavior (e.g., antecedent modifications) that can include instructional modifications, behavioral precursors as signals, modification of routines, opportunities for choice/control, clear expectations, pre-correction, errorless learning, etc.
- select new skills that replace problem behaviors that can be as or more effective than the problem behavior (replacement behaviors may include communication skills, social skills, self-management/monitoring skills, choice making, etc.)
- instructional methods to teach replacement behaviors that can include pre- instruction, modeling, rehearsal, social stories, incidental teaching, peer buddy, meeting sensory needs, direct instruction, verbal, physical, and/or visual prompting, etc.
- consequences that promote the learning of the replacement behavior that are based on student preferences
- consequences that address the occurrence of the target behavior
- the desired outcomes of the behavioral intervention plan for the student
- Action plan for the implementation of the BIP should include:
- activities, dates, and documentation describing who is responsible for completing each task
- materials, training, and support for the implementers of the plan
- how data will be collected and analyzed
- timelines for team meetings, data analysis, and monitoring the success of the BIP
- If necessary, a crisis intervention plan is developed when the safety of the student or of others is a concern.

## APPENDIX E: WRITING GOALS

### **General Information**

Annual goals are developed to meet the unique needs of the child identified in the present levels. The Present Levels provide the baseline information for the development of measurable annual goals. Annual goals in academic content areas may be drawn from the CCGPS but must be written in measurable form. Most often goals address supplementary instruction that is needed to build skills and thus provide access to the general curriculum. **Measurable annual goals** are statements that describe what a student can **reasonably** be expected to **accomplish within a one-year period** in the student's special education program. To accomplish this goal, the child's performance is measured against the district's standards or benchmarks for basic skill areas. Three critical components of the annual measurable goal are:

- **Conditions:** Specify the context in which progress toward the goal is measured. Conditions are dependent on the behavior being measured and involve the application of skills or knowledge. Examples:
  - “When presented with a second grade reading passage...”
  - “When given a mixed fourth-grade-level math calculation probe...”
  - “Given a story prompt and three minutes to write...”
- **Behavior:** Clearly identifies the performance being monitored, usually reflects an action or can be directly observed and is measurable.
  - Examples:
    - “Sarah will read...”
    - “John will correctly solve...”
    - “Sue will write...”
  - **Criterion** identifies how much, how often, or to what standards the behavior child will perform in order to demonstrate that the goal has been mastered. The goal criterion specifies the amount of growth the child must make by the end of the annual goal period. Examples:
    - “...107 words per minute with 5 or fewer errors.”
    - “...85% or more of the problems presented.”
    - “...37 words per minute.”
  - **Elementary Example:**
    - **Present Level:** Robert is a first-grade student who had difficulty decoding basic sight words. According to DIBELS administered in May of his first grade year, he has an oral reading fluency of 25 words per minute.
    - **Goal:** When given a second grade-reading probe, Robert will increase his oral reading fluency to 89 words per minute.
  - **Middle School Example:**
    - **Present Level:** When given a mixed 7th grade level math calculation probe, in two minutes Jeff is able to complete the problems with 38 digits correct. He does not monitor his work for accuracy and tends to run through assignments in his general education math class.
    - **Goal:** When given a mixed 7th grade math calculation probe, in two minutes Jeff will complete the problems with 68 digits correct.
  - **High School Example:**
    - **Present Level:** Joe has difficulty organizing his written work so that it makes sense to the reader and conveys the information that he intends.
    - When Jeff's written work is graded, for punctuation and spelling, he averages 50% accuracy.

- Goal: When given grade level writing assignments, Jeff will plan his papers using a prewriting strategy and compose and edit his papers to
- 90% accuracy for punctuation and spelling.
- Key Points
- Baseline data for measurable goals are included in the Present Levels of Academic Achievement and Functional Performance
- Write an IEP goal so that a teacher who does not know the child can develop appropriate instructional plans and assess the student's progress
- Curriculum Based Measurement is frequently used to assess progress on the goals that are reported to parents
- IEPs should contain at least one goal, the number of goals will depend on the student's identified and prioritized needs For more information, refer to:  
<http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-EducationServices/Pages/IEP-Webinars.aspx>

Additional resources:

[http://www.learningport.us/resource/?course\\_id=147](http://www.learningport.us/resource/?course_id=147)

<http://www.ritap.org/RTI/content/modules/Module%20SixProgressMonitoring.ppt>



## **APPENDIX F: FTE**

### **FTE: General Information**

Local school systems report student enrollment to the Georgia State DOE using FTE (Full-Time Equivalent) data. This data is based on the number of students who meet the requirements to be counted. **One important requirement is that the student must be present for at least one of the 10 days prior to the FTE Count.** The FTE count is the method the DOE uses to determine funding for particular services and programs. A primary use of funding includes teacher salaries. Therefore, accurate FTE counts are extremely important. Georgia conducts FTE counts at the following times:

- 1st Tuesday in October
- 1st Thursday in March
- Student Records-June

Special Education codes are reviewed by the Special Education Director for each student. The information must be reviewed for the accuracy of each segment for every student served in special education.

The data is uploaded to the State on the day of the count, and then the data is used to determine the amount of funding our school system will receive from the state department. The actual process is much more complicated than this description. For more information:  
[http://public.doe.k12.ga.us/DMGetDocument.aspx/FTE2011\\_General\\_Information\\_08\\_12\\_2010.doc?p=6CC6799F8C1371F68096ADF21740AC3BD3BAC3E00F7343F4FB252E28261728E7&Type=D](http://public.doe.k12.ga.us/DMGetDocument.aspx/FTE2011_General_Information_08_12_2010.doc?p=6CC6799F8C1371F68096ADF21740AC3BD3BAC3E00F7343F4FB252E28261728E7&Type=D)

The main thing to remember is this:

**FTE Counts are very important!!**

**Please be sure that the information reported is accurate.**

### **FTE: Program Codes**

#### General Information

- Used for reporting services to the GA DOE for funding purposes
- Used in GoIEP for IEPs Specific Information
- Program codes are used to determine the weight that will be assigned to the number of FTEs earned in funding an instructional program area.
- To claim FTE funding segments, the student must be regularly scheduled for service or program instruction on the day of the count.
- Students who are not regularly scheduled for service or program instruction on the day of the count must be reported according to the program weight that indicates the actual services they receive on the FTE count day.
- School systems may not alter a student's schedule to capture a specific weight for the FTE count day.

#### Reporting Services Exceptionality FTE Codes:

- P Mild Intellectual Disability
- Q Moderate Intellectual Disability
- R Severe Intellectual Disability

- S Profound Intellectual Disability
- T Emotional and Behavioral Disorder
- T Severe Emotional Disorder
- U Specific Learning Disability
- V Orthopedic Impairment
- W Hearing Impairment
- X Deaf
- Y Other Health Impairment
- Z Visual Impairment
  - a. Blind
  - b. Deaf and Blind
  - c. Speech-Language Impairment
- T Autism 6
- U Traumatic Brain Injury 7
- U Significantly Developmentally Delayed\* 8
- \*In some cases, SDD may be reported using another FTE Code as follows depending upon the functioning of the student, for example:
- P MID
- Q MOID

These codes must be entered manually for SDD to over-ride the “U” designation. Therefore, instead of simply checking the print-out provided by the secretary, the special education staff member reviewing the entries should correct the “U” designation when it does not reflect the student’s functioning. FTE Service Entry Forms should reflect the corrected codes. This form will be returned to the FTE Coordinator, and the FTE Coordinator will correct this information in the system data prior to uploading it to the State DOE.

### **FTE: Levels of Funding**

- The number of segments a student is served in an area of special education and the type of disability the student has determine the level of funding for special education.
- For example, a student receiving one to three segments of Specific Learning Disability (SLD) services will earn level III funding. If that student receives four to six segments of SLD (self-contained), the funding level changes to Level I.
- This means that the amount of funding received is reduced, even though the student is receiving more special education services.
- Special Education Levels I through V
- There are five levels of special education funding.
- Each level represents a different funding weight.
- These weights affect the amount of funds the State DOE provides to the local school system.
- Therefore, **reporting this information correctly is important.**
- Incorrect reporting may result in an error and sometimes, in loss of funds for the school system.

## **APPENDIX G: SAMPLE MANIFESTATION DETERMINATION MEETING AGENDA**

1. Introduction of members of committee & sign form
2. Parental Rights given and explained (see Parental Rights at a Glance)
3. Statement of purpose of the meeting (i.e., manifestation determination)
  - Explain that team members plan to review the information from various sources
  - The team members have two purposes
  - Determine if the student's misbehavior was substantially related to the student's disability for which he or she is being served in special education
  - Determine if the school properly implemented the IEP and BIP
4. Review information about the misconduct
  - Information from the student
  - Information from the parent
  - Information from administrators and other staff members who have knowledge about the event
5. Review the student's special education categorical placement
  - Team members determine whether or not the misconduct engaged in by the student is or is not substantially related to the child's disability.
6. Review IEP and BIP
  - Team members determine whether or not the personnel in the school system implemented the IEP and BIP appropriately
  - Depending upon the student's behavior, a new FBA and BIP may be recommended by the team
7. If the student's behavior is not substantially related to the disability, and if the school system implemented the IEP/BIP appropriately, one of following may occur:
  - The IEP team may return the student to his/her previous placement.
8. If the student's behavior is related to the disability, OR if the school system failed to implement the IEP or the BIP, the student remains in his/her current placement and is not subject to the usual disciplinary ladder.
9. Review the findings, seek clarification if it is needed, and adjourn the meeting.
10. Manifestation Determination meetings may be highly charged emotionally for the parent, student, and sometimes the staff. Practice use of deflation techniques or be sure to have someone on the team who is able to defuse emotions in case anyone in the meeting becomes overly aroused.

## **APPENDIX H: Parental Rights at a Glance**

### Parental Rights at a Glance

#### Records

- Right to inspect, review, and release records

#### Confidentiality of Information

- Access is restricted

#### Independent Evaluation

- Right to an independent evaluation with results considered by the school

#### Notice

- Right to be notified and present at all meetings

#### Consent

- Consent must be given before evaluation, reevaluation, and any change in placement.

#### Hearings

- If we can't agree, a third party can be called to help make a decision Evaluation

#### Procedures

- Right to an appropriate evaluation by a qualified examiner

#### Least Restrictive Environment

- Right to have your child in regular classes as much as is appropriate

#### Surrogate Parents

- One may be assigned if needed Private School Placement
- This placement can be made only if the school system can't provide appropriate services

#### Interim Alternative Educational Setting

- If a student has a weapon or drugs the school may place the student in another educational setting or call for suspension

## **APPENDIX I: Completing the Eligibility Report Section**

### **Section 1 Student Information**

Complete the child's identifying information.

### **Section 2 Case History**

This section gives an overview picture of the child.

Complete all sections for a reevaluation since information may change over time. Hearing and vision screenings are necessary prior to administration of assessments. The screenings should be completed within a year of the evaluation.

### **Section 3 Summary of Interventions PRIOR to Referral**

This section gives the committee a quick look at the interventions and adaptation of content, methodology, and/or instructional delivery that have already occurred.

The data from these interventions will be documented in Section 4.

Initial eligibility – The committee will need to list the interventions provided for the child.

Reevaluation - The committee will need to list the specially designed instruction which includes: Adaptation of Content, Methodology (specialized program), or Instructional Delivery. It will also be important to list any additional areas of concern that have developed since the previous eligibility.

Immediate consideration of special education eligibility - The committee must review the information presented by the parents and school to determine if the intensity of the rare, unique situation warrants referral for immediate comprehensive special education evaluation and eligibility consideration.

This means there are occasional situations that are so compellingly appropriate for Special Education consideration that it would be unacceptable to delay needed services by having to go through Response to Intervention (RTI)/Student Support Team (SST) processes.

### **Section 4 Summary of Progress Monitoring Data Toward Achieving Standards**

This is the section where the committee shares the specific scientific, research or evidence-based intervention(s) and provides accurate information on the progress monitoring data results for the intervention(s) implemented for an initial evaluation or the specially designed instruction for reevaluation.

- Area(s) of Difficulty

Initial evaluation - The "Area" field is where the committee will identify the area(s) of concern [such as academic (reading, mathematics, writing); behavioral; functional; or developmental]

Reevaluation -The "Area" field is where the committee will list the identified deficit areas based on the Individualized Education Program (IEP) goal(s) and additional areas of concern that have manifested since previous eligibility.

- Scientific, research, evidence-based interventions

Initial eligibility – Identify (name) the specific intervention(s) implemented. The scientific, research or evidence-based intervention(s) will be implemented as designed for the appropriate period of time to show effect.

Reevaluation – Identify the specific specially designed instruction/intervention (specialized programs, methodology, or instructional delivery) implemented.

- **Baseline Performance**

Initial eligibility – Record baseline data for the intervention(s) implemented for Tiers 2, and 3. This will include the date, starting data point, and performance summary of that starting point.

Reevaluation – This will include the date the specially designed instruction/intervention was implemented from the IEP, the starting data point, and a performance summary of the starting point.

- **Intervention Data**

Initial eligibility - The progress monitoring data presented will show the child’s RTI (positive effect or lack of response) that demonstrates that the child is not making sufficient rate of progress to meet age or State-approved grade-level standards within a reasonable time frame.

The summary will provide information on the impact of the intervention on educational performance and discuss/address the **rate of learning**. A child whose rate of learning is comparable to grade level peers cannot be determined to have a disability that impacts educational performance even though the child may be below grade level performance.

However, a child whose **rate of learning** is not comparable with grade level peers may be considered a child with a disability that impacts educational performance. Trend lines or other projections for attaining grade level standards are appropriate to include in this data analysis.

### **Progress Monitoring**

Reevaluation – The progress monitoring data will show present levels of academic achievement, behavioral needs and related developmental or functional needs of the child. The data will guide needs for any additional accommodation and/or modification to the special education and related services to meet the measurable annual goals set in the IEP. Because special education is included in Tier 4 there is an expectation of greater frequency of progress monitoring of child’s RTI/intervention to guide decision making.

### **Section 5 Results of District, State, and Benchmark assessments**

The academic assessment history is one source of information to combine with multiple sources to assist in the decision making. This section must include all district and state assessments the child has taken in the last calendar year but could include previous years if the assessment results are relevant to support the needs of the student. In addition to district and state assessments, benchmark assessments may also be included. Benchmark assessments will only be accepted as the sole support for this eligibility section if there are no results available on state and district level assessments (i.e. Kindergarten students who have not completed the GKIDS assessment, or transfer students). Include the student results along with the passing standard for the test (such as 800) to make it easier for individuals who are not directly involved in district, state and benchmark assessments to interpret results.

### **Section 6 Individual student data**

**Note:** As one completes this section it may help you to determine what additional information/assessments are needed prior to eligibility team meeting. This section is a collection of assessments (formal/informal), observations, interviews, reports, and work samples completed by a multidisciplinary team. It is organized into domains to prompt the team to consider the whole child. The team is responsible for assessing the student in all areas either formally or

informally. A more in depth assessment must be completed in all areas related to any suspected disabilities and in any other area deemed relevant. It is imperative when completing this form to make sure the team addresses all domains. If the child exhibits no concerns in a specific domain then the team needs to document the evidence available to support that no formal assessment is needed for the domain. The domain area needs to include the source providing the information and the date the decision was made:

Examples:

Social Domain: **Report/Assessment:** Classroom teacher observation; **Date:** 10/8/2009; **Results Strengths:** Teacher reports that Johnny has many friends and works well in collaborative settings therefore no social problems noted.

Sensory Processing: **Report/Assessment:** Parent and teacher report; **Date:** 10/8/2009; **Results Weaknesses:** Parents and teacher reports that Johnny exhibits tactile defensiveness when he eats soft foods. He refuses to eat foods that are soft and white. If he accidentally eats a soft food, he will gag and throw up. Both teachers and parents report that loud noises bother Johnny. This is observed during lunch in the cafeteria, on the bus, in the gym, and when the fire alarm rings. At the beginning of the year he would hide under desk and hold his hands tightly over his ears. (Based on this example, the team has information that should guide the decision to investigate further through formal assessments.)

This section must be written from the perspective that anyone can interpret the information included in the chart.

- **Report(s)/Assessment(s) & Scores** – Give the name and measurement scale for scores. Teachers and parents need to be able to interpret what that score means. If gathered through informal assessment such as teacher observation or input, include the source.
- **Date** – This is the date the assessments (formal/informal), observations, interviews, reports, work samples, etc. were administered.
- **Results Strengths/Weaknesses** – Results are analyzed and interpreted in these sections.

### Section 7 Exclusionary factors

The exclusion factors should have been discussed at length during the SST (Tier 3) process on whether the factor had an impact on the child's educational progress. Exclusionary factors must be considered in eligibility determinations.

Each factor should be considered for its impact or lack of impact on educational progress. The explanation should describe why or why not a factor has influenced educational progress. Once the factors have been addressed, the team needs to refer to the responses and refer to the eligibility criteria for each disability category. The following is guidance on addressing each exclusionary factor.

- Lack of appropriate instruction in reading, math and written expression. Need to discuss: Did the child have access to quality instruction and research-based curricula?
- Limited English Proficiency. It is very important to include an English Speakers of Other Languages (ESOL) staff member who is familiar with the child suspected of having a disability. It will be necessary to include a language profile for this child that specifically investigates the language proficiency in both the primary language and English.

- Cultural Factors. A child’s culture should not be a determinant factor of a disability. An important method of obtaining pertinent cultural information is by interviewing key family members. All results obtained must be interpreted in relation to the child’s dominant cultural influences.
- Environmental or economic disadvantage. A child’s environment or economic disadvantage should not be a determinant factor for determination of a disability.

The committee will need to thoroughly examine family stressors that may be impacting educational progress to include homelessness, unemployment, extended illnesses, death in the family, divorce, pre-school experiences, lack of books in the home or expectations of the family for the child.

- Atypical education history. The team must discuss if the child has high levels of mobility and/or absenteeism which may have influenced the educational progress of the child.
- Visual, hearing or motor disability. The committee will need to analyze information in order to rule out as source of difficulty when determining specific disabilities.
- Mutism, tongue thrust and dialectic. Mutism, tongue thrust behavior without associated speech sound impairment, and dialectic differences cannot be a speech language disorder. The committee will need to analyze information in order to rule out as source of difficulty when determining specific disabilities.

### **Section 8 Decision making for eligibility**

The team will make a determination to continue with eligibility consideration by using the convergence of data from multiple sources to document each of the following:

- Grade level difference, such as large performance difference compared to peers and benchmark expectations in specific areas (data from State-wide testing, system level benchmarks, etc.) (**For preschool:** Differences in age appropriate skills will be used in comparison to peers)
- Rate of learning difference, such as a large difference in rate of learning compared to the trajectory toward the benchmarks when provided with high-quality interventions implemented over a significant period (CBM, progress monitoring, tiered support)
- Adverse educational impact, such as a review of the individual student qualitative and quantitative data that indicates the need for specially designed instruction. The Committee Rationale is a summary of the specific reasons for the committee’s decision. The rationale should clearly state why or why not the child has been determined in need of special education.

### **Section 9 Summary of considerations**

In this section the committee has completed the discussion and agreed that the results of the data indicate there is an adverse impact on educational performance in specific area(s). The committee will use the chart to document those areas. Keep in mind educational performance refers to functional, developmental and/or academic areas. Checks in the chart must correlate with the data and assessment results collected. The committee should list the area(s) of disabilities being considered.

The committee should use the **Eligibility Quick Reference Guide** for guidance.

### **Section 10 Eligibility determination**



Based on the review of the collection of data, assessments, observations, and interviews, the committee will determine which specific category(ies) the child meets eligibility criteria and if appropriate, the related services needed. The eligibility determination will be noted in the space available. The committee will summarize the data and information collected on the child that causes the committee to determine the specific eligibility. This explanation will document the reasons the committee made their decision.

### **Section 11 Eligibility team information**

This section includes the title, position, and name of the members present.

For Specific Learning Disability (SLD) eligibility in accordance with Federal 34 CRF 300.311(b) and State law, each eligibility team member must certify in writing whether the report reflects the member's conclusions. If it does not reflect the member's conclusion, the eligibility team member must submit a separate statement presenting the member's conclusions.

A space is provided on the last page for that entry or the member may send in or attach a separate response.

This is not to be used as a vote.

## **APPENDIX J: FREQUENTLY ASKED QUESTIONS ABOUT DISCIPLINE**

### **Authority of System Personnel**

#### **What is meant by consecutive school days?**

Consecutive refers to the number of days of suspension in a row.

#### **How are cumulative days of suspension in a school year addressed?**

The Discipline Rule addresses cumulative days by referring to school days in the same school year. Systems may suspend a student with disabilities for up to 10 (cumulative) school days total in a school year without providing special education and related services unless the system would provide services to a student without disabilities who has been similarly removed.

#### **Does in-school suspension (ISS) constitute removal from school?**

Not necessarily. If the student has access to the general curriculum and receives his or her IEP services while assigned to ISS, it is not counted as out-of-school suspension.

#### **What is a free appropriate public education (FAPE) for a student who has been removed for more than 10 school days in a school year for disciplinary reasons? A modified concept of FAPE applies in those circumstances and consists of:**

- Services which enable the student to continue to participate in the general education curriculum and
- Services which enable the student to progress toward meeting the goals set out in his or her IEP.

#### **At what point in the disciplinary process is a student required to have a behavioral intervention plan (BIP)?**

Within ten days of any decision to change the placement of a student with a disability because of a violation of the code of student conduct, the relevant members of the IEP Team must make the determination of whether the conduct was a manifestation of the student's disability. If it is determined to be a manifestation of the student's disability, a functional behavioral assessment (FBA) and a behavioral intervention plan (BIP) must be developed, reviewed, and/or modified.

#### **What is a functional behavioral assessment?**

A functional behavioral assessment (FBA) is the process of gathering information in order to determine the cause or function of a behavior prior to developing a behavior intervention plan. There are many tools and assessments that can be used for functional behavioral assessment. These should be individually selected on a case-by-case basis. Data for functional behavioral assessments should be derived from the student's school setting in order for accurate conclusions to be made. Forms for this are available on GoIEP.

#### **What is the definition of behavioral intervention plan?**

A behavioral intervention plan (BIP) is positive interventions, strategies and supports designed to address the behavior in question. A team approach that includes relevant system staff and the parent is critical to developing a successful BIP. The BIP is a fluid plan that should be modified as necessary. Forms for this are available for on GoIEP.

**Does a Behavior Intervention Plan (BIP) have to be based on a Functional Behavior Assessment (FBA)? Is a FBA required before a BIP can be done?**

If the IEP team has adequate information to develop a Behavior Intervention Plan, a Functional Behavior Assessment may not be required. Although not required, it would be considered to be best practice to conduct a FBA prior to the development of a BIP. In the case of a required FBA and BIP due to discipline procedures and the determination that the behavior in question was a manifestation of the student's disability, both a FBA and a BIP must be developed. If already completed, the FBA and BIP must be reviewed and revised as necessary.

**Do removals from the school bus count as days of out of school suspension?**

Yes, if special transportation is listed in the student's IEP, and if a student is suspended from the bus, IEP services have been interrupted. Therefore, the bus suspension/removal will be counted as out of school suspension unless the system makes provisions for alternative transportation.

**MANIFESTATION DETERMINATION**

**Who makes the manifestation determination?**

The determination is made by:

- the system;
- relevant members of the IEP Team, as determined by the system and the parent;
- and the parent.

**Systems conduct a tribunal to determine guilt or innocence when a student is accused of a serious or repeated violation of the code of conduct. Is the manifestation determination conducted before or after the tribunal?**

The manifestation determination should be conducted before the tribunal.

**What must occur if the determination is made that the behavior in question was a manifestation of the student's disability?**

The student must be returned to the placement from which the student was removed, except in the cases involving weapons, serious bodily injury or illegal drugs or controlled substances, unless the parent and the system agree to a change in placement.

If a BIP is not in place:

- IEP Team must conduct a functional behavioral assessment (FBA), unless the system had conducted one prior to the behavior; and
- implement a behavioral intervention plan (BIP). If a BIP is already in place:
- the IEP Team must review the existing BIP; and
- the IEP Team must make changes needed in the BIP to address the behavior.

**What occurs if the determination is made that the behavior in question was not a manifestation of the student's disability?**

For disciplinary removals that would exceed 10 consecutive school days, system personnel may apply the relevant disciplinary procedures in the same manner and for the same duration as the procedures would be applied to students without disabilities, except that the student must:

- continue to receive educational services so as to enable the student to participate in the general education setting, although in another setting and to progress toward meeting IEP goals, and

- receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not reoccur.

**If the Manifestation Determination decides that student’s behavior was not a manifestation of the disability and the tribunal decides that the student is to be served in an alternative educational setting, must the LSS provide transportation?**

First, the tribunal does not determine the placement, the IEP determines the placement of the student so that he or she may continue progress toward meeting the IEP goals and accessing the general education curriculum. Whether or not transportation must be required will depend on whether specialized transportation was required in the IEP. If it was in the IEP, then it must be provided for alternative school. In other circumstances, the team must consider whether not having transportation results in removing the student from services. If so, the IEP team should consider an alternative.

**SPECIAL CIRCUMSTANCES/DEFINITIONS**

**What is the definition of a dangerous weapon?**

“The term dangerous weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury.” The definition as of the date of publication of this manual is from 18 U.S.C Section 930 (g)(2). This definition from the United States Code is used for the term “weapon” in Georgia’s special education Discipline Rule.

**What is the definition of a serious bodily injury?**

“Serious bodily injury means injury that involves (A) substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.”

Implicating a student of inflicting serious bodily injury is a serious matter. Best practice suggests that careful consideration should be made to ensure the validity of the injury claim. For the purposes of this Rule, the definition of serious bodily injury is found in the United States Code. The definition as of the date of publication of this manual is found in 21 U.S.C. Section 18(c).

**What is the definition of controlled substance?**

For the purposes of this Rule, the definition of controlled substance is that found in section 202(c) of the Controlled Substances Act. The definition is not included here because it is lengthy and changes frequently.

**When are the provisions about weapons, illegal drugs, controlled substances and serious bodily injury in effect?**

These provisions are in effect when students are:

- at school;
- on school premises; and
- at school functions.

## **NOTIFICATION**

### **When should a parent be notified of a change of placement due to a removal because of a violation of the code of student conduct?**

The system is responsible for notifying the parent and providing procedural safeguards on the date on which the decision is made to make such a removal that constitutes a change of placement.

## **APPEALS**

### **What decisions about discipline can a parent appeal?**

- the manifestation determination
- the selection of an interim alternative educational setting regarding the issues of weapons, illegal drugs or controlled substances, or serious bodily injury

### **Can the system appeal any decisions related to discipline?**

Yes, the system may appeal if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others.

### **What occurs if the parent or the system wants to appeal (see first 2 questions under “Appeals”)?**

An expedited due process hearing occurs within 20 school days of the date the hearing is requested. A determination must be made by the administrative law judge within 10 school days after the hearing.

### **May the hearing officer’s decision on an expedited due process hearing be appealed? Yes.**

The parent or the system may appeal the administrative law judge’s opinion consistent with Rule 160-4-7:10 Dispute Resolution.

## **PLACEMENT DURING APPEALS**

### **What happens to the student’s placement when an appeal under the Discipline Rule is made?**

When the parent disagrees and appeals, the student will remain in the interim alternative educational setting (IAES) pending the hearing decision or until the expiration of the 45 school day time period if the infraction involved illegal drugs, controlled substances, weapons or serious bodily injury, unless the parent and the system agree otherwise. The student does not stay put in his or her special education placement that was in place prior to the IAES.

## **PROTECTIONS FOR STUDENTS NOT YET ELIGIBLE**

### **What protections are in place for a student who has not been determined to be eligible for special education and related services and who has violated the code of student conduct?**

A student may assert protections under the Discipline Rule if the system had knowledge that the student was a student with a disability.

### **How is it determined that the system had knowledge that the student was a student with a disability?**

A system is deemed to have knowledge that a student was a student with a disability if any of the following occurred prior to the behavior that precipitated the disciplinary action:

- the parent expressed concern that the student was in need of special education and related services (This concern must have been expressed in writing to supervisory or administrative personnel in the system, or to a teacher of the student)
- the parent requested an evaluation of the student (consistent with Rule 160-4-7.04 Evaluation & Reevaluations)
- the teacher of the student, or other system personnel, expressed specific concerns about a pattern of behavior of the student (these concerns must have been expressed directly to the local special education director or other system supervisory personnel)

**If a student becomes involved in a disciplinary action and has been previously evaluated and determined ineligible for services, what is the system’s responsibility? In addition, if a parent requests an additional evaluation, what is the system’s responsibility?**

- The system is not deemed to have knowledge that a student is a student with a disability if the parent has refused services or the student has been evaluated and found ineligible for services.
- If a parent requests an evaluation of a student during the time in which a student is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.
- Until the evaluation is completed, the student remains in the educational placement determined by system authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, the system must provide special education and related services.

**REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES**

**Can law enforcement officials be informed of suspected criminal activity of a student with a disability?**

Yes. The system may report criminal acts committed by a student with a disability. Nothing in the Discipline Rule prohibits system officials from reporting criminal activity allegedly committed by a student with a disability.

**What happens when the system or other agency reports a crime committed by a student with a disability?**

Copies of the student’s special education and disciplinary records, if appropriate, are sent to the agency to which the crime was reported.

**CHANGE OF PLACEMENT BECAUSE OF DISCIPLINARY REMOVALS**

**When does a change of placement occur?**

A change of placement occurs:

- if the disciplinary removal is for more than 10 consecutive days or
- if the removal is part of a series of removals that constitutes a pattern

**What constitutes a pattern of removals?**

- the series of removals totals more than 10 school days in a school year
- the behavior is substantially similar to previous incidents that required removal and
- the length of each removal, the total amount of time the student has been removed and the proximity of the removals to one another have been considered

**How is it determined that a series of removals constitutes a change of placement?** The system determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process hearings and judicial proceedings.

## **APPENDIX K: TESTING ACCOMMODATIONS GUIDANCE**

### **Testing Accommodations for Students with Disabilities Oral Presentation:**

#### General Information:

There are two oral presentation accommodations available to students with disabilities in the state of Georgia. Both are allowed by the Georgia Department of Education as a means to provide equitable access during instruction and assessments for this group of students. The state of Georgia mandates that any accommodations provided to a student for a state assessment must be the provided for classroom instruction and classroom assessments. There are some accommodations that may be appropriate for instruction, but may not be appropriate for use on state assessments.

Accommodations must adhere to the following principles:

- Accommodations should enable students to participate more fully in instruction and assessments and to better demonstrate their knowledge and skills.
- Accommodations must be based upon individual student needs and not upon a category of disability, level of instruction, time spent in general classroom, or program setting.
- Accommodations must be justified and documented in the student's IEP.
- Accommodations must be aligned with and be a part of daily instruction; accommodations must not be introduced for the first time during the testing of a student.
- Accommodations should foster and facilitate independence for students, not dependence.
- Only accommodations listed as approved in Georgia's Student Assessment Handbook may be used on state-mandated tests.

Providing students with unapproved modifications during a state-mandated assessment constitutes a test irregularity and may result in an investigation into the schools or system's testing practices, as well as invalidation of the student's score. Additionally, the Code of Ethics for Georgia Educators now includes provisions for sanctions of school or system personnel who are reported as having participated in an event deemed as a testing irregularity.

There are two possible Oral Presentation Accommodations:

- Read aloud test except for reading passages. See below for more information.
- Read aloud test including reading passages. See below for more information.

**If you have a student who does not fit the above criteria of either option one or option two and you feel that consideration should be given for this student to receive the accommodation of oral presentation, a written request for the accommodation with accompanying data supporting the request can be sent to the Director of Special Education. Contact the Director of Special Education for assistance in completing this request. All requests must be made prior to IEP meetings.**

1. Oral reading of test questions in English only by reader or assistive technology is a standard accommodation that is available for struggling readers. If the student meets the criteria and the accommodation is included on their IEP for state testing, it must also be a part of the student's daily instructional routine for all printed material, with the exception of reading passages.
2. Oral reading of reading passages in English only by reader or assistive technology is a conditional accommodation for non-readers. Using the most recent benchmark ORF data,



the student does not decode any words. The words read correctly on the ORF passage are sight words and not words that have been decoded by the student.

This accommodation may be considered when BOTH the following conditions apply:

1. The student has a specific disability that severely limits him or her from decoding text at any level of difficulty, even after varied and repeated attempts to teach the student to do so (i.e. the student is a non-reader, not simply reading below grade level);
2. The student has access to printed materials only through a reader or other electronic format during routine instruction.

The text must be read word-for-word exactly as written. The test administrator may not provide assistance to the student regarding the meaning of words, intent of test items, or responses to test items. The test administrator may not rearrange the order of text (e.g., read the questions before reading the passage). The test administrator may read test text to a small group provided all students have the same test form number. When a small group setting is used, the passage may be read once and each test item may be read twice. Each student must have a test book and must be instructed to follow along in their test booklet as the test administrator reads the text. If a student has this accommodation on their IEP for state testing, it must also be a part of the student's **daily instructional routine for all printed material**.

### **IMPORTANT POINTS:**

All accommodation must be reconsidered by the IEP team on a yearly basis at the time of the annual review of the student's IEP. Decisions must be based on the most current data (ORF) for that student. When considering ORF, the IEP team must conduct an error analysis of the words the student read correctly to determine if the student is or is not decoding. If a student has received accommodations and the most current ORF scores indicate a positive response to reading interventions provided for in the IEP, then the IEP team must apply guidelines to determine if the student continues to warrant the accommodation. If the student no longer meets the criteria, the accommodation must be removed from the IEP. If a student receives either of these accommodations, there must be evidence in the IEP (in the present level of performance) of the reading deficit and there must be a goal or goals addressing the reading deficit. Student performance on the intervention(s) should be progress monitored and data reported in progress reports and at annual reviews. Provision of the accommodation must be evident in all classroom instruction and classroom assessments.

### **Additional Resources**

GAA Examiner's Manual from DOE

<http://public.doe.k12.ga.us/DMGetDocument.aspx/GAA%20Examiners%20Manual%202010-2011.pdf?p=6CC6799F8C1371F6ACE31216F3FAF832005189A95AC8450FB758820E003DD77D&Type=D>

Testing Accommodations Manual for Students with Disabilities (and ELL students) From GaDOE

[http://www.doe.k12.ga.us/DMGetDocument.aspx/Accommodations%20SPEELL\\_2008.ppt?p=6CC6799F8C1371F631EBD2B9711577C515DF8F9C68931223DF1CB320EC751054&Type=D](http://www.doe.k12.ga.us/DMGetDocument.aspx/Accommodations%20SPEELL_2008.ppt?p=6CC6799F8C1371F631EBD2B9711577C515DF8F9C68931223DF1CB320EC751054&Type=D)

## **APPENDIX L: SPECIAL EDUCATION TEACHER JOB RESPONSIBILITIES**

The role of the Special Education Teacher encompasses a broad range of responsibilities, extending from the individual student, to the classroom, to the school as a faculty member, to the central office, and into the community at large. The responsibilities of the Special Education

Teacher include:

### 1) Developing and Maintaining IEPs

- Follow procedures in Section 4 for writing IEPs
- Review IEPs on an on-going basis
- Report progress on annual goals at the end of each grading period
- Maintain a current IEP for each child on teacher's caseload

### 2) Maintaining Student Records/Reporting Student Data

- Maintain student records in a secure location.
- Report student data as requested by the Special Education Director
- Provide a Caseload Report as directed to the Special Education Director
- Completing portions of all Eligibilities (see Appendix L)

### 3) Documenting Parent/Guardian/Surrogate Contacts

- Contacts with parent(s)/guardian(s)/surrogate(s) for due process meetings should be documented in the IEP (document phone calls, home or work site visits, written notice, email, etc.)
- Other contacts with parent(s)/guardian(s)/surrogate(s) should be recorded in GoIEP (note: see first bullet re: documentation in the IEP)

### 4) Evaluating Student Progress

- Uses progress monitoring to report progress on the student's IEP goals.
- Reports progress on IEP goals when Report Cards are issued (i.e., typically every 9 weeks).
- Reminder: Progress Monitoring is a DUE PROCESS requirement.

### 5) Completing Referrals for Reevaluation

- Teachers are responsible for gathering the needed referral information for all students reported on their Caseload Reports.
- Referral information should be reviewed and forwarded to the Special Education Director.
- Sections 1 through 5 on the Eligibility Report must be completed prior to sending in the Referral for Reevaluation. After the evaluation has been completed, additional sections will need to be completed (see Appendix L).

### 6) Attending Due Process Meetings

- Attendance is required at all IEP Meetings for students on your caseload
- IEP meetings are scheduled from the Special Education office.
- Bring appropriate paperwork to include a draft copy of the IEP and a copy of the following as appropriate (Behavior Intervention Plan, Transition Plan, Functional Behavioral Analysis).

### 7) Attending Special Education Meetings

- All special education teachers are expected to attend building departmental meetings and system-wide special education meetings.
- These meetings are scheduled to explain rules, regulations, local procedures, etc.

- Teachers will be notified in advance so that they can make plans to attend.

8) Improving Knowledge Base

- Teachers are expected to attend and participate in assigned workshops and training.
- Teachers are expected to apply information learned in training to the job.
- Teachers are expected to demonstrate initiative in learning new tasks.

9) Additional Expectations

- Maintain prompt and regular attendance.
- Use appropriate communication skills, both written and oral.
- Limit taking care of personal business during work hours.
- Maintain a professional appearance in dress and grooming.
- Assist in routine classroom housekeeping duties.
- Exhibit time on task and hardworking attitude.
- Exhibit flexibility and a cooperative attitude.

## **APPENDIX M: Special Education Paraprofessional JOB RESPONSIBILITIES**

The role of the Special Education Paraprofessional is vital to the overall functioning of the special education program in the classroom, school, and in the school district. The responsibilities of the Special Education Professional include:

### 1) Supportive of Instruction

- Support whole group instruction
- Monitors students and redirects off-task students
- Provides individual assistance to students when needed
- Assist with individualized instruction
- Tutor individual and/or small groups of students
- Prepare student-specific materials and adapt as necessary
- Implement and reinforce teacher-developed instruction
- Implement AT interventions under direction of Special Education Teacher
- Provide acceleration or remediation of instruction
- Support implementation of accommodations

### 2) Interacting with Students

- Exhibits patience and kindness toward students.
- Models appropriate communication skills for students.
- Treats students with respect
- Disciplines students with fairness and equity, according to the Special Education teacher's guidelines.
- Assists students with toileting, feeding, and/or other physical care.

