Orange County Educational Arts Academy

A California Public Charter School

BOARD OF DIRECTORS
MEETING AGENDA

Regular Meeting

October 14, 2020
6:00 p.m. – Closed Session
7:00 p.m. – Open Session
Teleconference
Zoom Meeting: https://zoom.us/j/95580748961?pwd=NnNnNUY3aGx0TDFKUmx2YVNOK2dvUT09
Meeting ID: 955 8074 8961
Password: 843443 or oceaaboard

MINUTES

I. Call to Order 6:01 AM

A. Roll Call

Board Members	Present	Absent
Dr. Alfonso Bustamante		X
Valerie Sullivan	X - closed	X - open
Scott Overpeck, Chair	X	
Ben Stanphill, Secretary	X	
Boris Molina	X	
Carmen Aparicio	X	
Jessica Reyes	X	
Staff/Other		
Kristin Collins, School Director	X - open	X - closed
Janine McFarlin, Treasurer	X	
Mike Limon, President/Executive Director	X	

B. Approval of Agenda

II. Public Comment on Closed Session Items, If Any

Opportunity for members of the public to address the Board on closed session items

III. Adjourn to Closed Session 6:02 PM

A. Conference with Legal Counsel – Anticipated Litigation, Government Code sections 54954.5(c) & 54956.9 (d)(2).

B. Staff Evaluations/Discipline/Privacy or Other Confidential Issues (Gov. Code Section 54957(b))

IV. Reconvene to Open Session and Report of Action from Closed Session, If Any 7:05 PM

No closed session action

V. Public Comment

No public comment

VI. Board and Staff Reports

A. Staff Reports

1. School Director – Kristin Collins

2. Executive Director – Mike Limon

B. Operations Report –Janine McFarlin

C. Board of Directors Reports

1. Carmen working with Janine, Kristin and Mike to review salary schedule for certificated and non-certificated staff. Also talking to staff to get departmental representatives involved and evaluating external company focusing on charter schools to review salary schedules, initial quote from 3rd party was ~$25k, so looking at other options.

~~VII. Public Hearing: Learning Continuity and Attendance Plan~~

~~VIII. Public Hearing: English Learner Master Plan~~

IX. Items for Consent

Action on the items below will be made in one motion unless removed from Consent by a Board member. Items removed from Consent will be considered in the original agenda order immediately following action on Consent.

A. Approval of Minutes from September 2020 Board Meeting

B. Approval of Minutes from September 23, 2020 Special Board Meeting

C. Ratification of August 2020 Check Register

D. Approval of General Complaint Policy

E. Approval of Internal Complaint Review Policy

~~F. Approval of SPED Board Policy~~

- ~~Do we have a childfind program? KC: No, as a charter we don't need to reach beyond our own school.~~

- ~~Questions on process for placement in special education. If GenEd teacher makes a recommendation then an evaluation still needs to happen.~~
- ~~Do we need to track home hospitalization hours?~~

G. Approval of Rehabilitation Act 504 Policy

- Specify who is 504 coordinator (Cesar on Page 3 or Marlene on page 7)
- Missing a space on page 5
- Page numbers would be nice

H. Approval of USDA Nondiscrimination Statement

Action: Approve Consent Items Listed Above	Motion: SO Second: BS
	Vote: CA, JR, BS, SO for 0 against

X. Approval of SPED Board Policy

- Do we have a childfind program? KC: No, as a charter we don't need to reach beyond our own school.
- IEP Meetings section states that reviews will be completed in 15 days, but reclassification needs to take at least 60 days? What is the process and timeline for these reviews? KC: If GenEd teacher makes a recommendation then an evaluation still needs to happen, the review just has to be performed within 15 days
- Is there a requirement to track home hospitalization hours, and is there a minimum number of hours we need to meet?

Action: Approve SPED Board policy pending staff review of specific concerns listed above.	Motion: JR Second: BS
	Vote: JR, BS, BM, CA, SO for 0 against

XI. Approval of 2020-2021 Budget Overview for Parents

Action: Approve 2020-2021 Budget Overview for Parents.	Motion: CA Second: BM
	Vote: BM, BS, JR, CA, SO for 0 against

XII. Approval of Parent/Guardian Assumption of Risk Waiver of Liability, and Indemnity Agreement Relating to Coronavirus/COVID-19

Action: Approve Assumption of Risk Waiver of Liability	Motion: BM Second: BS
	Vote: BM, BS, JR, CA, SO for 0 against

XIII. Approval of Plan for Weekly Engagement & Daily Attendance Documentation

Action: Approve Plan for weekly engagement and daily attendance documentation.	Motion: BS Second: CA
	Vote: BM, BS, JR, CA, SO for 0 against

XIV. Items for Future Meetings

The next regularly scheduled meeting is on November 11, 2020.

XV. Adjournment

The meeting was adjourned at 9:00 PM.

OCEAA Board Update
10/14/2020

LCAP Goal 1: 100% Proficiency

- **Instructional Program & Achievement Updates** (K. Collins)
  - Mastery of Knowledge and Skills (MKS): Concluding baseline data collection to determine learning loss in reading and math; parent progress reports are being prepared for distribution soon.
  - All Interim (30 day) IEP's have been held.
  - FPM onsite review (virtual) is scheduled for Oct 21-23
  - High Quality Work:
    - Arts Case Study projects are concluding - Identity theme including self portraits and self expression through song
    - K, 4, 5, 6 are implementing/developing Case Study projects for current or T2 launch; remaining grades will plan and launch in T2

- **Literacy Team Report** (M. Carrera)
  - Teachers administered beginning of the year assessments as baseline data
    - TK-K, foundation skills assessment using Estrellita
    - 1st- BPST (for foundational skills), fluency
    - 2nd- 5th STAR Spanish, STAR English, fluency assessment in both languages
    - 6th-8th grade STAR in both languages, Mid-module assessments
  - Literacy Coach has been screening beginning of the year data (specifically STAR data), meeting with teachers, and talking about individual students to determine learning loss and possible needs for extra support
  - Literacy Coach previewed i-Station (an adaptive online platform that supports Spanish literacy and can be use asynchronously)
  - i-Station, will be piloted in October and November and purchased in December
  - Literacy Coach has been working with teachers to digitize assessments and ensure access
  - Literacy Coach presented RTI program structure, plan, and beginning of the year data

  - RTI Literacy Intervention
    - RTI groups were created utilizing T2 (2019-20) data, current first grade groups were created using end of the year (foundational skills assessments)
    - Literacy team met to look at assessments and plan the first cycle of intervention
    - Intervention began on September 21st
    - Literacy intervention takes place daily from 1:00 p.m. to 4:30 p.m.
    - Students are seen via zoom in small groups for targeted intervention, groups are between 2 to 6 students and last 25 minutes per session

- Thus far, we have had 95% participation, Literacy Coach has been doing parent outreach to get to 100% participation
- Pre-assessments were administered
- Literacy team will administer DRA to all students receiving RTI support the first week of November
- Literacy team was supporting teachers virtually during zoom meetings during the beginning months of school (strategically placed in classrooms with large numbers of students who receive RTI support)

❖ **Math Report**

➢ STAR math assessments and primary math interviews are finishing this week.

❖ **Professional Development**

➢ Instructional Leadership Team is meeting 2x per month to monitor and plan PD for Mastery of Knowledge and Skills, Character /Crew and High Quality Work

➢ Sarah Purdy, EL School Designer, is coaching the ILT and teachers on Case Study Projects

➢ K. Collins and Marlynne Carrera are attending the EL Education West Region Leadership Conference on Oct 15

➢ Brenda Robles, Jocelyn Vargas and Guadalupe Barba are attending the EL Education Virtual Summit on Oct 22-23

- Schedule through October

Sept	**2**	**9**	**16***	**23**	**30***
	ELD	LCP/Crew	Case Studies /ELD	Crew	Case Studies/ELD
Oct	**7**	**14***	**21**	**28***	
	EL Master Plan/LCP	Case Studies	Trauma	RC Grading	

<u>LCAP Goal 2: 100% Biliterate/Bilingual</u>

❖ English Learner report (M. Bennett-Gee)

➢ The Initial ELPAC was completed for 48 students this year.

- Parents and the state have been notified of scores and new English Learner Acquisition Statuses (ELAS).

➢ The first ELAC meetings of the year were held on August 21, September 4 and October 2.