### 3) Improving Knowledge Base

- Attends and participates in assigned workshops and training.
- Applies information learned in training to the job.
- Demonstrates initiative in learning new tasks.

### 4) Monitoring Students

- Observes, records, and charts student's behavioral responses in the classroom
- Reports unusual changes in student behavior to supervising teacher.

### 5) Ethics

- Confidentiality is maintained at all times.
- Complies with all local, state, and federal regulations and policies.

### 6) Additional Expectations

- Maintains prompt and regular attendance.
- Uses appropriate communication skills, both written and oral.
- Limits taking care of personal business during work hours.
- Maintains a professional appearance in dress and grooming.
- Assists in routine classroom housekeeping duties
- Exhibits time on task and hardworking attitude.

- Exhibits flexibility and a cooperative attitude.

For a variety of reasons, **Paraprofessionals should not perform the following tasks:**

- Design or develop instruction
- Develop lesson plans
- Determine student grades
- Conduct formal assessments



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ESOL/EL Program Manual

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## Quick Reference: School Procedures Upon Enrollment and Withdrawal

Step 1: **CHECK SLDS to see if student has been identified as an EL (by school registrar or designee)**

**NOTE: Parents may report a different home language than what was previously reported so check SLDS and Infinite Campus**

Step 2: Administer Home Language Survey during the Registration Process (in the home language of the caregiver as practical—additional translations may be found on the GADOE ESOL webpage). **Before administering the Home Language Survey (HLS), please verify that one does not already exist (ESOL teacher or school designee). We can only screen students once.**

Step 3: If the survey answers indicate a language other than English, refer the student's name to the ESOL Coordinator.

Step 4: The ESOL Coordinator refers to the chart below for guidance.

**NOTE: WIDA Screening & Determining of EL Services Eligibility – students must be assessed for EL status within 30 days of enrollment in a school. Parents must be notified within 30 calendar days after the beginning of the school year that their child was placed in a language instruction educational program, and if this occurs during the school year, two weeks after placement in a LIEP.**

Step 5: ESOL

**\*\*The WIDA Kindergarten Screener is used to screen kindergarten students and 1<sup>st</sup> semester First Grade students.**

**\*\* The WIDA screener applies to 2<sup>nd</sup> semester First Graders – 12<sup>th</sup> grade.**

**PLEASE NOTE: ELs SHOULD BE PLACED IN AGE-APPROPRIATE GRADE LEVELS OR COURSES. IF A LOWER GRADE LEVEL PLACEMENT IS NECESSARY DUE TO LACK OF FORMAL SCHOOLING, IT SHOULD NOT BE MORE THAN ONE YEAR BELOW THE NATIVE ENGLISH-SPEAKING PEERS OF THE SAME AGE.**

<b>Initial Entry to US School or No Records Exist</b>	<b>Previously Enrolled in a Georgia School System</b>	<b>Previously Enrolled in a US School System (Not Georgia)</b>
<ul style="list-style-type: none"> <li>○ If no records exist or the student is from outside the country (first time enrollment in a US school), WIDA screening or Kindergarten screening is necessary.</li> </ul>	<ul style="list-style-type: none"> <li>○ <b>CHECK SLDS</b>— (ESOL teacher or school designee). Before screening ensure that the child has not already been screened and received services in a previous district.</li> <li>○ If a student is transferring from another district within Georgia, contact the previous school for records. <b>ALWAYS honor the previous system for exit criteria.</b></li> </ul>	<ul style="list-style-type: none"> <li>○ Review records for EL Status</li> <li>○ If the student qualified for services in another state using a different measure, DO NOT RESCREEN (continue with ESOL services)</li> <li>○ If the student exited ESOL in another state, the exit is valid – DO NOT RESCREEN</li> <li>○ If the student did not qualify in another non-WIDA state the student is eligible for screening</li> </ul>

<p><b>Qualifies as an English Learner</b></p> <p><b>(after screening)</b></p> <ul style="list-style-type: none"> <li>○ Send Parent Notification of English Language Programs to guardian (<u>see above</u>).</li> <li>○ If parents contact the school stating that they want to waive ESOL services, the ESOL Lead Teacher must send a Parent Waiver of Direct ESOL Services form for parent signature. <u>Signed form is placed in student's permanent record.</u></li> <li>○ <b>STUDENTS WHOSE PARENTS HAVE WAIVED SERVICES MUST TAKE ACCESS—THEY ARE STILL ELs UNTIL THEY REACH LANGUAGE PROFICIENCY AS MEASURED BY THE ACCESS</b></li> <li>○ Create a Course Schedule for EL Services</li> <li>○ Develop EL-TPC Plan</li> </ul> <p><b>Does Not Qualify (DNQ)</b></p> <ul style="list-style-type: none"> <li>○ After student has been screened and DNQ, place Screener Report in student file as evidence of language assessment given and non-eligible status.</li> <li>○ ESOL Teachers will record WIDA screening scores in SLDS.</li> </ul>	<p><b>Qualifies as an English Learner</b></p> <ul style="list-style-type: none"> <li>○ Send Parent Notification of English Language Programs to guardian (<u>see above</u>)</li> <li>○ If parents contact the school stating that they want to waive ESOL services, the ESOL lead teacher must send a Parent Waiver of Direct ESOL Services form for parent signature. <u>A signed form placed in the student's permanent record.</u></li> <li>○ <b>STUDENTS WHOSE PARENTS HAVE WAIVED SERVICES MUST TAKE ACCESS—THEY ARE STILL ELs UNTIL THEY REACH LANGUAGE PROFICIENCY AS MEASURED BY THE ACCESS</b></li> <li>○ Create a course schedule for EL services</li> <li>○ Develop EL-TPC Plan</li> </ul> <p><b>Does Not Qualify (DNQ)</b></p> <ul style="list-style-type: none"> <li>○ Locate original WIDA Kindergarten Screener or WIDA screener Score</li> <li>○ Submit data entry form with the service codes to our system SIS coordinator</li> <li>○ ESOL Teachers will record WIDA screening scores in SLDS.</li> </ul>	<p><b>Qualifies as an English Learner</b></p> <ul style="list-style-type: none"> <li>○ Send Parent Notification of English Language Programs to guardian (<u>see above</u>).</li> <li>○ If parents contact the school stating that they want to waive ESOL services, the ESOL lead teacher must send a Parent Waiver of Direct ESOL Services form for parent signature. <u>Signed form is placed in student's permanent record.</u></li> <li>○ <b>STUDENTS WHOSE PARENTS HAVE WAIVED SERVICES MUST TAKE ACCESS—THEY ARE STILL ELs UNTIL THEY REACH LANGUAGE PROFICIENCY AS MEASURED BY THE ACCESS</b></li> <li>○ Create a course schedule for EL services</li> <li>○ Develop EL-TPC Plan</li> </ul> <p><b>Does Not Qualify (DNQ)</b></p> <ul style="list-style-type: none"> <li>○ The school designee creates a course schedule for the non-eligible student.</li> </ul>
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**Upon student withdrawal, all ESOL documents must accompany the student.**

**For ALL students, check to see if they were or are current ESOL students. These documents MUST be sent with school record.**

## Timeline for ESOL Program

Date	Item	Person Responsible
Within 15 days of the start of school	Complete WIDA Screener training (to be completed yearly) <b>New year begins on July 1 for training purposes</b>	ESOL teachers
Within 15 days of the start of school	Verify the EL students in your building and make sure they are scheduled to receive services	ESOL teachers, teachers, admin
Within 30 days of enrollment	Screen new students upon enrollment ( <b>check SLDS and former school FIRST</b> to make sure students haven't already been screened)	ESOL Coordinator/ ESOL teachers
Within 10 days of screening and finding student eligible for services <b>OR</b> school starting—EVERY ESOL student will receive this letter	Parent Notification of English Language Programs	ESOL Coordinator/ ESOL teachers
Within 15 days of the start of school	Initial Follow-up for newly exited ELs (M1s)—to be completed within the first month of school starting  <b>The ESOL teacher will provide general education teachers with a list of monitored students</b>	ESOL teacher notifies general ed teachers to complete the monitoring form
First Semester of School	Facilitate training sessions with new teachers for orientation and to share ESOL Resources	ESOL Coordinator,
End of Q1	First Monitoring Period for M1s and M2s	ESOL teacher notifies general ed teachers to complete the monitoring form
By End of October (but as soon as feasibly possible)	Complete the EL-TPC for <b>ALL EL identified students</b>  Testing accommodations for Els are found in the GaDOE Student Assessment Handbook. Test accommodations must reflect instructional accommodations carried out in the general education classroom. Attend any IEP meeting for dually served students to make sure accommodations match the EL TPC. (Previously enrolled student's TPC may be completed at the end of the previous school year)	ESOL teacher and SPED teacher (for dually identified students)
December	Complete WIDA training for administering the ACCESS assessment	Any teacher planning to administer the ACCESS

End of Q2	Second Monitoring Period for M1s and M2s	ESOL teacher notifies general ed teachers to complete the monitoring form
Jan. 10-March 1, 2024	ACCESS Testing	Teachers who have successfully completed the WIDA training and obtained a passing score
End of Q3	Third Monitoring Period for M1s and M2s	ESOL teacher notifies general ed teachers to complete the monitoring form
End of Q4	Fourth Monitoring Period for M1s and M2s	ESOL teacher notifies general ed teachers to complete the monitoring form
May	Guidance to be given at EOY meeting on sending ACCESS reports home	ESOL teachers, ESOL Coordinator
May 2024	Hold reclassification meetings for eligible students (ACCESS and Alternate ACCESS). Complete form within IC.	ESOL teacher, admin, gen ed teacher
May 2024	Complete exit notification letter for students who exit the ESOL program. Complete form within IC.	ESOL teachers, ESOL Coordinator

## ESOL Program Description

English to Speakers of Other Languages (ESOL) is a state-funded instructional program for eligible English Learners (ELs) in grades K-12 (Georgia School Law Code 1981, § 20-2-156, enacted in 1985). The ESOL program is a standards-based curriculum emphasizing academic and social language development. ESOL coursework is based upon the WIDA Consortium English Language Development (ELD) standards. Classroom teachers integrate these ELD standards with the Georgia Performance Standards to enable ELs to both communicate in English and demonstrate their academic, social, and cultural proficiency. Instructional approaches, both in ESOL and general education classes, ensure that the needs of Georgia's ELs are accommodated. To the extent practicable, it is appropriate to use the EL's home language as a means of facilitating instruction and providing parents with school-related information.

*(i) State Board of Education Rule*

(State Board of Education Rule IDDG 160-4-6-.02 Language Assistance: Program for English Learners (ELs))

*(ii) Definitions*

**Dual Language Immersion** – an educational delivery model whereby students learn academic content through both their native language and a foreign language.

**English Learners (ELs)** – students whose primary or home language is other than English and who are eligible for services based on the results of an English language proficiency assessment.

**English language proficiency** – the level of language competence necessary to participate fully and learn successfully in classrooms where the primary language of instruction is English.

**English to Speakers of Other Languages (ESOL)** – an educational support program provided to help ELs overcome language barriers and participate meaningfully in schools' educational programs.

**Georgia Department of Education** – the state agency charged with the fiscal and administrative management of certain aspects of K-12 public education, including the implementation of federal and state mandates. Such management is subject to supervision and oversight by the State Board of Education.

**Home Language Survey** – a questionnaire administered upon enrollment to each student's parent or guardian for the purpose of determining whether a language other than English is used by the student or used in the student's home.

**Language assistance services** – supplemental language support programs that promote academic language development for students with limited English proficiency.

**Local Educational Agency (LEA)** – local school system pursuant to local board of education control and management.

**Multilingual Language Learner (MLL)** – students who are developing proficiency in multiple languages.

**PHLOTE** – Primary or home language other than English.

**School** – any school or special entity as defined in State Board Rule 160-5-1-.03 Identification and Reporting of Schools.



**State-adopted English proficiency measure** – an English language proficiency test administered annually to all English learners (ELs) in Georgia for the purposes of determining the English language proficiency level of students; providing districts with information that will help them evaluate the effectiveness of their ESOL programs; providing information that enhances instruction and learning in programs for English learners; assessing the annual English language proficiency gains using a standards-based assessment instrument; and providing data for meeting federal and state requirements with respect to student assessment.

**State-adopted English proficiency screening measure** – a formal measure of social and academic English language proficiency that assesses students' need for initial placement in supplemental language assistance services.

**Student Record** – the state's required end-of-year student data collection.

## o I. Statewide EL Identification Procedures

### o A. Registration

*Registration for YHALE is available through two convenient methods: online and in-person at each school campus.*

#### **Online Registration:**

Directions for online registration are on the school website

Since YHALE is unable to determine the language in which an enrolling parent completes the application, beginning May of FY23, the district added an acknowledgement box where the parents check that they have completed the application in a language and format they understand.

#### **In-Person Registration:**

In-person registration is available at the school. If the parent requires or would like a translator for any language, they can request one, and the school will coordinate an enrollment time with the appropriate translator.

##### ▪ 1. Parent Communication Language

As part of the registration process, parents are asked to identify their preferred language for communication. In addition to the 3 state-required questions, the HLS contains a 4th question: In which language would you prefer school communication? This indicates the language preference of the parent for written communication between the school and the family. This question is required under ESEA/ESSA Title I, Part A as part of the Registration and Data Collection Processes.

This question is updated annually. It is for informational purposes only. It is **not** used to identify a child for English language proficiency screening. However, it is used to determine how schools will communicate with parents AND it is automatically populated in Infinite Campus during the registration process. The ESOL o will pull a report from IC (in the fall and in the spring) and send it to the ESOL teachers so that they will know the language indicated on the enrollment form.

##### ▪ 2. Home Language Survey (HLS)

Under federal law, schools must identify all potential EL students and then screen potentially eligible students for English language assistance. At the time of enrollment parents must complete a Home Language Survey (HLS). (The generic use of the term "parents" refers to any legal guardians and primary caregivers enrolling the student.) The

HLS is incorporated in the online registration process. All students enrolling in a U.S. school must answer the state required 3 HLS questions. Parents may not decline to complete the HLS. As appropriate, registration personnel will ensure parents understand the intent and purpose of the HLS during on-line registration. The HLS is a one-time document. The required state approved Home Language Survey (HLS) is published on the GaDOE ESOL website (<https://www.gadoe.org/Curriculum-Instruction-and-Assessment/Curriculum-and-Instruction/Pages/Home-Language-Survey.aspx>). The EL records of all transferring students must be used to identify whether the in-state or out-of-state transfer student is an EL or not. The HLS is a series of questions intended to determine the student's primary or home language.

The following **three required HLS** questions appear on the HLS. **These three questions may not be reworded or altered.**

1. Which language does your child best understand and speak?
2. Which language does your child most frequently speak at home?
3. Which language do adults in your home most frequently use when speaking with your child?

An [updated HLS survey](#) was implemented in January 2024 and contains [additional considerations for students who are from multilingual families](#).

To ensure that responses given on the HLS are accurate and legally binding, districts should make every attempt to administer this document in the home language of the caregiver. Translations of the HLS for LEAs use are available in several languages in the [Forms Bank](#) located within the GaDOE Guidance link on the GaDOE ESOL webpage. If it is determined the HLS embedded in the on-line registration packet was not able to be made understandable to the parent, front office staff along with the appropriate personnel may provide an independent copy of the HLS.

NOTE: The following languages should be accepted as English languages and would NOT trigger the need to screen the student for English proficiency.

1. English, other than Standard English (Language Code 51) – This language code was discontinued in July 2020.
2. American Sign Language (ASL)

If the child has a disability that precludes assessment of one or more language domains or an established IEP/504 plan, please refer to the section on EL Entrance Procedures for Students with Disabilities

The online enrollment process requires a parent signature and date for all the information, including the embedded HLS. This documentation will be maintained in the student's permanent records (as part of Infinite Campus) in case of an OCR request for review.

There may be occasions where questions arise from parents in terms of the HLS questions. In these instances, the following guidance will be followed in the BCSS:

- o [Incorrect HLS](#)

If the parent notifies the district that the original HLS answers are not correct, and the district agrees, the parent will be given the opportunity to complete a **Home Language Survey Addendum**. The school should report this to the ESOL Coordinator for guidance on the next steps before giving the parent the Home Language Survey Addendum. If it has been determined that the HLS is incorrect, an addendum will be completed at that time and

uploaded to IC. The addendum requires the parent/guardian's signature to be notarized. Both the original HLS and the HLS Addendum should be in the parent's preferred language. The ESOL Coordinator must approve the new HLS Addendum and the schools will follow the process of next steps based on the new HLS. If it requires an EL status change, the student will be coded EL=I for the remainder of the school year (June 30th) to show he/she was incorrectly identified as an EL. The Director of ESOL and Title III will contact the GaDOE ESOL Language Program Specialist for assistance with verbiage needed to explain the use of the EL= I code in Data Collections. After June 30th, the student is to be coded EL=N. The district will keep all documentation in the student's file and report to the GaDOE via the Portal. The student's status will be updated in IC.

#### o MLL Amendment

When parents report two primary home languages, one of which is English, the statewide standardized procedure is to identify this student as a potential English learner and screen him or her for English language proficiency. If the student qualifies for EL status, schools usually identify the primary home language as the non-English language, since both primary home languages cannot be simultaneously recorded in IC.

However, some families are multilingual-multiliterate and believe their child is developing proficiency in two or more languages concurrently, and therefore, each language is just as "primary" as the other(s). Educational research literature calls these children simultaneous bilinguals or multilinguals to distinguish them from sequential bilinguals/multilinguals. With the rise in dual language programs in Georgia and the influx of multilingual-multiliterate families this scenario is requiring schools and school systems to develop an alternate set of HLS procedures. If a parent of a developing multilingual child feels that the ELP screening process is discriminatory against multilingual-multiliterate families, the parent may request a Multilingual Home Language Survey (MLL HLS) Amendment. This amendment provides guidance and describes the process to change the student's primary home language code to English. With an English primary home language, the student would not be considered a potential English learner nor would be screened for ELP. The ESOL Coordinator will be contacted should questions arise regarding the amendment and appropriate coding of students.

#### ▪ 3. Student Primary Language

If the student's primary language indicates that the student speaks a language other than English, the student's primary language must be entered if the student is EL-Y. Infinite Campus will not allow any changes to the EL tab until this information is entered. The school registrar or ESOL Coordinator are responsible for entering this information into IC.

#### ▪ 4. Maintaining original signed/dated HLS document in students' records

The original signed and dated registration form, which includes the HLS (home language survey) questions, is filed at the school level. This information can also be found by school staff in the Student Information System (Infinite Campus) under the Person Documents tab on the OLR (Online Registration) form.

When a student enrolls in YHALE from another district, the original HLS from the student's initial enrollment must be honored. Each school registrar must contact the previous district to obtain the original HLS when it is not received in the transfer records.

### B. Initial English Language Proficiency (ELP) Screening Processes -1st Enrollment in U.S. Schools

#### 1. State Approved ELP Screeners for Grades K and 1-12

Since Georgia is a member of the WIDA Consortium, YHALE will use the following approved WIDA ELP screeners to determine if a potential student is eligible for the EL status:

### WIDA Screener for Kindergarten

The WIDA Kindergarten Screener must be used to identify potential EL students starting with the 2021-2022 Kindergarten class, students enrolling in:

- 1st semester and 2nd semester Kindergarten; and
- 1st semester Grade 1 only

### Grades 1-12 WIDA Screener (Online & Paper)

- The WIDA Screener is an ELP screening instrument designed to measure the English language proficiency of potential EL students enrolled in 2nd semester Grade 1- Grade 12 only.
- The WIDA Screener for Grades 1-12 is an online ELP screener. The paper WIDA ELP screener is available when specified by a student's IEP or 504.
- The WIDA Screener for students in grades 1-12 is divided into grade clusters: 1; 2-3; 4-5; 6-8; and 9-12. The instructions as to the appropriate grade level cluster screener to be administered to the students in grades 1-12 are outlined in the WIDA Screener Test Administration Manual; the administration procedures should be followed as indicated in the manual.
- To administer the Grades 1-12 WIDA Online or access to the WIDA AMS site can be obtained from the LEA's System Director of Assessment.
- Title III funds are not used to purchase WIDA screener assessments.

## 2. ELP Screener Costs (local obligation)

YHALE covers all costs associated with the ELP screening process as part of their local obligation. The ESOL Coordinator collaborates with the Assessment Coordinator and appropriate system-level personnel to determine if extra funding is needed to cover screener costs.

## 3. ELP Screener Administration

- *Language Domain Subtests per Grade Level, Semester, and Grade Level Cluster*

### Grade-Appropriate WIDA Screeners & Language Domain Subtests

Kindergarten Screener		Grades 1-12 Screener	
Students enrolling during Kindergarten registration - 1 <sup>st</sup> semester Kindergarten.	Students enrolling in 2 <sup>nd</sup> semester Kindergarten – 1 <sup>st</sup> Semester Grade 1	Students enrolling in the 1 <sup>st</sup> semester of the lowest grade in a grade-level cluster.	Student enrolling in the 2 <sup>nd</sup> semester of the lowest grade in a grade-level cluster.
Administer <b>only the Listening and Speaking tests</b> of the Screener.	Administer all four language domain tests	Administer a lower grade cluster WIDA Screener. Example: A 4 <sup>th</sup> grader enrolling 1 <sup>st</sup> semester 4 <sup>th</sup> grade will be administered the Grades 2-3 WIDA Screener.	Administer the current grade cluster WIDA Screener. Example: A 4 <sup>th</sup> grader enrolling 2 <sup>nd</sup> semester 4 <sup>th</sup> grade will be administered the Grades 4-5 WIDA Screener.

- *Local Protocols: Screening and Irregularities*

At the end of each quarter, a report will be generated from the DRC site by the ESOL Coordinator and the Assessment Coordinator to verify that the correct screener was administered. If it is determined that the incorrect screener was administered, the ESOL teacher will be contacted and asked to complete the EL Screener Irregularity Report and submit

to the ESOL Coordinator and the Assessment Coordinator for approval and the school will place a copy of the report in the student's permanent file.

- *Screener Training and Certification*

At the start of each school year, ESOL teachers and administrators are given training on ESOL entry and exit procedures and screener guidance by the ESOL Coordinator and the Assessment Coordinator. The ESOL teachers must submit to their ESOL administration their certificate of completion for the appropriate screening completed on the WIDA website. WIDA's Test Certification Year is July 1 – August 30. All test administrators/examiners will annually renew their WIDA Screener Certificate of Completion after July 1 for the current school year.

- *Screening Administration Window*

YHALE will try to screen students within the first 15 days of enrollment even though we know we have up to 30 days. By doing this, we can appropriately plan for students who may qualify for ESOL services.

- *Screening Potential English Learners with Disabilities (or Suspected Disabilities)--*

### **CONTACT THE ESOL COORDINATOR IF YOU HAVE STUDENTS WHO MAY QUALIFY**

Students with disabilities established in an IEP or 504 Plan whose home or primary language is not English, must be administered the appropriate WIDA ELP Screener with the appropriate accommodations as established in the IEP. Accommodations must be documented in the IEP. Please contact the Special Education department to ensure the accommodations on the ELP Screener are appropriate to the disability.

A potential EL entering school with a suspected disability may require an evaluation for special education before administering the WIDA ELP Screener with accommodations, especially if the suspected disability would impact the results of the screener. Making an eligibility determination for EL status when there is a suspected disability not addressed could impact it. Please contact the Special Education department prior to administration of the WIDA ELP Screener.

#### Students with Identified or Suspected Disabilities that Preclude Screening of One or More Language Domains

Even with accommodations, WIDA ELP screeners may not be valid screeners for making EL eligibility determinations for students whose IEP precludes the assessment of one or more language domains. Students who are deaf, blind, and non-verbal would be considered as having a disability that precludes assessment in one or more language domains. Beyond these reasons, the Assessment Director should seek counsel from the GaDOE Assessment Division who would consult with Special Education and EL Learner Programs. Caution should be exercised with potential ELs in Kindergarten, whose ELP screener only assesses two language domains: Listening and Speaking. To determine whether the student qualifies as an English Learner, the IEP team should be convened to discuss how to determine EL eligibility when one or more language domains are missing. The IEP team's review of all information and data serves as the initial screening process for students whose disability precludes the assessment of one or more language domains. The IEP team should include an ESOL language specialist with experience identifying English learners. The IEP team's EL eligibility decision must be maintained in the student's cumulative record along with evidence supporting the team's decision. If the student cannot be assessed with any portion of the ELP Screener, it is the obligation of the IEP Team to revisit the EL eligibility decision at least annually.

- If the IEP team determines that the administration of the WIDA ELP Screener with accommodations is not appropriate to identify this student as an EL, the IEP meeting minutes suffice as documentation of this decision.
- The committee meeting minutes must be maintained in the student's cumulative record along with notes supporting the committee's decision.
- A flag or note could be placed with the Home Language Survey in the permanent record to alert any reviewer to see the IEP minutes dated XXXX for decision regarding screening.
- Student's EL status would be reported to the state in IC as EL=Yes or EL=No. If this status were to change, an explanation must be included in the Data Collection submissions.

If the student cannot be assessed with any portion of the ELP Screener, it is the obligation of the IEP Team to revisit the EL eligibility decision at least annually.

- *Students with Identified Significant Cognitive Disabilities -*

CONTACT THE ESOL COORDINATOR IF YOU HAVE STUDENTS WHO MAY QUALIFY

WIDA ELP screeners may not be valid for making EL eligibility determinations for students identified as having a significant cognitive disability. To determine whether the student qualifies as an English Learner, the IEP team should be convened to discuss how to determine EL eligibility when one or more language domains are missing. The IEP team's review of all information and data serves as the initial screening process for students whose disability precludes the assessment of one or more language domains. The IEP team should include an ESOL language specialist with experience identifying English learners.

If the IEP team determines that the administration of the WIDA ELP Screener with accommodations is not appropriate to identify this student as an EL, the IEP meeting minutes suffice as documentation of this decision.

- The committee meeting minutes must be maintained in the student's cumulative record along with notes supporting the committee's decision.
- A flag or note could be placed with the Home Language Survey in the permanent record to alert any reviewer to see the IEP minutes dated XXXX for decision regarding screening.
- Student's EL status would be reported to the state in IC as EL=Yes or EL=No. If this status were to change, an explanation must be included in the Data Collection submissions. If the student cannot be assessed with any portion of the ELP Screener, it is the obligation of the IEP Team to revisit the EL eligibility decision at least annually.

#### 4. EL Eligibility criteria & Flowcharts

- *Kindergarten*

Test administrators must enter the student's score results into the WIDA Score Calculator to generate a WIDA ELP Screener Score Report of the English language proficiency level indicated by the student's responses.

#### [EL Eligibility Flowchart – Kindergarten-1st Semester Grade 1](#)

#### **For students enrolling in 1st Semester Kindergarten:**

1. Administer only the Listening and Speaking sections of the new WIDA Screener for Kindergarten.
2. If the student's Oral Language Proficiency (Listening + Speaking) Proficiency Level is < 5.0, the student qualifies and is identified as an English learner and is coded EL=Yes in IC.

3. If the student's Oral Language Proficiency (Listening + Speaking) Proficiency Level is  $\geq 5.0$ , the student Does Not Qualify (DNQ) as an English learner and is coded EL=No.

- *Grade 1, by Semester*

**For students enrolling in 2nd semester Kindergarten to 1st semester Grade 1:**

1. Administer all four components of WIDA Screener for Kindergarten: Listening, Speaking, Reading, and Writing.
2. If the student's Overall Composite Proficiency Level score is  $< 5.0$ , the student qualifies and is identified as an English Learner and is coded as such in IC.
3. If the student's Overall Composite Proficiency Level score is  $\geq 5.0$ , the student Does Not Qualify (DNQ) as an English Learner and is coded EL=No.

- *Grades 1-12*

**EL Eligibility Criteria: Students in 2nd Semester Grade 1-12**

The WIDA Screener for Grades 1-12 (either online or paper) is the only screener administered to potential EL students enrolling in 2nd semester Grade 1 through 2nd semester Grade 12. Use the following process and screener results to determine EL eligibility.

1. Administer all four language domains of WIDA Screener: Listening, Speaking, Reading, and Writing.
2. If the student's Grade Level Adjusted Overall Composite score is  $< 5.0$  on the WIDA Screener, the student qualifies as an English Learner and is coded EL=Yes in IC.
3. If the student's Grade Level Adjusted Overall composite score is  $\geq 5.0$  on the WIDA Screener, the student does not qualify as an English learner and is coded EL=No in IC.

[EL Eligibility Flowchart – 2nd Semester Grade 1-Grade 12.](#)

5. Reporting ELP Screener Results

YHALE uses the EL Screener Tab in SLDS to maintain vital ELP Screener information for all school districts in Georgia to access as needed. Additionally, screener scores are captured in the appropriate tab of IC. ESOL teachers will enter the scores into IC for the students they screen and the ESOL Coordinator will enter all data into SLDS.

- *Date of ELP Screener Data Element*

- The DATE OF ELP SCREENER is the testing date a student is screened for the EL program and is determined to be an English Learner (EL = 'Y') student.
- The date must be in the format *yyyymmdd* where 'yyyy' is the complete year (e.g., '2002'), 'mm' is the month (01-12), and 'dd' is the date (01-31). (See FY19 Student Record Data Collection Data Element Detail)

**Note: For transfer EL students, indicate the date the ELP Screener was administered in the previous LEA. This is NOT the date the EL student enrolls in the LEA's ESOL Language Program.**

- *ELP Screener Results in SLDS ELP Screener Application*

ESOL teachers will enter the screener results into IC. The ESOL Coordinator will run an ad hoc report from IC and pull screener scores. The ESOL Coordinator will enter that information into the SLDS screener application.

**ELP Screener Date Unavailable for Out-of-State or In-State Transfer EL Students**

When an LEA is unable to determine with certainty the Date of ELP Screener for Out-of-State or In-State Transfer EL Students, the LEA will construct this date as follows:

1. Determine the school year for which you have the earliest ELP assessment results.
2. Use the first day of school for that school year, as the Date of ELP Screener. Out-of-State errors in Data Collections for missing Date of ELP Screeners will be relievable with explanation.

- [Data Quality Control of SIS Procedures](#)

The YHALE FTE team oversees the school system's reporting of student information to the state.

## C. EL Identification Processes for Transfer Students

### 1. In-State Processes

When students enroll from another system in the state of GA, there are several ways to determine current EL status:

- [EL History GUIDE](#)

Begin by copying the GTID number from Infinite Campus under Summary. Next go to SLDS, the GUIDE, then EL History and search for the student my GTID number. This will show you their current EL status and their identified date.

**NOTE:** If it is prior to the October FTE, also make sure ACCESS scores from the prior year are noted to determine whether the student exited the program. If ACCESS scores are within the 4.3-4.9 range, follow up with the previous district to determine if the student was reclassified.

- [ACCESS Assessment History in SLDS](#)

Begin by copying the GTID number from Infinite Campus under Summary. Next go to SLDS, search with the student's GTID number, and scroll down to see assessments. The student will have a history of ACCESS scores that can be used to determine EL status and/or services.

- [Communication with Transfer District](#)

Each ESOL teacher is responsible for working with the registrar to make sure the student's ESOL paperwork is sent. If there are issues or the teacher has trouble, they must contact ESOL Coordinator.

- [Transfer Records](#)

Infinite Campus districts can transfer student records via the platform. For this to work, both districts must use IC and have the appropriate settings in place. If this is not an option, then a withdrawal form is completed at the school by the withdrawing guardian. Receiving schools may also submit a records request to the school holding the records.

### 2. Out-of-State Processes

- [Transfer Records](#)

ELs who transfer from another district within the United States or from a Department of Defense school and there are official records to support their pre-determined eligibility and services within the past year, the school must accept these records and place the child accordingly in language assistance programs.

If record of an ELP Screener or ELP assessment is not available for a potential EL student who has transferred from out-of-state, or records cannot be obtained within the federal timeline, it will be necessary for the LEA to take steps to ensure that it meets the appropriate deadlines for notifying parents of child's placement in a language instruction educational program.

- [WIDA vs. Non-WIDA States](#)



If a student was screened in a WIDA state and Did Not Qualify (DNQ) as an English Learner, the student may not be screened again at a future date for reconsideration of eligibility without prior state approval. (See list of WIDA states at [www.wida.wisc.edu](http://www.wida.wisc.edu).)

If a student was screened in a non-WIDA state and Did Not Qualify (DNQ) by that state's eligibility criteria, the district may consider rescreening the student using the appropriate WIDA eligibility assessment ***if there is evidence that the student's level of English language proficiency will be/is a barrier to meeting Georgia's Standards of Excellence.***

However, the district cannot consider re-screening when the DNQ non-WIDA transferring student:

- Was screened more than 24 months (or the equivalent of two academic years) prior to enrollment in the current LEA; and
- Was enrolled and was successful in the general education program in the previous school; and
- Performed at the met or exceeded level on that State's content assessments (if such assessments were required and administered in the enrolled grades).

### 3. Special Scenarios

- *Foreign Exchange Students*

The schools will reach out to the ESOL Coordinator for guidance if they have foreign exchange students. It is expected that all J-1 exchange visitors are proficient enough in English to participate successfully in their exchange program and to function on a day-to-day basis in U.S. schools. YHALE will follow EL Entrance Procedures and provide English language services if needed.

- *Out-of-Country Enrollment Gaps*

The ESOL Coordinator will contact GADOE for guidance if YHALE has students who fall into this scenario. If the student was an EL when they left the country, they will remain an EL when they return to the district. However, if they were not an EL when they left, and their parents' answers on the HLS show the student is more proficient in a language other than English, YHALE will follow EL Entrance Procedures and will potentially provide English language services.

## D. Communicating Student's EL Identification to Parents

### 1. Communication with parents in a language/format they understand

Upon identification of a student as an English learner, a letter must be sent to parents notifying them of their child's qualification for ESOL services. This letter is located within IC. The letters are already translated into English and Spanish. If schools need other languages, they are to reach out to the Director of ESOL and Title III for translations. Once the letters have been completed in IC, they will remain in the student's electronic file. If other languages are requested, they will be uploaded into IC once they have been manually completed.

### 2. Maintaining evidence of communication

All required forms have been created within IC and exist as fillable documents. As ESOL teachers complete each document, it populates in both English and Spanish. The completed documents reside within IC in the student's folder. Teachers can print and send home completed forms. If languages other than English or Spanish are completed, those are

uploaded into the student file on IC. Any document with a physical signature is scanned and uploaded to the ESOL file within IC.

## II. ESOL Language Program Structures & OCR Obligations

### A. Eligibility–

Initial and continuing eligibility are outlined through the district’s entrance and exit procedures included in this document. See Section I of this handbook.

### B. Purposes & Goals

The English to Speakers of Other Languages (ESOL) Program is designed to help English learners participate meaningfully and equally in educational programs and services as required by the Office for Civil Rights (OCR).

\* The purpose of the ESOL language program is to provide strategic language instruction such that EL students develop academic English and meet challenging state academic content and achievement standards. The ESOL language program is part of the school’s Coherent Instructional System (See Georgia’s Systems of Continuous Improvement Framework). ESOL provides a personalized structure for meeting the foundational English language development needs of EL students so they can engage in grade level instruction and assessment in English and graduate ready to learn, ready to live, and ready to lead.

### C. ESOL Teachers & Staff

#### 1. OCR Obligations for Professionally Qualified Staff

The teacher must hold a valid Georgia teaching certificate or meet the district requirement for PQ outlined in the CLIP and have the ESOL endorsement or ESOL certification. (Current enrollment in a PSC-approved ESOL endorsement program counts for funding purposes for one year if the district has submitted the application for a non-renewable certificate in ESOL).

#### 2. ESOL Endorsement/Certification Requirements

Teachers who teach ESOL at YHALE are required to hold the ESOL certification. ESOL teachers must be ESOL endorsed or hold an ESOL certification.

#### 3. Provisional ESOL Endorsement procedures

There are rare instances where a provisional ESOL endorsement may be utilized for employees currently enrolled in the ESOL endorsement and/or those preparing to take the ESOL GACE. These individuals will work closely with the ESOL Coordinator and the school's certification specialist.

#### 4. ESOL Teacher & Administrator Professional Learning

ESOL teachers attend monthly meetings for training and have access to WIDA PL and GADOE PL. They set professional learning goals through the TKES platform, and their goals are part of their yearly evaluation. The district sends ESOL administrative staff to various conferences throughout the year for additional training such as ESEA Conference or WIDA. Lead ESOL Teachers also attend conferences such as GATESOL, TESOL, or WIDA depending upon schedules and availability of funds. The ESOL Coordinator also provides brief PL sessions for administrators at leadership meetings. Teachers who attend conferences paid for by Title III funds will be required to come back and redeliver the content to their faculties.

## D. ESOL Program Structure

### 1. ESOL State Funded Segments

The FTE Users Guide describes a segment as one-sixth of the instructional day. SBOE Rule 160-5-1-.02 states that instructional time is "all portions of the day when instruction or instruction-related activities based on the state-approved courses are provided by or coordinated by a certified teacher or substitute teacher." This minimum time varies by grade level as do minimum segment lengths:

Grade(s) and Scheduling	Daily Required Minutes Per Segment(s)	Daily Required Segments Maximum	Weekly Required Minutes Minimum
<b>K-3</b>	45 minutes	1	225
<b>4-8</b>	50 minutes	2	250
<b>9-12</b>	55 minutes	5	275

### 2. ESOL Class Sizes

The State Board of Education (SBOE) Rule [160-5-1-08](#) establishes [class sizes](#) which schools use to design an ESOL program based on student need and school capacity. Note that the minimum funding size means a school system earns one state funded ESOL QBE/FTE for every seven ESOL class segments reported to the state during FTE collection. The BCSS uses the chart below as a guide for determining ESOL class sizes.

Grade Levels	Funding Class Size	Maximum Average Class Size	
		No Paraprofessional	With Paraprofessional
<b>K-3</b>	<b>7</b>	11	13
<b>4-8</b>	<b>7</b>	14	15
<b>9-12</b>	<b>7</b>	18	20

### 3. ESOL State Funded Courses

GaDOE has a list of state funded K-8 and 9-12 funded courses. When administrators at YHALE begin scheduling, they utilize [this document](#) to help assist in that planning. This guide assists with seeing what courses can count as an ESOL course based on staff certification.

### 4. ESOL Delivery Models

YHALE uses the different ESOL delivery models as outlined in the guide published by GaDOE's data collection division. This document (pages 3-5) is shared with school administrators as decisions are made as to [delivery models](#) for ESOL. The delivery model selected by a school may differ based on teacher certification/content, enrolment, and proficiency levels of the ELs.