- Recordings of all 3 meetings are posted on https://oceaa.org/english-learner-advisory-committee/

➢ Academic ELD PD and planning sessions for TK-2nd grade teachers have been ongoing throughout the school year and have been led by Rosa Molina (Executive Director of ATDLE, the Association of Two-Way & Dual Language Education (ATDLE)), Linda Hardman-Greene, Monica Bennett Gee, Marlynne Carrera, and/or Kristin Collins

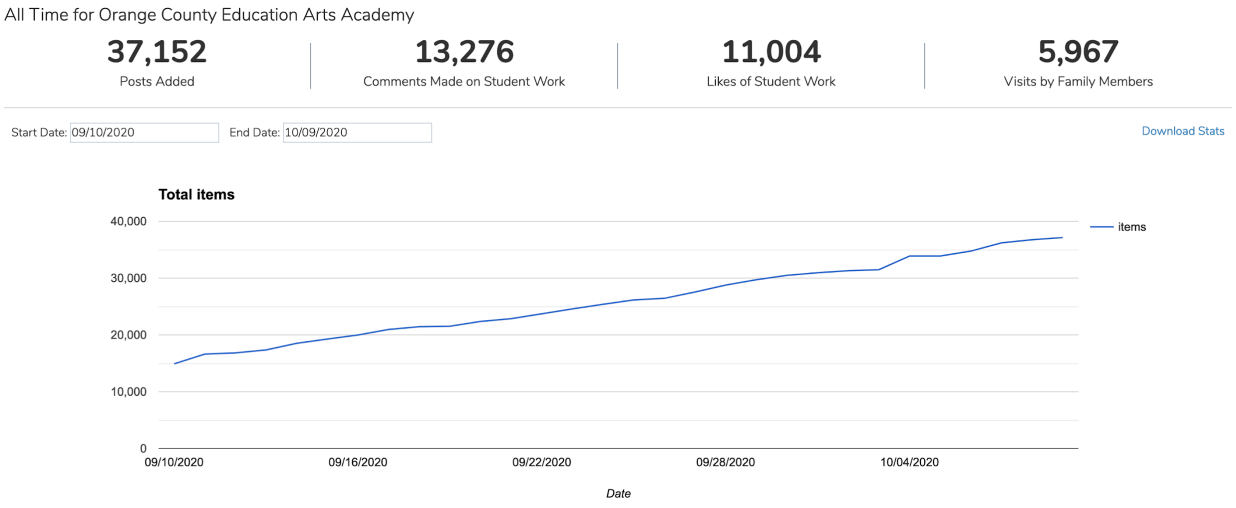
- ➢ Freckle (by Renaissance Learning) adaptive online learning platform for English language skills was purchased for use in 3rd-4th ELA/ELD and for ELD in 5th-8th grades and is in use
  - ■ Quill online platform is in use for ELA/ELD in 6th-8th grades, as well
- ➢ The approved Dual Language EL Master Plan was shared with teachers at the October 7th, 2020 Staff Meeting

<u>LCAP Goal 3 – 100% Safe, Healthy and Positive School Climate</u>

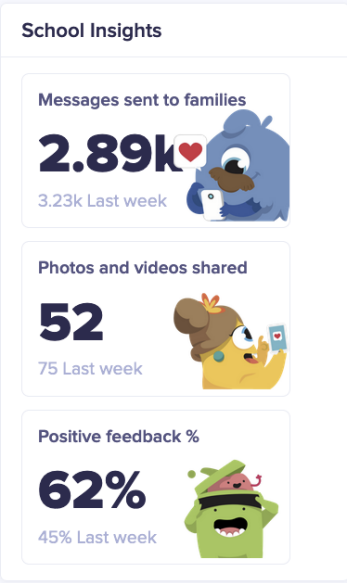
- ❖ Crew planning and implementation is on track per our strategic plan
- ❖ PD focused on Trauma Informed Practices scheduled for October 21 (OCDE presenter)
- ❖ 41 Character Communication Reports, 6 Office Discipline Referrals and 18 Mental Health referrals submitted to date.
  - ➢ Most common character behavioral issue is missing assignments (68%)
- ❖ Engagement Team (KC, E. Bausman, C. Alcaraz, C. Finneran) meeting weekly to track students missing 3 days/60% of weekly instruction: out of 24 total incidences:
  - ➢ 3 students had excused health/emergency reasons for 1 week of 60% disengagement
  - ➢ 5 students had unexcused reasons for 1 week of 60% disengagement
  - ➢ 4 students had unexcused reasons for 2 or more weeks of 60% disengagement
  - ➢ 7 of the 9 students with unexcused reasons are expected to attend class at OCEAA as part of the priority on-site support cohort.

<u>LCAP Goal 4 – 100% Parent-School Partnerships</u>

- ❖ Kindergarten parent-teacher conferences are underway
- ❖ All parent engagement activities have been proceeding via video conferencing:
  - ➢ Coffee Chats with administration 2x per month
  - ➢ Monthly ELAC, SSC and FSO
    - ■ SSC parent representative nominations/elections are underway
- ❖ Seesaw Activity in the last month



❖ Class Dojo Activity in the last week

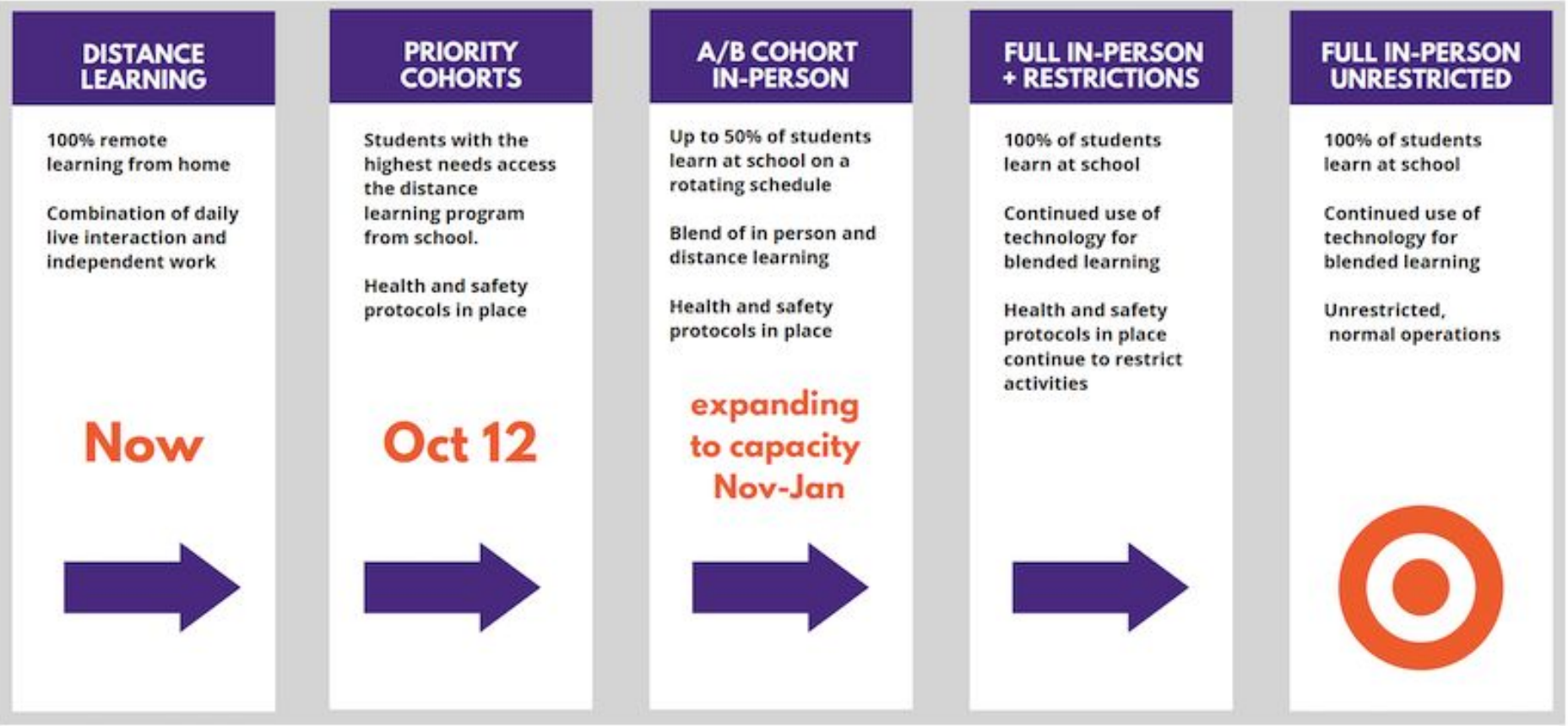


Executive Director Report

Mike Limon

October 14, 2020

Reopening - Updates on Stage 2



ORANGE COUNTY CEAA Educational Arts Academy

Reopening - Updates on Stage 2

Started Monday, October 12, 2020
47 students from TK-8th, planning on adding 8-10 more next week

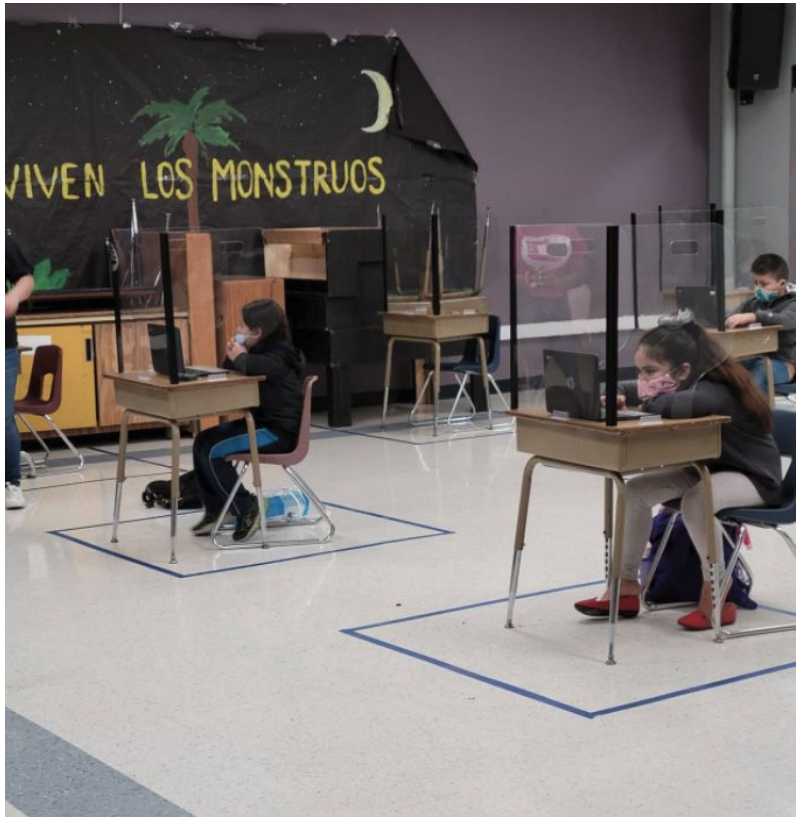
5 Classes and one onsite Hybrid pilot

Why: To provide **access to a safe, structured environment** for those students who are struggling to connect, attend class, or focus within their home environment.