### 5. Charter/Waiver Detail

YHALE is a Charter District. The [Charter](#) provides guidance for how programs at the school are implemented.

- 6. Access to Core Content
  - *ESOL Scheduling*

YHALE has the autonomy to schedule ESOL classes based on the numbers of ELs, number of ESOL certified staff, differing ELP levels, and contents to serve. The ESOL Coordinator works with the administrators to pull the necessary documents together to determine scheduling.

The district's program of services to ELs must address the following two requirements: (1) the provision of research-based English language acquisition services and (2) the provision of effective participation of ELs in all districts academic and special programs.

**Note:** ELs should be placed in **age-appropriate grade levels or courses**. If a lower grade level placement is necessary due to lack of formal schooling, it **should not be more than ONE year below the native English-speaking peers of the same age.**

- *Avoiding Segregation*

The goal is for ELs to spend as much time in the general content areas as possible while still providing time for English acquisition.

- *Local ESOL Grading Policies/Procedures*

One area where many teachers struggle is how to assign grades to the work that their EL and LEP (Limited English Proficient) students do. They feel that because the student is completing modified work or working under testing accommodations that it is unfair to give these students the same high grades that other students receive. Below is a chart with some considerations for grading:

Students at WIDA proficiency levels 1.0 (entering) – 3.5 (developing)*	Students at WIDA proficiency levels 2.0 (developing) – 5.5 (bridging)*	Students at WIDA proficiency levels 3.5 (developing) – 6.0 (reaching)*
<ul style="list-style-type: none"> <li>● A student is given a passing grade (P) or 70 and above if he or she generally performs the following tasks:               <ul style="list-style-type: none"> <li>○ is prepared for class with needed materials</li> <li>○ tries work assigned to him or her                   <ul style="list-style-type: none"> <li>▪ uses reference materials (math dictionary, picture dictionary, vocabulary sheets, word walls, and/or bilingual dictionary)</li> <li>▪ attempts as much of an assignment as he or she can</li> <li>▪ completes portions of modified work</li> <li>▪ is attentive during instruction/ group work</li> <li>▪ copies notes when necessary</li> <li>▪ communicates needs and feelings verbally or non-verbally</li> </ul> </li> </ul> </li> <li>● A student is given a failing grade (F) below 70 if he or she generally does not attempt to perform any of the above tasks.</li> </ul>	<ul style="list-style-type: none"> <li>● A student is given standard grades for modified work. Examples of modified work include, but are not limited to the following:               <ul style="list-style-type: none"> <li>○ Assessments read aloud, extended time, language modifications, word banks, reducing problems or steps because of linguistic complexity, drawing pictures, completing graphic organizers, etc. (modifications should be a collaboration between the ESOL and subject-area teacher).</li> <li>○ See grade level appropriate <a href="#">WIDA Proficiency Level Descriptors</a> and <a href="#">Can Do Descriptors</a> to determine what you should and should not expect from students as a result of their proficiency.</li> </ul> </li> <li>● Individual grades can be added for class participation, note taking, and use of references to better reflect classroom effort in a student’s final grade.</li> </ul>	<ul style="list-style-type: none"> <li>● A student is given standard grades for work that is mostly comparable to his or her peers.               <ul style="list-style-type: none"> <li>○ Homework/class work assignments may be modified when/if necessary</li> <li>○ Students receiving accommodations through their TPC must receive those on all tests and regular class work.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>● Follow accommodations per student’s TPC</li> </ul>	<ul style="list-style-type: none"> <li>● Follow accommodations per student’s TPC</li> </ul>	<ul style="list-style-type: none"> <li>● Follow accommodations per student’s TPC</li> </ul>

**Lau vs Nichols:**

Equity of Educational Opportunity is not achieved by merely providing all students with “the same facilities, textbooks, teachers and curriculum; (because) students who do not understand English are effectively foreclosed from any meaningful education”. All English Language Learners (ELLs) are entitled to equal access to the core curriculum and the curriculum must be made comprehensible to ELLs.

**1983 Office of Civil Rights**

“It is our policy to find a violation of the Civil Rights Act of 1964 if Limited English Proficient (LEP) students are retained in grade for failure to demonstrate basic skills in English.”

- *Student/Teacher Ratios—what are you looking for here*

The State Board of Education (SBOE) Rule [160-5-1-.08](#) establishes [class sizes](#) which schools use to design an ESOL program based on student need and school capacity. Note that the minimum funding size means a school system earns one state funded ESOL QBE/FTE for every seven ESOL class segments reported to the state during FTE collection.

## E. English Language Development Standards

### 1. WIDA ELDs Framework

The district expects ESOL teachers to follow and implement the WIDA ELD Standards Framework, 2020 Edition. As a member of the WIDA Consortium, teachers in Georgia use the WIDA English language development standards (ELDS) framework and resources to guide the development of scaffolded ESOL language instruction courses and to design plans of instruction appropriate for students' English language proficiency levels. Language instruction educational lessons must be planned and implemented to develop students' listening, speaking, reading, and writing skills within the knowledge, skills, and enduring concepts outlined in Georgia's Standards of Excellence, K-12 and to understand the academic language used in English language arts, mathematics, science, social studies, and other academic content areas. ESOL and general education teachers in YHALE will receive correspondence about the WIDA standards and how to incorporate them into their lessons.

<https://wida.wisc.edu/teach/standards/eld>

### 2. Local English Language Development (ELD) Plans

ESOL Teachers distribute Can Do Descriptors, which are individualized by student based on ACCESS or screening scores, to all content teachers of the students they serve so that teachers can easily see what each student is capable of doing and how they can stretch the student's English language proficiency without expecting them to perform as their English proficient peers. Until there is a release of a new document that reflects the new WIDA standards, YHALE will continue to use the original Can Do Descriptors to help guide general education teachers on the differing ELP levels of ELs in their classroom.

Additionally, each student has a TPC, Testing Participation Committee, meeting with the ESOL Teacher, an administrator, a content teacher, and a parent (if they choose to attend) for the purpose of determining and assessment accommodations needed based on the guidance from the Allowable Accommodations testing document and prior year's ACCESS or Screening scores.

#### o Virtual Learning

If YHALE were to pivot to virtual learning, plans would be made to ensure that identified students receive ESOL services.

## F. Local Instructional Resources

### 1. Elementary School Level

Elementary/primary levels, grades K-5, are served through push-in, pull-out, scheduled, and dual immersion class delivery models. Students are supported with an ESOL teacher and resources in addition to the GSEs.

### 2. Middle School Level

Middle school level, grades 6-8, are served through push-in, scheduled, and dual immersion delivery models. Students are supported with an ESOL teacher and resources in addition to the GSEs.

### 3. Recently Arrived ELs (Newcomers, Refugees, SLIFE)

Beginning Fall of the 24-25 school year, YHALE will offer a scheduled class with dedicated materials for recently arrived ELs. The teachers will also use the curriculum they have by scaffolding and differentiating them according to student levels. We also offer Duolingo (free resource) and RAZ Kids EL for newly arrived ELs to help learn the language.

#### 4. Digital Language Resources

YHALE currently uses RAZ Kids Foundations and ELL solely dedicated for supporting ELs.

#### G. Additional Services for ELs in Gifted, MTSS, EIP, and Special Education

##### 1. MTSS Framework

Services for ELs should represent a continuum of available programs. All teachers are language teachers, and everyone is a language learner throughout his or her life. We all shape the education of a child, and as such, we must work collaboratively to fulfill that mission. Students served in ESOL should also be served through any other appropriate special programs offered within the school system. From the time of enrollment, ELs must be ensured an equal opportunity to participate in all special programs for which they qualify.

As background, districts may not assign national origin minority ELs to special education programs based on criteria that measure and evaluate English language skills. When tested in English, national origin minority students, who cannot use the English language well, are often unable to demonstrate their true level of academic skill. Conversely, districts must ensure that ELs are not improperly excluded from participation in a special education program simply because of the student's limited English proficiency. Districts must ensure that each EL student receives an appropriate education, special services included, with consideration taken for their language and cultural background.

Regarding any student in need of special education or gifted and talented services, schools must follow the referral procedures outlined in the specific program criteria. Once a referral is made, the required testing is performed and if the student qualifies, an appropriate placement is made, and services begin. The schools' designated testing personnel for special programs will determine an EL's eligibility for services. Schools may find, however, that due to an EL's lack of proficiency in English, bilingual assessments must be performed. For validity and reliability purposes, such assessments must be administered by personnel trained and qualified in their administration.

ESOL students should be considered the same as any other student, for eligibility to all available programs that will help them reach the same standards of performance asked of all students. When any child enters a mainstream education class, he or she may need language development and other types of support that must be included in general classroom instruction. For ELs these may include accommodations for instructional activities, tasks, and assessments. As the ELs develop greater fluency in English, fewer accommodations will be necessary.

Please refer to the [Georgia's Tiered System of Support](#) presentation and the [Effective, Together! Collaborating during the Initial and Continuing Eligibility Processes for English Learners with Disabilities](#) presentation regarding Georgia's MTSS for English Learners.

For more information on Georgia's Tiered System of Supports for Students, please click [here](#).

##### 2. Dual identified students and collaborative services

Once a referral is made to special education, the EL is tested, and a learning disability has been identified, the student should be scheduled for BOTH ESOL and SPED services.

Depending on the extent of the student's disability, it is appropriate for the general education teacher, ESOL teacher, and the special education teacher to work collaboratively to meet the student's needs. **The fact that an EL has a disability does not replace the need for language assistance. The plan for continuing to provide language assistance and support should be delineated in the student's Individual Education Plan (IEP). It is important to ensure that ELs are dually served through both programs.**

If, due to the student's significant cognitive disabilities, it is determined that another means of support will be more beneficial to him/her, the Special Education team and the ESOL specialist must work together to determine the most effective plan and to provide needed support for implementation.

- If an EL is determined eligible for special education services, the IEP team will determine the type and degree of services (Special Education and ESOL) the student will receive.
- The ESOL teacher must be included as an active member of the IEP team for ELs with disabilities. Please complete the [ESOL Summary for IEP Meeting](#) and give it to the Sped teacher at least 2 days prior to the meeting.
- If it has been demonstrated through testing that the student qualifies for special education services under the learning disability label or speech services label, the EL should be served in both programs.
- Scheduled time for ESOL services should not be reduced.
- The ESOL specialist and the special education teacher should consult regularly and maintain records of consultations as documentation of language support efforts.

### 3. Accommodations for identified EL/SWD on the ACCESS/Alternate ACCESS

Accommodations for ACCESS for EL/SWD Students are based on the disability and how the student's disability would impact he/her ability to take the ACCESS test in a fair manner. These decisions are to be made in an IEP Team meeting which includes the ESOL Teacher and are to be recorded in the IEP. All ESOL students will have an EL-TPC.

All ELs taking the Georgia Alternate Assessment qualify to take the Alternate ACCESS.

## H. Data Quality Controls & Responsibility for Reporting

### 1. Data Collections-School & District Staff Training Plan and Quality Checks

YHALE data staff along with the ESOL Coordinator will schedule meetings with the school's registrars and data entry staff to discuss proper coding of ELs and all the data elements. Periodic follow-up with the school staff will be conducted by the ESOL Coordinator to address any concerns, needs, or coding and scheduling questions.

### 2. Student Record Data Elements

The student record data elements are laid out in [this document](#) from GaDOE data collections. The ESOL Coordinator will work with YHALE data staff to ensure that all student data elements are correct.



### 3. Student Class Data Elements

The student class data elements are laid out in [this document](#) from GaDOE data collections. The ESOL Coordinator will work with YHALE data staff to ensure that all student class elements are correct.

- 4. Students' Permanent Records
  - Digital vs. Paper

All student permanent records are maintained with the Infinite Campus platform. Paper copies of ESOL documents will be placed with the student's hard copy permanent record.

### I. Annual Assessments for ELs

- 1. ACCESS for ELLs & Alternate ACCESS for ELLs
  - Accommodations for ELsWD

Accommodations (Available to ELLs with IEPs or 504 Plans)

Accommodations include allowable changes to the test presentation, response method, timing, and setting in which assessments are administered. Accommodations are intended to provide testing conditions that do *not* result in changes to what the test measures that provide comparable test results to those students who do not receive accommodations, and that do *not* affect the validity or reliability of the interpretation of the scores for their intended purposes.

[Communication ACCESS/Alt. ACCESS Results with Parents in preferred language/format](#)

Letters are sent home once ACCESS results have returned. The parent report and letter are sent home in the parent's preferred language. The ESOL Coordinator runs an ad hoc report from IC that indicates the preferred language. The ESOL Coordinator then works with ESOL teachers to communicate the reports in the languages needed based on parent preferences.

- 2. GA Milestones Assessments
  - Accommodations for ELsWD

YHALE has developed detailed guidelines for the school to follow in making individualized decisions concerning test accommodations for ELs.

- [EL/TPC \(TESTING PARTICIPATION COMMITTEE\) PROCEDURES](#)

TEST ACCOMMODATIONS (EL/TPC meeting)

1. ESOL teacher schedules EL/TPC meetings. ***These must be scheduled early in the school year before the first standardized test administration or at the end of the previous school year for continuing, non-exiting students*** and perhaps during grade-level meetings. Meeting participants should include the school's ESOL teacher, academic teachers (resource teachers included), and parent(s) who respond to the meeting notification letter. *EL/TPC recommendations can change during the school year based on student's needs.*

2. ESOL Teacher sends out **Notice of EL/TPC Meeting** letters to parents in English and parent preferred language of communication (**letter found on ESOL guidance document**) and upload the invitation into IC.
3. Parents may be notified of the EL/TPC meeting but are not required to attend for test accommodations to be provided.
4. Participants in the EL/TPC meetings collaboratively determine needed test accommodations **based on instructional accommodations provided in the mainstream classroom. These decisions must be made individually.**
5. EL/TPC members should collectively agree on the appropriate test accommodations for referred students. The ESOL teacher will complete the online form in IC. Minutes for the meeting will be documented within IC on the document.

- o Communicating GA Milestones Results to Parents in Preferred Language/Format

Each school is responsible for communicating GMAS results in a language parents can understand.

## J. ESOL Parent Communication & ESOL Meetings

### 1. Annual Parent Notification of ESOL Language Program Instruction

- *Initial Eligibility and Program Delivery Model*

ESOL teachers will distribute a Combined Letter to parents in their preferred language/format, according to Parent Communication Language in Infinite Campus, within the first thirty days of school or new enrollment or identification. This letter indicates the delivery model that will be utilized in the classroom. The ESOL teacher will complete the letter found in the ESOL Documents folder on Google Drive. Once the teacher completes it, the letter will be sent home to parents and the original copy is maintained in the student Green ESOL folder.

- *Continuing Eligibility and Program Delivery Model*

After reviewing ACCESS and Alt. ACCESS scores, ESOL teachers will distribute a Combined Letter to parents in their preferred language/format, according to Parent Communication Language in Infinite Campus, within the first thirty days of school or new enrollment or identification. The combined letter lists the criteria for receiving services and the delivery model in which the student will be served. The ESOL teacher will complete the letter found in the ESOL Documents folder on Google Drive. Once the teacher completes it, the letter will be sent home to parents and the original copy is maintained in the student Green ESOL folder.

### 2. Annual Parent Waiver Procedures

- *Evidence of "Voluntary and Knowing"*

Parent Waivers are only available upon parent request; waivers are only valid for one school year. An in-person meeting or telephone call with the parent is required to verify the request to waive services.

- *Documentation of Parent Refusal or Opt-out Decision in parents' Preferred language/format*

In the case that the parent does approach the teacher and ask for a waiver, the teacher will ensure that the waiver is in the parent's preferred language. Once the parent has completed the form and signed it, the original will be placed in the student's student record (physical copy).

- *Documentation of Alternate English language instruction program*

When a parent refuses ESOL services for their student, the ESOL teacher will complete the S-LAP form (student language assistance plan) and then share that completed form with the general education teachers of the student. The S-LAP form provides suggestions and ideas for scaffolds and differentiating for ELs. Additionally, the ESOL teacher will check in with the teachers quarterly to check on student progress.

### 3. ESOL Program Informational Parent Meetings

YHALE is responsible for scheduling its own ESOL program informational parent meeting. The school will run a report from Infinite Campus to ensure that they invite all parents of identified ELs. The ESOL Coordinator will create the sign in sheet and topics to be included in the parent meeting. A minimum of one parent meeting will be held each year. At these parent meetings, the following topics will be discussed: home language survey, screening for ESOL services, instructional segments and models used, ACCESS assessment, exiting the program, school and community resources for families, school contacts, and ways to support students at home.

YHALE will work to secure translators for helping to support parents of ELs with communication.

## III. EL Exit & Reclassification Procedures

### A. ACCESS/Alternate ACCESS Assessment review procedures & timelines

As soon as scores have been returned to the system, the ESOL Coordinator will work with the Director of Assessment to identify any students who may qualify for reclassification meetings based on the state guidance and system second indicator. The ESOL Coordinator will then communicate with the ESOL teachers as to students who qualify for reclassification meetings. ESOL teachers will be asked to conduct their reclassification meetings before the school year ends so that parents can be informed, and schools can plan for proper scheduling in the new school year. Once the determination has been made on each student, the proper paperwork and forms will be completed, and parents will be notified (via Notification of Exit of Services form). The student status in IC will also be updated to reflect exit of services.

YHALE will follow this timeline:

#### **May**

- School receives ACCESS for ELLs Score Results
- School teachers and leaders review EL students' ACCESS for ELLs and Alternate ACCESS score results to determine which EL students meet the state ACCESS criteria for exit.
- School will conduct reclassification meetings for students they "consider for exit" ELs in grades 1-12 scoring within the state's flexibility range of ACCESS Overall CPL 4.3-4.9, then schools schedule EL Reclassification Team Meetings to determine whether the students will be exited from EL status. In the case of ELs with significant cognitive disabilities meeting the ALTERNATE ACCESS exit criteria to consider for exit, IEP teams will be convened to make the exit determinations.

- School will hold Reclassification Team meetings and determine final decisions before the end of the school year. The student's EL status change will not be recorded in IC until after the June 30th Student Record Sign-Off is completed. In the event that the EL Reclassification Team meeting is held at the beginning of the new school year, the decision is made for the end of the school year when the student receives the ACCESS exit score.

### July

Exited EL students' status is changed in the SIS, although the EL Exit Date must be an end-of-the-school year date or June 30. The student is only exited at the end of a school year, not the beginning of a school year.

### August/September

- If schools cannot meet the "end-of-school-year" deadline for EL or IEP Reclassification team meetings, they may convene some of these at the beginning of the school year, but not later than 30 days after the beginning of the school year. The decision to exit a student from EL status must be made at the end of the school year or immediately at the beginning of the next school year to schedule the student for appropriate ESOL language instruction when applicable. EL Reclassification team meetings may not occur at any other time during the school year.

## B. Exit Criteria for ACCESS & Alternate ACCESS (GaDOE flowcharts)

YHALE will follow the GaDOE flowcharts for determining exit criteria for the ACCESS and Alternate ACCESS assessments.

Those charts and guidance can be found here:

- [Kindergarten EL Exit Flowchart](#)
- [Grades 1-12 EL Exit Flowchart](#)
- [Alternate ACCESS Reclassification Rubric](#)
- [Less-Than-Four-Domains Exit Procedures](#)

## C. EL Reclassification Criteria & Process

Reclassification Review Meeting for are held for students scoring 4.3-4.9 Overall CPL

Any student scoring between 4.3-4.9 AND have met the second criteria MUST have a reclassification meeting (see below)

- Composite Proficiency Level (CPL) score of 4.3-4.9
  - A reclassification meeting must take place to consider the student for exit and the form completed. Parents must be invited but are not required to attend.

**NOTE: If a student scores 4.3-4.9 a reclassification meeting must be held, and the reclassification form MUST be completed.**

A student can remain in the ESOL program if the committee unanimously agrees. If, after the meeting, the committee feels that the student still requires ESOL services, please select the correct option (Continue in ESOL) on the form. **If the committee decides to keep a student in the ESOL program, the reclassification form MUST still be completed and filed.**

YHALE will honor what a previous system decides for any student transferring into our system. If the student exited in that system, we will honor it. If the student did not exit ESOL in that system (but would have based on our criteria), we will continue services until they exit by our criteria.

## D. Collaboration with Special Education for IEP/Reclassification

Reclassification for special education students who took the Alternate ACCESS for ELs (and meets the criteria) takes place in the context of an IEP meeting. A meeting will be convened that includes the SPED teacher, ESOL teacher, administrator, and parent. The team will review the student's Alternate ACCESS for ELs assessment

scores and determine if exiting from ESOL services is appropriate for each student. The team’s decision must be unanimous.

### E. Procedures for Assessing Students with Less than four domains

Under the ESSA, as determined by the student’s IEP team or 504 Plan, if a student’s disability is directly related to a domain for which there are no appropriate accommodations, the student may be exempt from taking that language domain assessment.

Note: Students who are deaf, blind, and non-verbal would be considered with a disability that precludes assessment in one or more language domains. Beyond these reasons, the YHALE Director of Assessment will seek counsel from the GaDOE Assessment Division who will consult with Special Education and EL Learner Programs.

#### ▪ D-CPL (Designate Composite Proficiency Level) Process:

1. Administer the appropriate WIDA ACCESS for ELLs® or Alternate ACCESS language domain tests to the EL student as established in the IEP and/or IAP (504 Plan).
2. For each language domain test not administered, clearly mark Do Not Score with the reason code of SPD (Student’s Program/Plan team’s Decision code) in the student test booklet or in WIDA AMS.
  - a. If the domain was not tested due to an IAP and not an IEP, please notify the GaDOE Assessment, Special Education, and ESOL offices.
3. NOTE: Although WIDA ACCESS Individual Student Report will only show results for the language domains administered and will not include composite proficiency levels, the report should still be shared with parents in a language they understand.
4. Using WIDA-provided language domain scale score tables, the GaDOE Assessment & Accountability Division will assign the lowest exit score for the missing language domain(s) to allow an overall composite proficiency level calculation.
5. The GaDOE Assessment & Accountability Division will calculate a Designate Composite Proficiency Level (D-CPL) for each EL student whose WIDA ACCESS score results are missing one or more language domains.
6. The GaDOE Assessment & Accountability Division will provide the school system with an ACCESS Designate Composite Proficiency Level (D-CPL) for each one of these EL students. Typically, this occurs in August.
7. After receiving the GaDOE-generated D-CPL, the appropriate standardized statewide EL exit criteria for the ACCESS for ELLs® or the Alternate ACCESS threshold for considering EL Exit would then be applied to determine whether the EL student will exit EL status or not.

### F. End-of-Year Documentation & Procedures (Provide Local Checklist)

Date	Item
May	Receive ACCESS and Alternate ACCESS scores
May	Schedule reclassification for students meeting the criteria. <ul style="list-style-type: none"> <li>● Submit the reclassification decision list to the ESOL Coordinator</li> </ul>
May	Prepare EOY documentation <ul style="list-style-type: none"> <li>● Send ACCESS and Alternate ACCESS ISR reports home to parents (in preferred language)</li> <li>● Complete form and submit the proper letter based on student status:</li> </ul>

	<ul style="list-style-type: none"> <li>○ Notice their student is continuing in the EL program</li> <li>○ A letter notifying the parent that the student has scored high enough or has been reclassified based on a meeting to exit the program</li> </ul>
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- G. [Parent Communication](#)

ESOL teachers will send ACCESS individual score reports home to parents in the preferred language requested. Also, if students exit, a notification of exit of ESOL services will be sent then.

- H. [State Reporting Details](#)

- [EL Exit Date](#)

EL Exit Date is put in the EL tab of Infinite Campus and will be June 30 of the year in which they exit. This will be done by the ESOL Coordinator with YHALE data staff. If the EL Reclassification Team meeting is held at the beginning of the new school year, the decision is made for the end of the school year when the student receives the ACCESS exit score.

- [Reporting Local EL Exit Criteria on State Form](#)

The ESOL Coordinator is responsible for providing the state with the district's exit criteria.

1. [EL Exit Date \(New Data Element\)](#)

Training will be held with the appropriate school and system personnel (led by the ESOL Coordinator) as to entering the appropriate exit date. If the EL Reclassification Team meeting is held at the beginning of the new school year, the decision is made for the end of the school year when the student receives the ACCESS exit score. It is important to note that when the EL Exit Date is recorded in IC, YHALE will use an end-of-school-year date of June 30.

July – Exited EL students' status is changed in IC, although the EL Exit Date must be an end-of-the-school year date of June 30. Please ensure that a July or August date is not used for the EL Exit Date. Staff will be reminded that the student is only exited at the end of a school year, not the beginning of a school year.

2. [Reporting Local EL Exit Criteria on State Form](#)

Each year, the GaDOE Title III/ESOL division reaches out to local boards of education to ask for their exit criteria. The purpose of this request is so that the districts know what other systems across the state are using as their exit criteria. The ESOL Coordinator will respond to this request in a timely manner.

## IV. Post-Exit Monitoring Procedures

- A. [Locally Required Documentation](#)

The ESOL teachers and ESOL Coordinator are responsible for ensuring that the quarterly post-monitoring file is completed on each EL designated as M1 or M2. The post-monitoring form is a continuous form that is completed each year. The ESOL teachers and ESOL Coordinator will establish procedures in their building for ensuring that the current ELA and Math teacher(s) completes the form by the designated deadline posted on the system ESOL page. The ESOL administrator will follow up with any ELA and Math teacher who has not completed the form.

## B. Local Compliance/Management Procedures

The ESOL Coordinator will pull a report from IC or ESOL data sheet for each monitoring period and send that to the ESOL team so that they know which students need the monitoring report completed for the current monitoring period. This report will include any newly enrolled EL (who qualifies for monitoring) and excludes any EL who has withdrawn since the previous monitoring period.

## C. Reverse-Reclassification Procedures (& timeline)

Sometimes ELs may struggle in some of their academic courses, even after they have been deemed proficient and have met the criteria for exiting ESOL services; therefore, during the two- calendar year monitoring period required under civil rights law, ELs may still require instructional accommodations in some of their content courses. As the students' progress is monitored, if there is evidence the students are struggling in one or more content areas, the first step is to ensure the students are provided with any instructional supports available to students within the school, and to ensure that the RTI team is aware of their lack of academic progress and success.

The RTI or MTSS team should review the students' data and determine next step appropriate interventions and any potential increased Tier monitoring for RTI/MTSS purposes. After instructional interventions have been put in place and progress is measured over time, as data, documentation and any additional evidence are reviewed, *the RTI team and the progress monitors should determine whether the student is struggling because of a lack of content knowledge or whether the student is struggling because of a lack of language.*

ESOL teachers are essential to this process, especially those who have instructed the student in recent years, as they understand the process and time frame of second language acquisition.

Considerations may include reviewing the students' academic history:

1. Were students educated formally in their home countries, did they have consistent schooling or did their education have prolonged periods of interrupted schooling or no schooling?
2. What were the students' ACCESS for ELLs 2.0 scores and sub scores in each domain?
3. Were the student's Georgia Milestones Language Arts / ELA End of Course scores borderline for meeting standards or were they significantly above the minimum requirement?

In the courses in which they are struggling, what are their areas of difficulty?

1. Are they having difficulty specifically in the domain of writing, or reading, for example, or are there factors outside of language involved?
2. If the students are struggling in a particular course, is it a course in which they have always had difficulty?
3. Are the teachers differentiating instruction specifically to reach and support second language learners?
4. Is it a lack of concentrated effort on the students' part, or do the students turn in all assignments, but the quality of the work does not meet the requirements for a passing grade?

5. If so, would appropriate differentiation allow them to adequately demonstrate their knowledge and comprehension of the content, or do they lack the background content information to be able to access the curriculum and fully comprehend the material?

6. Are they receiving academic support to compensate for any lack of background information?

These factors should be considered when determining appropriate interventions for the students and/or if the problem is content or language related.

The final analysis of those reviewing evidence and data should determine whether the problem truly is a lack of language proficiency, rather than a lack of content knowledge, cognitive issues, or a disability. If it is determined that the problem is truly a lack of language proficiency, the RTI team should then meet, review the evidence, and determine whether the students should be placed back into language assistance services. If so, the students' coding in IC will be changed to EL-Y again; and in the future, when the student again meets the criteria for exit and is considered proficient, the monitoring period will begin again and last for two full calendar years as required.

If it is determined that the problem is a lack of English language proficiency, then the MTSS or RtI team should follow the following Reverse-Reclassification EL Entrance procedures:

1. Conduct an EL Reverse Reclassification team Meeting and document the team's decision on the EL Reclassification Form.
2. If the team has determined that the student's status should remain as Exited Student (EL=1 or EL=2), no changes should be made in IC. All documentation should be maintained in the student's permanent/cumulative record.
3. If the team has determined that the student's status should reverse back to EL status, then parent's consent must be obtained, per OCR Guidelines.
4. Timeline for changing student's status in IC from EL=1 or EL=2 to EL=Y:
  - a. If the Reverse-Reclassification decision is made in August or September before the Oct FTE count:
 

Then, change the status back to EL immediately and serve the student in the ESOL language program again.
  - b. If the Reverse-Reclassification decision is made between Oct FTE and March FTE:
 

Then, change the status back to EL immediately and serve the student in the ESOL language program again. However, you will need to explain the Data Collections Error you receive!
  - c. If the Reverse-Reclassification decision is made after the March FTE count:
    - o Then, wait until after the June 30 Student Record sign-off to change the student's status back to EL=Y.
  - All documentation should be maintained in the student's permanent/cumulative record.
  - After the student's status is reversed, and is identified again as an EL student, then the WIDA ACCESS for ELLs assessment can be administered during the state testing window.



- When the student meets the LEA’s EL exit criteria for a 2nd time and is reclassified as English proficient for a 2nd time, then the two-year monitoring period must begin again – for a 2nd time.

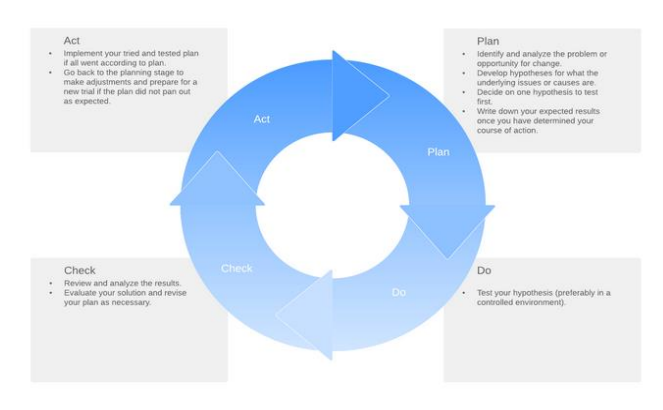
## V. Maintenance of ESOL Records and Documentation

ESOL student information will be placed in each student’s physical permanent file and accompany the students as they transition between schools or out of the school system.

## VI. ESOL Program Evaluation

### A. Cycle of Continuous Improvement

YHALE operates with a cycle of PDCA—Plan, Do, Check, Act



### B. Data Analysis

#### 1. Annual ELP Assessment Participation Rates

YHALE strives for 100% participation on the ACCESS for ELLs. During the assessment window, the ESOL Coordinator works with the Director of Assessment to ensure that students are assessed and that any assessment questions that arise are addressed. The ESOL Coordinator works alongside the Director of Assessment to communicate the participation rate to the district personnel, school administrators, and ESOL teachers.

#### 2. Annual EL Exit Rates

Once the report has been released by the DOE regarding the number of exits on the ACCESS (across the state), this information is communicated with system and school administrators so that they are able to see how the district compares to the state as well as systems like YHALE.

#### 3. Accountability/CCRPI

Once the accountability reports have been released by the DOE, the ESOL Coordinator works with the Director of Assessment to analyze school, district, and EL subgroup progress towards ELP. Reports and data are compiled and shared with district and school administrators and teachers.

#### 4. ACCESS Score Results

The ESOL Coordinator analyzes the ACCESS score reports and communicates the findings with the school administrators and ESOL teachers. In the fall when school starts back the ESOL Coordinator works with the ESOL teachers to help them analyze student trends, strengths, and weaknesses as reflected in the ACCESS score reports. Additionally, the group will discuss whether specific ELD supplemental materials meet the needs of the students.

#### 5. ACCESS SGPs (when available)

The ESOL Coordinator will work with school leaders to show them how to analyze the SGPs and look for specific school and grade level trends. The handouts located on the [DOE website](#) will be used to guide the conversation and show the building level leaders how to analyze the data.

#### 6. Special Ed Populations: SLIFE, LTEL, EL/SWD

The ESOL Coordinator will run IC reports at the beginning of each school year that show the breakdown of ELs by special populations. By providing the ESOL team with these reports, it helps them to better keep these students on their radars so that they can provide instruction, scaffolding, and differentiation accordingly.

## VII. Appendices

### A. Historic LEA EL Entrance and Exit Criteria

### B. LEA specific form bank

- *Historic LEA EL Entrance and Exit Criteria*

Each year the GaDOE asks for exit criteria based on specific system designated criteria. Each year the list is updated and can be found at this [link](#).

- *Additional ESOL Services Considerations*

#### **Beyond ESOL: Additional Services for ELs**

Services for ELs should represent a continuum of available programs. All teachers are language teachers, and everyone is a language learner throughout his or her life. We all shape the education of a child, and as such, we must work collaboratively to fulfill that mission. Students served in ESOL should also be served through any other appropriate special programs offered within the school system. From the time of enrollment, ELs must be ensured an equal opportunity to participate in all special programs for which they qualify.

As background, YHALE does not assign national origin minority ELs to special education programs based on criteria that measure and evaluate English language skills. When tested in English, national origin minority students, who cannot use the English language well, are often unable to demonstrate their true level of academic skill. Conversely, YHALE must ensure that ELs are not improperly excluded from participation in a special education program simply because of the student's limited English proficiency. YHALE ensures that each EL student receives an appropriate education, special services included, with consideration taken for their language and cultural background.

Regarding any student in need of special education or gifted and talented services, YHALE teachers/staff must follow the referral procedures outlined in the specific program criteria. Once a referral is made, the required testing is performed and if the student qualifies, an appropriate placement is made, and services begin. The schools' designated testing personnel for special programs will determine an EL's eligibility for services. Schools may find, however, that due to an EL's lack of proficiency in English, bilingual assessments must be performed. For validity and reliability purposes, such assessments must be administered by personnel trained and qualified in their administration.

ESOL students should be considered the same as any other student, for eligibility to all available programs that will help them reach the same standards of performance asked of all students.

When any child enters a mainstream education class, he or she may need language development and other types of support that must be included in general classroom instruction. For ELs these may include accommodations for instructional activities, tasks, and assessments. As the ELs develop greater fluency in English, fewer accommodations will be necessary.

Please refer to [this](#) presentation regarding Georgia's MTSS for English Learners.

For more information on Georgia's Tiered System of Supports for Students, please click [here](#).

- ELs and Gifted Education

In passing the Jacob K. Javits Gifted and Talented Students Education Act of 1988 (PL 100- 297), Congress reasserted the belief that youngsters with talent potential are found in all cultural groups, across all economic strata, and in all areas of human endeavor. However, it is consistently observed that gifted and talented children who have limited proficiency in the English language, English Learners, are underrepresented in programs for the gifted (Maker and Schiever, 1989; Frasier, 1997). Frasier (1997) suggests four categories of problems affecting the identification and education of gifted students from underrepresented groups. Each of these potential barriers must be addressed to assure equitable practices in the recognition and development of giftedness among ELs:

1. Attitudes -- Low-academic expectations for culturally and linguistically diverse students have encouraged a deficit approach to their education; i.e., an emphasis on curricula to assist ELs in "catching up" with their peers. While remedial needs in English language development must be addressed, teachers must not forget to take a proficiency approach as well; i.e., giving all able learners many opportunities to move ahead in their areas of strength.
2. Access -- When teachers have adopted a deficiency view of EL students, they are less likely to advocate for them in the gifted program referral process. Staff development in the behaviors that characterize giftedness cross-culturally, as well as the specific behaviors that manifest themselves in particular cultural contexts, should be provided for all classroom and ESOL teachers. To ensure equal access to the referral process, it is also necessary to reach out to the families of ESOL students. State Board of Education Rule 160- 4-2-.38 EDUCATION PROGRAM FOR GIFTED STUDENTS requires districts to inform all parents about their gifted programs, how children are referred, and how they qualify.
3. Assessment -- The most frequently cited factors in the limited participation of EL students in gifted programs are related to assessment measures and their use in identification. Over-reliance on standardized test scores (particularly composite scores) and the use of uni-dimensional instruments to assess aptitude may contribute to the exclusion of students whose test scores may be uneven or depressed due to cultural and/or linguistic background.

Teacher rating scales, classroom grades, and product/performance evaluation may also be used to help establish eligibility, but this underscores the importance of teacher training to help sensitize all staff members to the various expressions of potential they may see among EL students. Fortunately, Georgia has made great strides in this area. State Board of Education Rule 160-4-2-.38 EDUCATION PROGRAM FOR GIFTED STUDENTS requires multidimensional assessment, including the use of component scores and nonverbal measures when appropriate.

4. Accommodation -- Traditional one-size-fits-all gifted programs are inadequate to address the vast variety of strengths and interests found among the gifted population. This problem is even more pronounced for children with diverse cultural and linguistic experiences. Successful gifted program participation by EL students depends in part on the program's ability to help them develop talents which are valued by more than one culture, acquire skills that allow them to move between and within at least two cultures, and to develop their sense of identity (Frasier, 1997, p. 501).

By working to overcome these barriers to identifying gifted EL students, we are honoring diversity in all students' backgrounds and in their abilities and interests.

For further information visit the Gifted Education webpage at <http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Curriculum-and-Instruction/Pages/Gifted-Education.aspx>.