Schedule: The daily program will run from 7:30am- 11:50am for TK-5th, 1:40pm for middle school.

Conducted 3 Parent Trainings and Two Staff

Visit https://oceaa.org/distance-learning/ to learn more.



ORANGE COUNTY OCEAA Educational Arts Academy

Next Steps: Waiver & OCEAA Follow Up

1

Parent/Guardian Assumption of Risk
Waiver of Liability, and Indemnity Agreement
Relating to Coronavirus/COVID-19

For Students and Parents Coming to Campus to Participate in
Support Services and Small Cohort Stage

Orange County Educational Arts Academy ("School") continues to provide distance learning to its students for the 2020-21 school year. The School will be offering the opportunity and option for high-needs students to come to the School campus for supervised access to the distance learning program ("On Campus Support"). Signing this waiver is only required if you will be coming to campus for On Campus Support. On Campus Support is entirely optional and no student shall receive any advantage in terms of grading or course credit for attending On Campus Support.

For all parents who have their child(ren) come to campus for On Campus Support, the School is requiring that parents/guardians complete and adhere to the below information and safety guidelines to reduce the risk or spread of infection of COVID-19.

The School is complying with guidance and taking reasonable steps to mitigate the risk of spreading COVID-19; however, there is no guarantee you or your child will not become infected with COVID-19 if you come to campus for On Campus Support. As the requirements and COVID-19 situation evolve, the School may modify the measures it takes. The School will keep a current list of measures and requirements posted on its website which can be accessed here: www.oceaa.org.

I am providing the following information on behalf of _____**("Student")** as of the date that I am signing this form **[please initial each paragraph]:**

____ I promise and agree that I and my child(ren) will not come to campus for On Campus Support if any of us have had contact with anyone confirmed with COVID-19 in the past fourteen (14) days.

____ I promise that before coming to campus for On Campus Support, I will determine if I, my child(ren) , or any members of Student's household, are experiencing a fever (above 100.4) or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea ("COVID-19 Symptoms"), if so, the student is expected to stay home for up to fourteen (14) days.

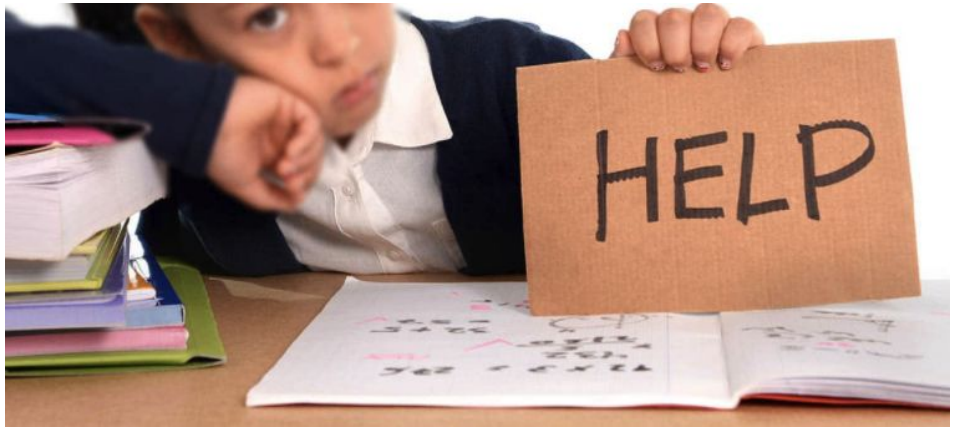
____ I promise and agree that I will ensure my and my child's(rens') temperatures are taken daily before leaving home.

825 N. Broadway, Santa Ana, CA 92701 714-558-2787 receptionist@oceaa.org

KEDS - Homework Help

1. One-hour long, started with ASES students, average 5 per group (TK/K/1st, 2nd/3rd, 4th/5th, middle school)

2. We will begin offering h.w. help to the whole school beginning Monday



Audit Updates

1. Federal Program Monitoring
2. Annual Financial Audit conducted by Eide Bailly LLP, have draft in review
3. New: California State Teachers' Retirement System (CalSTRS) conducted by Crowe LLP

Federal Program Monitoring

Areas of Audit: Compensatory Education and English Learners, there are 17 instruments.

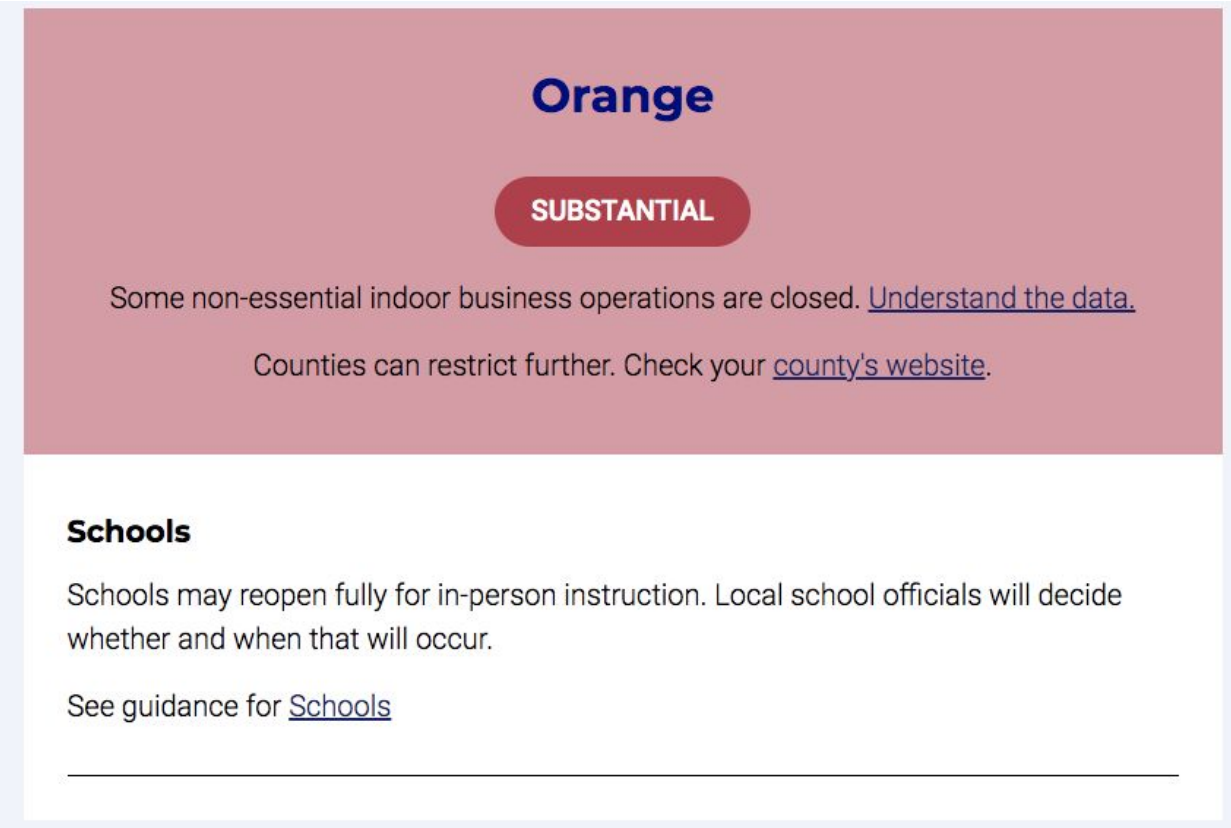
Next Steps:

- Content Audit interviews conducted: **10/21-10/23** (one more round of internal trainings)
- Communications on Findings: SAUSD/ OCDE -> OCEAA Board Chair

Current Findings: Lack of documentation/evidence for time and effort for **Title III**

- The FPM auditors are disallowing the expenses that were reported for the FY18/19 and 19/20 years
- The FPM auditor is allowing OCEAA to use the funds in FY20/21
- **Action:** Journal entry reflecting a contribution from unrestricted to restricted funds for the 18/19 and 19/20 Title III revenues.

Current Covid-19 County Status



ORANGE COUNTY CEAA Educational Arts Academy

Nutritional Services

1. **UPDATE: USDA Extended Summer Feeding Program through June 2021!**
   - Free meals to all students under 18 y.o.

2. **National School Lunch Program (NSLP) -** We have processed these and are working on the CDE Verification Report due Nov. 15th

ORANGE COUNTY CEAA Educational Arts Academy

Facilities

Annex - Set to expire Dec. 2020, SB 740 need updated lease & appraisal

Three Options:

1. **Renew Long Term:** years, still owe $600k for TI
   a. Line of Credit or Refinance challenges. **Additional Updates Forthcoming (TRANs Update)**
2. **Short Term Lease:** To explore building adjacent to playground
3. **Or consolidate into Main**
   a. Consideration: SB 740 Subsidized mortgage & rent

Next Steps: Walk the facilities, and work with partners & Board on strategizing

ORANGE COUNTY CEAA Educational Arts Academy

Tax and Revenue Anticipation Note

Updates:

1. **Doesn't work based on our current narrative**
2. **Talked to Procopio, as they were legal on our Bond at Main Building**
3. **Litigation is a disqualifier**
4. **And a challenge for lenders is the sunborniatae basis**

Update on Teams

Overview on teams:

1. Going into 3rd month of operations
2. Constantly adapting to the schools needs
3. Let's partner up to create team building opportunities, such as...

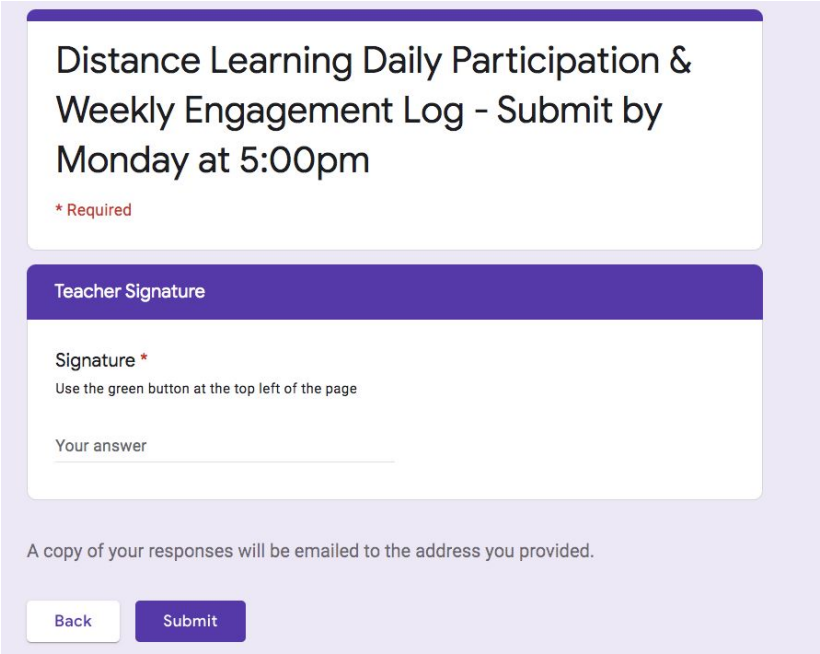
Staff Meal to Encourage Team Building

ORANGE COUNTY CEAA Educational Arts Academy

Innovation & Collaboration (pilot phase)

Team Spotlight: Kristin, Cathy and Elizabeth

1. **Using Technology**
2. **Thinking outside the box**
3. **Persevering and collaborating!**
4. **Parent response rate due to these innovations are averaging 86%**



Innovation & Collaboration

ORANGE COUNTY CEAA Educational Arts Academy

OCEAA to be Featured at

ORANGE COUNTY OCEAA Educational Arts Academy

ORANGE COUNTY
CEAA
Educational Arts Academy

DRAFT POLICY

Board Policy #: [INSERT]
Adopted/Ratified: [INSERT], 2020
Revision Date: [INSERT]

GENERAL COMPLAINT POLICY

Orange County Educational Arts Academy ("OCEAA" or the "Charter School") has adopted this General Complaint Policy to address concerns about the Charter School generally and/or regarding specific Charter School employees. For complaints regarding unlawful discrimination, harassment, intimidation or bullying, unlawful pupil fees, or other specific perceived violations of state or federal laws, please refer to the Charter School's Title IX, Harassment, Intimidation, Discrimination, and Bullying Policy and/or the Charter School's Uniform Complaint Policy and Procedures. For all other complaints, this Policy, the General Complaint Form, and accompanying procedures will be appropriate. For any questions regarding the application of this Policy or the Charter School's other policies, please contact the Executive Director at Mike Limon, mlimon@oceaa.org.

This Policy shall be used when a non-employee complainant raises a complaint or concern about Charter School generally or a Charter School employee.

If reasonably feasible, third-party complaints shall be resolved at the lowest possible level, including attempts to discuss/resolve concerns with the Charter School employee directly. However, in the event an informal resolution cannot be achieved or is not appropriate, the following steps will be followed:

1. The complainant begins the process by filing a written complaint using a General Complaint Form (sample below) with the office of the Executive Director as soon as possible after the events that give rise to the complainant's concerns. The written complaint shall set forth in detail the factual basis for the complaint;

2. The Executive Director (or designee) shall use their best efforts to ascertain the facts relating to the complaint. When applicable, the Executive Director (or designee) shall confer with the parties identified in the complaint or persons with knowledge of the particulars of the complaint to ascertain said facts; and

3. In the event that the Executive Director (or designee) finds that a complaint is valid, the Executive Director (or designee) shall take appropriate action to resolve the concern. In the event the complaint is against an employee of the Charter School, the Executive Director (or designee) may take disciplinary action against the employee. As appropriate, the Executive Director (or designee) may counsel or reprimand employees as to their conduct without initiating formal disciplinary measures. The Executive Director's (or designee's) decision relating to the complaint shall be final.

DRAFT

4. If the complaint is about the Executive Director, the complainant may file their complaint by using a General Complaint Form (sample below) and sending it to the Chair of the Board, who will then conduct a fact-finding investigation or authorize a third-party investigator on behalf of the Charter School. The Chair or investigator will report the findings to the Board, in closed session for review and further action, if necessary.

5. The Executive Director or Chair shall draft a written response to the complainant indicating that the matter has been investigated and sufficiently addressed. If appropriate, the response may include general details about the manner of the resolution, but at all times employee and student privacy rights shall be maintained. No response may include any details about adverse action taken against a student or employee.

GENERAL ASSURANCES

1. Confidentiality: All complainants shall be notified that information obtained from the complainants, and thereafter gathered during the investigation, shall be maintained in a manner as confidential as possible, but in some circumstances absolute confidentiality cannot be guaranteed.

2. Non-Retaliation: All complainants shall be advised that complainants shall be protected against retaliation as a result of the filing of any complaints or participation in any complaint process.

3. Resolution: The Board, Executive Director, or designee will investigate complaints appropriately under the circumstances, and if necessary, take appropriate remedial measures to ensure effective resolution of any complaint.

DRAFT

GENERAL COMPLAINT FORM

Name: _____ Date: _____

Date of Alleged Incident(s): _____

Name of Person(s) this complaint is about (if known and applicable):

_____

List any witnesses that were present: _____

_____

Where did the incident(s) occur?

_____

Please describe the circumstances, events, or conduct that are the basis of your complaint by providing as much factual detail as possible (*e.g.* specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, *etc.*) (Attach additional pages, if needed):

_____

_____

_____

_____

_____

I hereby authorize the Charter School to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. Employees providing false information in this regard could result in disciplinary action up to and including termination.

_____ _____ _____

Signature of Complainant Print Name Date

[To be completed by Charter School]

_____ _____ _____

Received by: Print Name Date

DRAFT

DRAFT POLICY

Board Policy #: [INSERT]
Adopted/Ratified: [INSERT], 2020
Revision Date: October 14, 2020

INTERNAL COMPLAINT REVIEW POLICY

Orange County Educational Arts Academy ("OCEAA" or the "Charter School") has adopted this Internal Complaint Review Policy to afford all employees of the School the opportunity to seek internal resolution of their work-related concerns. All employees have free access to the Executive Director or Board of Directors to express their work-related concerns.

Specific complaints of unlawful harassment, discrimination, and retaliation are addressed under the School's "Policy Prohibiting Unlawful Harassment, Discrimination, and Retaliation."

INTERNAL COMPLAINTS (Complaints by Employees Against Employees)

This section of the policy is for use when a School employee raises a complaint or concern about a co-worker.

If reasonably feasible, internal complaints should be resolved at the lowest possible level, including attempts to discuss/resolve concerns with the immediate supervisor. However, in the event an informal resolution may not be achieved or is not appropriate, the following steps will be followed by the Executive Director or designee:

1. The complainant will bring the matter to the attention of the Executive Director as soon as possible after attempts to resolve the complaint with the immediate supervisor have failed or if not appropriate; and

2. The complainant will reduce his or her complaint to writing, indicating all known and relevant facts. The Principal or designee will then investigate the facts and provide a solution or explanation;

3. If the complaint is about the Executive Director, the complainant may file his or her complaint in a signed writing to the Chair of the School's Board of Directors, who will then confer with the Board and may conduct a fact-finding or authorize a third party investigator on behalf of the Board. The Board Chair or investigator will report his or her findings to the Board for review and action, if necessary.