<b>ESOL Administrator</b>
Ensure that <b>Home Language Survey (HLS)</b> is reviewed for any language other than English
*If a language other than English is noted on HLS, refer the student to ESOL teacher for <b>WIDA screening (identification, screening, and parental notification must occur within 30 days, but ideally 2 weeks of enrollment)</b>
Resolve any discrepancies on HLS to determine if WIDA screening is needed. (Students must be screened to determine eligibility, even if parents indicate they do not want the student served.)
<b>Parental Waiver/Refusal of Service</b> (meet with parent and explain that student must still be tested each year on the ACCESS). Give signed waiver to ESOL teacher for ESOL student record. <b>*Dated, signed copy, Required ANNUALLY</b>
<b>Verify that EL Services and segments</b> are correct in IC.
Oversee the monitoring of 9 weeks <b>report cards</b> for each ESOL ( <b>EL=Y</b> ) student <i>and</i> each monitored student ( <b>EL=M</b> ) and check progress. If students are not successful, please discuss additional strategies with the appropriate teacher. (Traditional ESOL teachers too)
Participate in training on administration of the <b>ACCESS</b> in <b>December/January</b> .
Ensure that all home communication is sent to parents in a language they can understand. Have bilingual signage throughout your school.
Distribute <b>ACCESS score reports</b> to ESOL teachers when they arrive.
<b>After ACCESS scores are received: Schedule</b> a meeting with the ESOL teacher to determine which students meet exit criteria.
Coordinate professional learning at the school level on use of ACCESS scores and proficiency levels to differentiate instruction for ELs.
Work with system to provide research-based supplementary materials for use with ELs.
Provide opportunities for all ESOL teachers in the building to collaborate with each other and other gen ed teachers. Specific topics found on monthly collaboration and professional learning schedule.
Ensure that parent outreach services are provided to parents of ELs at your school (See parent involvement schedule).
Ensure ELs are included in before and after school programs.
Arrange for interpreters for meetings as needed.

<b>Innovative Delivery Model ESOL Teacher</b>
Attend any <b>Testing Participation Committee meetings</b> for ANY students served strictly by otherwise-endorsed ESOL teacher to discuss testing accommodations and classroom modifications [ <b>Attendees must be classroom teachers, SPED teacher if SWD, ESOL teacher, ESOL admin, parent (opt), counselor (opt)</b> ].
Attend IEP Meetings for dually served students with disabilities, provide tiered support via RTI, attend parent/teacher conferences.
Differentiate classroom instruction to meet the needs of the ELs you serve. Differentiation should target language acquisition skills based on proficiency levels.

Provide opportunities for ELs to use the ACCESS practice materials before taking the test.

**ESOL Teacher**

Work with ESOL admin to determine WIDA testing process (test tickets, procedures, etc.).

Work with ESOL admin and front office staff to determine the process for transferring records when students transfer outside the system.

Work with ESOL admin to develop a schedule for monthly collaboration with innovative model teachers.

Work with school's ESOL department to determine process for EOY procedures

Connect with ESOL parents to relay information on student progress.

As students enroll from outside the system, check SLDS to verify previous ESOL services.

Share information on working with ESOL students with new teachers (beginning of the year).

# FORMS

- *Waiver Form*

This form is given ONLY if the parent requests that their child not be directly served by the ESOL program. This form MUST be completed YEARLY by the parent (if requested). Once the parent completes the form, scan and upload it to the ESOL folder of IC.

- *Notification of Exit Letter*

This letter can be found in multiple languages on the ESOL website. Complete this letter within Infinite Campus (English and Spanish). **This letter goes home at the end of the school year.**

- *Initial Follow-up for Newly Exited ELs Form*

DOE guidance states that we are REQUIRED to monitor newly exited ELs within the **first two weeks** of school. This document is found with Infinite Campus and should be completed there. Only 1 of these should be completed.

- *EL Monitoring Form*

This form is to be completed by the student's ELA and math teacher to complete each 9-week grading period. It is located in IC and only one should be completed (ELA and Math teachers will use the same form). There is an area for the ELA and Math teachers to enter comments for each grading period.

- *Student Language Assistance Plan*

To be completed for students who do not receive direct ESOL services because they receive ALL services in SPED or parents refused services

- *English Language Learner Testing Participation Committee (EL/TPC)*

**This form is to be completed on EVERY EL student.** If you have students who are EL and do not need accommodations, please complete a form on them and scroll to the bottom and state, "Child does not need accommodations." The DOE wants to see that we have looked at each child and whether or not they need accommodations.

- *EL Reclassification Review Form*

This form is to be completed on EVERY student who scores at least a 4.3 CPL on the ACCESS for ELLs Assessment.





**YI HWANG ACADEMY**  
*of* **LANGUAGE EXCELLENCE**

# **Yi Hwang Academy of Language Excellence (YHALE)**

## **Student & Family Handbook 2024-2025**

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YHALE fosters a community of diversity, acceptance, and non-discrimination. The YHALE Governing Board requires full compliance with all federal and state non-discrimination laws, including, but not limited to the following: Title VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Equal Pay Act of 1963, Pregnancy Discrimination Act, Age Discrimination Act of 1975 (Age Act), Age Discrimination and Employment Act (ADEA), Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, Boy Scouts of America Equal Access Act of 2001, and Public Law 101-476, Individuals with Disabilities Education Act (IDEA).

These laws prohibit, and YHALE forbids, discrimination on the basis of age, race, color, national origin, religion, sex, disability, pregnancy, and veteran status in all school programs and activities. This includes academic, extracurricular, athletic, and other school programs, as well as during field trips, and in school classes or training programs that take place off school grounds. Sexual harassment is a form of sex discrimination prohibited by Title IX. The District is committed to upholding these laws and takes discriminatory behaviors seriously.

## Introduction

We believe in nurturing students to become compassionate, lifelong, bilingual learners who are committed to taking actions that will improve our world.

## Mission Statement

Yi Hwang Academy of Language Excellence's mission is to strive to prepare students for a successful future by promoting academic excellence through rigorous instruction that includes multilingualism, cultural awareness, respect, and tolerance for others. We utilize both dual-language and cultural immersion to nurture student curiosity into compassion for others and a commitment to improve our world. Furthermore, we employ student-centered teaching to create actively engaged, lifelong learners.

## Mission Outcomes

- All students will achieve bilingualism and biliteracy.
- All students will achieve the multicultural awareness necessary to participate in society as globally- minded citizens.
- All students will voluntarily take actions for the betterment of their communities and/or the world.

## School Operations

### School Calendar

The school calendar is available on the YHALE website at [www.yhale.org](http://www.yhale.org).

### School Hours

Monday - Friday 8:30 am - 3:30 pm

### Communication

Please stay informed and involved in your child's school experiences and activities by reading all school correspondence sent via your student's agenda, the mail, or electronically through the school's website, email, classroom blogs, and social media. Emergency information is sent through email and/or an emergency communications system and posted on the website and/or the YHALE Facebook page.

Please ensure that the email used for school registration is correct, and notify [enrollment@yhale.org](mailto:enrollment@yhale.org) when you have a change in email address, phone number, or home address to ensure that you are receiving important information and news. Check the "spam" folder in the email account if update emails are not received. Typically, at least one update email is sent every week.

### Website

Calendars, news, policies, and resources can be found on YHALE's website at [www.yhale.org](http://www.yhale.org) which is updated frequently. The Governing Board documents are located on the website and information and links to faculty and staff email addresses and class blogs. **The YHALE website is the best first place to look for information you need.**

### Phone Calls

Teachers are unable to take calls during the school day, but they are glad to return calls when they are not instructing students. Due to the busy nature of the school, administration and staff may not be able to answer the phone when you call. Please leave a voice mail message and allow 24-48 hours for a return phone call from YHALE faculty and staff.

School Phone Number: Main Building (Kindergarten - Grade 2 ) 404-738-6219 & 404-623-0003; New Building (Grade 3 - 6) 770-557-2965

### Email

All faculty and staff can be contacted via email following this format: first initial last name@YHALE.org (for example: [jdoe@yhale.org](mailto:jdoe@yhale.org)). **Please allow teachers and staff 48 hours to reply and note that email may not be checked during school breaks.** If you need an immediate response, please contact the front desk at 404-738-6219 to leave a message.

For all general school questions, please email [admin@yhale.org](mailto:admin@yhale.org).

## Parent Portal

YHALE will post information about students' schedules and grades on the Infinite Campus Parent Portal. For questions, please email [jzhu@yhale.org](mailto:jzhu@yhale.org)

## Questions and Information

YHALE expects parents will have frequent questions throughout the school year. For general questions, please start by visiting YHALE's website at [www.yhale.org](http://www.yhale.org). Answers to most questions can be found there. Also, look for additional updates about upcoming events and activities via the school's Principal Weekly newsletter.

- For general questions and requests for information and policies, please email [admin@yhale.org](mailto:admin@yhale.org)
  
- For questions and concerns about your child or your child's class, please email your child's teacher. Find the teacher's email address on the YHALE website at [www.yhale.org](http://www.yhale.org)
  
- For general questions, please email assistant principal at [cle@yhale.org](mailto:cle@yhale.org) (k-2); [tpark@yhale.org](mailto:tpark@yhale.org) (grade 3-6)
  
- For specific questions about your child's academics, please email:
  - English to Speakers of Other Languages (ESOL) & World-Class Instructional Design & Assessment (WIDA): Cara Gallardo - [cgallardo@yhale.org](mailto:cgallardo@yhale.org)
  - English Language Arts: Quinta Capers - [qcapers@yhale.org](mailto:qcapers@yhale.org)
  - Singapore Math: Haoran Yang - [hyang@yhale.org](mailto:hyang@yhale.org)
  - Gifted Program: Diana Ung - [dhu@yhale.org](mailto:dhu@yhale.org)
  - Dual Language Immersion (DLI): Ji Ma - [jma@yhale.org](mailto:jma@yhale.org)
  - Special Education (SPED): Jovan Weatherly - [jweatherly@yhale.org](mailto:jweatherly@yhale.org)
  - Multi-Tiered System of Supports (MTSS), 504, EIP/REP and RTI: Connie Le - [cle@yhale.org](mailto:cle@yhale.org)
  - Data Accountability & Assessment: Tomiko Park - [tpark@yhale.org](mailto:tpark@yhale.org)
  
- For questions about free and reduced lunch and/or services for homeless or foster children, please contact us at [lunch@yhale.org](mailto:lunch@yhale.org). The YHALE Homeless Students Policy can be found on the YHALE website at [www.yhale.org](http://www.yhale.org)
  
- For student attendance, please email [attendance@yhale.org](mailto:attendance@yhale.org)
  
- For questions about new student admissions and records, please email [enrollment@yhale.org](mailto:enrollment@yhale.org)
  
- For questions and concerns about school policies, please email [lpark@yhale.org](mailto:lpark@yhale.org)
  
- For questions and concerns about your child's health and medical care during the school day, please email [ypae@yhale.org](mailto:ypae@yhale.org)
  
- For questions about spirit nights and other PTO-sponsored events, please email [pto@yhalepto.org](mailto:pto@yhalepto.org)

## Social Media

YHALE maintains an official Facebook page to share news and information, which is located at [www.facebook.com/yihwangacademy](http://www.facebook.com/yihwangacademy). This site is used to post reminders about YHALE events and activities, share school news, and post urgent information. This is the only Facebook page maintained and monitored by YHALE. Please contact the school directly with any questions instead of posting them on Facebook so that you can receive the fastest and most accurate

answer.

The YHALE PTO moderates additional Facebook pages to promote PTO-sponsored activities, show support for YHALE, and share resources between parents; however, the school does not moderate, monitor, or respond to these sites, and the views and opinions on these pages do not represent the views and opinions of YHALE, the Governing Board, and/or the YHALE faculty and staff. Questions about school operations should be directed to YHALE via email or phone in order to receive a timely and accurate response.

### *Special Notes about Using Social Media*

Social media can help bring the YHALE community closer together and let the wider community know about YHALE, but families should use common sense and courtesy when posting online. Please take the opportunity on social media to uplift and inspire the YHALE community and share good news.

Facebook is a great way to celebrate successes, build community, and share resources. Social media is not the appropriate venue for airing concerns and grievances, and social media should never be used to publicly humiliate or criticize another parent, faculty or staff member, or student. Please see the Grievance Policy for ways to express concerns and file a grievance so that appropriate resolutions can be found.

When posting photos of YHALE students to personal social media accounts, please be mindful of the privacy of other families. As a reminder, social media sites have age restrictions for account creation, and students are not allowed to access or utilize social media sites during the school day or YHALE sponsored activities.

### **Media and Public Relations**

All media inquiries and comments should be referred to the Governing Board. Please contact the Governing Board prior to using the YHALE logo, mascot images, or photos of school buildings in publications or other distributed materials or social media posts. The only **two acceptable formats** for the school's name are as follows:

- Yi Hwang Academy of Language Excellence
- YHALE

### **Change in Personal Information**

If there is any change in information regarding a student (e.g. change in address, change in guardianship, etc.), the parent must email [enrollment@yhale.org](mailto:enrollment@yhale.org). This information must be submitted in writing.

### **School Payments**

From time to time, YHALE asks families to make financial payments to cover the costs of field trips, supplies, books, shirts, etc. It is YHALE's policy to accept payment through an electronic payment processor.

### **Expectations for Parents - Promoting a Positive School Environment**

YHALE promotes an environment of inquiry, diversity, and multiculturalism, recognizing every person's value and worth. Students are expected to treat everyone with respect and communicate in a positive and appropriate manner, even when they may disagree with others. YHALE holds the same expectation for faculty, staff, and parents. A healthy school community includes families who are engaged in the academic achievement and overall well being of their children and the school as a whole. The school and parents are partners in ensuring that children are nurtured and receive a quality education. YHALE expects that conflicts will arise, and parents will have concerns from time to time.

YHALE is committed to resolving difficulties and concerns in a constructive manner, through open and positive dialogue. Parents are encouraged to approach teachers, administration, and staff in a respectful and constructive way and offer faculty and staff the benefit of the doubt when concerns arise. In return, YHALE faculty and staff are committed to nurturing students, listening to parents, and treating all members of the YHALE community with respect. The Grievance Policy and Procedures can be found on the YHALE website at [www.yhale.org](http://www.yhale.org)

**With this in mind, the following behavior will not be tolerated from any member of the YHALE community:**

- Disruptive behavior which interferes or threatens to interfere with any of the school's normal operation or activities anywhere on the school premises.
- Any inappropriate behavior on the school premises.
- Using loud or offensive language, cursing, or displaying temper.
- Threatening a member of the YHALE faculty staff, visitor, other parent/guardian or child.
- Damaging or destroying school property.
- Sending abusive or threatening emails or text/voicemail/phone messages or other written communications (including social media) to anyone within the YHALE community.
- Defamatory, offensive, or derogatory comments regarding the school or member of the YHALE community on Facebook or other social media.
- The use of physical, verbal, or written aggression towards another adult or child.

**In order to promote order and limit distractions, parents, guardians, and visitors should refrain from the following behavior:**

- Approaching any student during the school day unless as a part of a pre-approved activity. Parents should refrain from approaching or speaking/calling out to students during carpool, recess, fire drills, school evacuations, etc.
- Approaching someone else's child in order to discuss or chastise them because of the actions of this child towards his/her own child. (Such an approach to a child may be seen to be an assault on that child and may have legal consequences.)
- Bringing treats or food items to students without a teacher's or an administrator's approval. Please be mindful that many students have serious food allergies, and students should only be eating the food items that their parents have provided for them.

Thank you for helping us maintain a positive learning environment for our students!

## **Carpool and Dismissal Procedures**

### *Carpool Rules*

Since YHALE is unable to offer school buses, all students arrive at and leave from school in private vehicles. Carpool generates a large volume of traffic every day. For this reason, YHALE implores parents to remain alert, calm, patient, and careful during carpooling in order to maintain safety and order.

- Please remember that the safety of everyone involved in carpool is far more important than avoiding a tardy. It is imperative that parents remember to follow these carpool rules, even when running late. Remaining calm and respectful to other vehicles, parents, students, police officers, and YHALE staff is the best way to help your child have a great start to their school day.
- Please remain in your vehicle during carpool and do not leave your vehicle unattended.
- Children must remain in the vehicle during carpool and may not play in the parking lot, road, or YHALE play area.
- In order to maintain safety and a smooth carpool process, students and parents should not exit the vehicle to access the vehicle's trunk during carpool. Students should have their belongings and be ready to exit the vehicle.
- Please follow the instructions of police officers who are directing traffic and remain respectful to these officers who are helping our school. If YHALE parents do not follow traffic laws, the police have the authority to issue citations. Further, if parents repeatedly violate traffic laws or create dangerous driving conditions, the city can require changes to YHALE's carpool patterns and procedures.
- Please follow the directions of YHALE staff and remain courteous and respectful as they assist students to enter and exit



vehicles safely in all weather conditions. Offensive hand gestures and rude or degrading comments will not be tolerated. • Please be mindful of the safety of YHALE students and staff. Keep a safe distance from other cars and individuals who are walking or directing traffic and maintain a safe speed when approaching the carpool line.

- Please do not use phones or other electronic devices during carpooling.
- Pets should be restrained during carpooling and should not pose a threat or disruption (i.e. lunging out of a door or window or barking at staff or students).
- Remember that carpooling will be slower the first few weeks of school as new families learn carpool procedures, and everyone adjusts to the new school year. Please be patient!

### *Morning Carpool*

Morning carpool begins at 8:00 a.m. and ends at 8:25 a.m. Vehicles must be stopped in front of the school in the carpool line (and not moving through the parking lot) by 8:25 a.m. for the student to participate in the carpool line.

During carpool, students should be ready with their backpacks and belongings when the vehicle reaches the unloading area. Students should exit the vehicle and enter the school building on their own, following the directions of YHALE staff.

After carpool ends, parents must park their car and walk their child into the school. Students entering the school by 8:30 a.m. are not tardy. Students entering the building after 8:30 a.m. are tardy. Parents will then sign their child in as tardy, and the front desk will issue a late pass before the child is allowed to go to his or her classroom.

Prior to the beginning of carpool, families should park in the carpool line or in YHALE's parking lot and students should remain in their vehicle.

During carpool, students should be ready with their backpacks and belongings when the vehicle reaches the unloading area. Students should exit the vehicle and enter the school building on their own, following the directions of YHALE staff. Parents should not assist students with unloading and entering the building.

### *Afternoon Carpool*

Afternoon carpool starts at 3:30 p.m. and ends at 4:00 p.m.

Early pick-up ends at 2:40 p.m. Anyone arriving to pick up their child after this time must wait in the lobby until the carpool has ended. Please inform your child's teacher and the receptionist ahead of time to expedite the process.

Transportation changes must be submitted to the director of operations at emailing [sgeorge@yhale.org](mailto:sgeorge@yhale.org)

### *Carpool Tags*

Every family is issued a unique carpool number for the children in that family, and each family is given two carpool tags. The official YHALE carpool tag with the student's number on it must be displayed on the front windshield of the vehicle for the student to be released to that vehicle. More than one carpool tag may be displayed. If you do not have the official, original YHALE carpool tag, please park your car in the parking lot and come to the reception desk if it is after 2:40 p.m. Your child will be brought to you after carpool has ended, and the family will be subject to the late pick-up policy below.

Replacement tags are available and may be subject to additional costs. If you need a new or additional carpool tag, please email [admin@YHALE.org](mailto:admin@YHALE.org). You will be notified when the new tag is available. Please allow at least 48 hours.

Students line up inside the school building and will enter their vehicle when it arrives and has come to a complete stop in the carpool line. Parents should remain in their vehicle and allow students to enter the vehicle without assistance.

### *Late Pick-up*

Students must be picked up before the end of carpool or enrolled in the aftercare program (ACP), afterschool enrichment program (ASEP), or club. All students who are not picked up by 4 p.m. will be sent to The After Care Program (ACP) by homeroom teachers. Parents who do not pick up their children on time will be charged \$10.00 until 4:30 p.m. \$15.00 thereafter until 6 p.m. Payment is expected when parents pick up their child.

YHALE offers this service to parents as a courtesy to allow for unforeseen circumstances. If a child has been left after the end

of carpool more than five times, the family may be referred to the principal, and a referral may be made to Children and Family Services to ensure that the family has necessary resources to care for their children. A referral to the principal may be considered if a student has been left more than once after the end of carpool for more than 30 minutes. If a family maintains an outstanding balance for late pick-up fees, students may be restricted from participating in optional school activities.

### *Authorized Persons for Pick-up*

School personnel are bound by law to release children to the authorized adults, as indicated on the student's enrollment records. Proper identification is required. Adults must remain in the lobby, and the student will be brought to you. Adults may not enter the school building beyond the lobby to pick up a child for dismissal at any time.

If someone other than any authorized adults listed in the enrollment records will be picking up your child, please email [admin@YHALE.org](mailto:admin@YHALE.org) at least one hour prior to the end of the school day and follow up with a phone call to 404-738-6219 (Kindergarten - Grade 2) & 770-557-2965 (Grade 3 - 6)

## **School Policies**

### **Nondiscrimination Policy**

YHALE operates on a policy of nondiscrimination based on race, color, national origin, sex, religion, creed, and disability in program services. Please refer to our website at [www.yhale.org](http://www.yhale.org) for any changes to the information given in this handbook.

### **Attendance**

The Yi Hwang Academy of Language Excellence operates under the authority of the State Board of Education Rules and laws set forth in the state of Georgia.

Punctual and regular attendance is important and expected. Regular attendance in school is the joint responsibility of the student and his/her parent(s) or guardian(s).

Students at school age have a right to a free public school education; they have a responsibility to attend school. Regular attendance is essential if students are to benefit fully from the educational opportunities provided for them. Students are expected to be in school on time every day.

The State Legislature has recognized the importance of regular attendance by enacting a compulsory attendance law for students under the age of 16. This law requires parents or guardians to see that their children attend school, and it provides penalties for failure to do so. Penalties are also provided for anyone, including other students, who encourages or induces students to be absent or who employs or harbors a student who should be in school.

### **Attendance Rules**

#### *First Day of School Rule*

Any student who is enrolled prior to the first day of school for the academic year will be expected to start attending school on the first day of school of that academic year. Any student who enrolls after the first day of school will be expected to start school within five (5) school days of the completion of their enrollment paperwork.

If a student does not show up on their first scheduled day of attendance, they will be withdrawn as a "no show" student, according to the State Board of Education Rule 160-5-1-.07 Student Data Collection and 160-5-1-.28 Student Enrollment and Withdrawal.

#### *Checking Students In and Out*

Any student who is tardy or who must leave school prior to regular dismissal time MUST check in and/or out at the front desk. Otherwise, the student will be considered absent.

#### *Cumulative Record*

A student's attendance record is cumulative and is based on a complete school year.

### **Excused Absences**

The following are considered reasons for excused absences: Illness, funeral, death of an immediate family member, religious

holiday, orders from court or other government agency, or medical appointment. Documentation will be required within **five (5) days** of the student's return to school.

A student who has been absent for more than five (5) days for illness must present a physician's statement in order for the absences to be excused.

### *Excuse Notes*

Students must present written documentation to excuse absences within **five (5) days** of the last absence. Excuse notes presented after **five (5) days** will not be accepted, and the absence will be considered unexcused. Parents/guardians may write up to four (4) excuses per school semester (for a total of no more than eight days per school year). After YHALE receives four (4) parent/guardian written excuses per semester (or a total of eight parental-excused sick days), a medical/doctor's note will be required in order to excuse any further absences. For special circumstances, parents must consult with the principal regarding how best to comply with state law and follow a medical professional's orders or recommendations.

### **Unexcused Absences**

Examples of unexcused absences, even with parental consent, include, but are not limited to the following: truancies, working, missing the bus or carpool/vanpool, oversleeping, shopping, car not starting, keeping personal appointments, going out-of-town (including out of the country), needed at home, etc. If there is doubt about whether an absence will be considered excused or unexcused, check in advance with the campus director. Students must make up all the work to meet their educational needs.

**Please note that students who have accumulated ten (10) consecutive, unexcused absences will be unenrolled from YHALE.** When a student who is un-enrolled under these circumstances attempts to re-enroll, he or she will be subject to the same requirements as if he or she were a newly enrolling student.

### **Truant**

Any student who is absent for **five (5) or more days** is considered by Georgia Compulsory Attendance Code 20-2-690 to be truant. These absences do not include those that result from participation in school-sponsored trips or absences due to Out of School Suspensions. Students who are truant will be referred to the school social worker for further support.

### **Tardiness**

A student is considered tardy when he or she arrives to class after school has begun.

- Students who arrive after school begins but **before 12:00 pm**, will be considered **tardy**. In order to excuse a tardy, the student must present documentation when checking into school. Excused tardies include the following: medical appointment or orders from court or other government agency.
- Students who arrive at school **after 12:00pm** are considered **absent** for that school day.
- Three unexcused tardies or unexcused absences of 30 minutes or more during the school day will be equivalent to one unexcused absence.

### **In-School Absences**

In-School Absences include the following circumstances:

- A student is on school property but does not attend class.
- A student has an unexcused tardiness to a regular class which exceeds five minutes.
- A student leaves the classroom without a signed teacher permission slip.

A student who is considered "In-School Absent" will receive **no credit** for work missed; however, students must make up all the work to meet their educational needs. A student who is out of the classroom with a staff member will not be considered to be "In-School Absent"; however, he/she must present an excuse from the staff member.

### **Attendance Referral Process**

The primary goal of the attendance policy is to address unexcused and excessive absences for students. Absences stemming from out of school suspensions (OSS) shall not warrant an attendance referral, unless deemed necessary by school

administration.

- **Three (3) unexcused absences:** The school will notify the parent/guardian regarding student absences via email to start a conversation regarding the importance of attendance and to offer resources for education regarding attendance.
- **Five (5) unexcused absences:** The school will notify the parent/guardian regarding student absences via email, reminding parents about Georgia's School Attendance Law 20-2-690.1 and will refer the family to the school social worker for further support.
- **Seven (7) unexcused absences:** The school will send an email to the parent/guardian requesting a meeting between the parent/guardian and the school's Attendance Protocol Committee to schedule a Mandatory Truancy Intervention Panel meeting with the school social worker.
- **Ten (10) unexcused absences:** After a student accrues ten (10) or more unexcused absences, a referral to Juvenile Court for Truancy or the Department of Family and Children Services for Educational Neglect will be submitted.

## Dress Code and Uniforms

The YHALE Uniform Policy can be found on the YHALE website at [www.yhale.org](http://www.yhale.org) and in the student agenda. Information about approved uniform and spirit wear vendors are also on the website. **This policy will be strictly enforced.**

**\*An exemption of the dress code and uniforms exists for students' religious reasons and purposes.**

## Uniform Policy Violations

The following is a guide for the non-compliance of YHALE's uniform policy, however the Executive Director and/or the designee will make every effort to investigate, support, and communicate with families to resolve issues related to non-compliance of the YHALE uniform policy before administering any documented disciplinary infraction.

### 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> infractions:

- Student may be removed from classroom until a change of dress can occur (student will be sent to the nurse for a change of clothing (if available) or parents will be called to bring a change of clothes to the school)
- Parent/Guardian is contacted via phone.
- The Dress Code Violation Form is sent home.

### 4<sup>th</sup> and subsequent infractions:

- Student removed from classroom until a change of dress can occur (student will be sent to the nurse for a change of clothing (if available) or parents will be called to bring a change of clothes to the school)
- Parent/guardian is contacted via phone.
- Student may be assigned administrative consequences (see the DisciplineRubric).

## Out-of-Uniform Days

If or when YHALE has an "out-of-uniform" day, students are still expected to be dressed appropriately and modestly. Students must refrain from any mode of dress which is distracting to classroom instruction or which contributes to the disruption of the normal function of the school. Students who come to school with any article of clothing/apparel in the list below and/or that is determined inappropriate will be subject to the actions listed above and may not be able to participate in activities related to the out-of-uniform day.

**A determination of appropriateness of clothing is made at the sole discretion of YHALE administration and is not subject to appeal. Except for religious reasons or purposes, the following apparel is considered inappropriate and not allowed at YHALE and YHALE-sponsored activities:**

- Shorts and skirts that are too short (no more than two inches above the knee). Note: Style and material may make certain garments inappropriate even at appropriate length

- Tank tops or strapless tops without wearing a jacket or sweater, and some thin-strapped tops when too much skin is exposed.
- Shirts or blouses that expose the midriff
- Shirts or blouses with elongated arm openings or opened in the front or sides without an undershirt • See-through or transparent clothing
- Pants, shorts, or skirts with holes or rips
- Pajamas or house slippers (unless pajama day)
- Boxer shorts or other exposed underwear
- Cut-off sweatpants, jeans, shorts, etc.
- Spandex shorts, pants, or leggings worn without a garment of appropriate length worn over (i.e. skirt, shorts, long tunic shirt, dress)
- Clothing which advertises alcohol or substances that are illegal for minors or display suggestive or offensive phrases, designs, markings, or profanities
- Clothing that displays weapons, violence, gang affiliations, or other logos that cause dissension
- Caps, hats, bandannas, sweat bands, or other head coverings during the school day. Upon arrival at school, students must place these items in their backpack or locker and take them out only when leaving the campus. Students who wear hats during the school day will have them confiscated.
- Unfastened belts
- Chains
- Flip flops, open-toe shoes, or other shoes without a strap or material holding the shoe onto the foot
- High-heel or “wedge” heel shoes
- Large, oversized earrings and necklaces and jewelry that causes distractions (unless part of a costume for a school sponsored activity)

## Code of Conduct and Discipline

The YHALE Student Code of Conduct & Discipline Handbook can be found on the YHALE website.

No student will be allowed to interfere with another student’s right to learn. Therefore, students are expected to respect one another and all adults, and to behave appropriately in class, while on school property, and during school-sponsored activities. The YHALE Student Code of Conduct provides uniform discipline guidelines, and each teacher establishes his or her own classroom management strategies within these guidelines.

Please see the YHALE Student Code of Conduct & Discipline Handbook for more information.

## Anti-Bullying Policy

YHALE believes that all students have a right to a safe and healthy school environment. YHALE has an obligation to promote mutual respect, tolerance, and acceptance among scholars, staff, and volunteers. Behavior that infringes on the safety of any student or school personnel will not be tolerated. A student shall not bully, harass, or intimidate another student or school personnel through words or actions. Such behavior includes but is not limited to: direct physical contact such as hitting or shoving; verbal assaults such as teasing or name-calling; the use of electronic methods to harass, threaten or humiliate, and social isolation and/or manipulation. The YHALE policy prohibiting bullying is included in the code of conduct.

Definition: According to the American Psychological Association “Bullying is a form of aggressive behavior in which someone intentionally and repeatedly causes another person injury or discomfort. Bullying can take the form of physical contact, words, or

more subtle actions. The bullied individual typically has trouble defending him or herself and does nothing to “cause” the bullying. Cyberbullying is verbally threatening or harassing behavior conducted through such electronic technology as cell phones, email, social media, or text messaging.”

- Students are expected to immediately report incidents of bullying to the (who ever on your staff handles that kind of thing)
- Students are expected to immediately report incidents of bullying any supervising adult (teacher, paraprofessional, principal, etc).
- Students can rely on staff to promptly investigate each complaint of bullying in a thorough and confidential manner
- If the complainant student or the parent of the student feels that appropriate resolution of the investigation or complaint has not been reached after consulting the Principal, the student or the parent should contact the Governing Board Chair
- YHALE prohibits retaliatory behavior against any complainant or any participant in the complaint process. All students and/or staff shall immediately report incidents of bullying, harassment and intimidation to an adult in the building (teacher, member). They will, in turn, notify a member of the leadership team. School staff members are expected to immediately intervene when they see a bullying incident occur. Each complaint of bullying shall be promptly investigated. This policy applies to all students whether on school grounds, while traveling on a school bus to and from school or a school-sponsored activity and during a school-sponsored activity or off school grounds or at non-school sponsored activities.

Bullying, harassment, or intimidation will not be tolerated. Disciplinary action will be taken after each incident of bullying and upon a finding of guilt. Disciplinary action after the first incident of bullying may include but is not limited to the following:

- Loss of a privilege
- Reassignment of seats in the classroom, cafeteria or other areas of scholar interaction
- Reassignment of classes
- Detention
- Out-of-school suspension
- Expulsion (through appropriate due process hearing)

If necessary, counseling and other interventions should also be provided to address the social-emotional, behavioral, and academic needs of scholars who are victims of bullying and scholars who commit an offense of bullying. Students, parents/guardians, and other stakeholders may report incidents of bullying to an administrator, teacher, counselor, or other staff member by calling the Georgia Department of Education’s 1-877 SAY-STOP (1-877-729-7867) School Safety Hotline. Please note: Any form of electronic bullying (cyberbullying) using school equipment, school networks, e-mail systems, or committed at school is strictly prohibited.

The procedures for intervening in bullying behavior include, but are not limited, to the following:

- The school shall keep a report of bullying and the results of an investigation confidential
- Staff are expected to immediately intervene when they see a bullying incident occur or upon receipt of any report of bullying
- People witnessing or experiencing bullying are encouraged to report the incident to a teacher or any member of the leadership team

The following actions will be taken when bullying is reported:

1. Investigate: Upon receipt of any report of bullying, schools will direct an immediate investigation involving appropriate personnel. The investigation should begin no later than the following school day. The investigation shall include interviewing the alleged perpetrator(s) and victim(s), identified witnesses, teacher(s), and staff members and reviewing video surveillance if available. School counselor, school social worker and/or other support staff should be utilized for their expertise as determined by the circumstances of the matter.
2. Notify: At an appropriate time during or after the investigation, parents/guardians of the accused and the victim must be notified. If the incident involves an injury or similar situation, appropriate medical attention should be provided and the parent/guardian should be notified immediately.
3. Discipline: Upon confirming that bullying has occurred, the accused scholar should be charged with bullying and given an age-appropriate consequence which shall include, at minimum and without limitation, disciplinary action or counseling as appropriate under the circumstances. Students in grade six found to have committed the offense of bullying for the third time in a school year shall be subject to expulsion through appropriate due process by disciplinary hearing officers, panels, or tribunals and that student shall be assigned to an alternative setting that fulfills the requirements of an alternative program under state law. Schools will clearly communicate to all parties that retaliation following a report of bullying is strictly prohibited and may result in strong disciplinary action.
4. Follow-Up: Follow-up is important to the accused and the victim. YHALE will provide after-care and follow-up to reiterate to the previously stated prohibition on retaliation.

## Cheating and Plagiarism

**YHALE does not allow cheating by students in any form, and work submitted for grading must be the independent work of the student (or the students in a work group).** Plagiarism, or the copying and use of someone else's work without proper acknowledgment, is not permitted, nor is it permissible for any student to allow another student to copy their work. Plagiarism is the act of taking and using another's published or unpublished thoughts, ideas, and/or writing as one's own. This definition includes all print and electronic sources as well as computer programs and artwork.

### Examples of plagiarism include (but are not limited to):

- Copying another's work, whether from a book, article, website, or another student's assignment.
- Paraphrasing (rewording) another's work, with changes but retaining the meaning and ideas, without giving credit to the author.
- Piecing together sections of several pieces of other's work into a new whole.
- Submitting work that has already been submitted to another teacher without the explicit permission from teachers.
- Producing assignments with help from another person (tutor, another student, etc.) that should be your own independent work.

### *Consequences for Cheating/Plagiarism*

Assignments found to be plagiarized to any degree will earn a grade of zero. At the discretion of the teacher and/or administration, these assignments may be made up and turned in for partial credit and/or alternative assignments will be given. **Students who allow others to copy their work will receive the same consequences.**

## Prohibited Items

### *Cell Phones and Electronics*

Students are not allowed to use cell phones, "smart" watches, or other electronic communication devices at school during the regular school days unless authorized by a teacher or administrator. Students are encouraged to leave all electronic devices at home to avoid loss or damage - unless otherwise requested by a teacher for classroom use. If they choose to bring phones or other devices to school, they must stay in their backpacks. If a cell phone or "smart" watch signals an alert (rings/buzzes) in class, or if a student is observed using his/her phone, he/she will be given administrative consequences. If a message needs to be relayed to a student, please call the school at 404-738-6219.

### *Weapons, Alcohol, and Tobacco*

Weapons of all kinds (as well as items that look like weapons), alcohol, and tobacco and related products are prohibited at all times by faculty, staff, and visitors on YHALE property and at YHALE-sponsored events and activities.

### *Toys*

In order to encourage a distraction-free learning environment, students should refrain from bringing toys to schools. If a student brings a toy to school, the teacher will confiscate the toy and hold it until the end of the day, or the student will be instructed to put the toy in his or her backpack. Please email your teacher with any questions about specific items.

### *Valuables*

Please discourage students from bringing valuables to school. YHALE is not responsible for damage to or loss of students' personal articles.

## **Due Process**

### **Disciplinary Hearing Process**

A Student accused of committing a Level 3 infraction, as defined in the Discipline Policy, may be referred for a Disciplinary Hearing for determination as to whether a long term suspension or expulsion is appropriate. A long term suspension means denial to a student of the right to attend school and take part in any school function for any period of ten (10) school days or more.

**Expulsion** shall mean removal of the student from enrollment at YHALE for the remainder of the school year or longer.

A long term suspension or expulsion will normally follow a short term suspension. There are exceptions, however, that could prompt the school administrator to move forward with the immediate dismissal of a student. Examples of such violations include but are not limited to, bringing a weapon to school, assault on a student or school personnel, or other chargeable offenses.

A decision to impose a long term suspension will be the result of a Disciplinary Hearing before an independent hearing officer(s).

### **The disciplinary hearing must either be:**

- 1) in good standing with the State Bar of Georgia;
- 2) have experience as a teacher, counselor, or administrator in a public school system; or
- 3) is actively serving as a hearing officer under an existing contract/agreement with a Georgia school system and has completed an approved Georgia Department of Education (GaDDE) tribunal training course. The purpose of the Disciplinary Hearing is to receive and evaluate testimony and other evidence concerning the disciplinary violation.

The Principal or his/her designee will present the case for suspension or expulsion to the Hearing Officer(s). In order for a long term suspension or expulsion to take place, the following steps must be taken:

1. The school administrator recommending the long term suspension or expulsion will furnish to the Hearing Officer(s) a written statement of charges against the scholar, accompanied by any supporting statements or other relevant evidence identified in the tribunal dossier discussed below;
2. The administrator shall notify the scholar and his/her parent or guardian of the recommendation for long term suspension or expulsion; and
3. The Hearing Officer(s) shall notify the scholar and his/her parent or guardian with the following information:

### **Written Notice of Hearing:**

The notification shall include the following:

1. A brief statement of the act(s) the scholar is alleged to have committed, along with the portion of the Code of Conduct allegedly violated.
2. The maximum penalty which may be administered for the alleged misconduct, and a recommendation for discipline.
3. A copy of this document.
4. The date, time and place of the hearing.
5. The names of witnesses expected to be called at the hearing and a short summary of evidence that may be presented.



6. A statement that a hearing is required unless the parent/guardian/scholar 18 years old or older waives the hearing.
7. A statement that at the hearing the scholar is entitled to be represented by an advocate (spokesperson) of his/her choice, including an attorney if so desired; and that the scholar may subpoena witnesses and utilize other compulsory processes upon request.
8. A statement that all parties are afforded an opportunity to present and respond to evidence and to examine and cross-examine witnesses.