This policy cannot guarantee that every problem will be resolved to the employee's satisfaction. However, the School values each employee's ability to express concerns and the need for resolution without fear of adverse consequence to employment.

POLICY FOR COMPLAINTS AGAINST EMPLOYEES (Complaints by Third Parties Against Employees)

This section of the policy is for use when a non-employee raises a complaint or concern about a School employee.

If complaints cannot be resolved informally, complainants may file a written complaint with the office of the Executive Director or Board Chair (if the complaint concerns the Executive Director) as soon as possible after the events that give rise to the complainant's concerns. The written complaint should set forth in detail the factual basis for the complaint.

In processing the complaint, Executive Director (or designee) shall abide by the following process:

1. The Executive Director or designee shall use his or her best efforts to talk with the parties identified in the complaint and to ascertain the facts relating to the complaint.

2. In the event that the Executive Director (or designee) finds that a complaint against an employee is valid, the Executive Director (or designee) may take appropriate disciplinary action against the employee. As appropriate, the Executive Director (or designee) may also simply counsel/reprimand employees as to their conduct without initiating formal disciplinary measures.

3. The Executive Director's (or designee's) decision relating to the complaint shall be final unless it is appealed to the Board of Directors. The decision of the Board shall be final.

General Requirements

1. Confidentiality: All complainants will be notified that information obtained from the complainants and thereafter gathered will be maintained in a manner as confidential as possible, but in some circumstances absolute confidentiality cannot be assured.

2. Non-Retaliation: All complainants will be advised that they will be protected against retaliation as a result of the filing of any complaints or participation in any complaint process.

3. Resolution: The Board (if a complaint is about the Executive Director) or designee will investigate complaints appropriately under the circumstances and pursuant to the applicable procedures, and if necessary, take appropriate remedial measures to ensure effective resolution of any complaint.

APPENDIX B
INTERNAL COMPLAINT FORM

Your Name: _____ Date: _____

Date of Alleged Incident(s):_____

Name of Person(s) you have a complaint against:

_____

_____

List any witnesses that were present:

_____

_____

Where did the incident(s) occur?

_____

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.) (Attach additional pages, if needed):

_____

_____

_____

_____

I hereby authorize the School to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. I further understand providing false information in this regard could result in disciplinary action up to and including termination.

_____	_____	_____
Signature of Complainant	Print Name	Date

[To be completed by School:]

_____	_____	_____
Received by:	Print Name	Date

DRAFT POLICY

Board Policy #: [INSERT]
Adopted/Ratified: [INSERT]
Revision Date: October 14, 2020

SECTION 504 OF THE REHABILITATION ACT POLICY

OCEAA recognizes the need to identify and evaluate students with disabilities in order to provide them with a free, appropriate public education, and its legal responsibility to ensure that "no qualified person with a disability will shall, solely by reason of their disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." This Policy has been developed to ensure the implementation of Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and its implementing regulations as amended, which pertains to public schools. The intent is to ensure all students with disabilities, who are eligible under Section 504, are identified and evaluated and have access to a free, appropriate public education ("FAPE").

Under Section 504, individuals with physical or mental impairments that substantially limit one or more major life activities, including learning, are entitled to receive regular or special education and/or related aids and services designed to meet their individual needs as adequately as the needs of nondisabled students are met. Major Life Activities include functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working, as well as the operation of a major bodily functions, including functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Students may be disabled and entitled to services under Section 504 even though they are not eligible for services pursuant to the Individuals with Disabilities Education Act Improvement Act of 2004 ("IDEA").

The Charter School's School Director or designee shall ensure that this policy and set of procedures is implemented and followed. Whenever there is reason to believe that, because of a disability, a student needs regular or special education and/or related aids and services (and the student has not been found eligible under IDEA) that student will be evaluated under this policy's corresponding procedures.

A 504 Team will be convened by the School Director or designee, to determine the student's need for regular or special education and/or related aids and services. The 504 Team will include the parent/guardian, the student (where appropriate) and other qualified persons knowledgeable about the student's individual needs and school history, the meaning of the evaluation data, placement options, and accommodations. Student's parent/guardian shall receive notice of procedural safeguards guaranteed by law.

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If OCEAA does not assess a student after a parent has requested an assessment, the Charter School shall provide notice of the parent's/guardian's procedural safeguards. OCEAA shall not retaliate in any way against parents/guardians or students who exercise any rights under the procedural safeguards and/or Section 504.

If the student, due to disability, is found to require regular or special education and/or related aids and services under Section 504, the Section 504 Team shall develop a 504 plan for the provision of such services to the student. The student shall be educated with nondisabled students to the maximum extent appropriate to the student's individual needs. The student's parent/guardian shall be provided a copy of the 504 plan and shall receive notice of procedural safeguards guaranteed by law. OCEAA shall periodically review the student's progress and placement.

The Charter School does not discriminate on the basis of disability or any other characteristic protected under law. OCEAA will implement this policy through its corresponding procedures.

ADA FACILITIES COMPLIANCE

The Charter School shall be solely responsible for its compliance with Section 504 and the ADA. The facilities to be utilized by the Charter School shall be accessible for all students with disabilities.

SECTION 504 PROCEDURES

A. Definitions

1. **Academic Setting** – the regular, educational environment operated by OCEAA.

2. **Individual with a Disability under Section 504** – An individual who:

   a. has a physical or mental impairment that substantially limits one or more major life activities;
   b. has a record of such an impairment; or
   c. is regarded as having such an impairment.

3. **Evaluation –** procedures used to determine whether a student has a disability as defined within these Procedures, and the nature and extent of the services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to, or procedures used with, all students in a school, grade or class.

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4. **504 Plan** – is a plan developed to identify and document the student's needs for regular or special education and related aids and services for participation in educational programs, activities, and school–sponsored events.

5. **Free Appropriate Public Education ("FAPE")** – the provision of regular or special education and related aids and services that are designed to meet the individual needs of persons with disabilities as adequately as the needs of persons without disabilities are met.

6. **Major Life Activities** - Functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. This list is not exclusive, and an activity or function not specifically listed in the Section 504 regulatory provision can nonetheless be a major life activity.

7. **Physical or Mental Impairment** –

    a. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory; including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; and endocrine; or

    b. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

8. **504 Coordinator**– The school's counselor, Cesar Alcaraz, shall serve as the Charter School's 504 Coordinator. The parents or guardians may request a Section 504 due process hearing from, or direct any questions or concerns to the Section 504 Coordinator at (714) 361-1852.

9. **Has a record of such an impairment** - means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

10. **Is regarded as having an impairment** - means

    a. An individual meets the requirement of 'being regarded as having such an impairment' if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

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b. Being regarded as having an impairment shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

B. **Referral, Assessment and Evaluation Procedures**

1. OCEAA will evaluate any student who, because of disability, needs or is believed to need regular or special education and/or related aids and services.

2. A student may be referred by anyone, including a parent/guardian, teacher, other school employee or community agency, for consideration as to whether the student qualifies as a student with disabilities under Section 504. Requests for evaluation shall be made in writing, and a copy of said request will remain in the student's file regardless of the final determination. This referral should be made to the Section 504 Coordinator who will convene a 504 Team. Any requests made to another Charter School employee will be forwarded to the Section 504 Coordinator.

3. The Charter School has the responsibility to ensure that students with disabilities are evaluated. Therefore, it is important that students who are or may be disabled are referred to the Section 504 Coordinator so that the assessment process is initiated.

4. The 504 Team convened by the Section 504 Coordinator will be composed of the student's parents/guardians and other persons knowledgeable about the student (such as the student's regular education teachers), the student's school history, the student's individual needs (such as a person knowledgeable about the student's disabling condition), the meaning of evaluation data, the options for placement and services, and the legal requirements for least restrictive environment and comparable facilities.

5. The 504 Team shall promptly consider the referral and determine what assessments are needed in all suspected areas of disability to evaluate whether the student is a student with a disability under Section 504 and what special needs the student may have. The decision regarding what assessments shall be undertaken shall be based on a review of the student's school records (including academic, social and behavioral records), any relevant medical records, and the student's needs. Students requiring assessment shall be provided appropriate assessments administered by qualified assessment specialists.

6. The 504 Team will consider the following information in its evaluation of the student:

a. Tests and other evaluation materials that have been validated for the specific purpose

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b. for which they are used and are administered by trained personnel;
b. Tests and other evaluation materials including those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
c. Tests are selected and administered so as to best ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure.)

7. The evaluation of the student must be sufficient for the 504 Team to accurately and completely describe: (a) the nature and extent of the disabilities; (b) the student's special needs; (c) the impact upon the student's education; and (d) what regular or special education and/or related aids and services are appropriate to ensure that the student receives a free appropriate public education. All significant factors relating to the learning process for that student, including adaptive behavior and cultural and language background, must be considered. The evaluation may include, but is not limited to, classroom and playground observation, performance-based testing, academic assessment information, and data offered by the student's teachers and parent/guardian.

8. Mitigating measures cannot be considered when evaluating whether or not a student has a substantially limiting impairment. Mitigating measures could include medications, prosthetic devices, assistive devices, or learned behavioral or adaptive neurological modifications a student uses to eliminate or reduce the effects of an impairment.

9. The parents/guardians shall be given an opportunity in advance of 504 Team meetings to examine assessment results and all other relevant records.

10. If a request for evaluation is denied, the 504 Team shall inform the parents/guardians in writing of this decision and of their procedural rights as described below.

C. **504 Plan**

1. When a student is identified as having a disability within the meaning of Section 504, the 504 Team shall determine what, if any, services are needed to ensure that the student receives a FAPE.

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2. The 504 Team is responsible for making the placement decision shall include the parents/guardians and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.

3. For each identified eligible student, the 504 Team will develop a 504 Plan describing the student's disability and the regular or special education and/or related aids and services needed. The Plan will specify how the special education and/or related aids and services will be provided to the eligible student and by whom. The 504 Plan will also identify the person responsible for ensuring that all the components of the Plan are implemented.

4. The student's teacher and any other staff who are to provide services to the student or who are to make modifications in the classroom for the student shall be informed of the services or modifications necessary for the student and, if appropriate, provided a copy of the 504 Plan. A copy of this plan shall be kept in the student's cumulative file in a manner that limits access to those persons involved in the 504 process and/or the provision of services and modifications.

5. The eligible student shall be placed in the regular education environment unless it is demonstrated that the student's needs cannot be met in the regular education environment with supplementary aids and services. The disabled student shall be educated with students who are not disabled to the maximum extent appropriate to their individual needs.

6. The referral, assessment, evaluation and placement process will be completed within a reasonable time. It is generally not reasonable to exceed fifty (50) school days in completing this process.

7. The parents/guardians shall be notified in writing of the final decision concerning the student's identification as a person with disabilities, the educational program and services to be provided, if any, and of the Section 504 procedural safeguards, as described below, including the right to an impartial hearing to challenge the decision.

8. If the 504 Team determines that the student has a disability but that no special services are necessary for the student, the 504 Plan shall reflect the identification of the student as a person with disability under Section 504 and shall state the basis for the decision that no special services are presently needed.

9. The 504 Plan shall include a schedule for annual review of the student's needs, and indicate that this review may occur more frequently at the request of the parent/guardian or school staff.

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10. OCEAA shall immediately implement a student's prior 504 Plan, when a student enrolls at the Charter School. Within thirty (30) days of starting school, OCEAA shall schedule a 504 Team meeting to review the existing 504 Plan. OCEAA shall request a copy of the prior 504 plan from both the prior school and the parent/guardian.

D. **Review of the Student's Progress**

1. The 504 Team shall monitor the progress of the eligible student and the effectiveness of the student's 504 Plan. According to the review schedule set out in the student's 504 Plan, the 504 Team shall annually determine whether the services and modifications are appropriate.

2. A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement.

E. **Procedural Safeguards**

1. Parents/guardians shall be notified in writing of all decisions regarding the identification, evaluation or educational placement of students with disabilities or suspected disabilities. Notifications shall include a statement of their rights to:

   - Examine relevant records
   - Have an impartial hearing with an opportunity for participation by the parents/guardians and their counsel
   - Have the right to file a Uniform Complaint pursuant to school policy
   - Seek review in federal court if the parents/guardians disagree with the hearing decision.

2. Notifications shall also set forth the procedures for requesting an impartial hearing. Requests shall be made to the following:

   Marlynne Carrera, 504 Coordinator ???
   Phone: (714) 558-2787
   E-mail: mcarrera@oceaa.org

   Notifications shall also advise that reimbursement for attorney's fees is available only as authorized by law.

3. The Section 504 Coordinator shall maintain a list of entities that can provide a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings.

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To ensure impartiality, such officers shall not be employed by or under contract in any capacity other than that of hearing officer with OCEAA, OCEAA's authorizers (Santa Ana Unified School District), or the respective County Offices of Education for the authorizers (Orange), and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

4. If a parent/guardian disagrees with the identification, evaluation or educational placement of a student with disabilities under Section 504, the parent/guardian may request a hearing to initiate due process procedures. The parent/guardian shall set forth in writing their request for a hearing. A request for hearing should include:

    - The specific decision or action with which the parent/guardian disagrees.
    - The changes to the 504 Plan the parent/guardian seeks.
    - Any other information the parent/guardian believes is pertinent.

5. Within five (5) calendar days of receiving the parent/guardian's request for a hearing, OCEAA may offer the parent/guardian an optional alternative dispute resolution process. However, the timeline for the hearing shall remain in effect unless it is extended by mutual written agreement of the parent/guardian and the Charter School. Alternative dispute resolution options include:

    - Mediation by a neutral third party.
    - Review of the 504 Plan by the Executive Officer or designee.

6. Within ten (10) calendar days of receiving the parent/guardian's request, the Section 504 Coordinator or designee shall select an impartial hearing officer. These 10 days may be extended for good cause or by mutual agreement of the parent/guardian and Section 504 Coordinator.

7. Within thirty-five (35) calendar days of the selection of the hearing officer, the due process hearing shall be conducted. These thirty-five (35) days may be extended for good cause or by mutual agreement of the parent/guardian and Section 504 Coordinator or designee.

8. The parent/guardian and the Charter School shall be afforded the rights to:

    - Present written and oral evidence.
    - Question and cross-examine witnesses.
    - Receive written findings by the hearing officer.

9. Be accompanied and advised by counsel and by individuals with special knowledge or training related to the individual needs of students who are qualified as having a disability under Section 504.

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10. The hearing officer shall issue a written decision within ten (10) calendar days of the hearing.

11. If desired, either party may seek a review of the hearing officer's decision by a federal court. The decision shall be implemented unless the decision is stayed, modified or overturned by a court.

10. OCEAA shall not retaliate in any way against parents/guardians or students who exercise any rights under the procedural safeguards and/or Section 504.

F. **Suspension and Expulsion, Special Procedures for Students with Disabilities**

OCEAA shall follow the suspension and expulsion policy and procedures as set forth in the charter. A pupil who is qualified for services under Section 504 of the Rehabilitation Act of 1973 is subject to the same grounds for disciplinary action, including suspension and expulsion, and is accorded the same due process procedures applicable to regular education pupils except when federal and state law mandates additional or different procedures. OCEAA will follow Section 504 and all applicable federal and state laws when imposing any form of discipline on a pupil identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such pupils. The following procedures shall be followed when a student with a disability is considered for suspension or expulsion. These procedures will be updated if there is a change in the law.

1. <u>Services During Suspension</u>

i. Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's 504 Plan; and receive, as appropriate, a functional behavioral assessment ("FBA") and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting.

2. <u>Procedural Safeguards/Manifestation Determination</u>

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, OCEAA, the parent, and relevant members of the 504 Team shall review all relevant information in the student's file, including the child's 504 Plan, any teacher observations, and any relevant information provided by the parents to determine:

a. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
b. If the conduct in question was the direct result of the local educational agency's failure to implement the 504 Plan.

If OCEAA, the parent, and relevant members of the 504 Team determine that either of the above is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

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If OCEAA, the parent, and relevant members of the 504 Team make the determination that the conduct was a manifestation of the child's disability, the 504 Team shall:

a. Conduct an FBA and implement a behavioral intervention plan ("BIP") for such child, provided that OCEAA had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;

b. If the child has a BIP, review the BIP and modify it, as necessary, to address the behavior; and

c. Return the child to the placement from which the child was removed, unless the parent and OCEAA agree to a change of placement as part of the modification of the BIP.

If OCEAA, the parent, and relevant members of the 504 team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a result of the failure to implement the 504 Plan, then OCEAA may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

3. Appeals

The parent of a child with a disability under a 504 Plan who disagrees with any decision regarding placement, or the manifestation determination, or if OCEAA believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, either party may request to utilize the appeal process outlined in the Procedural Safeguards section of these Procedures.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or OCEAA, the hearing officer shall determine whether the student shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 U.S.C. Section 1415(k), until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, unless the parent and OCEAA agree otherwise.

4. Special Circumstances

OCEAA personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

The School Director or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:

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a. Carries or possesses a weapon, as defined in 18 U.S.C. § 930, to or at school, on school premises, or to or at a school function;
b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
c. Has inflicted serious bodily injury, as defined by 20 U.S.C. § 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

5. Interim Alternative Educational Setting

i. The student's interim alternative educational setting shall be determined by the student's 504 Team.

6. Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified as an individual with disabilities pursuant to the IDEA and who has violated OCEAA's disciplinary procedures may assert the procedural safeguards granted under these Procedures only if OCEAA had knowledge that the student was had a disability before the behavior occurred.

OCEAA shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:

a. The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, to OCEAA supervisory or administrative personnel, or to one of the child's teachers, that the student is in need of special education or related services.

b. The parent has requested an evaluation of the child.

c. The child's teacher, or other OCEAA personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the School Director or to other OCEAA supervisory personnel.