#### **Delivery of Notification:**

The notice of hearing shall be delivered to the scholar and his/her parent/guardian either in person, by first class mail, certified mail return receipt requested, and/or delivery confirmation, to the last known address of the parent or guardian. If notice is delivered in person, a written confirmation of delivery should be obtained by the person delivering the notice to the parent/guardian. Service shall be deemed to be perfected when the notice is deposited in the United States mail with sufficient postage addressed to the last known address of the parent/guardian.

#### **Disciplinary Hearing:**

Within ten school days after the beginning of the suspension of the case against the student, as well as the reason for the recommendation, the scholar, parent or the Hearing Officer(s) will meet at the appointed time and place to review the case. At this time, the school administrator will present the facts; the guardian, or other appointed representative present for the hearing, will be able to ask questions and present arguments against the recommendation.

At the conclusion of the hearing, the Hearing Officer(s) will determine if the accused student has violated YHALE's Disciplinary Policy. The Hearing Officer's decision will be based solely on the evidence presented at the hearing. If the Hearing Officer determines that a student has committed a disciplinary violation, he/she may impose a range of sanctions that include reinstatement into school to permanent expulsion, as long as the sanction complies with the school's established policies.

The Disciplinary Hearing is a closed and confidential proceeding. Friends or relatives of the students or other members of the public who are not witnesses will not be allowed in the hearing room. Any representative(s) of the family other than the scholar and parent or guardian must be approved by the school administration in advance. If a family wishes to bring a lawyer, they must notify the School Administration in advance so that the school can ensure its legal counsel is present.

#### **Appeal:**

Once the Hearing Officer has informed the school administration of the decision, the school administration will immediately inform the family and mail a letter of decision to the family.

Once a decision has been rendered, the student may appeal directly to the YHALE Board of Directors. To do so, he/she must inform the school administration of the intent to appeal within ten working days of the date of the Hearing Officer's decision. The school administrator will supply all records from the previous hearing including, if available, written statements, minutes and audio recordings of the Disciplinary Hearing.

#### **Hearing:**

The Governing Board will evaluate all information and will make a decision solely on the facts presented in the record from the hearing. The student and the school administrator may provide a written statement identifying any reasons why they believe the Hearing Officer's decision was valid or invalid based on the evidence presented at the Disciplinary Hearing. There will not be an opportunity for additional testimony or argument. The Board will render its decision within 20 working days of receiving the appeal. Once the Board renders a decision on the appeal, the school administration will immediately inform the family and mail a letter of decision to the family.

#### **Tribunal Dossier Checklist**

Administrator's summary statement describing:

Chronology of the incident(s)

How it rose to the level of long term suspension/expulsion consideration

Detailed report of current incident including:

Witness statements (with other scholars' names redacted)

Overview of situation

Steps taken to resolve the incident

Communication with parent/guardian

Any follow-up actions taken

Full discipline file from the time of scholar's enrollment (with other scholars' names redacted)

Student's Individualized Educational Plan or 504 Plan and record, if one exists.\*

Student's counseling/social work file, if one exists.

File of the scholar's SST plan, if one exists

Existing school disciplinary policy

Copy of Written Notice of Hearing and Receipt Confirmation

This checklist is a guide. Depending on the situation, it is possible that there could be more information or less information presented. The intent is to provide any and all evidence and scholar history at the Disciplinary Hearing to ensure the scholar is given proper due process.

**\* If the scholar has an IEP, a Manifestation Determination Review must be performed prior to holding this hearing to determine whether the behavior was a manifestation of a disability.**

#### Legal Reference

O.C.G.A. 20-2-759 Elementary and Secondary Education Student Public School Disciplinary Tribunals SBOE 160-4-8-.15 Student Discipline

## School Visitors

Parents are very important to their children's academic success, and we encourage parents to become engaged in the YHALE community. In order to ensure the safety of YHALE's students and faculty and staff and promote effective learning environments, all YHALE visitors must follow specific procedures. **Parents may not visit a child's classroom without prior approval and a specific purpose.** We sincerely value instructional time and we do our best to limit interruptions and distractions.

Visitors may be allowed entry for the following reasons only:

- YHALE sponsored activity when parents/family members are invited
- Pre-planned and pre-approved volunteer activity sponsored by an YHALE faculty or staff member (names must be submitted in advance to the receptionist and the visitor's name must be in the list)
- Parent lunch with child during (must sign up through the lunch sign-up in advance)
- Pre-planned meeting with YHALE faculty or staff
- Other pre-planned purpose approved by YHALE administration (name must be on a list at the receptionist's desk)
- Other business-related purpose (visitors for business purposes must be expected and/or escorted by an YHALE staff member into the school building)

## Distraction-free Instructional Time

Parents and other visitors are not allowed to "drop in" to the classroom at any time to avoid causing disruption in the learning of all students. Parents must come to the front office to pick up their child or to set up an appointment to talk to their child's teacher. All visits must be pre-planned and pre-approved as stated above. When coming for lunch or other events, parents may not go to the classroom unless expressly allowed to go to the classroom.

## No Child Visitors

In order to ensure the safety of all visitors, children under the age of 18 who are not YHALE students are not allowed during

the school day in YHALE buildings beyond the reception area unless specifically allowed by administration for special events announced in advance. In addition, visitors who are minors are not allowed on YHALE play areas, greenspace, or outdoor classrooms during the school day. This includes siblings of students and infants. **There are no exceptions to this policy.**

## **Visitor Procedures**

Exterior

doors shall remain locked during the school day, and visitors shall only be allowed entry after presenting themselves to the receptionist.

Once a visitor has entered the building, he/she must present a photo ID and state his/her purpose for the visit to the YHALE staff member on duty. The receptionist, or other designated YHALE representative, shall check the visitor's identity in the Visitor Management System. When approved, the visitor will be given a visitor badge that must be worn and displayed throughout the duration of the visit on school premises. The visitor will then be escorted or directed to the appropriate location in the school.

All school volunteers must complete online training and submit volunteer training completion at least 48 hours prior to the date of the volunteer commitment. More information and links can be found on the YHALE website. The application will be reviewed before approval is granted. All volunteers must sign up and be approved in advance of the volunteer opportunity. Once the volunteer opportunity ends, volunteers must leave the school building.

Please note that unless speaking in English is deemed necessary or allowed for special circumstances by the classroom teacher or administration, only the target language can be spoken in the language classrooms. This may restrict volunteer opportunities in those classrooms to parents who speak the target language.

## **Visiting Animals**

Pets are not allowed inside YHALE buildings or during events on YHALE school grounds. Pets in vehicles during carpool must be restrained and should not threaten the safety of students or staff or provide disruption by barking. Only certified, properly-identified service animals may enter the building.

## **Guidelines for Acceptable Use of YHALE Technology Resources**

YHALE's information technology resources are provided for educational purposes only. Although the Student Code of Conduct provides detailed information about technology policies and procedures, the need for specific guidelines to reinforce acceptable use by students of the information technology (IT) resources of YHALE is critical. Therefore, YHALE has established the following guidelines for student use of system technological resources. Please note that these guidelines are subject to frequent updates, as warranted by changes in the digital environment. **Please review these guidelines with your child to ensure that he/she understands the expectations when using technology resources.**

## **Consequences for Violation of Technology Use Guidelines**

Violations of these rules may result in disciplinary action, including, but not limited to, the loss of a student's privileges to use YHALE's information technology resources.

## **Supervision and Monitoring**

Administrators reserve the right to examine, use, and disclose any data found on YHALE's information networks in order to further the health, safety, discipline, or security of any student or other person, or to protect property. They may also use this information in disciplinary actions, and will furnish evidence of crime to law enforcement.

### **Students Shall:**

- Treat technology resources with care and use them only as directed at all times.
- Respect and protect the privacy of others.
- Use only accounts assigned to them.
- Respect and protect the integrity, availability, and security of all electronic resources.
- Observe all network security practices.
- Report security risks or violations to a teacher or staff member.

- Conserve, protect, and share helpful resources with other students and Internet users.
- Respect and protect the intellectual property of others.
- Respect and practice the principles of community.
- Communicate only in ways that are kind and respectful.
- Report threatening or discomfoting materials to a teacher, administrator, or other school personnel.

**Students Shall NOT:**

- Eat or drink while using an YHALE electronic device or have food or drinks in the proximity of devices.
- Destroy or damage data, hardware, drives, networks, wiring, or other YHALE technology resources.
- Alter or attempt to alter hardware or software settings.
- Alter or attempt to alter desktop and/or screensaver images.
- View, copy, or use data for which they are not authorized.
- Access or attempt to access networks for which they are not authorized.
- Use or attempt to use personal electronic devices to access the school network.
- Use or attempt to use passwords assigned to anyone other than themselves.
- Distribute private information about others or themselves.
- Infringe copyrights (e.g., make illegal copies of music, games, or movies).
- Plagiarize.
- Access, transmit, copy, or create material that violates the school's code of conduct (e.g., messages that are pornographic, threatening, rude, discriminatory, or meant to harass).
- Use electronic media to bully, harass, threaten or humiliate, isolate, and/or manipulate others.
- Access, transmit, copy, or create material that is illegal (e.g., obscenity, stolen materials, or illegal copies of copyrighted works).
- Use technology resources to further other acts that are criminal or violate the school's code of conduct.
- Send spam, chain letters, or other mass unsolicited mailings.
- Buy, sell, advertise, or otherwise conduct business, unless approved as a school project.
- Use school IT resources for purposes not related to their schoolwork.
- Students may not download, participate in or view TikTok content on school owned computers, Chromebooks or any other equipment. It is against state law to allow the platform on state owned equipment.

## **Resource, Inquiry, and Collaboration Materials Policy and Procedures**

### ***Purpose***

The purpose of this policy and related procedures is to outline the guidelines and requirements for use of the Resource, Inquiry, and Collaboration Materials at YHALE and the materials held in collection by the school.

### ***Mission Statement***

The mission of the YHALE Resource, Inquiry, and Collaboration Materials is to facilitate the journey of our students toward information literacy and a love of reading and research that stimulates a commitment to lifelong learning.

### ***Use by Students***

Students may

use resource materials during the school day under the following circumstances:

- With their class during a regularly scheduled time or time scheduled by the teacher OR
- With permission by a teacher or administrator.

### ***Lost and Damaged Books***

If a student loses or damages a book, the student will be responsible for the cost of replacing the book. The YHALE Director of Operations will give the cost to replace the book, using the exact same specifications as the book lost or damaged, to the student.

All fees to replace a book must be received by the end of the semester.

The YHALE Director of Operations holds sole responsibility in determining if a book is “damaged.” Damage includes, but is not limited to, missing page(s); writing/coloring/scribbling/drawing on any part of the book; contact with any liquid; broken spine; missing spine label(s) or barcode; missing book jacket/cover/ protective covering; torn, folded, or rippled page(s) and/or cover; stickers or adhesive bandages on any part of the book; and any evidence of contact with a food product, slime, paint, adhesive, play dough, glitter, bodily fluid, or any other item that alters the appearance, texture, or readability of the book.

YHALE expects all faculty, staff, students, and visitors to respect the school's books and technology resources.

## **Curriculum Selection and Required Participation in Curriculum**

YHALE, as a public school, must adhere to the Georgia Standards of Excellence when determining course content. As a charter school, YHALE may select the curriculum and delivery method for presenting these standards to students. YHALE administration and faculty take great care when selecting curriculum, including books, online resources, media resources, presentations, and teaching materials, to ensure that students meet all Georgia Standards while also considering the objectives of YHALE's mission as appropriate. Faculty select materials that will challenge students academically, intellectually, and emotionally, and they strive to utilize materials that are relevant for today's world.

Students may not “opt out” of any required curriculum at YHALE for any reason. Students are expected to complete all work as assigned in every class. Parent requests for alternative curriculum choices within a child's class will be denied. From time to time, teachers utilize movies that are rated PG.

## **Celebrations**

### ***Birthdays***

Parents may send in nut-free cupcakes or other individually separated nut-free treat to celebrate their child's birthday with their child's classmates. There must be enough for every child in the classroom to receive a treat. Instead of a food item, parents may also elect to send “goodie bags” that include pencils, stickers, erasers, and other such tokens in lieu of food for their child's classmates.

Invitations to birthday parties (or other parties) may not be distributed at YHALE unless all students in a class are invited to the party. In order to avoid embarrassment for students not invited to parties, please either distribute birthday party invitations outside of school or invite the entire class. Teachers cannot provide a list of email addresses or phone numbers to parents. The YHALE PTO maintains a student directory for PTO members. Please email [hello@yhalepto.org](mailto:hello@yhalepto.org) for more information.

### ***Classroom Parties***

Classroom teachers and/or room parents organize the food lists for these parties. All food should be store-bought and include ingredient lists to help prevent exposure to allergens.

### **Field Trips**

A field trip is defined as “a planned educational experience directly related to and correlated with a particular unit of study or

a specialized function of the school.” YHALE teachers try to offer enriching field trip experiences for all students. Parents may not initiate plans for field trips, and all field trips must be related to a unit of study. Students will not be allowed to attend a field trip without written parental permission. Parents are responsible for any costs associated with in-school or out-of-school field trips.

### **Classroom Pets and Plants**

Classroom pets and non-toxic plants are great teaching tools and are allowed at YHALE. Teachers may incorporate pets and plants in their classroom at their own discretion. Teachers will send a permission slip to parents, which must be received before a student is allowed to handle an animal. Please let your teacher know if your child has an allergy to a classroom pet.

### **School Telephones**

School phones are for school business only. Students are responsible for bringing all essential items to school and will not be allowed to call someone to bring those items. Students calling home without being given permission by the staff or school nurse will be given administrative consequences.

### **Lost and Found**

All belongings should be labeled clearly with the child’s name. Unclaimed clothing and other items found on school premises will be taken to the school’s lost and found, located at the front of each campus. At the end of each semester or when the lost and found becomes too full, all unclaimed articles will be donated to a charitable organization.

### **Withdrawal from School**

To withdraw a student from YHALE, please notify the child’s teacher and school administration. Also, please see the receptionist to request and complete the necessary withdrawal paperwork.

### **Publicity and Photos of Students and Right to Opt Out of Publicity**

Each school year provides many opportunities to publicize and celebrate YHALE and the activities of students. Publicity may take many different forms, including but not limited to, photographs to hang in school or appear on school TV monitors; news releases, photos and video submitted to television, radio and newspapers; media interviews, stories, photography and video for television, newspaper or radio stories; State Charter Schools Commission (SCSC) materials/displays; special events; video for school use or for television stories for publication in the school newsletter or in SCSC news releases; postings on school web pages and/or the SCSC website or other online sites associated with the school or charter school support organizations; or online instruction-related activities.

YHALE is very proud of students’ accomplishments, and we know that parents and guardians are, too. Publicity can be an important part of students’ positive school experience. Parents/guardians who would like their student to be included in publicity opportunities do not need to take any action.

Any parent/guardian who does not wish to have their student appear in publicity may notify YHALE by providing to the school a written request to opt out of publicity and photos. This written request must be made annually to the school office within 14 days of the student’s first day during the school year. The school will maintain a record of students whose parents or guardians have opted out of publicity for the student. A parent/guardian wishing to change a student’s status with regard to publicity may do so at any time with written notice to the school office.

Please note that certain school events are public in nature, and publicity in the form of photographs, video, social media posts, etc. is often not within the control of YHALE. This includes events such as concerts, awards programs, extracurricular athletics, competitions, and year-end events such as graduation ceremonies. Student names will appear in event programs, on honor roll lists, on artwork and in yearbooks (along with a photograph) unless the parent/guardian makes a separate specific written request that the student’s name and/or image be withheld.

### **Fundraising Activities**

As a state-commissioned charter school, YHALE receives funding only from the State of Georgia. Unlike traditional public schools, YHALE does not receive funding from local government sources. For this reason, YHALE engages in fundraising activities to support the school’s operations and initiatives. From time to time, YHALE will ask families and the greater community to support fundraising activities. Please email [admin@yhale.org](mailto:admin@yhale.org) with any questions or to volunteer or make a donation.

### ***No Preferential Treatment for Donors***

Donations or any material support do not guarantee a class slot for any student during enrollment, nor do they affect how YHALE treats any student. Every student will have an equal opportunity to enroll in YHALE, and no consideration of donations/material support will be given when grades, class placement, and disciplinary actions are determined.

### ***Fundraising and Charitable Activities for and by Outside Organizations***

YHALE has a wonderful community of caring, enthusiastic students and families who want to make a difference in our community and the world. Service learning is a part of YHALE's educational environment, and YHALE, as a state charter school, must raise funds to support the school's mission. For that reason, all fundraising activities at YHALE or YHALE sponsored activities shall benefit YHALE or YHALE-sponsored initiatives, including approved student-led projects and projects that support the wider YHALE community. All fundraising and charitable activities are approved by the YHALE administration in advance.

In some instances, YHALE shall allow outside organizations, such as Scouting organizations, to lead charitable activities such as collections for food drives, recycling efforts, etc. All activities must receive approval from YHALE administration and must be presented at least six weeks in advance to the Development and Communications Manager. No such activities may take place anywhere on the YHALE school grounds without prior written approval (including the parking lot). Please note that not every project will be approved, and activities organized and led by at least ten (10) YHALE students shall be given preference. Such activities must not conflict with YHALE-sponsored activities or place an undue burden on YHALE faculty and staff.

## **School Programs**

### **Before and After Care Program (BCP & ACP)**

YHALE offers a Before Care Program (BCP) and After Care Program (ACP) for students in Kindergarten through 6th grade. Details regarding the program can be found on YHALE's website under Parents & Students.

### **After School Enrichment Program (ASEP)**

YHALE offers limited after school enrichment programs provided by outside vendors on the YHALE school grounds. These enrichment classes take place on various days, depending on vendor offerings. Parents register and pay directly through the vendor. Additional information, including current vendor offerings and registration links, can be found on the YHALE's website. Parents must arrive promptly at the conclusion of these classes to pick up their child. Students who attend ACP will be escorted to ACP and signed in by the vendor at the end of their enrichment class.

### **Lunch Program**

Students may bring their own lunch from home or order through YHALE's lunch vendor. More information regarding the vendor and ordering can be found on the YHALE website. Please note that students are not allowed to use a microwave to heat up lunch items, so please ensure that all lunch items are ready to eat.

### **Food Allergens**

Due to students with severe nut allergies, YHALE classrooms are peanut and/or tree-nut free. Please be aware of items that may contain these allergens and do not allow your child to bring allergens to school. If your child has a food allergen, please communicate with school administrators in writing.

## **Reporting Abuse**

**§ 20-2-751.7 - State mandated process for students to follow in reporting instances of alleged inappropriate behavior by teacher or other school personnel; notice of process; training; investigations**

### **O.C.G.A. 20-2-751.7 (2010)**

20-2-751.7. State mandated process for students to follow in reporting instances of alleged inappropriate behavior by teacher or other school personnel; notice of process; training; investigations

(a) The Professional Standards Commission shall establish a state mandated process for students to follow in reporting instances of alleged inappropriate behavior by a teacher, administrator, or other school employee toward a student which shall not prohibit the ability of a student to report the incident to law enforcement authorities. Each local school system shall be required to implement and follow such state mandated process and shall include the mandated process in student handbooks and in employee handbooks or policies.

(b) If it is determined through the state mandated process established pursuant to subsection (a) of this Code section that a complaint against a teacher, administrator, or other school employee is unsubstantiated and without merit, the local school system shall, at the request of the aggrieved party, submit a written statement to that effect to all local print and television media outlets that published any articles or reported any news relating to such complaint against the teacher, administrator, or employee.

(c) The Professional Standards Commission shall coordinate a training program on educator sexual misconduct. Such program shall be delivered by trained staff from the Professional Standards Commission, regional educational service agencies, and local school systems. The superintendent of each local school system shall ensure that all certified staff in its school system receive such training.

(d) (1) The staff of the Professional Standards Commission shall be authorized, without notification to the Professional Standards Commission, to immediately open an investigation submitted to the commission by a local school superintendent, with approval of the local board of education, of a complaint by a student against an educator alleging a sexual offense, as provided for in Code Sections 16-6-1 through 16-6-17, 16-6-20, 16-6-22.2, or 16-12-100.

(2) The Professional Standards Commission shall have on staff a minimum of one investigator specifically trained in investigating educator sexual misconduct. The investigation of any complaint of sexual misconduct shall be completed in no more than 60 days and shall be presented at the commission meeting immediately following the conclusion of the investigation.

(3) If the Professional Standards Commission's review of the investigative report results in a sanction against the educator, the educator shall have the right to appeal the commission decision to a hearing before an administrative law judge within 90 days of such sanction.

(e) Nothing in this Code section shall be construed to infringe on any right provided to students with Individualized Education Programs pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act of 1990.

### **Student Reporting of Alleged Sexually Inappropriate Behavior**

(a) Any student (or parent or friend of a student) who has been the victim of an act of sexual abuse or sexual misconduct by a teacher, administrator or other school system employee is urged to make an oral report of the act to any teacher, counselor or administrator at his/herschool.

(b) Any teacher, counselor or administrator receiving a report of sexual abuse or sexual misconduct of a student by a teacher, administrator or other employee shall make an oral report of the incident immediately by telephone or otherwise to the school principal or principal's designee and shall submit a written report of the incident to the school principal or principal's designee within 24 hours. If the principal is the person accused of the sexual abuse or sexual misconduct, the oral and written reports should be made to the superintendent or the superintendent's designee.

(c) Any school principal or principal's designee receiving a report of sexual abuse as defined in O.C.G.A.19-7-5 shall make an oral report immediately, but in no case later than 24 hours from the time there is reasonable cause to believe a child has been abused. The report should be made by telephone and followed by a written report in writing, if requested, to a child welfare agency providing protective services, as designated by the Department of Human Resources, or, in the absence of such agency, to an appropriate police authority or district attorney.

Reports of acts of sexual misconduct against a student by a teacher, administrator or other employee not covered by O.C.G.A. 19-7-5 or 20-2-1184 shall be investigated immediately by school or system personnel. If the investigation of the allegation of sexual misconduct indicates a reasonable cause to believe that the report of sexual misconduct is valid, the school principal or principal's designee shall make an immediate written report to the superintendent and the Professional Standards Commission Ethics Division.



## **Prohibition of Harassment & Title IX**

YHALE prohibits unlawful discrimination based on sex in all of its education programs and activities, including admissions and employment. It is the policy of YHALE to comply fully with the requirements of Title IX of the Education Amendment of 1972 (“Title IX”). This policy is applicable to conduct occurring on property owned, rented, or used by YHALE, at school-sponsored activities, while using YHALE provided equipment and technology, or transportation.

### Definition of Sex Discrimination and Other Terms

YHALE prohibits all forms of sex discrimination as defined by Title IX, including:

- An employee conditioning the provision of an aid, benefit, or service on a student’s participation in unwelcome sexual conduct.
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity; or
- The following specific crimes as defined by federal law: “Sexual Assault” as defined by 20 U.S.C. § 1092(f)(6)(A)(v), “Dating Violence” as defined in 34 U.S.C. § 12291(a)(10), “Domestic Violence” as defined in 24 U.S.C. § 12291(a)(8), and “Stalking” as defined in 34 U.S.C. § 12291(a)(30).

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting the conduct is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment to the Title IX Coordinator. Reports may be made orally or in writing. Reports may be made at any time, including non business hours, by using the telephone number, email, or mail to the Title IX Coordinator as follows:

Susan George  
Yi Hwang Academy of Language Excellence 4550 River Green Parkway  
Duluth, GA 30096  
Email: [sgeorge@yhale.org](mailto:sgeorge@yhale.org)

Or to the Assistant Secretary of the Department of Education Office of Civil Rights  
<https://www2.ed.gov/about/offices/list/ocr/index.html>, or both.

The Title IX Coordinator will be responsible for directing YHALE activities to comply with Title IX and the school’s policies and procedures to further the objectives of Title IX. The Title IX Coordinator will be informed of all reports and formal complaints of sexual harassment. Any questions or concerns regarding YHALE's compliance or activities under Title IX should be directed to the Title IX Coordinator. The Title IX Coordinator will oversee the investigation and resolution of formal complaints made pursuant to Title IX.

## **Equal Opportunity**

YHALE does not discriminate on the basis of age, sex, race, color, religion, national origin, or disability in its educational programs or activities.

## **Standardized Testing**

### **Georgia Milestones Assessment System (Georgia Milestones)**

The Georgia Milestones Assessment System (Georgia Milestones) is a comprehensive summative assessment program spanning grade 3 through high school. Georgia Milestones measures how well students have learned the knowledge and skills outlined in the state-adopted content standards in language arts, mathematics, science, and social studies. Students in grades 3 through 8 will take an end-of-grade assessment in reading, math, and science in 5th and 8th grade only. . The tests are usually administered between mid-April through early-May and include three types of questions: 1) multiple choice, 2) open-ended, and 3) a writing component. To learn more about the Georgia Milestones please visit the Georgia Department of Education’s website:

<https://www.gadoe.org/Curriculum-Instruction-and-Assessment/Assessment/Pages/Georgia-Milestones-Assessment-System.aspx>

## **Test Security**

YHALE trains all personnel to follow specific guidelines and standards when administering any state or national assessment, such as Georgia Milestones. Specific protocol for test security is strictly followed and monitored daily during the testing window to maintain the accuracy and integrity of the testing process. All materials are checked in and out daily and kept in a locked

location. Any violations of test security are reported to the Governing Board, and the Governing Board reports violations to the Georgia Department of Education (GaDOE). Consequences for violations are determined by GaDOE.

## Student Support Programs

### Early Intervention Program (EIP) & Remedial Education Program (REP)

Teachers and administrators analyze current achievement data to improve teaching and learning. Students who have not met a school-determined level of achievement receive EIP (K-5th) or REP (6th-12th) services and/or additional intervention support to help students meet achievement targets. The placement and exit criteria are based on documented student performance in ELA and mathematics. This program is a part of the Response to Intervention (RTI) framework for providing support to students. EIP and REP provides a structure for additional instruction to ensure students meet grade level expectations.

### Response to Intervention (RTI)

RTI is a three-tier program that provides support for students who are at-risk academically. All tiers include research-based interventions that are added to the regular school curriculum to provide extra support for individualized educational goals. Parents who receive RTI paperwork and have questions should feel free to call the school and ask to speak to the RTI Coordinator for more information.

### English Learners (EL)

Based on the results of the Home Language Survey, YHALE uses the WIDA-ACCESS Placement Test to assess a student's English proficiency to determine if they qualify for the English Learner (EL) program. Language assistance curricula in the EL program consist of plans of instruction which are adapted to the English language proficiency of the children.

### Gifted Services

YHALE identifies gifted students in first through sixth grades. All YHALE students are included in the gifted level curriculum so all students are serviced with gifted instruction. However, the Gifted Program is designed to meet the specific needs of students identified as gifted and extend competencies in the areas of cognitive skills, learning skills, research and reference skills, communication skills, and metacognitive skills in addition to the experience of the regular classroom. The Georgia State Department of Education governs the procedures for identifying and placing students in the gifted program. To be eligible for gifted services, the criteria must be met in three of the following four areas:

1. **Mental Ability:** 96th percentile on a national normed test (99th in K-2nd )
2. **Achievement:** 90th percentile on Total Reading, Total Math, or Composite on a nationally normed test **OR** A superior student-generated product or performance
3. **Creativity:** 90th percentile on a nationally normed test **OR** Superior rating on a standardized creativity rating scale **OR** A superior student-generated product or performance or portfolio
4. **Motivation:** Superior rating on a standardized motivation rating scale **OR** A superior student- generated product or performance or portfolio

A student already participating in a Gifted Program in Georgia will most likely be transferred into YHALE's program. However, the eligibility committee will review the student's records and test data before a final placement decision is made. Students who transfer from out of state must meet Georgia requirements for placement in the YHALE program. Test data from a previous school will be considered if the test results are less than two years old, **and** if they meet the Georgia eligibility criteria. For further questions, please contact YHALE's Gifted Coordinator.

## Communicating Student Progress

### Report Cards

YHALE sends home progress reports in mid-semester and report cards at the end of each semester. When report cards are issued, parents must sign the envelope and return it to the child's teacher. The report card may be kept at home.

## School Safety Plan

Emergency situations may arise at any time. To ensure the safety of all YHALE students and staff, the following procedural guidelines have been implemented.

## Security

All entrances to the school are locked at all times, and entry is restricted to faculty, staff, students, and authorized visitors. Reception staff follow the Visitors Procedures outlined in this handbook.

## Fire Drills

YHALE conducts fire drills to ensure that faculty, staff, and students are prepared in the unlikely event of a fire emergency. During a fire drill, the fire drill signal will be given by an administrator. All classes will take the primary route indicated on the room Evacuation Chart. Students will walk quietly, in an orderly fashion, with the supervising adult to a destination at least sixty (60) feet away from the building. All students and staff will remain there until the “all clear” signal has been given by administration.

Fire drills are required by State law at least once each quarter. With the exception of administration, all students, staff, and visitors must exit the building upon a fire alarm signal. No student, staff member, or visitor should return to the building until the “all clear” signal has been given by administration.

## Severe Weather Drills

YHALE conducts severe weather drills to ensure that faculty, staff, and students are prepared in the event of a severe weather event. During a severe weather drill, students, faculty, and staff are instructed to take cover in their designated location, away from windows and exterior doors, sitting on the floor, facing the wall and covering their heads with their arms. Students must remain quiet during this time in order to be able to hear any further instructions. Administration will give an “all clear” signal when the drill has ended. Severe weather drills are required by State law at least two times per school year.

In the event of a NOAA Weather issued tornado warning, instructions will be given over the intercom system. Teachers will follow directions for protection and safety, as practiced during the drills.

## Code Red Drill

YHALE conducts Code Red drills to ensure that faculty, staff, and students are prepared in the unlikely event of an intruder/active shooter event. The Code Red alert drill signal will be given by an administrator. Teachers and students will follow directions for protection and safety during an intruder/active shooter event.

## School Emergency Closure Procedures / Inclement Weather

In the event of school closure due to severe weather and emergency situations, notifications will be sent to parents via the following communication channels. In the meantime, the staff will be informed by using staff calling tree

- a. Infinite Campus Messenger (Robocalls, Texts and Emails)
- b. Class Dojo
- c. Website

Please note that YHALE is a part of the State Charter School system and does not explicitly follow the closing announcements or calendar of any particular local school district.

## Weather Safety

HB 402 requires Georgia school districts to provide water safety education annually to parents and guardians of students under 18 years of age and directly to students who are 18 years of age or older. Water safety education resources are provided by the Red Cross and the YMCA.

[YMCA-Statewide-Safety-Around-Water-2023-8-2-2023](#)     [Red-Cross-PI-Sheet-Swimming-Water-Safety-STATIC](#)

## Health and Wellness

### Sick policy

Our students' health is important to us. We work to ensure preventative measures are in place as warranted and feasible.

A child who has been ill due to a communicable disease must provide written permission from a doctor or health officer upon returning to school (ex: head lice, conjunctivitis).

If a child is suspected of having a communicable disease, parents are called to pick up the child from school and seek a physician's diagnosis prior to returning the child to class. This procedure is for the safety and well-being of all our students. **PLEASE do not send children to school who feel ill or who have had a fever or vomiting within 24 hours.**

Furthermore, if your child has been diagnosed with ANY communicable infections, please notify the school nurse.

- A child with a fever of 100 degrees or above must stay home. If a child develops a fever of 100 degrees or above during the school day, she/he will be sent home.
- A child who has vomited within the last 24 hours must stay at home. A child who becomes sick and vomits during the day will be sent home.
- A child may return to school after they have been free from fever for 24 hours without the use of Tylenol or Motrin or any other antipyretics.
- A child with uncontrollable diarrhea, (3-4 stools per hour) must stay at home.
- A child diagnosed with strep throat must have been treated with antibiotics for 24 hours before returning to school. • A child diagnosed with bacterial conjunctivitis (pink eye) must have medication for 24 hours before returning to school. Children with viral conjunctivitis must have a doctor's release/report before returning to school. • In order for a child diagnosed with chickenpox to return to school, the lesions must be crusted over, fading and or disappearing 24 hours prior to return to school. The child must be free of fever for at least 24 hours without the use of medication.
- A child diagnosed with ringworm must be treated for 24 hours before returning to school and the affected area kept covered until healed.
- A child with impetigo must be free of weeping lesions. The lesions must be covered and medically treated for 24 hours before returning to school.
- A child with head lice must have been treated with a medicated shampoo and be seen by the nurse before returning to school.
- A child must feel well enough to participate in school. A sick child will remain in the nurse's office until he or she is picked up by a parent or guardian when he or she has a condition that may be considered contagious and easily passed from child to child. Final decisions are at the discretion of the nurse.

## **Medication**

All medications for students **MUST** be administered through the healthcare technician who is under the direction of a consulting nurse. The proper paperwork must be completed, and the healthcare technician is responsible for scheduling and administering all medications. YHALE does not supply any non-prescription medications. If your child needs to take any medication during school hours, please fill out the Medical Authorization form, have it signed by the prescribing physician, and return it to the healthcare technician or front office to be placed in your child's health folder. All prescription containers must be current and match the authorized prescription.

## **Student Accidents**

If a student is injured at school, the parents will be contacted by an administrator, teacher, or the staff member in charge. A Student Accident Report will be completed for all student accidents.

If a child is seriously injured during the day and requires immediate medical attention, he or she will be transported to an emergency room and parents will be contacted. Judgment in such cases is at the discretion of school authorities, and parents will assume financial responsibility. Please keep medical information updated and phone numbers on file in the office and in the clinic.

## **Immunizations**

Students' immunizations should be kept up to date based on Georgia law. Students not in compliance may not be allowed to

start school.

### ***Immunization and Health Screening Requirements***

Prior to enrollment at YHALE, Georgia law requires that each student present the Georgia Department of Human Resources **Form 3231 Certificate of Immunization** showing that the child has adequate protection against varicella (chicken pox), Hepatitis A, Hepatitis B, diphtheria-pertussis (whooping-cough), tetanus (lockjaw), polio, measles, rubella (German measles) and mumps.

#### **Further guidelines:**

- The Certificate of Immunization (Form 3231) must be signed by a physician licensed under the laws of Georgia OR by a qualified employee of a county health department.
- A child who cannot be immunized because of a medical disability can be given a special certificate by a licensed physician or a county health department. If a child is not immunized for religious reasons, an exemption waiver must be notarized.
- Additional Immunization Requirements for students entering sixth grade: Students entering the sixth grade must have a certificate showing proof of two measles, mumps, and rubella (MMR) vaccinations administered since the first birthday.

### **Hearing, Vision, and Dental Screening**

Prior to enrollment at YHALE, Georgia law requires that each student present the Georgia Department of Human Resources **Form 3300, Certificate of Ear, Eye and Dental Examinations**. Form 3300 must be dated within 12 months of the first day of school.

\*Students transferring to YHALE from another state or country must obtain a certificate from a Georgia licensed physician or the Georgia Department of Public Health (or any of their county offices). A parent must present a written, dated immunization record, signed by a licensed physician or an authorized representative of a health agency of another state or country, that adequate immunizations have been received by the student. The Georgia Department of Public Health (or any of their county offices) will place the record on file and issue a Certificate of Immunization. The student can then be admitted to school.

### **Allergies**

Allergic reactions can span a wide range of severity of symptoms. The most severe and potentially life threatening reaction is anaphylaxis. YHALE cannot guarantee to provide an allergen-free environment for all students with life-threatening allergies or prevent any harm to students in emergencies. The goal is to minimize the risk of exposure to food allergens that pose a threat to those students, educate the community, and maintain and regularly update a system-wide protocol for responding to their needs. A system-wide effort requires the cooperation of all groups of people within the system.

The goal of YHALE regarding Life Threatening Allergies is to engage in a system-wide effort to:

- Prevent any occurrence of life threatening allergic reactions
- Prepare for any allergic reactions
- Respond appropriately to any allergy emergencies that arise

The school consulting nurse, in conjunction with the student's parent(s)/guardian(s) and the primary care provider/allergist will prepare an Allergy Action Plan/Individual Health Care Plan for any student with a life-threatening allergy.

The plans will be reviewed by the school nurse, the student's parent(s)/guardian(s) and primary care provider and/or the student's allergist, and signed off by the child's parent indicating that he/she deems it to be adequate. Multiple copies of the Allergy Action Plan/Individual Health Care Plan will be kept at the school for quick access in the main office and the student's homeroom, and in the student's target language teacher's room.

EpiPens will be available in the nurse's office and those prescribed for individual students will be kept in that child's homeroom emergency backpack or, with permission, carried by the child at all times. Staff will be trained to identify and respond to reactions from life threatening allergies, including the use of EpiPens. Any staff involved with students who have life threatening allergies will be informed by the parents and provided information from the Allergy Action Plan of each of these students. School staff will take steps to ensure that these classrooms and instructional areas are as allergen free as possible. During lunch,

YHALE will encourage "NO NUTS" and "NO FOOD TRADING" and "NO UTENSIL SHARING" to minimize accidental exposure to allergens.

It is requested that each parent of a student with a life-threatening allergy inform the school nurse/administration of the child's allergies prior to the opening of school (or as soon as possible after a diagnosis). Parents must arrange to meet with the school nurse/administration to develop an Allergy Action Plan/Individual Health Care Plan for the student and provide medical information from the child's treating physician as needed to write the plans.

In addition, parents should do the following:

- Provide the school nurse /administration with enough up-to-date emergency medications (including EpiPens) so they can be placed in all required locations for the current school year
- Complete and submit all required medication forms
- Provide a Medic ALERT ID for their child
- Notify nurse/administration of any upcoming field trip as soon as possible and provide an EpiPen to be taken on field trips
- Encourage their child to wash hands before and after handling food
- Teach their child to recognize the first symptoms of an allergic/anaphylactic reaction and to communicate clearly as soon as she/he feels a reaction is starting
- Encourage their child NOT to share snacks, lunches, or drinks
- Encourage their child to take as much responsibility as possible for his/her own safety
- Help their child understand the seriousness of allergies and the potential consequences of children with allergies by being exposed to allergens.

## **Healthy Snack Policy**

Students are allowed to eat a daily snack during a time designated by the teacher. Students should bring healthy snacks with them to school daily to eat during times designated by the teacher. Please do not allow your child to bring sodas or candy. Children are encouraged to bring a reusable bottle of water in the classroom. Please see your student's teacher for more specific guidelines or restrictions of any sort due to allergies in your child's class (e.g. milk, grains, etc.). The school will not provide snacks to the students.