If OCEAA knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the protections available to IDEA-eligible children with disabilities, including the right to stay-put.

If OCEAA had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. OCEAA shall conduct an expedited evaluation if requested by the parents; however, the student shall remain in the education placement determined by OCEAA pending the results of the evaluation.

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OCEAA shall not be deemed to have knowledge of that the student had a disability if the parent has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION, ACCOMMODATION AND PLACEMENT

(Section 504 of the Rehabilitation Act of 1973)

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions. Please keep this explanation for future reference.

You have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disabling condition.

2. Have OCEAA advise you of your rights under federal law.

3. Receive notice with respect to Section 504 identification, evaluation and/or placement of your child.

4. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have OCEAA make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.

5. Have your child educated in facilities and receive services comparable to those provided to non-disabled students.

6. Have your child receive special education and related services if he/she is found to be eligible under the Individuals with Disabilities Education Improvement Act (IDEA).

7. Have an evaluation, educational recommendation, and placement decision developed by a team of persons who are knowledgeable of the student, the assessment data, and any placement options. This includes the right to an evaluation before the initial placement of the student and before any subsequent significant change in placement.

8. Have your child be given an equal opportunity to participate in non-academic and extracurricular activities offered by OCEAA.

9. Examine all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, educational program, and placement.

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10. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.

11. Obtain a response from OCEAA to reasonable requests for explanations and interpretations of your child's records.

12. Request an amendment of your child's educational records if there is reasonable cause to believe they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If OCEAA refuses this request for amendment, the School shall notify you within a reasonable time and advise you of your right to an impartial hearing.

13. Request mediation or file a grievance in accordance with OCEAA Section 504 mediation grievance and hearing procedures, outlined above.

14. Request an impartial hearing regarding the Section 504 identification, evaluation, or placement of your child. You and the student may take part in the hearing and have an attorney represent you.

15. File a formal complaint pursuant to OCEAA's Uniform Complaint Policy and Procedures. Please ask the School Director for a copy of the School's Uniform Complaint Policy and Procedures if you need one.
16. File a formal complaint with the U.S. Department of Education.

Office for Civil Rights, U.S. Department of Education
San Francisco Office
50 United Nations Plaza
Mail Box 1200, Room 1545
San Francisco, CA 94102
(415) 486-5555 PHONE
(415) 486-5570 FAX
Email: OCR.SanFrancisco@ed.gov

17. Be free from any retaliation from OCEAA for exercising any of these rights.

Please contact Marlynne Carrera, 504 Coordinator, c/o OCEAA 825 N. Broadway Santa Ana Blvd, Santa Ana, CA 92701 (714) 558-2787 with any questions regarding the information contained herein.

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DRAFT POLICY

Board Policy #: [INSERT]
Adopted/Ratified: [INSERT], 2015
Revision Date: October 14, 2020

USDA Nondiscrimination Statement

Orange County Educational Arts Academy ("OCEAA" or the "Charter School") participates in or administers U.S. Department of Agriculture ("USDA") programs. As such, the OCEAA Board has adopted this Policy.

In accordance with Federal civil rights law and USDA civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992.

Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

DRAFT POLICY

Board Policy #: [INSERT]
Adopted/Ratified: [INSERT]
Revision Date: October 14, 2020

SPECIAL EDUCATION POLICY

The Board of Directors of Orange County Educational Arts Academy ("OCEAA" or the "Charter School") recognizes the need to identify, evaluate, and serve students with disabilities in order to provide them with a free appropriate public education ("FAPE") in the least restrictive environment. Accordingly, this Policy has been adopted consistent with Education Code section 56195.8.

The following provisions govern the application of special education services to OCEAA students:

OCEAA shall comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Americans with Disabilities Act of 1992 ("ADA"), and the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA"). All students will have access to OCEAA, and no student shall be denied admission based solely on disability status.

The Charter School, as an Local Educational Agency ("LEA"), shall be responsible for complying with all provisions of the IDEA and implementing regulations as they relate to local educational agencies. OCEAA will assume full responsibility for providing special education and related services to eligible Charter School students in accordance with state and federal law, will agree to follow all policies and procedures of the SELPA, and serve students who qualify for special education, instruction, and services. The Charter School will further agree to collaborate with the Special Education Local Plan Area ("SELPA") to respond to inquiries and requests and provide access to information and records, as needed, and shall be responsible for maintaining confidentiality of student records.

A student with disabilities attending OCEAA shall receive special education instruction or designated instruction and services, or both, in a manner consistent with their individualized education program ("IEP"), as applicable and in compliance with the IDEA. OCEAA shall be responsible for providing all special education services to all actively enrolled OCEAA students regardless of their school district of residence.

The Charter School may seek resources and services (e.g. Speech, Occupational Therapy, Adapted P.E., Nursing, and Transportation) from the SELPA, subject to SELPA approval and availability. The Charter School may also provide related services by hiring credentialed or licensed providers through private agencies or independent contractors.

OCEAA shall provide special education instruction and related services in accordance with the IDEA, applicable Education Code requirements, and applicable policies and practices of the SELPA. At all times, OCEAA shall comply with all state and federal laws related to the identification of students with special needs and the provision of

special education instruction and related services and all SELPA policies and procedures and shall utilize appropriate SELPA forms.

Identification, Referral, and Evaluation for Special Education

OCEAA personnel will actively seek out children in need of special education and related services in compliance with its child find obligation including, but not limited to, careful analysis of all student cumulative records, data, parent/family communications, and community notices. OCEAA shall follow applicable state and federal law and regulations and SELPA policy with respect to the identification, referral, and assessments of students for special education and related services.

OCEAA will develop, maintain, and implement policies and procedures to ensure timely identification and referral of students who have, or may have, such exceptional needs in accordance with state and federal law, and SELPA policies and procedures. OCEAA is responsible for obtaining the cumulative files, prior and/or current IEP and other special education information on any student enrolling in the Charter School. A pupil shall be referred for special education instruction and services only after the resources of the regular education program have been fully considered and utilized, as appropriate. When a student transfers from OCEAA, OCEAA will follow applicable law in providing pupil records, including IEPs and supporting documents, to the new school of enrollment.

The term "assessment" shall have the same meaning as the term "evaluation" in the IDEA, as provided in Section 1414, Title 20 of the United States Code. OCEAA shall determine what assessments are necessary, including assessments for all referred students, annual assessments and tri-annual assessments, in accordance with applicable law. The Charter School shall obtain parent/guardian consent to assess Charter School students. Assessment will be conducted by qualified personnel who are trained and/or certified to administer specific assessments and evaluation instruments.

Multi-Tiered Systems of Support ("MTSS")

OCEAA's MTSS framework provides a comprehensive model for academic and behavioral progress monitoring and interventions for students. MTSS data are used in identification of students with disabilities and are integral in the decision-making processes for special education referrals, assessment, and eligibility determinations as described in the following subsections. Additional information about the Charter School's MTSS program can be located within the Charter.

Individualized Education Program ("IEP") Team Meetings

The centerpiece of special education programming is the IEP. An IEP is created for each student requiring special education and/or related aids and services upon the completion of each assessment. OCEAA shall convene IEP team meetings with the legally required composition within all legally applicable timelines, in accordance with state and federal law and regulations and SELPA policy.

Charter School shall also review, at the request of a student's general or special education teacher, the student's assignment to their class. A mandatory IEP meeting shall be convened if the review indicates a change to the student's placement, instruction, related services, or any combination thereof may be required. The [INSERT STAFF – e.g. Executive Officer, school psychologist, and Director of Special Education] shall be responsible for completing the review within fifteen (15) days of the teacher's request.

Decisions regarding eligibility, goals/objectives, program, placement in and exit from special education shall be determined by the IEP Team. Team membership shall be in compliance with state and federal law and shall include all required representatives, which consist of at least the student's parent(s)/guardian(s), the student's general education teacher, an OCEAA administrator, and an education specialist. Services and placements shall be provided to eligible OCEAA students in accordance with applicable law and the policies and procedures of the SELPA.

Instructional staff (teachers and service providers) will monitor the student's progress throughout the year to ensure the student is on track for meeting growth goals. The IEP Team will review the student's progress toward the goals specified in the IEP on an annual and a triennial basis. With respect to goals, a S.M.A.R.T. paradigm will be utilized across all students, irrespective of the educational disability.

In accordance with rules and regulations, OCEAA monitors student progress toward the goals specified in the IEP regularly and formally reviews each IEP at least on an annual and triennial basis, or more frequently if the need arises, or upon request of student's parent/guardian. OCEAA staff shall comply with state and federal laws and SELPA procedures related to IEPs, including, but not limited to, those required by any web-based IEP system, the requirement that IEPs be affirmed and attested to by appropriate members of the IEP team.

OCEAA shall, before the placement of the student with exceptional needs, ensure that the staff and other persons who provide special education services to the student be knowledgeable of the content of the IEP. A copy of each IEP shall be maintained in a secure location at the school site. Service providers from other agencies who provide instruction or related service to the individual of the school site shall be provided a copy of the IEP. All IEPs shall be maintained in accordance with state and federal student record confidentiality laws.