## **Soda-Free School**

YHALE does not allow students to bring or consume sugary or artificially-sweetened sodas during the school day. Sodas will not be sold or provided to students during YHALE-sponsored events.

## **Parent Teacher Organization (PTO)**

The YHALE PTO is a 5019(c)(3) organization whose objectives are 1) To work with the school and community to provide quality education and educational enrichment for the children and youth of Yi Hwang Academy of Language Excellence, and 2) To promote the health and welfare of the students as well as to promote collaboration between parents, school and the community at large.

The PTO offers numerous volunteer opportunities that allow parents to share in the success of the school and its students. Please email [volunteer@yhalepto.org](mailto:volunteer@yhalepto.org)

YHALE fosters a community of diversity, acceptance, and non-discrimination. The YHALE Governing Board requires full compliance with all federal and state non-discrimination laws, including, but not limited to the following: Title VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Equal Pay Act of 1963, Pregnancy Discrimination Act, Age Discrimination Act of 1975 (Age Act), Age Discrimination and Employment Act (ADEA), Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, Boy Scouts of America Equal Access Act of 2001, and Public Law 101-476, Individuals with Disabilities Education Act (IDEA).

These laws prohibit, and YHALE forbids, discrimination on the basis of age, race, color, national origin, religion, sex, disability, pregnancy, and veteran status in all school programs and activities. This includes academic, extracurricular, athletic, and other school programs, as well as during field trips, and in school classes or training programs that take place off school grounds. Sexual harassment is a form of sex discrimination prohibited by Title IX. The District is committed to upholding these laws and takes discriminatory behaviors seriously.

## CHARTER FOR YI HWANG ACADEMY OF LANGUAGE EXCELLENCE

This charter for Yi Hwang Academy of Language Excellence (“Charter”) is entered into by and between Yi Hwang Academy, Inc., (“Petitioner”) and the State Charter Schools Commission (“SCSC”) (collectively referred to as “the parties”).

WHEREAS, the Petitioner submitted a petition proposing to establish a state charter school pursuant to O.C.G.A. § 20-2-2060 *et seq.*, the Charter Schools Act of 1998 (“Charter Schools Act”) and O.C.G.A. § 20-2-2084;

WHEREAS, the SCSC finds that the petition complies with the provisions of the Charter Schools Act, and the rules, regulations, policies and procedures promulgated in accordance with O.C.G.A. § 20-2-2063 and O.C.G.A. § 20-2-2084 and further finds that the petition is in the public interest; and

WHEREAS, pursuant to Article 31 and Article 31A of Chapter 2 Title 20 of the Official Code of Georgia Annotated, the SCSC grants this Charter to permit Petitioner to operate Yi Hwang Academy of Language Excellence (“the Charter School”) in accordance with the terms and conditions of this Charter.

NOW THEREFORE, in consideration of the promises, mutual agreements, and covenants contained herein and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Definitions.** The terms below will be interpreted in accordance with the following definitions, unless and until federal or state law, or the state accountability system, is amended otherwise:
  - a. **Education Service Provider:** means a nonprofit or for-profit organization that contracts with charter schools to provide multiple educational, operational, or comprehensive management services, including, but not limited to, curriculum design, instructional resources, professional development, financial and operational management, facilities management, or any combination thereof.
  - b. **Georgia Department of Education (GaDOE or Department):** means the state agency charged with the fiscal and administrative management of certain aspects of K – 12 public education, including the implementation of federal and state mandates. Such management is subject to supervision and oversight by the State Board of Education.
  - c. **Governing Board** means the governing board of the nonprofit organization for a state charter school and which is the same as the governing board of the state charter school which is involved in school-level governance of the state charter school.



## YI HWANG ACADEMY OF LANGUAGE EXCELLENCE

- d. **Local Educational Agency (LEA):** means a public authority legally constituted with Georgia for administrative control or direction of public elementary or secondary schools. The Charter School shall act as its own LEA pursuant to O.C.G.A. § 20-2-2090 and SBOE Rule 160-4-9.04, including but not limited to data reporting, student enrollment counting procedures, student achievement reporting, and funding allocations.
  - e. **School Leader:** means the individual with the highest authority in school administration regardless of title.
  - f. **State Board of Education (SBOE or State Board):** means the constitutional authority which defines education policy for public K – 12 education agencies in Georgia.
  - g. **State Charter Schools Commission (SCSC):** means the state-level authorizing entity working in collaboration with the Department of Education under the authority of the State Board of Education.
2. **Charter Term.** The SCSC grants this Charter to Petitioner to operate the Charter School for a five-year term beginning on July 1, 2019 and expiring on June 30, 2024.
  3. **Grade Range.** The Charter School shall serve grades K-5. The Charter School's total enrollment shall be at least 170 students but shall not exceed 1000 students at any point during the charter term.
  4. **Mission Statement.** The mission of the charter school is to provide a 21st century education to fully develop our children's bilingual and bi-literate potential, to broaden their awareness of other cultures of the world, and to prepare them for the competitive global marketplace.
  5. **Essential or Innovative Features.** The Charter School shall offer a dual language immersion program, which consists of Korean-English immersion beginning in Year 1 and Chinese-English immersion beginning prior to the end of the charter term. The Charter School will utilize TAG teaching strategies, project-based learning, and differentiated instruction.
  6. **Open Enrollment and Admissions.** The Charter School shall comply with the open enrollment and admissions provisions set forth in O.C.G.A. § 20-2-2066. Enrollment shall be open to any student in accordance with the following criteria:

## YI HWANG ACADEMY OF LANGUAGE EXCELLENCE

- a. Attendance Zone. Enrollment shall be open to any grade level eligible student who resides in the State of Georgia.
- b. Application. To be eligible for enrollment at the Charter School, students residing in the attendance zone must submit a timely application to the Charter School in accordance with the deadline set by the Charter School. The Charter School may not use admissions criteria or applications that would not otherwise be used at a traditional public school, including requests for letters of recommendation, essays, resumes, or information regarding a student's school or community activities, grades, test scores, attendance record, or disciplinary history. The Charter School may use applications for the purpose of verifying the student's residence within the school's attendance zone and grade level, provided the application is consistent with SCSC Rule 691-2-.05. The Charter School may gather other relevant information from students after enrollment is determined.
- c. Random Lottery. If the number of timely applicants received by the Charter School exceeds the capacity of a program, class, grade level, or building, the Charter School shall ensure that such applicants have an equal chance of being admitted through a random selection process in accordance with O.C.G.A. § 20-2-2066(a)(1)(A) and SCSC Rule 691-2-.05. The Charter School shall not conduct more than one lottery per grade per admissions cycle.
- d. Statutory Enrollment Priorities. In accordance with O.C.G.A. § 20-2-2066(a)(1)(A) and SCSC Rule 691-2-.05, the Charter School may give enrollment priority to the following categories of applicants and in the following priority:
  - i. A student whose parent or guardian is a member of the governing board of the Charter School or is a full-time teacher, professional, or other employee at the Charter School; and
  - ii. A sibling of a student enrolled in the Charter School.
- e. Outreach and Marketing. The Charter School shall utilize reasonable outreach and marketing measures to make all potential applicants aware of opportunities for enrollment at the Charter School, including, but not limited to, seeking the enrollment of a cross section of the school-age population throughout the attendance zone, consistent with the requirements of O.C.G.A. § 20-2-2066. The SCSC, upon a finding that the outreach and marketing measures taken by the Charter School are inconsistent with applicable law or the representations made by the Charter School in the Application and/or other representations or submissions to the SCSC, may require the Charter School to take further action, including but

## YI HWANG ACADEMY OF LANGUAGE EXCELLENCE

not limited to, requiring the Charter School to extend its enrollment period, delay or void its random lottery, and/or conduct further specified outreach and marketing steps.

- f. Use of Parental Agreements for Withdrawal or Reenrollment. The Charter School may adopt policies setting forth parental volunteer or service expectations and may require parent to sign an acknowledgement of those expectations. The Charter School may not withdraw, decline to reenroll, or otherwise discipline a student for a parent's failure to meet such expectations. The Charter School may not communicate to a student or parent that it has the authority to withdraw, decline to reenroll, or otherwise discipline a student for a parent's failure to meet volunteer or service expectations.
- g. Enrollment Opportunity. The Charter School shall also ensure open enrollment for each grade served for which space is available and shall not adopt any policy or practice that restricts enrollment to specific grade levels within the grade span served by the school or to a particular class of students served by the school. The Charter School must offer at least one annual enrollment opportunity for each grade served for which space is available
7. Maximum Flexibility Allowed By Law. In exchange for the Charter School's agreement to meet or exceed the performance-based goals and measurable objectives set forth in Section 9 below, the SCSC grants the maximum flexibility allowed by law to the Charter School. Pursuant to O.C.G.A. § 20-2-2065(a), the Charter School shall be entitled to the maximum flexibility allowed by law from the provisions of Title 20 of the Official Code of Georgia Annotated and from any state or local rule, regulation, policy, or procedure established by a local board of education, the State Board of Education (State Board), or the Georgia Department of Education (Department). Notwithstanding this maximum flexibility, the Charter School shall comply with the terms of this Charter, the Charter Schools Act, including the provisions set forth in Section 16 below, and any rules, regulations, policies, or procedures established by the SCSC consistent with the Charter Schools Act.
8. Accreditation. [If serving grades 8-12] The Charter School shall seek accreditation from an approved accrediting agency identified in O.C.G.A. § 20-3-519(6.1)(A) within the first three years of the initial charter term or prior to a student's graduation and shall retain accredited status thereafter. The Charter School understands that the loss of accreditation from an agency identified in O.C.G.A. § 20-3-519(6.1)(A) constitutes grounds for termination of this charter contract.

## YI HWANG ACADEMY OF LANGUAGE EXCELLENCE

### 9. Comprehensive Performance Framework and Performance Expectations.

- a. Incorporation into Charter Contract. The Comprehensive Performance Framework adopted by the SCSC shall be incorporated into the Charter as Exhibit A. The Comprehensive Performance Framework shall supersede and replace any and all assessment measures, educational goals and objectives, financial operations metrics, and organizational performance metrics set forth in the Application and not explicitly incorporated into the Comprehensive Performance Framework or this charter contract. The specific terms, form and requirements of the Comprehensive Performance Framework, including any required indicators, measures, metrics, and targets, are maintained and disseminated by the SCSC and will be binding on the Charter School. Material amendments to the Comprehensive Performance Framework shall require approval by the SCSC and shall be automatically incorporated into this Charter Contract upon SCSC approval without further amendment to the Charter Contract. In the event that such modifications or amendments are required, including modifications to address amended laws, the SCSC will use best efforts to apply expectations for school performance in a manner as consistent as possible with those set forth in the Comprehensive Performance Framework.
- b. Monitoring and Reporting. In accordance with SCSC Rule 691-2-.03, the SCSC shall monitor the Charter School's progress in relation to the indicators, measures, metrics and targets set out in the Comprehensive Performance Framework, as well as other applicable rules and laws. The SCSC shall publicly report the Charter School's achievement and compliance at least annually following the completion of the Charter School's first year of operation.
- c. Performance Expectations. **The Charter School's performance in relation to the indicators, measures, metrics and targets set forth in the Comprehensive Performance Framework shall provide the basis upon which the SCSC will decide whether to renew the Charter School's Charter Contract at the end of the charter term. This section shall not preclude the SCSC from considering other factors when relevant.**
- d. Mission-Specific Goals. The operational portion of the Comprehensive Performance Framework incorporated as Exhibit A, holds the Charter School accountable for the following mission-specific goals:
  - i. Goal 1: During each year of the charter term, ninety percent (90%) of YHALE's students will participate in at least two cultural events focused

## YI HWANG ACADEMY OF LANGUAGE EXCELLENCE

- on cultural experiences relevant to the peoples living in countries that speak the target languages of YHALE (Korean or Mandarin).
- ii. Goal 2: During each year of the charter term, seventy percent (70%) of YHALE's students who have completed one year at YHALE, having participated in the full academic-year of dual language immersion, will obtain a Novice-Mid rating or higher of the ACTFL Scale in the target language of instruction for listening comprehension proficiency.
  - iii. Goal 3: During each year of the chart term, seventy percent (70%) of YHALE's students who have completed one year at YHALE, having participated in the full academic-year of dual language immersion, will obtain a Novice-Mid rating or higher of the ACTFL Scale in the target language of instruction for oral language proficiency.
- e. Performance Review Presentations. In the event that the Charter School fails to meet standards in accordance with the Comprehensive Performance Framework, the Charter School may be required to make an annual, in-person report to the Commission. At least one Board member and one staff member must attend the Annual Performance Review Presentation. Presentations shall be in a form and manner as requested by the Commission.
10. Assessment and Accountability. Notwithstanding Sections 7 and 9 above, the Charter School is subject to all accountability and assessment requirements set forth within Title 20 of the Official Code of Georgia Annotated and any corresponding State Board Rules, including but not limited to the accountability provisions of O.C.G.A. §§ 20-14-30 through 41. The Charter School is further subject to all federal accountability requirements under the Elementary and Secondary Education Act, including its reauthorization as the Every Student Succeeds Act and any subsequent amendment thereto and provisions of state law or regulation that implement the federal law.
11. Annual Report. The Charter School shall submit an annual report by the deadline established by O.C.G.A. § 20-2-2067.1(c) of each year to the Georgia Department of Education and to the SCSC that complies with all requirements established by the Georgia Department of Education or applicable law.
12. Withdrawal without Penalty. The Charter School shall comply with the provisions of O.C.G.A. § 20-2-2066(d) for withdrawing students. The Charter School agrees that a student may withdraw without penalty from the Charter School at any time and enroll in another public school in the local school system in which such student resides.
13. State and Federally Mandated Educational Services.

## YI HWANG ACADEMY OF LANGUAGE EXCELLENCE

- a. Students with Disabilities. The Charter School shall comply with all federal special education laws and regulations, including Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Individuals with Disabilities Education Act.
- b. English Language Learners. The Charter School shall comply with all applicable federal laws and regulations relating to the provision of educational services to English Language Learners.
- c. Supplemental Education. The Charter School shall provide supplemental education services in required cases pursuant to the Elementary and Secondary Education Act, including its reauthorization as the Every Student Succeeds Act and any subsequent amendment thereto and provisions of state law or regulation that implement the federal law.
- d. Remediation. The Charter School shall provide remediation in required cases pursuant to the Elementary and Secondary Education Act, including its reauthorization as the Every Student Succeeds Act and provisions of state law or regulation that implement the federal law.

### 14. Governance Structure.

- a. Governing Board. The Charter School shall utilize an autonomous governing body in the form of a governing board (Governing Board), which shall operate in accordance with its bylaws and which shall be responsible for complying with and carrying out the provisions of this Charter, including compliance with all applicable law. The Governing Board shall exercise substantive control over such areas as personnel decisions, financial decisions, curriculum and instruction, resource allocation, establishing and monitoring the achievement of school improvement goals, and school operations, which are listed by way of example and not by limitation. Pursuant to O.C.G.A. § 20-2-2084(e), all members of the Governing Board shall be United States citizens, residents of Georgia, and shall not be employees of the Charter School.
- b. Function. It shall be the function of the Governing Board to uphold the Charter School's mission and vision, to set policy for the Charter School, to work collaboratively with school officials to ensure the Charter School complies with the performance goals enumerated in Section 9 above, to ensure effective organizational planning, and to ensure financial stability of the Charter School.

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- c. Public Meetings. The Governing Board is subject to and shall comply with the Open and Public Meetings Act, O.C.G.A. § 50-14-1 *et seq.*, and any subsequent amendment thereof. The Governing Board shall conduct regular meetings consistent with principles of transparency and avoidance of actual or apparent conflicts of interest in the governance of the Charter School.
  
- d. Public Records and Transparency. The Governing Board is subject to and shall comply with the Georgia Open Records Act, O.C.G.A. § 50-18-70 *et seq.*, and any subsequent- amendment thereof. Pursuant to O.C.G.A. § 50-18-70(b)(2) the Governing Board shall ensure that all public records that are maintained or received by a private person or entity in the performance of a service or function for or on behalf of the Charter School are available to the public in the same manner and extent as records collected or maintained by the Charter School. The Governing Board shall maintain its adopted policies, budgets, meeting agendas and minutes, financial audits, and annual reports, and shall make such documents available for public inspection. Additionally, to promote transparency, the Charter School shall ensure that the following information, at a minimum, is easily accessible on the Charter School's website:
  - i. Governing Board membership;
  - ii. Governing Board meeting calendar;
  - iii. Meeting agendas for upcoming Governing Board meetings;
  - iv. Meeting minutes for past Governing Board meetings unless the Georgia Open Meetings Act limits their publication;
  - v. Contact information for the most senior school administrator;
  - vi. Any admissions application utilized by the school;
  - vii. Notification of enrollment and admission procedures required by SCSC Rule 691-2-.05, including the date, time, and location of any upcoming enrollment lottery;
  - viii. Annual operating budget or summary thereof as required by O.C.G.A. § 20-2-167.1; and
  - ix. The Charter School's Charter Contract.
  
- e. Conflicts of Interest. The Governing Board shall establish a formal policy to prevent and disclose conflicts of interest and compliance with the requirements of O.C.G.A. § 20-2-2084(e). Members of the Governing Board and all individuals employed at the Charter School shall abide by such conflicts of interest policy. Upon request, the Charter School shall provide conflict of interest forms to the

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SCSC demonstrating that governing board members are in compliance with the conflicts of interest policy.

- f. Public Status. Petitioner assures that the Charter School shall be a public, nonsectarian, nonreligious, nonprofit school organized and operated under the laws of the State of Georgia. Petitioner further assures that the Charter School shall not be home-based; however, this does not preclude the Charter School from using virtual-based instruction in a remote setting.
- g. Director Compensation. No member of the Governing Board shall receive compensation for his or her service on the Governing Board in excess of reasonable expenses incurred in connection with actual attendance at board meetings or with performance of duties associated therewith.
- h. Governance Training. Each member of the Governing Board shall fulfill all training requirements required by rule and law, including the annual governance training obligation required by O.C.G.A. § 20-2-2084(f) and SCSC Rule 691-2-.03(4). In the Charter School's year prior to opening for students, in any year in which the school voluntarily defers its opening, or in any year its opening is suspended by the SCSC, the Governing Board must receive governance training by the SCSC rather than an alternate provider approved by the SCSC.
- i. Contractual Interference. No party to this Charter may interfere with the legal right(s) and/or obligation(s) of another party to execute the provisions of this Charter.

### 15. Fiscal Control.

- a. Financial Reporting Requirements. The Charter School shall follow the financial requirements of the Department's Financial Management for Georgia Local Units of Administration Manual, for all funds received by the school. This expressly includes, but is not limited to, developing and adhering to financial policies, preparing and adhering to operating budgets, accounting procedures, managing cash and investments, and segregation of duties and internal controls.. The Charter School shall submit all information required by the State Accounting Office for inclusion in the State of Georgia Comprehensive Annual Financial Report.
- b. Annual Audit. The Charter School shall have an annual financial audit conducted by an independent certified public accountant licensed in the State of Georgia. The Charter School will submit their annual financial audit to the SCSC by November



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1st each year. If the Charter School does not meet standards on the financial or operational sections of the Comprehensive Performance Framework, the SCSC may require the Charter School to utilize an independent certified public accountant selected by the SCSC to perform the annual audit.

- c. Chief Financial Officer. The Charter School shall designate a Chief Financial Officer. The Chief Financial Officer may be a contractor rather than a school employee; however, the SCSC will hold the Charter School accountable for all financial operations of the Charter School. The Chief Financial Officer shall possess the following minimum qualifications:
  - i. A baccalaureate or higher degree in business, accounting, or finance from an accredited college or university and a minimum of four (4) years' experience in a field related to business or finance; or
  - ii. Documented experience of ten (10) or more years in the field of business and financial management.
- d. Federal Monitoring Requirements. The Charter School shall comply with all federal monitoring requirements related to the receipt of federal funds.
- e. Charter School Program Eligibility. In the event the Charter School seeks grant funds under the Federal Charter School Program, the Charter School must satisfy all federal eligibility requirements as a prerequisite to applying for and receiving such funds.
- f. Insurance. Prior to opening, the Charter School shall secure adequate insurance coverage and the Charter School shall maintain such coverage throughout the charter term in accordance with the laws of the State of Georgia.
- g. Surplus Funds. Any surplus funds remaining at the close of each fiscal year will be used to enhance the Charter School's academic program. Under no circumstances shall any surplus be distributed to the Charter School's employee(s), board member(s), educational service provider or educational management organization. Nothing in this section shall be construed to prevent the Charter School from setting aside surplus funds in a reserve account or budgeting and awarding performance bonuses as part of their annual operating expenses.
- h. Responsibility for Debts. The Charter School is solely responsible for all debts incurred by the Charter School and its Governing Board. Except as agreed hereto,

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the SCSC shall not be contractually bound to the Charter School or to any third party with whom the Charter School has a contract or from whom the Charter School has purchased goods or services.

- i. Distribution of Funds and Assets. In the event the Charter School ceases operation for any reason, the Charter School and its Governing Board will be responsible for concluding the business and affairs of the Charter School and will cooperate with the SCSC to the extent necessary to provide an orderly return of the students to their local school. Any public surplus remaining at the time the Charter School ceases operation shall be remitted to the SCSC, within thirty (30) days of ceasing operations. Any furniture and equipment purchased with public funds shall be delivered to the SCSC within thirty (30) days of ceasing operations. The SCSC shall not be responsible for the Charter School's unpaid debts in the event the Charter School does not have sufficient funds to pay all of its debts at the time it ceases operation
  - j. Preference in Contracting. The Charter school shall give preference in contracting and purchasing of services and materials to businesses identified in O.C.G.A. § 20-2-2084(d)(2).
  - k. Acquiring Debt. The Charter School shall inform the SCSC Executive Director before acquiring debt with a repayment schedule that exceeds the length of the current charter term, including, but not limited to, monies derived from loans from financial institutions or through the sale of bonds.
  - l. Deficit Reduction. If at any time during the charter term the SCSC determines that the Charter School has a negative cash balance or an unrestricted days cash of less than fifteen (15) days, the Charter School may be required to submit a financial risk-avoidance plan, monthly SCSC Fiscal Compliance Template reports and monthly bank statements from all banks utilized by the Charter School. Submission shall be in a form and manner as requested by the SCSC Executive Director. This paragraph shall not be construed to limit any other SCSC authority to require the Charter School to submit additional financial reports not related to deficit reduction.
16. Compliance with Other Laws, Rules, and Regulations. The Charter School shall operate in accordance with the United States Constitution, the Constitution of the State of Georgia, and all applicable federal, state, and local laws that may not be waived pursuant to O.C.G.A. § 20-2-2065, including the following, which are listed by way of example and not by way of limitation.
- a. Civil Rights, Insurance, Health, Safety, and Conflicting Interests. The Charter School shall operate in accordance with all applicable federal, state, and local rules,

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regulations, court orders and statutes relating to civil rights; insurance; the protection of the physical health and safety of students, employees, and visitors; conflicting interest transactions and the prevention of unlawful conduct.

- b. Asbestos Remediation. The Charter School shall comply with the terms of any applicable asbestos remediation plan.
- c. Unlawful Conduct. The Charter School shall be subject to all laws relating to unlawful conduct in or near a public school.
- d. Student Conduct and Discipline. The Charter School shall maintain and implement a written policy regarding student discipline, which policy shall be consistent with due process.
- e. State Board Rules. The Charter School shall operate in accordance with all State Board Rules promulgated in accordance with O.C.G.A. § 20-2-240 during the term herein that are not subject to any waiver granted in Section 7 above.
- f. Prohibition on Discrimination. The Charter School shall not discriminate against students on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, marital status, academic ability, the need for special educational services, or any other characteristic protected by local, state, or federal law.
- g. Reporting Requirements. The Charter School shall be subject to all reporting requirements of O.C.G.A. §§ 20-2-160, 20-2-161(e), 20-2-320, and 20-2-740.
- h. Tuition. The Charter School shall not charge tuition or fees to its students except as may be authorized for local boards pursuant to O.C.G.A. § 20-2-133.
- i. Brief Period of Quiet Reflection. The Charter School shall comply with O.C.G.A. § 20-2-1050, which requires a brief period of quiet reflection.
- j. Individual Graduation Plans. The Charter school shall comply with O.C.G.A. § 20-2-327 related to Individual Graduation Plans.
- k. Family Educational Rights and Privacy Act. The Charter School is subject to all provisions of the Federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g. In the event the Charter School closes, it shall transmit all official student records in the manner prescribed by the State Board.

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- l. QBE Formula Earnings. The Charter School acknowledges that criteria used to calculate Quality Basic Education (QBE) funding may not be waived.
  - m. School Nursing Program. The Charter School shall implement a nursing program in accordance with O.C.G.A. § 20-2-771.2.
  - n. Student Fees and Charges. The Charter School shall comply with State Board of Education Rule 160-5-1-.12 to preserve the rights of students regarding payments and fees.
17. Education Service Providers. If the Charter School elects to contract or amend a contract with an Education Service Provider at any point during the term of the Charter, the Charter School shall seek and receive approval of the contract or amendment from the SCSC Executive Director prior to the execution of the contract or amendment.
18. Compliance with the Rules, Practices, Policies, and Procedures of the SCSC. The Charter School shall operate in accordance with the rules, practices, policies, and procedures established by the SCSC under the authority granted by O.C.G.A. §§ 20-2-2080 *et seq.*
19. Employment Matters. Individuals employed at the Charter School shall not be considered employees of the State Board, Department, or the SCSC.
  - a. Criminal Record Checks. The Charter School shall adopt criminal record check procedures. The Charter School shall comply with all provisions of O.C.G.A. § 20-2-211.1 relating to fingerprint and criminal record checks for all prospective staff members or any individual that will have substantial contact with students prior to beginning work at the Charter School or having contact with students.
  - b. Clearance Certificates. The Charter School shall comply with O.C.G.A. § 20-2-211.1 which requires all teachers, school administrators, and other education personnel employed by a local unit of administration to hold a valid clearance certificate issued by the Georgia Professional Standards Commission (PSC).
  - c. Teachers' Retirement System. All qualified teachers at the Charter School shall be members of the Teachers Retirement System of Georgia ("TRS") and subject to its requirements. The Charter School is responsible for making arrangements with TRS and making monthly contributions for its teachers in accordance with state

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requirements. For the purposes of this subparagraph, the term “teacher” shall have the definition provided in O.C.G.A. § 47-3-1.

- d. Employment Preference. The Charter School shall comply with O.C.G.A. § 20-2-2084(d)(1) regarding employment preference. The Charter School shall maintain and provide the SCSC, upon request, documentation to support the Charter School’s compliance with O.C.G.A. § 20-2-2084(d)(1), including, but not limited to, all advertisements for open positions, resumes received by the Charter School, and records of interviews conducted by the Charter School. The Charter School shall not use third-party contractors to circumvent the requirements of this subparagraph.
  - e. Performance Evaluation System. The Charter School shall utilize the performance evaluation system adopted by the State Board pursuant to O.C.G.A. § 20-2-210 for all personnel for which it is required by rule or law, including personnel employed by an educational management organization or other educational service provider. At least two individuals employed by the Charter School shall be credentialed to administer the teacher evaluation system. At least two (2) individuals employed by the Charter School or on the Charter School Governing Board shall be credentialed to administer the leader evaluation system. The Charter School may not delegate the evaluation of its School Leader to any individual or entity who is not a member of the Charter School Governing Board.
  - f. School Personnel. Teachers and other instructional staff and faculty must be employees of the Governing Board and may not be employed by an Educational Service Provider or other entity affiliated with an Educational Service Provider. The School Leader may be employed by an Educational Service Provider only if the Governing Board retains the authority to select and dismiss that individual from service at the Charter School. Non-instructional staff, such as the Chief Financial Officer, business manager, bookkeeper, maintenance personnel, may be employed by entities other than the Governing Board; however, the Governing Board shall remain responsible and accountable for all operations, compliance, and performance of any and all selected contractors. The Governing Board shall ensure that the School Leader establishes a regular and ongoing physical presence in the school that allows the individual to oversee daily operations.
20. Record Inspection. Subject to state and federal laws, the State Board, the Department and their agents, the SCSC and their agents and the State Auditor’s office shall have the right to examine and copy all records, reports, documents, and files relating to any activity, program, or student of the Charter School. Any records maintained by a vendor for the services it performs on behalf of the Charter School that relate to school-level operations (such as personnel and financial records) shall be available for immediate access by the school as well as the State Board, Department, SCSC, and State Auditor in accordance with this paragraph.

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21. Record Retention. In the event of closure, the Charter School shall ensure the maintenance and retention of appropriate records and shall provide for such maintenance and retention at the school's expense . The Charter School shall adopt a records retention policy that aligns with the requirements of SBOE Rule 160-5-1-.14 "Transfer of Student Records" and accompanying Guidance. Neither the Department nor the SCSC shall be required to assume possession of school-level records. Failure to comply with or appropriately delegate this duty may be considered a breach of contract. Upon exhaustion of applicable retention schedules and upon request from the Charter School or its authorized representative, the SCSC may facilitate coordination for the transfer of remaining permanent records to the Georgia Archives.
  
22. Facilities.
  - a. Approval of Site and/or Facility. The Charter School shall obtain proper approval in accordance with SCSC Rule 691-2-.06 for all sites and/or facilities prior to committing to any certificate of lease or ownership, prior to commencing any construction and prior to student occupation. If the Charter School contracts with an architect, construction manager, or other construction professional to manage the site or facility selection and development process, the SCSC will continue to hold the Charter School accountable for adhering to the requirements for site and facility approval. The Charter School shall not add or change facilities without approval from both the SCSC Executive Director and Georgia Department of Education's Facilities Services Division. The Charter School shall contact the Georgia Department of Education's Facilities Services Division regarding the following:
    - i. Site Approval. The Charter School shall contact the Facilities Services Division to obtain site approval as soon as practicable. Failure to provide at least a six (6) months' notice to the Facilities Services Division prior to the proposed site's occupation may delay the Charter School's opening date. Once site approval has been granted, the Charter School will be issued a site code. The Charter School shall not commit to any certificate of lease or ownership, commence any construction, nor allow student occupation prior to site approval.
    - ii. Architectural Review. The Charter School shall submit and have approved by the Facilities Services Division all architectural plans for any facility that will house the Charter School during the charter term. The Charter School

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shall not commit to any certificate of lease or ownership, commence any construction, nor allow student occupation prior to architectural review.

- iii. School Code Approval. After securing both site approval and architectural review approval a school code shall be obtained. The Charter School shall contact the Department and make a request for a school code. The Charter School shall properly obtain a school code prior to occupancy of the site and/or facility.
- b. Prior to opening the Charter School and prior to students occupying any proposed facility, including new facilities to be occupied during the charter term, the Charter School shall obtain and submit the following documents to the SCSC:
    - i. Documentation of Ownership or Lease Agreement. The Charter School shall obtain documentation of ownership or the lease agreement for the facility that will house the Charter School.
    - ii. Certificate of Occupancy. The Charter School shall obtain a Certificate of Occupancy for the facility in which the Charter School shall be located.
    - iii. Emergency Safety Plan. The Charter School shall prepare a safety plan in accordance with O.C.G.A. § 20-2-1185, which plan shall be submitted to the local emergency management agency that oversees the area in which the school is located.
23. Transportation. To the extent the Charter School offers a transportation program for its students, the Charter School shall ensure that the program complies with all applicable laws governing transportation of students.
  24. Food Services. To the extent the Charter School offers a food service program, the Charter School shall ensure that the program complies with all applicable laws governing food service for students.
  25. Projected Enrollment. For the purpose of funding students enrolled in the Charter School in the first year of the Charter School's operation and each year the Charter School offers a new grade level, the Charter School may be required to provide the SCSC a projected student enrollment count that includes prospective student names, Georgia Testing Identifier (GTID), if available, and any other information as requested by the SCSC. The Charter School shall provide this information by the deadline established by the SCSC and in the form and manner as requested by the SCSC. The information provided by the

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Charter School pursuant to this paragraph may be verified by the SCSC through an onsite visit or by other means.

26. Data Collection. The Charter School assumes sole responsibility for the collection and transmission of data in accordance with established Georgia Department of Education requirements and timelines. The Charter School shall utilize a Student Information System that is compatible with the system utilized by the Georgia Department of Education. The Charter School shall send at least one representative to the annual Data Collections Conference held by the Georgia Department of Education each year of the Charter School's charter term.

27. Termination of Charter.

a. Termination Procedures. The parties acknowledge and agree that this Charter may be terminated following the procedures set forth in O.C.G.A. § 20-2-2068, any applicable rule of the State Board, or SCSC Rule 691-2-.04.

b. Grounds for Termination. The Charter School acknowledges that this Charter may be terminated for any reason set forth in law or any applicable rule of the State Board or SCSC, which includes, but are not limited to:

- i. The Charter School's failure to comply with any material provision set forth in this Charter, provided that they shall be notified by certified mail and be given thirty (30) days from receipt of notice to cure the breach. The nature and outcome of the breach shall be memorialized and maintained by the SCSC in accordance with applicable record retention schedules;
- ii. The Charter School's failure to comply with any recommendation or direction of the State Board with respect to O.C.G.A. § 20-14-41;
- iii. The Charter School's failure to adhere to any material term of this Charter, including but not limited to the performance goals set forth in Section 9 above;
- iv. The Charter School's failure to meet generally accepted standards of fiscal management;
- v. The Charter School's violation of applicable federal, state, or local laws, or court orders;



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- vi. The existence of competent substantial evidence that the continued operation of the Charter School would be contrary to the best interests of the students or the community;
  - vii. The Charter School's failure to comply with any provision of the Charter Schools Act; or
  - viii. The existence of conditions that place the health, safety, or welfare of students or staff of the Charter School in danger.
28. School Closure. In the event the school ceases operations, either through non-renewal, early termination, voluntary closure, or other means, the school must, at minimum, take the following actions:
- a. Student Transition Plan. The Charter School shall create a transition plan to facilitate its students' transition to other educational institutions. The transition plan shall outline a variety of educational options students may be eligible to attend including traditional public schools, locally-approved charter schools, state charter schools, and private educational options. The transition plan shall include protocols to ensure the appropriate transfer of student records. The Charter School shall provide the transition plan to the SCSC and parents of enrolled students within fourteen (14) calendar days of its decision to cease operations or the SCSC's decision to terminate or non-renew the school's charter contract;
  - b. School Website. The Charter School shall maintain the website of the Charter School for a minimum of six (6) months from the date education operations cease. For the purposes of this paragraph, education operations mean any period during which instruction is provided by the Charter School to enrolled students. At minimum, the website shall include contact information and instructions regarding requests for student and employee records;
  - c. Notification. The Charter School shall make reasonable efforts to inform stakeholders of the school's closure, including the staff and parents, general public, appropriate local districts, and creditors;
  - d. Closure Monitor. The SCSC Executive Director will appoint an individual to monitor the closure activities of Charter School ("Closure Monitor") within fourteen (14) calendar days of its decision to cease operations or the SCSC's decision to terminate or non-renew the school's charter contract. The SCSC shall be responsible for all costs and expenses of the Closure Monitor;

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- e. Duties of Closure Monitor. The Charter School shall remain responsible for fulfilling all legal and contractual duties, including those arising from this Charter. The role of the Closure Monitor shall be to review the Charter School's actions to conclude its financial affairs, settlement of accounts, disposition of assets, return of surplus to the SCSC, and provision for maintaining student, employee, and school in accordance with applicable retention schedules beyond the operation of the school. The Closure Monitor shall notify the SCSC of any action taken by the Charter School that is inconsistent with the school's legal or contractual obligations. The Charter School shall allow the Closure Monitor access to all records, reports, documents, and files pertaining to any activity or program of the Charter School;
  - f. Closure Process. The Charter School shall align closure activities to the SCSC Closure Guide in a form and manner as requested by the SCSC to ensure orderly closure of the Charter School; and
  - g. Surety. The Charter School shall maintain a surety bond throughout the entirety of its charter term and six months following the conclusion of the charter term to assure the faithful performance of the duties of the school and its employees, including the fulfillment of Charter School's obligations in closing the financial affairs in the event the school ceases operation. The bond shall be in an amount no less than \$150,000 to be payable to the State of Georgia through the State Charter Schools Commission. The bond shall be furnished by a company authorized to do business in Georgia. The provisions of this subsection shall not be interpreted to preclude Charter School from obtaining liability insurance coverage or surety or fidelity bonds in addition to or in excess of the requirements of this section.
29. Pre-Opening Suspension.
- a. Demonstration of Adequate Preparation. The Charter School shall demonstrate its preparation for operations through the significant progress in completing the SCSC Pre-Opening Checklist in a form and manner as requested by the SCSC. If the Charter School fails to demonstrate significant progress in completing the SCSC Pre-Opening Checklist by the time in which the SCSC determines the school will be unable to meet its obligations under this Charter upon serving students, the SCSC may suspend the opening of the Charter School until a time after the Charter School demonstrates its ability to meet its obligations under this Charter. The determination of the Charter School's significant progress in completing the SCSC Pre-Opening Checklist and the school's ability to meet its obligations under this Charter shall be in the sole discretion of the SCSC.

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- b. Violation of Law or Contract. In the event the Charter School fails to comply with applicable law or any material provision set forth in this Charter, including, but not limited to, facilities requirements outlined in Section 21, or enrollment requirements outlined in Sections 3, 6, and 24, the SCSC may suspend the opening of the Charter School until a time after all requirements have been fulfilled by the Charter School as determined by the SCSC. The determination of the Charter School's violation of applicable law or any material provision set forth in this Charter shall be in the sole discretion of the SCSC.
  - c. Any pre-opening suspension imposed under this Section shall not result in an extension of the charter term set forth above in Section 2.
30. Renewal, Non-Renewal, and Probationary Term.
- a. Renewal. The Charter may be renewed by agreement of the parties following the procedures set forth in the Charter Schools Act and accompanying SCSC Rule. The parties recognize that the renewal process will commence prior to the conclusion of the final year of the charter term and, as a result, the SCSC renewal decision will likely not include student achievement and school operational data from the final year of the charter term.
  - b. Non-Renewal. Any grounds for termination stated in Section 25b above also may be grounds for non-renewal. In addition, the SCSC may elect not to renew the Charter if the petition for renewal does not comply with the Charter Schools Act and the rules, regulations, policies, and procedures promulgated in accordance with the Charter Schools Act or if the SCSC deems that the Charter School has not sufficiently increased student achievement or is no longer in the public interest notwithstanding the Charter School's performance on the SCSC Comprehensive Performance Framework.
  - c. Probationary Term. In the event the SCSC determines that the Charter School has failed to comply with any provision of this Charter, the SCSC may elect to grant a renewal for a probationary term, within which term the Charter School must come into compliance satisfactory to the SCSC.
31. Temporary Extension. At the discretion of the SCSC, this Charter may be extended for a grace period not exceeding sixty (60) days.
32. Amendments to the Charter. Any material term of this Charter, to be determined by the SCSC, may be amended in writing upon the approval of the SCSC and a majority of the

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Governing Board of the Charter School. Any proposed amendment shall be made in accordance with SCSC Rule.

33. Administrative Clarifications. Any clarification to a non-material term of this Charter, as determined by the SCSC, shall be submitted in writing to the SCSC for review. Any non-material term of this Charter may be clarified upon in writing by SCSC staff.
34. Indemnification.
  - a. The Charter School agrees to indemnify, defend and hold harmless the Department, the SCSC, and the State Board, their officials, officers, employees, agents, volunteers, and assigns (all of whom hereinafter may collectively be referred to as "Indemnitees"), from any and all claims, demands, suits, actions, legal or administrative proceedings, losses, liabilities, costs, interest, and damages of every kind and description, including any attorneys' fees and/or litigation and investigative expenses, for bodily injury, personal injury, (including but not limited to the Charter School's employees), patent, copyright, or infringement on any intellectual property rights, or loss or destruction of property (including loss of use, damage or destruction of Indemnitee owned property) to the extent that any such claim or suit was caused by, arose out of, or contributed to, in whole or in part, by reason of any act, omission, professional error, fault, mistake, or negligence whether active, passive or imputed, of the Charter School, their employees, agents, representatives, or subcontractors, their employees, agents, or representatives in connection with or incidental to their performance of this Charter regardless of whether such liability, claim, damage, loss, cost or expense is caused in part by an Indemnitee.
  - b. The Charter School shall be excused from their indemnification obligations above:
    - (a) If the claims, demands, suits, actions, proceedings, losses, liabilities arise solely and exclusively out of the negligence of the Indemnitee seeking indemnification;
    - or (b) If the Indemnitee fails to (i) provide written notice of the third party claim or suit within a reasonable time, (ii) cooperate with reasonable requests of the Charter School related to the indemnification; or (iii) assist the Charter School with the defense of such claim or suit.
  - c. The Charter School's obligations to indemnify any Indemnitee shall survive the completion, expiration, or termination of this Agreement for any reason.
35. Non-Agency. The parties expressly acknowledge and agree that the Charter School is not acting as the agent of the State Board, Department, or SCSC except as required by law or

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this Charter. The Charter School acknowledges that it is without authority to, and will not, extend the faith and credit of the State Board, Department or SCSC to any third party.

36. Delegation. The Charter School acknowledges and agrees that the functions and powers provided for in this charter may be exercised only by the Charter School and may not be delegated to a third party without written agreement by the parties.
37. Assignment. This Charter shall not be assigned or transferred by the Charter School unless consented to in writing by the SCSC.
38. Third-Party Beneficiaries. There are no third-party beneficiaries to this Charter. The Charter School's staff, students, parents, or related organizations are not beneficiaries to this Charter.
39. Application of Amended Law. This Charter is subject to applicable federal and state laws, rules and regulations and shall be deemed amended to reflect applicable changes to those laws upon the effective date of any such change.
40. Non-Waiver. No waiver of any breach of this Charter shall be held as waiver of any other or subsequent breach.
41. Severability. If any provision of this Charter is determined to be unenforceable or invalid for any reason, the remainder of the Charter shall remain in full force and effect.
42. Contradicting or Conflicting Provisions. If any provision of the Charter is determined to contradict or conflict with any other provision of the Charter, the contradiction or conflict shall be resolved in favor of the broad flexibility guaranteed pursuant to O.C.G.A. § 20-2-2065 *et seq.*
43. Governing Law and Venue. This Charter shall be governed by, subject to, and construed under the laws of the State of Georgia. This Charter shall be interpreted in accordance with O.C.G.A. §§ 20-2-2060 *et seq.* and §§ 20-2-2080 *et seq.*, as amended within the term of this Charter. Any action brought by one party to this Charter against another party shall be brought in the Superior Court of Fulton County.
44. Entire Agreement. This Charter sets forth the entire agreement between the Petitioner, and the SCSC with respect to the subject matter of this Charter. All prior contracts, representations, statements, negotiations, understandings, and undertakings between the Petitioner and the SCSC are superseded by this Charter. The Charter shall not preclude the Charter School from entering into or maintaining any agreement with the Local Board

**YI HWANG ACADEMY OF LANGUAGE EXCELLENCE**

provided no such agreement supersedes, overrides or conflicts with any provision of this Charter. The petition submitted to the SCSC serves only as the formal application for the Charter School and does not constitute a contract between the SCSC and the Petitioner. This Charter supersedes and overrides any provisions contained in the petition that conflict with this Charter.

[Redacted Signature]

Chairperson,  
STATE CHARTER SCHOOLS COMMISSION

9/27/18

(Date)

[Redacted Signature]

Governing Board President,  
YI HWANG ACADEMY, INC.

September 14, 2018

(Date)

# Exhibit A



## COMPREHENSIVE PERFORMANCE FRAMEWORK *for State Charter School Evaluation*

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## SECTION I: ACADEMIC PERFORMANCE

A state charter school can meet annual SCSC academic accountability standards by fulfilling state and federal accountability requirements and by outperforming the district(s) it serves in terms of overall academic achievement OR student progress.

Explanatory Notes (indicated by superscript designations) are included at the end of Section I.

### Section I, Indicator 1: State and Federal Accountability Systems

All state charter schools must meet federal accountability standards. Specifically, state charter schools must meet state performance targets and perform above the level that would place it on the “priority” or “focus” schools list.

<b>Measure 1a, State Performance Targets (SPTs)</b> Is school meeting targets set forth by state and federal accountability systems?	<u>Points Available</u>
<i>Meets Standard:</i> <ul style="list-style-type: none"> <li>• School met 100 percent of the State Performance Targets (SPTs) set by the state.</li> </ul>	2
<i>Does Not Meet Standard:</i> <ul style="list-style-type: none"> <li>• School did not meet 100 percent of the State Performance Targets (SPTs) set by the state.</li> </ul>	0
<b>Measure 1b, State Designations</b> Is school meeting state designation expectations as set forth by state and federal accountability systems?	<u>Points Available</u>
<i>Exceeds Standard:</i> <ul style="list-style-type: none"> <li>• School was identified as a “Reward” school</li> </ul>	2
<i>Meets Standard:</i> <ul style="list-style-type: none"> <li>• School does not have a designation</li> </ul>	1
<i>Does Not Meet Standard:</i> <ul style="list-style-type: none"> <li>• School was identified as a “Focus” or “Priority” school</li> </ul>	0

**Total Points Available—Section I, Indicator 1: 4 points**



**Section I, Indicator 2: Student Achievement and Student Growth**

All state charter schools must demonstrate their ability to positively impact students' academic proficiency while also prioritizing the academic growth of their students. Specifically, state charter schools must perform above the level of the district(s) they serve as measured by CCRPI "achievement" scores or by CCRPI "progress" measures.

<b>Measure 1, Academic Achievement</b>	<b>Points Available</b>
Is the school annually outperforming the district(s) it serves (as measured by grade-band CCRPI achievement scores)?	
<p><b>Meets Standard:</b></p> <ul style="list-style-type: none"> <li>The charter school earned a higher "achievement" score on the CCRPI than the district(s) included in its attendance zone in all grade bands served (elementary, middle, and/or high school).</li> </ul>	96
<p><b>Approaches Standard:</b></p> <ul style="list-style-type: none"> <li>The charter school earned a CCRPI "achievement" score that is the same as or higher than the district(s) it serves in at least one—but not all—of the grade bands served (elementary, middle, and/or high school).</li> </ul>	60
<p><b>Does Not Meet Standard:</b></p> <ul style="list-style-type: none"> <li>The charter school earned a lower "achievement" score on the CCRPI than the district(s) included in its attendance zone in all of the grade bands served (elementary, middle, and/or high school).</li> </ul>	0

**OR<sup>1</sup>**

(if the school did not outperform its comparison district as measured by grade-band CCRPI achievement scores)

<b>Measure 2, Growth of All Students</b>	<b>Points Available</b>
Are students in the state charter school annually demonstrating typical/high academic growth compared to their academic peers enrolled in the traditional schools (as measured by grade-band CCRPI progress scores)?	
<p><b>Meets Standard:</b></p> <ul style="list-style-type: none"> <li>The charter school earned a higher "student progress" score on the CCRPI than the district(s) included in its attendance zone in all grade bands served (elementary, middle, and/or high school) OR in all grade bands in which the school did not earn a higher CCRPI "achievement" score.</li> </ul>	96
<p><b>Approaches Standard:</b></p> <ul style="list-style-type: none"> <li>The charter school earned a CCRPI "student progress" score that is the same as or higher than the district(s) it serves in at least one—but not all—of the grade bands served (elementary, middle, and/or high school).</li> </ul>	60
<p><b>Does Not Meet Standard:</b></p> <ul style="list-style-type: none"> <li>The charter school earned a lower "student progress" score on the CCRPI than the district(s) included in its attendance zone earned in all the grade bands served (elementary, middle, and/or high school).</li> </ul>	0

**Total Points Available—Section I, Indicator 2: 96 points**

**Section I: Second Look Criteria<sup>2</sup>**

In any year of the charter term, a state charter school may satisfy academic accountability requirements by meeting standards presented in Section I, Indicators 1 - 2 **OR** by meeting **ANY** of the following criteria:

<p><b><u>Second Look, Part A, CCRPI Single Score<sup>3</sup></u></b>                      Is the school outperforming the district(s) it serves as measured by overall achievement (as measured by CCRPI Single Score)?</p>	<p><u>Points Available</u></p>
<p><i>Meets Standard:</i></p> <ul style="list-style-type: none"> <li>The charter school earns an overall CCRPI (single) score that is higher than that of the district(s) it serves.</li> </ul>	<p>96</p>
<p><i>Does Not Meet Standard:</i></p> <ul style="list-style-type: none"> <li>The charter school earns an overall CCRPI (single) score that is the same as or lower than that of the district(s) it serves.</li> </ul>	<p>0</p>
<p><b><u>Second Look, Part B, Value-Added Impact Score</u></b>                      Is the school annually outperforming the district(s) it serves as measured by value-added impact on student achievement (school level impact)?</p>	<p><u>Points Available</u></p>
<p><i>Meets Standard:</i></p> <ul style="list-style-type: none"> <li>The charter school earns an “impact score” on the SCSC Value-Add Performance Analysis that is higher than that of the district(s) it serves in all relevant grade bands. (For ex: a K-12 school would need to receive an impact score that is higher than the district(s) it serves in elementary grades, middle grades, and the majority of high school EOCs it administers).</li> </ul>	<p>96</p>
<p><i>Does Not Meet Standard:</i></p> <ul style="list-style-type: none"> <li>The charter school earns an “impact score” on the SCSC Value-Add Performance Analysis that is the same as or lower than that of the district(s) it serves in at least one grade band served (elementary, middle, and or the majority of high school EOCs it administers).</li> </ul>	<p>0</p>
<p><b><u>Second Look, Part C, Beating The Odds Determination</u></b>                      Is the school “beating the odds” as determined by the Georgia Department of Education?</p>	<p><u>Points Available</u></p>
<p><i>Meets Standard:</i></p> <ul style="list-style-type: none"> <li>The charter school is designated as “beating the odds.”</li> </ul>	<p>96</p>
<p><i>Does Not Meet Standard:</i></p> <ul style="list-style-type: none"> <li>The charter school is not designated as “beating the odds.”</li> </ul>	<p>0</p>

**Total Points Available—Section I, Second Look: 96 points**

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## SECTION I: OVERALL DETERMINATION OF COMPLIANCE

As measured by the indicators and measures set forth in this section, is the school meeting academic performance standards?

70-100 pts.	Meets Academic Performance Standards
50-69 pts.	Does Not Meet Performance Standards
0-49 pts.	Falls Far Below Academic Performance Standards

### EXPLANATORY NOTES: SECTION I

#### Section I, Indicator 2

<sup>1</sup>Points earned in Indicator 2, Measure 1 for Student Achievement may not be combined with points earned in Indicator 2, Measure 2 for Student Growth.

#### Section I, Second Look

<sup>2</sup>Points earned in Section 1, Indicators 1-2 will not be combined with points earned in Section I, Second Look.

<sup>3</sup>For schools that do not serve all three grades bands, the school's CCRPI single score (as utilized in Section I, Second Look, Part A) will be compared to a recalculated district score that is weighted with only the grade bands the school serves.

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## SECTION II: FINANCIAL PERFORMANCE

### Section II, Indicator 1: Near-Term Measures

Near-term financial measures are used to calculate a charter school's ability to cover its short term (less than 1 year) financial obligations.

<b>Measure 1a, Current Ratio (Working Capital Ratio): Current assets divided by current liabilities</b>	<b>Points Available</b>
<b>Does the school have the ability to cover short-term financial obligations?</b>	
<i>Exceeds Standard:</i>	20
<ul style="list-style-type: none"> <li>Current Ratio is greater than 3.0</li> </ul>	
<i>Meets Standard:</i>	15
<ul style="list-style-type: none"> <li>Current Ratio is between 1.0 and 3.0 and the one-year trend is positive (current year ratio is higher than previous year's)</li> </ul>	
<i>Approaches Standard:</i>	10
<ul style="list-style-type: none"> <li>Current Ratio is between 0.9 and 1.0 or equal to 1.0 OR Current Ratio is between 1.0 and 3.0 and one-year trend is negative</li> </ul>	
<i>Does Not Meet Standard:</i>	0
<ul style="list-style-type: none"> <li>Current Ratio is less than or equal to 0.9</li> </ul>	
<b>Measure 1b, Unrestricted Days Cash: Unrestricted Cash divided by (Total Expenses/365)</b>	<b>Points Available</b>
<b>Does the school maintain an appropriate balance of cash on hand?</b>	
<i>Exceeds Standard:</i>	20
<ul style="list-style-type: none"> <li>Days Cash greater than 75 days</li> </ul>	
<i>Meets Standard:</i>	15
<ul style="list-style-type: none"> <li>Between 45 and 75 Days Cash and one-year trend is positive</li> </ul>	
<i>Approaches Standard:</i>	10
<ul style="list-style-type: none"> <li>Days Cash is between 15 and 45 days OR Days Cash is between 45 and 75 days and one-year trend is negative</li> </ul>	
<i>Does Not Meet Standard:</i>	0
<ul style="list-style-type: none"> <li>Less than 15 Days Cash</li> </ul>	
<b>Measure 1c, Enrollment Variance: <math>[\text{Actual Enrollment during the October FTE Count}(\text{fiscal year } x) - \text{school enrollment projection}(\text{fiscal year } X)] / \text{school enrollment projection}(\text{fiscal year } X)</math></b>	<b>Points Available</b>
<b>Is the school able to project enrollment in a way that enables them to adequately budget?</b>	
<i>Exceeds Standard:</i>	10
<ul style="list-style-type: none"> <li>Enrollment Variance equals less than 2 percent</li> </ul>	
<i>Meets Standard:</i>	5
<ul style="list-style-type: none"> <li>Enrollment Variance is between 2 and 8 percent</li> </ul>	
<i>Does Not Meet Standard:</i>	0
<ul style="list-style-type: none"> <li>Enrollment Variance is greater than 8 percent</li> </ul>	
<b>Measure 1d, Default</b>	<b>Points Available</b>
<b>Is the school repaying debts in a timely manner?</b>	
<i>Meets Standard:</i>	10
<ul style="list-style-type: none"> <li>School is not in default of loan covenant(s) and/or is not delinquent with debt service payments</li> <li>OR</li> <li>School does not have any outstanding debt</li> </ul>	
<i>Does Not Meet Standard:</i>	0
<ul style="list-style-type: none"> <li>School is in default of loan covenant(s) and/or is delinquent with debt service payments</li> </ul>	

**Total Points Available—Section II, Indicator 1: 60 points**

**Section II, Indicator 2: Sustainability Measures**

Sustainability measures are used to determine a charter school’s ability to cover long term obligations as well as their ability to effectively control cost.

<b>Measure 2a, Efficiency Margin: Change in Net Assets divided by Total Revenues</b> Does the school manage costs appropriately?	<b>Points Available</b>
<i>Exceeds Standard:</i> • Aggregated Three-Year Efficiency Margin is 10 percent or greater	20
<i>Meets Standard:</i> • Aggregated Three-Year Efficiency Margin is between 0 and 10 percent	15
<i>Approaches Standard:</i> • Aggregated Three-Year Efficiency Margin is between -.01 and -10 percent	10
<i>Does Not Meet Standard:</i> • Aggregated Three-Year Efficiency Margin is less than -10 percent	0
<b>Measure 2b, Debt to Asset Ratio: Total Liabilities divided by Total Assets</b> Does the school maintain an appropriate balance between assets and liabilities over time?	<b>Points Available</b>
<i>Exceeds Standard:</i> • Debt to Asset Ratio is less than 25 percent	20
<i>Meets Standard:</i> • Debt to Asset Ratio is between 25 and 94.99 percent	15
<i>Approaches Standard:</i> • Debt to Asset Ratio is between 95 and 100 percent	10
<i>Does Not Meet Standard:</i> • Debt to Asset Ratio is greater than 100 percent	0

**Total Points Available—Indicator 2: 40 points**

**SECTION II: DETERMINATION OF COMPLIANCE**

As measured by the indicators and measures, is the school meeting financial performance standards?

100 pts.	Exceeds Financial Performance Standards
75-99 pts.	Meets Financial Performance Standards
50-74 pts.	Does Not Meet Performance Standards
0-49 pts.	Falls Far Below Performance Standards

## SECTION III: OPERATIONAL PERFORMANCE

### Section III, Indicator 1: Educational Program Compliance

A charter school's overall purpose is to provide its students a quality and innovative educational program. Schools must adhere to the educational program identified in its charter contract that was awarded on the basis of the program outlined in its petition.

<b>Measure 1a, Essential or Innovative Features</b>	<b>Points Available</b>
Is the school implementing all essential or innovative features of its program as defined in its current charter contract?	
<i>Meets Standard:</i>	5
<ul style="list-style-type: none"> <li>• The school implemented all essential or innovative features of its education and operational program as defined in the charter contract in all material respects.</li> </ul>	
<i>Does Not Meet Standard:</i>	0
<ul style="list-style-type: none"> <li>• The school fails to implement all essential or innovative features of its education and operational program as defined in the charter contract in all material respects.</li> </ul>	
<b>Measure 1b, Mission-Specific Goals (BONUS*)</b>	<b>Points Available</b>
Is the school's curricular and educational program aligned with its stated mission as evidence through the attainment of mission-specific goals?	
<i>Meets Standard:</i>	5
<ul style="list-style-type: none"> <li>• The school meets all mission-specific goals included in its charter contract.</li> </ul>	
<i>Does Not Meet Standard:</i>	0
<ul style="list-style-type: none"> <li>• The school fails to meet at least one mission-specific goal included in its charter contract.</li> </ul>	
<b>Measure 1c, Education Requirements</b>	<b>Points Available</b>
Is the school complying with applicable education requirements?	
<i>Meets Standard:</i>	5
<ul style="list-style-type: none"> <li>• The school complies with all applicable laws, rules, regulations, and provisions of its charter contract relating to education requirements, including, but not limited to:                             <ul style="list-style-type: none"> <li>○ Providing all federally and state mandated programs;</li> <li>○ Adhering to graduation requirements;</li> <li>○ Implementing state-adopted content standards; and</li> <li>○ Administering state assessments in the manner required by law and rule.</li> </ul> </li> </ul>	
<i>Does Not Meet Standard:</i>	0
<ul style="list-style-type: none"> <li>• The school fails to comply with at least one applicable law, rule, regulation, or provision of the charter contract relating to education requirements.</li> </ul>	
<b>Measure 1d, Data Reporting</b>	<b>Points Available</b>
Is the school complying with reporting requirements?	
<i>Meets Standard:</i>	5
<ul style="list-style-type: none"> <li>• The school complies with all applicable laws, rules, regulations, and provisions of its charter contract relating to relevant reporting requirements, including timelines and deadlines, to the SCSC, GaDOE, and/or federal authorities, including but not limited to:                             <ul style="list-style-type: none"> <li>○ QBE/FTE Data Reporting;</li> <li>○ Personnel Reporting;</li> <li>○ Student Record Reporting;</li> <li>○ CCRPI Data Reporting;</li> <li>○ Special Education Data Reporting; and</li> <li>○ Required Data Surveys</li> </ul> </li> </ul>	
<i>Does Not Meet Standard:</i>	0
<ul style="list-style-type: none"> <li>• The school fails to comply with at least one applicable law, rule, regulation, or provision of its charter contract relating to relevant reporting requirements, including timelines and deadlines, to the SCSC, GaDOE, and/or federal authorities.</li> </ul>	

**Total Points Available—Section III, Indicator 1: 15 points**

\*Schools will earn 5 additional bonus points for meeting mission-specific goals. Bonus points cannot be utilized to increase an overall score above 100.

**Section III, Indicator 2: Financial Oversight**

Charter schools must be faithful stewards of public funding and must adhere to stringent standards in the management of its assets. Failure to do so is one of the leading causes of charter school closure.

<b>Measure 2a, Financial Reporting</b> Is the school meeting financial reporting and compliance timeline and form requirements?	Points Available
<p><i>Meets Standard:</i></p> <ul style="list-style-type: none"> <li>• The school complies with all applicable laws, rules, regulations, and provisions of its charter contract relating to financial reporting requirements, including, but not limited to:                             <ul style="list-style-type: none"> <li>○ Complete and on-time submission of financial reports, such as its annual budgets, revised budgets, and DE 046, in the manner prescribed by GaDOE or the SCSC;</li> <li>○ Timely periodic financial reports as required by the SCSC, GaDOE, or other state agency;</li> <li>○ On-time submission and completion of its annual independent audit by October 1<sup>st</sup>;</li> <li>○ Complete and on-time submission of program budgets (Title I, IDEA, and grant budgets)</li> </ul> </li> </ul>	6
<p><i>Does Not Meet Standard:</i></p> <ul style="list-style-type: none"> <li>• The school failed to comply with at least one applicable law, rule, regulation, or provision of its charter contract relating to financials reporting requirements.</li> </ul>	0
<b>Measure 2b, Adherence to GAAP Standards</b> Is the school following Generally Accepted Accounting Principles (GAAP)?	Points Available
<p><i>Meets Standard:</i></p> <ul style="list-style-type: none"> <li>• The school complies with all applicable laws, rules, regulations, and provisions of the charter contract relating to financial management and oversight expectations as evidenced by an annual independent audit that includes:                             <ul style="list-style-type: none"> <li>○ An unqualified audit opinion;</li> <li>○ An audit devoid of significant findings and conditions, material weaknesses, or significant internal control weaknesses;</li> <li>○ An audit that does not include a going concern disclosure in the notes or an explanatory paragraph;</li> <li>○ No other adverse statement indicating noncompliance with applicable laws, rules, regulations, and provisions of the charter contract relating to financial management and oversight.</li> </ul> </li> </ul>	5
<p><i>Does Not Meet Standard:</i></p> <ul style="list-style-type: none"> <li>• The school failed to comply with at least one applicable law, rule, regulation, or provision of its charter contract relating to financial management and oversight expectations as evidenced by an annual independent audit.</li> </ul>	0

**Total Points Available—Section III, Indicator 2: 11 points**

**Section III, Indicator 3: Governance**

A charter school's governing board must provide adequate oversight of school management and operations to ensure that the school is fulfilling its duties to students, employees, parents, and the general public.

<b>Measure 3a, General Governance</b>		<b>Points Available</b>
Is the school complying with all applicable general governance requirements?		
<i>Meets Standard:</i>		
<ul style="list-style-type: none"> <li>• The school complies with all applicable laws, rules, regulations, provisions of its charter contract, and its policies relating to governance by its board, including but not limited to:                             <ul style="list-style-type: none"> <li>○ Board policies;</li> <li>○ Board bylaws;</li> <li>○ Code of ethics;</li> <li>○ Conflicts of interest;</li> <li>○ Board composition and/or membership laws and rules; and</li> <li>○ Restrictions on compensation</li> </ul> </li> </ul>		5
<i>Does Not Meet Standard:</i>		
<ul style="list-style-type: none"> <li>• The school fails to comply with at least one applicable law, rule, regulation, provision of the charter contract, or its policies relating to governance by its board.</li> </ul>		0
<b>Measure 3b, Open Governance</b>		<b>Points Available</b>
Is the school complying with all applicable open governance requirements?		
<i>Meets Standard:</i>		
<ul style="list-style-type: none"> <li>• The school complies with all applicable laws, rules, regulations, provision of its charter contract, and its policies relating to the Georgia Open Meetings Act and open records requirements.</li> </ul>		5
<i>Does Not Meet Standard:</i>		
<ul style="list-style-type: none"> <li>• The school failed to comply with all applicable laws, rules, regulations, provision of its charter contract, or its policies relating to the Georgia Open Meetings Act and open records requirements.</li> </ul>		0
<b>Measure 3c, Governance Training</b>		<b>Points Available</b>
Is the school complying with all applicable governance training requirements?		
<i>Meets Standard:</i>		
<ul style="list-style-type: none"> <li>• The school takes action to ensure that all governing board members comply with all applicable laws, rules, regulations, provision of its charter contract, and its policies relating to the participation of its governing board in required trainings, including, but not limited to, annual attendance by the entire governing board at SCSC provided or approved training pursuant to O.C.G.A. § 20-2-2084(f).</li> </ul>		5
<i>Does Not Meet Standard:</i>		
<ul style="list-style-type: none"> <li>• The school fails to take action to ensure that all governing board members comply with all applicable laws, rules, regulations, provision of its charter contract, and its policies relating to the participation of its governing board in required trainings, including, but not limited to, annual attendance by the entire governing board at SCSC provided or approved training pursuant to O.C.G.A. § 20-2-2084(f).</li> </ul>		0
<b>Measure 3d, Holding Management Accountable</b>		<b>Points Available</b>
Is the school holding management and contractors accountable?		
<i>Meets Standard:</i>		
<ul style="list-style-type: none"> <li>• The school complies with all applicable laws, rules, regulations, and provisions of its charter contract relating to oversight of school management and contractors, including, but not limited to:                             <ul style="list-style-type: none"> <li>○ Implementation of the Teacher and Leader Keys Effectiveness Systems;</li> <li>○ Remedial action regarding employees not meeting expectations; and</li> <li>○ Actions to enforce contractual provisions or terminate the contract of noncompliant educational service providers or other contractors.</li> </ul> </li> </ul>		5
<i>Does Not Meet Standard:</i>		
<ul style="list-style-type: none"> <li>• The school failed to comply with all applicable laws, rules, regulations, provision of its charter contract, or its policies relating to oversight of school management and contractors.</li> </ul>		0

**Total Points Available—Section III, Indicator 3: 20 points**



### Section III, Indicator 4: Students and Employees

Parents entrust schools with the education and welfare of their children, and the school must afford those children the appropriate rights and care. The school must respect its employees and ensure that they are duly qualified to further the education and welfare of students.

<b>Measure 4a, Rights of All Students</b> <b>Is the school protecting the rights of all students?</b>	<b>Points Available</b>
<p><b>Meets Standard:</b></p> <ul style="list-style-type: none"> <li>• The school complies with all applicable laws, rules, regulations, provisions of its charter contract, and its policies relating to the rights of students, including but not limited to:               <ul style="list-style-type: none"> <li>○ Policies and practices related to admissions, lottery, waiting lists, fair and open recruitment, and enrollment (including rights to enroll or maintain enrollment);</li> <li>○ The collection and protection of student information (that could be used in discriminatory ways or otherwise contrary to law);</li> <li>○ Due process protections, privacy, civil rights, and student liberties requirements, including First Amendment protections and the Establishment Clause restrictions prohibiting public schools from engaging in religious instruction; and</li> <li>○ Conduct of discipline (discipline hearings and suspension and expulsion policies and practices).</li> </ul> </li> </ul>	4
<p><b>Does Not Meet Standard:</b></p> <ul style="list-style-type: none"> <li>• The school fails to comply with at least one applicable law, rule, regulation, provision of its charter contract, or its policies relating to the rights of students.</li> </ul>	0
<b>Measure 4b, Rights of Students with Disabilities</b> <b>Is the school protecting the rights of students with disabilities?</b>	<b>Points Available</b>
<p><b>Meets Standard:</b></p> <ul style="list-style-type: none"> <li>• Consistent with the school's status and responsibilities as a Local Education Agency (LEA), the school complies with all applicable laws, rules, regulations, and provisions of the charter contract (including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act) relating to the treatment of students with identified disabilities and those suspected of having a disability, including but not limited to:               <ul style="list-style-type: none"> <li>○ Identification and referral of students who may have a disability;</li> <li>○ Operational compliance regarding the academic program, assessments, and all other aspects of the school's program and responsibilities;</li> <li>○ Discipline, including due process protections, manifestation determinations, and behavioral intervention plans;</li> <li>○ Appropriately implementing student Individualized Education Programs and Section 504 plans; and</li> <li>○ Ensuring appropriate access to the school's facilities and programs to students and parents.</li> </ul> </li> </ul>	4
<p><b>Does Not Meet Standard:</b></p> <ul style="list-style-type: none"> <li>• The school fails to comply with at least one applicable law, rule, regulation, or provision of its charter contract relating to the treatment of students with identified disabilities and those suspected of having a disability.</li> </ul>	0
<b>Measure 4c, Rights of Students who are English Learners (ELs)</b> <b>Is the school protecting the rights of English Learners (ELs)?</b>	<b>Points Available</b>
<p><b>Meets Standard:</b></p> <ul style="list-style-type: none"> <li>• The school complies with all applicable laws, rules, regulations, and provisions of its charter contract (including Title III of the Elementary and Secondary Education Act [ESEA] and U.S. Department of Education authorities) relating to EL requirements, including but not limited to:               <ul style="list-style-type: none"> <li>○ Required policies related to the service of EL students;</li> <li>○ Proper steps for identification of students in need of EL services;</li> <li>○ Appropriate and equitable delivery of services to identified students;</li> <li>○ Appropriate accommodations on assessments;</li> <li>○ Exiting of students from EL services; and</li> <li>○ Ongoing monitoring of exited students.</li> </ul> </li> </ul>	4

<p><i>Does Not Meet Standard:</i></p> <ul style="list-style-type: none"> <li>The school fails to comply with at least one applicable law, rule, regulation, or provision of its charter contract relating to EL requirements.</li> </ul>	0
<p><b>Measure 4d, Employee Qualifications</b></p> <p>Is the school meeting teacher and other employee qualification requirements?</p>	Points Available
<p><i>Meets Standard:</i></p> <ul style="list-style-type: none"> <li>The school complies with all applicable laws, rules, regulations, and provisions of its charter contract (including the federal Highly Qualified Teacher and Paraprofessional requirements within Title II of the Elementary and Secondary Education Act [ESEA]) relating to employee qualification requirements.</li> </ul>	4
<p><i>Does Not Meet Standard:</i></p> <ul style="list-style-type: none"> <li>The school fails to comply with at least one applicable law, rule, regulation, or provision of its charter contract (including the federal Highly Qualified Teacher and Paraprofessional requirements within Title II of the Elementary and Secondary Education Act [ESEA]) relating to employee qualification requirements.</li> </ul>	0
<p><b>Measure 4e, Employee Rights</b></p> <p>Is the school respecting employee rights?</p>	Points Available
<p><i>Meets Standard:</i></p> <ul style="list-style-type: none"> <li>The school complies with all applicable laws, rules, regulations, provisions of its charter contract, and its governing policies relating to employment considerations, including those relating to the Family Medical Leave Act, the Americans with Disabilities Act, employment contracts, and employee termination.</li> </ul>	4
<p><i>Does Not Meet Standard:</i></p> <ul style="list-style-type: none"> <li>The school fails to comply with at least one applicable law, rule, regulation, provision of its charter contract, or its governing policies relating to employment considerations, including those relating to the Family Medical Leave Act, the Americans with Disabilities Act, employment contracts, and employee termination.</li> </ul>	0
<p><b>Measure 4f, Criminal Records Checks</b></p> <p>Is the school completing required criminal records checks of its employees?</p>	Points Available
<p><i>Meets Standard:</i></p> <ul style="list-style-type: none"> <li>The school complies with all applicable laws, rules, regulations, provisions of its charter contract, and its governing policies relating to conducting criminal records checks of its employees and all other required individuals.</li> </ul>	4
<p><i>Does Not Meet Standard:</i></p> <ul style="list-style-type: none"> <li>The school fails to comply with at least one applicable law, rule, regulation, provision of its charter contract, or its governing policies relating to conducting criminal records checks of its employees and all other required individuals.</li> </ul>	0

**Total Points Available—Section III, Indicator 4: 24 points**

**Section III, Indicator 5: School Environment**

A safe and healthy school environment is critical to creating a conducive learning environment and protecting the well-being of students and employees.

<p><b>Measure 5a, Facility</b> Is the school complying with facilities requirements?</p>	<p><u>Points Available</u></p>
<p><i>Meets Standard:</i></p> <ul style="list-style-type: none"> <li>• The school complies with all applicable laws, rules, regulations, and provisions of its charter contract relating to the school's facilities including but not limited to:             <ul style="list-style-type: none"> <li>○ Fire inspections and related records;</li> <li>○ Viable certificate of occupancy;</li> <li>○ Documentation of requisite insurance coverage;</li> <li>○ Approval from GaDOE regarding initial site selection and facility requirements; and</li> <li>○ Subsequent approvals as necessary from GaDOE regarding facility maintenance, expansion, or other facility changes.</li> </ul> </li> </ul>	<p>4</p>
<p><i>Does Not Meet Standard:</i></p> <ul style="list-style-type: none"> <li>• The school fails to comply with at least one applicable law, rule, regulation, or provision of its charter contract relating to the school's facilities.</li> </ul>	<p>0</p>
<p><b>Measure 5b, Student Retention</b> Is the school maintaining a safe and secure school environment as measured by the school's student churn rate?</p>	<p><u>Points Available</u></p>
<p><i>Meets Standard:</i></p> <ul style="list-style-type: none"> <li>• The school's student churn rate for the year is less than or equal to 20%. If one of the school's Essential or Innovative Features to educate students in a completely virtual program, the school will meet this standard if the school's student churn rate is less than or equal to 35%. If one of the school's Essential or Innovative Features is to serve students who have dropped out of high school or are at risk of dropping out of high school, the school will meet this standard if the school's student churn rate is less than or equal to 90%. The student churn rate equals the number of student entries and exits between October and May divided by the total number of students in the school in October.</li> </ul>	<p>4</p>
<p><i>Does Not Meet Standard:</i></p> <ul style="list-style-type: none"> <li>• The school's student churn rate exceeds the acceptable threshold for the school's program.</li> </ul>	<p>0</p>
<p><b>Measure 5c, Health and Safety</b> Is the school complying with health and safety requirements?</p>	<p><u>Points Available</u></p>
<p><i>Meets Standard:</i></p> <ul style="list-style-type: none"> <li>• The School complies with all applicable laws, rules, regulations, and provisions of its charter contract relating to safety and the protection of student and employee health, including, but not limited to:             <ul style="list-style-type: none"> <li>○ Annual health assessments of students;</li> <li>○ Diabetes Medical Management Plans;</li> <li>○ Access to auto-injectable epinephrine and automated external defibrillators as appropriate;</li> <li>○ Scoliosis screening; and</li> <li>○ A physically safe and secure environment.</li> </ul> </li> </ul>	<p>4</p>
<p><i>Does Not Meet Standard:</i></p> <ul style="list-style-type: none"> <li>• The school fails to comply with at least one applicable law, rule, regulation, or provision of its charter contract relating to safety and the protection of student and employee health.</li> </ul>	<p>0</p>
<p><b>Measure 5d, Support Services</b> Is the school complying with nursing, food service, and transportation requirements?</p>	<p><u>Points Available</u></p>

<p><b>Meets Standard:</b></p> <ul style="list-style-type: none"> <li>• The school complies with all applicable laws, rules, regulations, and provisions of its charter contract relating to the provision nursing program requirements, food service (if provided) and transportation (if provided), including, but not limited to: <ul style="list-style-type: none"> <li>○ School Health Nurse Program;</li> <li>○ The National School Lunch Program, School Breakfast Program, and/or After-school Snack Program, including nutritional and reimbursement requirements thereof, if food service is provided; and</li> <li>○ School bus specifications, bus driver training and licensing requirements, and transportation survey deadlines.</li> </ul> </li> </ul>	4
<p><b>Does Not Meet Standard:</b></p> <ul style="list-style-type: none"> <li>• The school fails to comply with at least one applicable law, rule, regulation, or provision of its charter contract relating to the provision nursing program requirements, food service (if provided) or transportation (if provided).</li> </ul>	0
<p><b><u>Measure 5e, Information, Data, and Communication</u></b>  Is the school maintaining student and employee information and data securely and communicating with stakeholders appropriately?</p>	<u>Points Available</u>
<p><b>Meets Standard:</b></p> <ul style="list-style-type: none"> <li>• The school complies with all applicable laws, rules, regulations, provisions of its charter contract, governing board policies, and SCSC directives relating to the handling of information and stakeholder communication, including but not limited to: <ul style="list-style-type: none"> <li>○ Maintaining the security of and providing access to student records under the Family Educational Rights and Privacy Act and other applicable authorities;</li> <li>○ Transferring of student records;</li> <li>○ Confidentiality of personnel records not subject to open records requirements; and</li> <li>○ Communicating with parents and other stakeholders in a timely manner.</li> </ul> </li> </ul>	4
<p><b>Does Not Meet Standard:</b></p> <ul style="list-style-type: none"> <li>• The school fails to comply with at least one applicable law, rule, regulation, provision of its charter contract, governing board policy, or SCSC directive relating to the handling of information and stakeholder communication.</li> </ul>	0

**Total Points Available—Section III, Indicator 5: 20 points**

**Section III, Indicator 6: Additional and Continuing Obligations**

A charter school must faithfully fulfill all its obligations and quickly remedy any instance of noncompliance.

<b>Measure 6a, Additional Obligations</b>	<b>Points Available</b>
<b>Is the school complying with all other obligations?</b>	
<p><i>Meets Standard:</i></p> <ul style="list-style-type: none"> <li>• The school complies with all other legal, statutory, regulatory, or contractual requirements, including those contained in its charter contract, that are not otherwise explicitly addressed in these Operational Performance Standards, including but not limited to requirements from the following sources:                             <ul style="list-style-type: none"> <li>○ Revisions to state charter law;</li> <li>○ Consent decrees;</li> <li>○ Intervention requirements by the authorizer; and</li> <li>○ Requirements by other entities to which the charter school is accountable (e.g., Georgia Department of Education, Professional Standards Commission, Department of Labor, etc.)</li> </ul> </li> </ul>	5
<p><i>Does Not Meet Standard:</i></p> <ul style="list-style-type: none"> <li>• The school fails to comply with at least one other legal, statutory, regulatory, or contractual requirement, including those contained in its charter contract that is not otherwise explicitly addressed in these Operational Performance Standards.</li> </ul>	0
<b>Measure 6b, Continuing Obligations</b>	<b>Points Available</b>
<b>Is the school remedying noncompliance after proper notification?</b>	
<p><i>Meets Standard:</i></p> <ul style="list-style-type: none"> <li>• The school corrects noncompliance with legal, statutory, regulatory, contractual requirements, or SCSC directives after notification from the SCSC of noncompliance or the school has no matters of material noncompliance for which it received notification from the SCSC.</li> </ul>	5
<p><i>Does Not Meet Standard:</i></p> <ul style="list-style-type: none"> <li>• The school fails to correct at least one matter of noncompliance with legal, statutory, regulatory, contractual requirements, or SCSC directives after notification from the SCSC of noncompliance.</li> </ul>	0

**Total Points Available—Section III, Indicator 6: 10 points**

**Section III: OVERALL DETERMINATION OF COMPLIANCE**

As measured by the indicators and measures, is the school meeting operational performance standards?

80-100 pts.	Meets Operational Performance Standards
50-79 pts.	Does Not Meet Operational Performance Standards
0-49 pts.	Falls Far Below Operational Performance Standards

## Appendix: Data Sources Compiled

### Academic Performance:

Indicator	Data Source
1. State and Federal Accountability Systems	GaDOE: Priority, Focus, Alert, and Reward School Lists
2. Student Achievement	GaDOE: CCRPI Achievement Sub-Score
3. Student Progress	GaDOE: CCRPI Progress Sub-Score
4. Second-Look	GaDOE: CCRPI Single Score SCSC: Value-Added Impact Score GaDOE: Beating the Odds designation

### Financial Performance:

Indicator	Data Source
1. Near-Term Measures	School Audit Report: Governmental Funds-Balance Sheet School Audit Report: Statement of Revenues, Expenditures, and Changes in Fund Balance SCSC Annual Enrollment Projection Form GaDOE: Data Collections, Student Enrollment by Grade Level School Audit Report: Notes
2. Sustainability Measures, Measure 2a, Efficiency Margin	School Audit Report: Statement of Activities/Change in Net Position School Audit Report: Statement of Net Position

### Operational Performance:

Indicator	Data Source
1. Educational Program Compliance	GaDOE: Charter School Annual Report, SEA Program Monitoring SCSC: Monitoring Activities, Complaint Investigations Other: Reports of Noncompliance from a State or Federal Agency, Independent Audit Report
2. Financial Oversight	GaDOE: Charter School Annual Report, SEA Program Monitoring, Financial Reports SCSC: Monitoring Activities, Complaint Investigations Other: Reports of Noncompliance from a State or Federal Agency, Independent Audit Report
3. Governance	GaDOE: Charter School Annual Report, SEA Program Monitoring SCSC: Monitoring Activities, Complaint Investigations, Training Rosters Other: Reports of Noncompliance from a State or Federal Agency, Independent Audit Report
4. Students and Employees	GaDOE: Charter School Annual Report, SEA Program Monitoring, Data Reports SCSC: Monitoring Activities, Complaint Investigations, Other: Reports of Noncompliance from a State or Federal Agency, Independent Audit Report
5. School Environment	GaDOE: Charter School Annual Report, SEA Program Monitoring, Data Reports SCSC: Monitoring Activities, Complaint Investigations, Training Rosters Other: Reports of Noncompliance from a State or Federal Agency, Independent Audit Report
6. Additional and Continuing Obligations	GaDOE: Charter School Annual Report, SEA Program Monitoring SCSC: Monitoring Activities, Complaint Investigations, Training Rosters Other: Reports of Noncompliance from a State or Federal Agency, Independent Audit Report



## **YHALE Transportation Policy**

Yi Hwang Academy of Language Excellence (YHALE) does not provide schoolwide transportation; however, transportation is a related service as defined by 34 CFR §300.34(c)(16) of the IDEA regulations and can include travel to and from school and between schools; travel in and around school buildings; and specialized equipment such as special or adapted buses, lifts, and ramps. A child's individualized education program (IEP) Team is responsible for determining both if transportation is required to assist a child with a disability to benefit from special education and related services, and how the transportation services should be implemented.



Milestone Mean Score (Spring 2023)

YHALE compared to the state average and districts with more than two enrolled students attending YHALE:

Mean Scores	YHALE ELA	State ELA	YHALE Math	State Math	YHALE Reading Proficiency%	State Reading Proficiency %
3 <sup>rd</sup>	538	503	555	522	83.3	65.9
4 <sup>th</sup>	560	504	574	523	90.3	56.6
5 <sup>th</sup>	569	512	579	512	90.5	68.8

Mean Scores ELA	YHALE	Gwinnett	DeKalb	Forsyth	Cobb
3 <sup>rd</sup>	538	513	489	537	518
4 <sup>th</sup>	560	512	493	532	518
5 <sup>th</sup>	569	519	500	541	523

Mean Scores Math	YHALE	Gwinnett	DeKalb	Forsyth	Cobb
3 <sup>rd</sup>	555	530	508	557	527
4 <sup>th</sup>	574	535	506	562	532
5 <sup>th</sup>	579	524	492	562	522

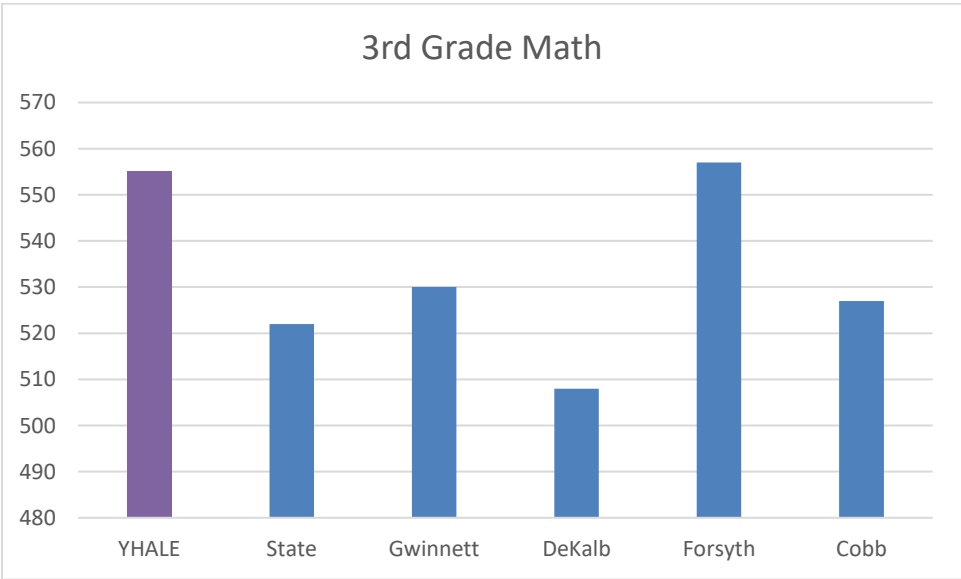
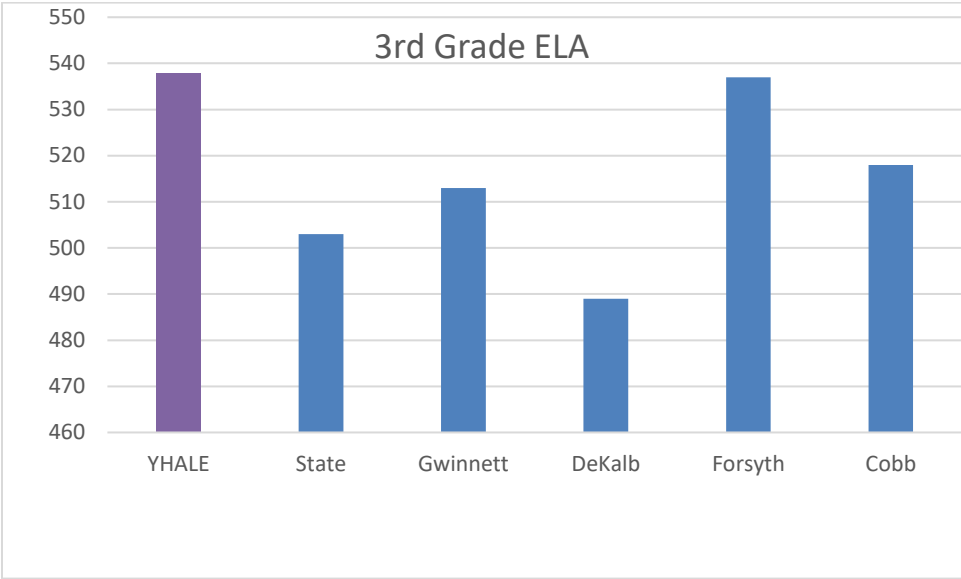
Mean Scores	YHALE	Gwinnett	DeKalb	Forsyth	Cobb
5 <sup>th</sup> (Science)	577	527	487	545	514

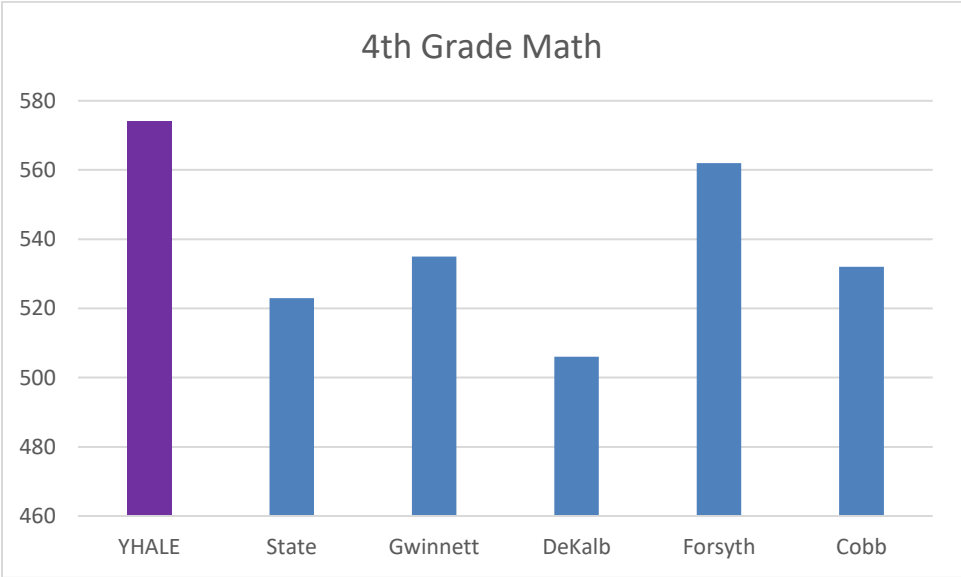
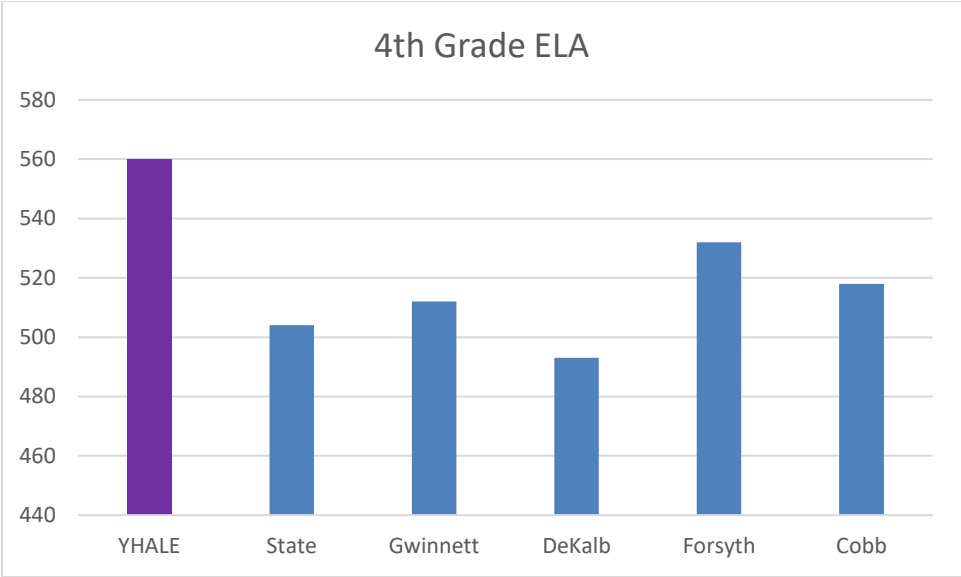
**Green** – Outperformed the state or 3 out of 4 counties

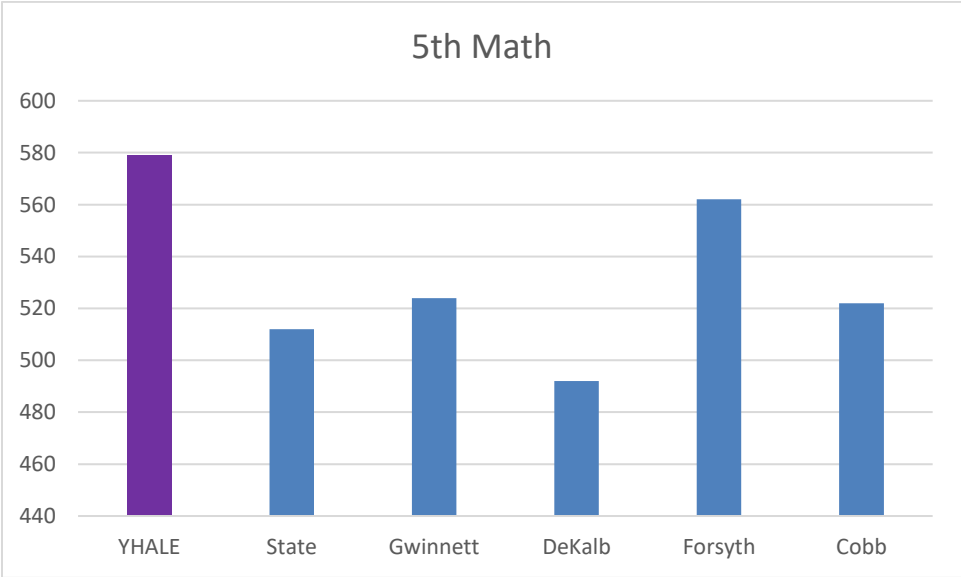
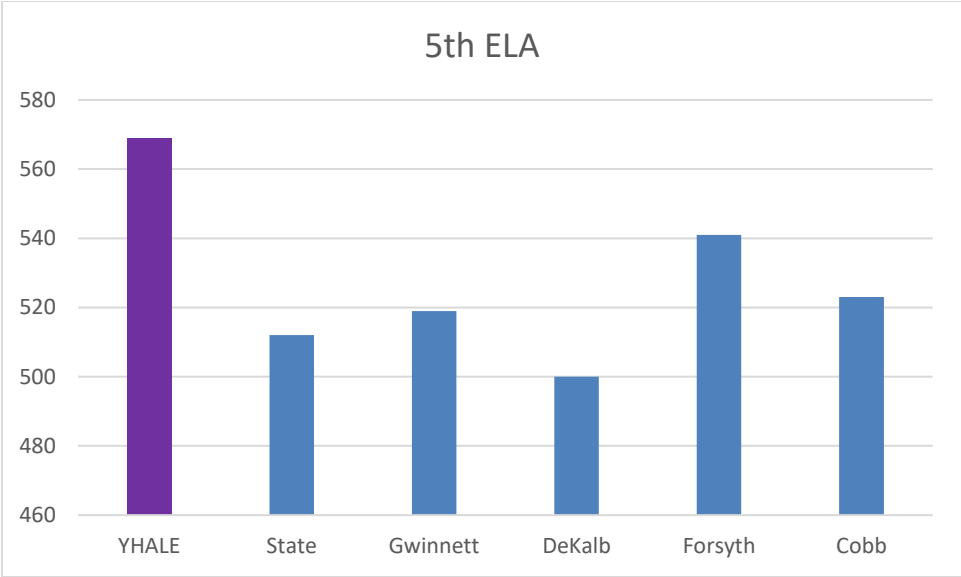
**Blue** – Outperformed all counties and all state averages

**Orange** – The specific district or state that outperformed YHALE

YHALE 2022-2023 MILESTONE RESULTS







YHALE Board Meeting information - <https://yhale.org/governing-board-meetings/>

Open Records Instructions - <https://yhale.org/contact/>



## CSP SE Subgrant Application Assurances

All CSP Subgrant Applicants must agree to the requirements and conditions the subgrant and CSP program. **The Board Chair should initial each statement below and sign and date at the conclusion of the document.** A final grant application will be considered incomplete and will not be accepted if it does not include the Statement of Assurances for the federal Charter School Program Grant.

1. [REDACTED] Application grant contact (charter school authorized representative) possesses the legal authority to apply for this grant on behalf of the school. If the grant contact is not the chair of the governing body (due to conflict of interest), a resolution or motion has been adopted by the applicant's governing body directing and authorizing the grant contact the delegated responsibility to act on their behalf to submit this application, including all understanding and assurances of certifications contained herein, to execute the grant, if approved, to comply with certifications, budget, and fiscal requirements, and act as the governing body's authorized official for the grant program. The grant contact has no conflict of interest with any party (employee, management organization, contractor, vendor, etc.) that has a financial interest in the grant award.
2. [REDACTED] The applicant school certifies that they understand an approved charter application and a signed charter contract are required to be eligible for an award.
3. [REDACTED] Applicant school agrees to annually provide the U.S. Secretary of Education and the State Charter Schools Foundation of Georgia such information as may be required to determine if the charter school is making satisfactory progress toward achieving objectives described in this application (The Elementary and Secondary Education Act of 1965, as amended, Title V, Part B, Subpart 1 — Public Charter Schools Section 5203(b)(3)).
4. [REDACTED] Applicant school agrees to participate in all CSP Subgrantee data reporting and evaluation activities as requested or required by the U.S. Department of Education, the State Charter Schools Foundation of Georgia, State Charter Schools Commission of Georgia, and Georgia Department of Education, including on-site and desktop monitoring conducted by the SCSF or SCSC, annual independent audits required by the state that are publicly reported and include financial statements prepared with generally accepted accounting principles, annual reports, and a final expenditure report for the use of subgrant funds. This section includes participation in any federal or state funded charter school research or evaluations. Failure to submit required information may result in a withholding of grant funds or a non-renewal of subsequent year funding within the project period. Audits must also be submitted to the authorizer for review.
5. [REDACTED] The applicant school assures that they have provided their authorizer with "adequate and timely notice" of this grant application (as required by ESEA §4310 (6)(B)).
6. [REDACTED] The applicant school per ESEA §4303 (f)(1)(C)(i)(II), certifies that the Charter Contract from the authorizer articulates that student achievement and growth, as measured by the state's School Performance Framework, is one of the most important factors for renewal or revocation of the school's charter contract, and that the authorizer reserves the right to

revoke or not renew a school's charter based on financial, structural, or operational factors involving the management of the school, or if not included agree to amend the Charter Contract accordingly to include these before award monies are distributed. The applicant school will provide a copy of the charter contract, and the State Charter Schools Foundation of Georgia will review the contract to ensure that student achievement is one of the most important factors for renewal or revocation of the charter.

7. [REDACTED] The applicant school certifies that it will maintain a high degree of autonomy, consistent with the charter contract and the requirements of ESEA § 4310 (2) and ESEA § 4303 (f)(2)(A), including the school's autonomy over budget, operations, and personnel decisions, and that they have sought, or will seek, all the appropriate automatic and non-automatic state waivers, and any necessary district waivers, to support the level of autonomy negotiated in their charter contract.

8. [REDACTED] The applicant school shall include important information on the website of the school, as required by ESEA § 4303 (f)(2)(G), to help parents and the community to make informed decisions about the education options available to their children, including information on the educational program, student support services, parent contract requirements (including any financial obligations or fees and information regarding textbook assistance), and enrollment criteria. This section requires the school to also provide annual performance, including the State Report card, and enrollment data for the student body and subgroups of students on its website.

Board Chair Signature

[REDACTED]

Date: 7/17/2024

Name: LIZA A. PARK

Charter School/Network: Yi Hwang Academy of Language Excellence - YHALE

## Profiles: Yi Hwang Academy of Language Excellence

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### Applicant Information

Please provide the following information about the applicant charter school/network.

**Name of Charter School/Network**

Yi Hwang Academy of Language Excellence

**School Identifier (NCES ID), if known**

130025704372

**Authorizer**

State Charter Schools Commission of Georgia

**Authorization Date**

03/07/2024

**Eligibility for CSP Subgrant**

Expansion

**Proof of Approved Expansion (expansion applicants only)**

YHALE Charter Amendment - signed (1).pdf

**School Opening Date/Date of Expansion**

08/05/2024

**Name of Nonprofit Entity**

Yi Hwang Academy, Inc.

**Name of LEA**

Yi Hwang Academy of Language Excellence

**LEA Identifier (NCES District ID), if known**

130025704372

**Applicant Street Address**

4550 River Green Parkway

**Applicant City**

Duluth

**Applicant State**

Georgia

**Applicant Zip Code**

30,096

**Applicant County**

Gwinnett County

Proposed Location of New/Replicated School or Expansion Site

**Proposed Street Address**

4450 River Green Parkway

**Proposed Applicant City**

Duluth

**Proposed Applicant State**

Georgia



**Proposed Applicant Zip Code**

30,096

**Proposed Applicant County**

Gwinnett County

**School/Network Website**

www.yhale.org

**Management Organization Type**

Freestanding

**Virtual Status**

Not virtual

**Grant Contact**

Liza A. Park

**Contact Title**

Governing Board Chairperson

**Contact Email Address**

[REDACTED]

**Contact Phone Number**

[REDACTED]

**What school year will the school first enroll students? For expansion, what school year did the school first enroll students?**

2024

**Grades Offered during Grant Term (36 months from date of application)**

Kindergarten, 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th

**Projected Number of Students for First Three Years of Operation/Expansion (by year)**

For each year, note the projected number of students for this new school, replication, or as a result of the expansion (only the additional students from an expansion).

**Year 1**

15

**Year 2**

45

**Year 3**

85

**Does/will the school use a weighted lottery?**

No

**Are current governing board members listed on the school's website? If no, provide an attachment with a list of board members.**

Yes

**Has the applicant school notified the charter school authorizer of intent to apply for this CSP subgrant?**

Yes

**Please upload a copy of the letter of intent to authorizer that the applicant is applying for a CSP SE subgrant.**

2024 Letter of Intent CSP Grant.pdf

**User Login**

[REDACTED]

## Profiles: File Attachments

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**Proof of Approved Expansion (expansion applicants only)**

YHALE Charter Amendment - signed (1).pdf

**Please upload a copy of the letter of intent to authorizer that the applicant is applying for a CSP SE subgrant.**

2024 Letter of Intent CSP Grant.pdf

**SECOND CHARTER AMENDMENT FOR  
YI HWANG ACADEMY OF LANGUAGE EXCELLENCE**

This amendment to the charter for Yi Hwang Academy of Language Excellence (“Amendment”) is entered into by and between Yi Hwang Academy, Inc. (“Petitioner”) and the State Charter Schools Commission of Georgia (“SCSC”) to amend the charter for Yi Hwang Academy of Language Excellence (“Charter School”) as follows:

WHEREAS, Petitioner and the SCSC entered into a charter contract on or about September 27, 2018, for the operation of the Charter School (the “Charter Contract”);

WHEREAS, the Petitioner’s current charter term expires June 30, 2025;

WHEREAS, the Petitioner seeks to expand its grades served from K-5 to K-8 to encourage bilingual and biliterate students to pursue advanced opportunities in their target language;

WHEREAS, the SCSC believes that this charter amendment is in the best interest of the ongoing viability of the school and its service to its students and community;

NOW THEREFORE, in consideration of the promises, mutual agreements, and covenants contained herein and other good and valuable consideration, the sufficiency of which is hereby acknowledged, Petitioner and the SCSC agree as follows:

1. Paragraph 3 of the Charter Contract shall be amended to read:


Grade Range. The Charter School shall be authorized to serve grades K-8. The Charter School’s total enrollment shall be at least 170 students but shall not exceed 1000 students at any point during the charter term.

2. Except as amended herein, all other terms and conditions of the Charter Contract shall remain in full force and effect.

WITNESS the hands and seals of the undersigned as of the date set forth next to each signature. This Amendment shall be effective as of the date of the last signature below.

  
\_\_\_\_\_  
Mike Dudgeon, Chairperson  
STATE CHARTER SCHOOLS COMMISSION

03/07/2024  
\_\_\_\_\_  
(Date)

  
\_\_\_\_\_  
Liza A. Park, Governing Board Chairperson  
YI HWANG ACADEMY, INC.

03/06/2024  
\_\_\_\_\_  
(Date)










# YHALE Charter Amendment

Final Audit Report

2024-03-07

Created:	2024-03-01
By:	Kiara Thompson ( [REDACTED] )
Status:	Signed
Transaction ID:	CBJCHBCAABAAiOIInfr5oeH9ttE12_KBnMLIV1DKwvhbA

## "YHALE Charter Amendment" History

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-  Document emailed to [REDACTED] for signature  
2024-03-01 - 5:34:45 PM GMT
-  Email viewed by [REDACTED]  
2024-03-06 - 4:22:41 PM GMT- [REDACTED]
-  Signer [REDACTED] entered name at signing as Liza A. Park  
2024-03-06 - 4:26:19 PM GMT- [REDACTED]
-  Document e-signed by Liza A. Park ( [REDACTED] )  
Signature Date: 2024-03-06 - 4:26:21 PM GMT - Time Source: server- [REDACTED]
-  Document emailed to Michael Dudgeon ( [REDACTED] ) for signature  
2024-03-06 - 4:26:23 PM GMT
-  Email viewed by Michael Dudgeon ( [REDACTED] )  
2024-03-07 - 5:14:10 PM GMT- [REDACTED]
-  Document e-signed by Michael Dudgeon ( [REDACTED] )  
Signature Date: 2024-03-07 - 5:14:31 PM GMT - Time Source: server- [REDACTED]
-  Agreement completed.  
2024-03-07 - 5:14:31 PM GMT



YI HWANG ACADEMY  
*of* LANGUAGE EXCELLENCE

July 24, 2024

Katie Manthey  
State Charter Schools Commission  
1356 Twin Towers East  
2 Martin Luther King, Jr. Drive SE  
Atlanta, Georgia 30334

Dear Ms. Manthey,

Our school, Yi Hwang Academy of Language Excellence (YHALE), has applied for the CSP SE subgrant from the State Charter Schools Foundation of Georgia.

Best regards,



Liza Park  
Governing Board Chair

Name	Attachments
[REDACTED]   2024-08-04	No
[REDACTED]   2024-07-25	No
[REDACTED]   2024-08-02	No

**Review Completed Date**

08/04/2024

**Application**

Yi Hwang Academy of Language Excellence

**Reviewer**

[REDACTED]

**Reviewer Assignment Tag**

type:individual

**Responsiveness to community need**

On a scale of 1 to 30, where 1 is lowest and 30 is highest, how would you rate the applicant's responsiveness to community need? Applicants should provide evidence of community engagement and outreach. Applicants proposing to expand or replicate in an area of high charter school concentration must demonstrate community need for the unique model. All applicants must present a comprehensive needs analysis as a part of their application demonstrating local support, benefits to the community, evidence of the demand, and demographic projections (supporting a new charter school). Applicants will be rated based on the completeness of their analysis, benefit to the local community, and likelihood to achieve enrollment goals. Applicants should also describe ongoing effective parent, family, and community engagement strategies.

30

**Comments - Responsiveness to community need (optional)**

School is responding to the needs of the community. The school will continue to support the growth of the Asian community in Georgia.

**Growth mindset**

On a scale of 1 to 10, where 1 is lowest and 10 is highest, how would you rate the applicant's growth mindset? Applicants should demonstrate their willingness to engage in open, transparent conversations with the SCSF and technical assistance providers and to welcome feedback with an open mind.

10

**Comments - Growth mindset (optional)**

They currently participate in training offered by SCSF and are open to learning more. Applicant demonstrates a commitment to a growth mindset through openness for continuous learning, collaboration, and review of their outcomes.

**Commitment**

On a scale of 1 to 10, where 1 is lowest and 10 is highest, how would you rate the applicant's commitment? Applicants must demonstrate their willingness and capacity to adhere to the conditions of any subgrant awards and carry out the goals they set for the subgrant. Applicants must agree to attend all mandatory technical assistance opportunities, submit all required reports, and participate fully in monitoring activities.

8

**Comments - Commitment (optional)**

Applicants' information discusses oversight as it relates to fiscal responsibility, reports, and monitoring. However, not much is mentioned for attending mandatory technical assistance opportunities.

**Readiness**

On a scale of 1 to 10, where 1 is lowest and 10 is highest, how would you rate the applicant's readiness? Applicants must demonstrate their readiness to plan for and carry out the opening of a new charter school, replication of an existing charter school, or expansion of an existing charter school. For new schools, the evaluation team will seek evidence of adequate planning and qualified team members to carry out the academic model approved in the charter and sound operations. For replications and expansions, the evaluation team will review current and historical academic and operational performance, eligibility for expansion or replication, and mitigating factors.

10

**Comments - Readiness (optional)**

#### **Racial and Socio-economic Diversity**

On a scale of 1 to 10, where 1 is lowest and 10 is highest, how would you rate the applicant's racial and socio-economic diversity? All applicants must explain how they will establish and maintain a racially and socio-economically diverse student population and endeavor to recruit faculty and staff who are similarly diverse. If an applicant is proposing a location in a segregated/isolated community and/or offers a culturally responsive educational model, this requirement may be waived at the discretion of the Selection Committee.

8

**Comments - Racial and Socio-economic Diversity (optional)**

While the makeup of the school is racially diverse and the applicant speaks to this, there is no mention of socio-economic diversity.

#### **Budget Quality & Financial Sustainability**

Please evaluate the budget on a scale of 1 to 30. Applicants should present a complete grant budget that adheres to the allowable cost guide and meets the objectives of the CSP SE Grant. Reviewers will look for adequate rationale in the budget narrative for each budget category and sufficient detail to demonstrate that the applicant has a realistic plan for utilizing subgrant funds within the grant period. Applicants should demonstrate a plan for maintaining financial sustainability after the end of the subgrant period.

30

**Comments - Budget Quality & Financial Sustainability (optional)**

#### **Bonus Points**

Does the applicant qualify for locating in a priority community?

No

Does the applicant propose offering high school?

No

Does the applicant propose a collaboration with a local public school or district to share resources and/or otherwise serve vulnerable populations?

No

**Comments - Bonus Points (optional)**

#### **Score Before Bonus Points**

96

#### **Total Score**

96

**Comments - Overall (required)**

Overall, the application looks good. Some additional questions may help to clarify applicants' commitment to attending mandatory training and socio-economic diversity.

**Review Completed Date**

07/25/2024

**Application**

Yi Hwang Academy of Language Excellence

**Reviewer**

**Reviewer Assignment Tag**

type:individual

**Responsiveness to community need**

**On a scale of 1 to 30, where 1 is lowest and 30 is highest, how would you rate the applicant's responsiveness to community need? Applicants should provide evidence of community engagement and outreach. Applicants proposing to expand or replicate in an area of high charter school concentration must demonstrate community need for the unique model. All applicants must present a comprehensive needs analysis as a part of their application demonstrating local support, benefits to the community, evidence of the demand, and demographic projections (supporting a new charter school). Applicants will be rated based on the completeness of their analysis, benefit to the local community, and likelihood to achieve enrollment goals. Applicants should also describe ongoing effective parent, family, and community engagement strategies.**

18

**Comments - Responsiveness to community need (optional)**

While the applicant provides a thorough explanation of the perceived need within the state for the educational model and states the school has a waitlist of students who want to attend the school, there is no information provided regarding parent interest in the expansion of the school. I am curious if the school spoke with parents or conducted a survey to determine interest because the application would have been strengthened if the school could report on the % of 5th grade parents who indicated they would enroll their students in the school's expanded 6th grade.

**Growth mindset**

**On a scale of 1 to 10, where 1 is lowest and 10 is highest, how would you rate the applicant's growth mindset? Applicants should demonstrate their willingness to engage in open, transparent conversations with the SCSF and technical assistance providers and to welcome feedback with an open mind.**

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**Comments - Growth mindset (optional)**

The school reports being open to feedback and engaging in technical assistance opportunities provided by SCSF which are indicators of a growth mindset. That said, for the past two school years (21-22 and 22-23) the school's organizational compliance performance has fluctuated which raises concerns about the board's ability to provide adequate oversight to the school's leadership team. Of particular concern is the lack of compliance with GAAP accounting standards and the 22-23 report indicating the school scored a zero (0) for both federal education and financial requirements indicators.

**Commitment**

**On a scale of 1 to 10, where 1 is lowest and 10 is highest, how would you rate the applicant's commitment? Applicants must demonstrate their willingness and capacity to adhere to the conditions of any subgrant awards and carry out the goals they set for the subgrant. Applicants must agree to attend all mandatory technical assistance opportunities, submit all required reports, and participate fully in monitoring activities.**

5

**Comments - Commitment (optional)**

The school's application would have been strengthened if it provided information on how the school is addressing the GAAP accounting issues and the federal compliance issues. The school's application does provide information on the individuals and sub-contractors responsible for reporting, but there is no information about these individuals' experience with federal funds.

**Readiness**



On a scale of 1 to 10, where 1 is lowest and 10 is highest, how would you rate the applicant's readiness? Applicants must demonstrate their readiness to plan for and carry out the opening of a new charter school, replication of an existing charter school, or expansion of an existing charter school. For new schools, the evaluation team will seek evidence of adequate planning and qualified team members to carry out the academic model approved in the charter and sound operations. For replications and expansions, the evaluation team will review current and historical academic and operational performance, eligibility for expansion or replication, and mitigating factors.

5

**Comments - Readiness (optional)**

The applicant states that it has been planning on expanding the grades it serves since its inception and has recently worked with its facility landlord to secure additional space for the expansion. However, as stated above, there is no data regarding parent interest in the expansion, the board's ability to address organizational compliance short-comings, and the capacity of the current team to successfully execute the expansion.

**Racial and Socio-economic Diversity**

On a scale of 1 to 10, where 1 is lowest and 10 is highest, how would you rate the applicant's racial and socio-economic diversity? All applicants must explain how they will establish and maintain a racially and socio-economically diverse student population and endeavor to recruit faculty and staff who are similarly diverse. If an applicant is proposing a location in a segregated/isolated community and/or offers a culturally responsive educational model, this requirement may be waived at the discretion of the Selection Committee.

6

**Comments - Racial and Socio-economic Diversity (optional)**

The school serves a student population that predominantly identifies as Asian (62%) with 24% identified as limited English Proficient and 7% qualifying for free/reduced-priced meals. Only 2.3% of students receive special education services. This demographic information does not appear to demonstrate the school is serving a racially and socio-economic diverse student population.

**Budget Quality & Financial Sustainability**

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20

**Comments - Budget Quality & Financial Sustainability (optional)**

The budget appears to adhere to CSP guidelines and the details are sufficient. The plan is also realistic and the plan for sustainability is strong. The school also has a strong track record regarding its financial performance as evidenced by its recent perfect score on its authorizer's financial performance framework.

**Bonus Points**

**Does the applicant qualify for locating in a priority community?**

No

**Does the applicant propose offering high school?**

No

**Does the applicant propose a collaboration with a local public school or district to share resources and/or otherwise serve vulnerable populations?**

No

**Comments - Bonus Points (optional)**

**Score Before Bonus Points**

61

**Total Score**

61

**Comments - Overall (required)**

The application does provide some information that leads a reviewer to believe a foundation is in place for future expansion. However, the applicant does not provide the details needed to instill confidence that it can successfully expand now. The applicant would benefit from demonstrating that it can address the identified organizational deficiencies and provide more detailed information on the need for the school to expand.

## External Evaluator Review: [REDACTED] | 2024-08-02

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### Review Completed Date

08/02/2024

### Application

Yi Hwang Academy of Language Excellence

### Reviewer

[REDACTED]

### Reviewer Assignment Tag

type:individual

### Responsiveness to community need

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Comments - Responsiveness to community need (optional)

### Growth mindset

On a scale of 1 to 10, where 1 is lowest and 10 is highest, how would you rate the applicant's growth mindset? Applicants should demonstrate their willingness to engage in open, transparent conversations with the SCSF and technical assistance providers and to welcome feedback with an open mind.

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Comments - Growth mindset (optional)

### Commitment

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Comments - Commitment (optional)

### Readiness

On a scale of 1 to 10, where 1 is lowest and 10 is highest, how would you rate the applicant's readiness? Applicants must demonstrate their readiness to plan for and carry out the opening of a new charter school, replication of an existing charter school, or expansion of an existing charter school. For new schools, the evaluation team will seek evidence of adequate planning and qualified team members to carry out the academic model approved in the charter and sound operations. For replications and expansions, the evaluation team will review current and historical academic and operational performance, eligibility for expansion or replication, and mitigating factors.

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Comments - Readiness (optional)

### Racial and Socio-economic Diversity

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Comments - Racial and Socio-economic Diversity (optional)

#### Budget Quality & Financial Sustainability

Please evaluate the budget on a scale of 1 to 30. Applicants should present a complete grant budget that adheres to the allowable cost guide and meets the objectives of the CSP SE Grant. Reviewers will look for adequate rationale in the budget narrative for each budget category and sufficient detail to demonstrate that the applicant has a realistic plan for utilizing subgrant funds within the grant period. Applicants should demonstrate a plan for maintaining financial sustainability after the end of the subgrant period.

30

Comments - Budget Quality & Financial Sustainability (optional)

#### Bonus Points

Does the applicant qualify for locating in a priority community?

Yes

Does the applicant propose offering high school?

No

Does the applicant propose a collaboration with a local public school or district to share resources and/or otherwise serve vulnerable populations?

No

Comments - Bonus Points (optional)

Score Before Bonus Points

100

Total Score

110

Comments - Overall (required)

Impressive commitment to dual language immersion model!