Educational Services

To the extent that the IEP requires special education or related services, OCEAA shall provide and/or arrange for such services. To the maximum extent appropriate, children with disabilities are educated using an age-appropriate inclusion model. Special class, separate schooling, or other removal of a student with disabilities from the general educational environment will be recommended only when the nature or severity of the disability is such that the general education setting with the use of supplemental aids and services cannot be achieved satisfactorily.

General Education Program Support

If the student is deemed eligible (or, in the case of three-year or re-evaluation re-eligible) for special education programming, OCEAA shall provide instruction that best meets the student's needs with a full continuum of instructional services inclusive of co-teaching, in-class targeted instruction and resource support.

With reference to integrated co-teaching ("ICT"), if applicable, OCEAA shall establish a platform that encompasses a combination of the following:

- One Teach One Drift/Assist
- Parallel Teaching
- Alternative Teaching
- Station Teaching
- Team Teaching
- One Teach-One Observe

With the understanding that co-teaching requires intensive professional development and co- planning time, the co-teaching dyads will be provided with ample training, time, and other supports to ensure success of these structures.

If the student requires additional related services to benefit from their educational program, OCEAA's staff shall provide services in accordance with best practices as advocated by professional organizations.

Driving principles include: (1) an educational model; (2) data-driven practices; (3) an inclusionary orientation that emphasizes the least restrictive environment; and (4) a multi-disciplinary approach that builds capacity of teachers, teaching assistants, and parents to help students with disabilities generalize skills throughout the curriculum.

Resource Specialist Program

OCEAA shall employ or contract with certificated resource specialists to provide services for students with disabilities which shall include, but not be limited to:

1. Providing instruction and services to students whose needs have been identified in an IEP developed by the IEP team and who are assigned to regular classroom teachers for a majority of the school day. Students shall not be enrolled in a resource specialist program for the majority of the school day without approval of the IEP team.

2. Providing information and assistance to students with disabilities and their parents/guardians.

3. Providing consultation, resource information, and material regarding students with disabilities to their parents/guardians and regular education staff members.

4. Coordinating special education services with the regular school programs for each student with disabilities enrolled in the resource specialist program.

5. Monitoring student progress on a regular basis, participating in the review and revision of IEPs as appropriate, and referring students who do not demonstrate appropriate progress to the IEP team.

6. At the secondary school level, emphasizing academic achievement, career and vocational development, and preparation for adult life.

7. Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes.

OCEAA's resource specialist program shall be under the direction of a resource specialist who possesses:

1. A special education credential or clinical services credential with a special class authorization.

2. Three or more years of teaching experience, including both regular and special education teaching experience, as defined by rules and regulations of the Commission on Teacher Credentialing.

3. Demonstration of competencies required for a resource specialist as established by the Commission on Teacher Credentialing.

The Executive Officer shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, collective bargaining agreement, and/or SELPA policy. No resource specialist shall have a caseload which exceeds twenty-eight (28) students, unless a valid waiver is obtained through the State Board of Education, consistent with Title 5, California Code of Regulations, section 3100.

Nonpublic, Nonsectarian Services

OCEAA may contract with state-certified nonpublic, nonsectarian schools or agencies to provide special education services or facilities when an appropriate public education program at OCEAA is not available in accordance with Education Code section 56366 and Section 3062 of Title 5 of the California Code of Regulations. When entering into agreements with nonpublic, nonsectarian schools ("NPSs") or agencies ("NPAs"), OCEAA consider the needs of the individual student and the recommendations of the IEP team. The IEP team shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs towards the goals identified in each student's IEP.

In accordance with Education Code section 56366.1, when entering into a Master Contract with an NPS where OCEAA has not previously placed a student, the Charter School shall conduct an onsite visit to the NPS at the time of placement. OCEAA shall also conduct at least one onsite monitoring visit to the NPA during each school year in which the Charter School has a student attending pursuant to a Master Contract. The monitoring visit shall include the following:

- A review of services provided to the student through the individual service agreement OCEAA and the NPS;
- A review of progress the student is making toward the student's IEP goals;
- A review of progress the student is making toward the goals set forth in the student's behavior intervention plan;
- If applicable, an observation of the student during instruction;
- A walkthrough of the facility; and
- Any other reviews and/or observations deemed necessary by OCEAA.

OCEAA shall follow state and federal law and regulations and SELPA policy when contracting with nonpublic, nonsectarian schools or agencies.

Procedural Safeguards

Parent/guardians shall receive written notice of their rights in accordance with state and federal law and regulation, and SELPA policy.

Please see the Director of Special Education for a copy of your procedural safeguards.

Suspension and Expulsion of Students with Disabilities

OCEAA will follow special procedures for the consideration of suspension and expulsion or involuntary removal of students with disabilities. OCEAA's complete Suspension and Expulsion Policy within element 10 of the Charter.

A student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to general education students except when federal and state law mandates additional or different procedures. The Charter School will follow all applicable federal and state laws including but not limited to the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

Special Procedures for the Consideration of Suspension and Expulsion or Involuntary Removal of Students with Disabilities

1. Notification of SELPA:

The Charter School shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA of the discipline of any student with a disability or student that the Charter School or the SELPA would be deemed to have knowledge that the student had a disability.

2. Services During Suspension:

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting (which could constitute a change of placement and the student's IEP would reflect this change), and to progress toward meeting the goals set out in the child's IEP/504 Plan; 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 recur. These services may be provided in an interim alternative educational setting.

3. Procedural Safeguards/Manifestation Determination:

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the Charter School, the parent, and relevant members of the IEP/504 Team shall review all relevant information in the student's file, including the child's IEP/504 Plan, any 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 child's disability; or
2. If the conduct in question was the direct result of the local educational agency's failure to implement the IEP/504 Plan.

If the Charter School, the parent, and relevant members of the IEP/504 Team determine that either of the above is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

If the Charter School, the parent, and relevant members of the IEP/504 Team make the determination that the conduct was a manifestation of the child's disability, the IEP/504 Team shall:

1. Conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that the Charter School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
2. If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
3. Return the child to the placement from which the child was removed, unless the parent/guardian and the Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

If the Charter School, the parent/guardian, and relevant members of the IEP/504 Team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a direct result of the failure to implement the IEP/504 Plan, then the Charter School may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

4. Due Process Appeals:

The parent/guardian of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited

administrative hearing through the Special Education Unit of the Office of Administrative Hearings or by utilizing the dispute provisions of the 504 Policy and Procedures.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent/guardian or the Charter School, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 U.S.C. Section 1415(k), until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, unless the parent and the Charter School agree otherwise.

In accordance with 20 U.S.C. Section 1415(k)(3), if a parent/guardian disagrees with any decision regarding placement, or the manifestation determination, or if the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the parent/guardian or Charter School may request a hearing.

In such an appeal, a hearing officer may: (1) return a child with a disability to the placement from which the child was removed; or (2) order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

5. Special Circumstances:

Charter School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

The Executive Officer or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:

a. Carries or possesses a weapon, as defined in 18 U.S.C. Section 930, to or at school, on school premises, or to or at a school function;

b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or

c. Has inflicted serious bodily injury, as defined by 20 U.S.C. Section 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

6. Interim Alternative Educational Setting:

The student's interim alternative educational setting shall be determined by the student's IEP/504 Team.

8. Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the Charter School's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the Charter School had knowledge that the student was disabled before the behavior occurred.

The Charter School shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:

1. The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, to Charter School supervisory or administrative personnel, or to one of the child's teachers, that the student is in need of special education or related services.
2. The parent has requested an evaluation of the child.
3. The child's teacher, or other Charter School personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the Special Education Coordinator or to other Charter School supervisory personnel.

If the Charter School knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the protections available to IDEA- eligible children with disabilities, including the right to stay-put.

If the Charter School had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. The Charter School shall conduct an expedited evaluation if requested by the parents; however the student shall remain in the education placement determined by the Charter School pending the results of the evaluation.

The Charter School shall not be deemed to have knowledge that the student had a disability if the parent has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

Reporting

OCEAA, in collaboration with the SELPA, will collect and maintain the following information on students with disabilities as required by IDEA:

- A calculation of all school-age students with disabilities being provided special education services by age, grade, category of disability, and the number of students with disabilities who are English Learners.
- The number of students provided with test modifications and the types and the number of students exempted from State assessments; The settings in which students with disabilities, receive the services, specifically including the portion of the school day they receive services with non-disabled peers and time away from the regular classroom.
- The number of students with disabilities suspended "in-school" and "out-of-school," organized by program eligibility and length of suspensions.
- The basis of exit from OCEAA for students with disabilities (i.e., attainment of diploma and type, declassified, moved, etc.).
- Any other information deemed necessary by state and federal law and regulation and SELPA policy.

All necessary procedures and practices to ensure confidentiality and accurate/timely reporting will be the responsibility of OCEAA's Executive Officer or designee. The Executive Officer or designee will ensure that a central file with all special education evaluation material and IEPs is maintained and that this file is locked and confidential, in accordance with IDEA guidelines. The Executive Officer or designee will oversee access to these records and will be responsible for ensuring that all providers responsible for the implementation of a student's IEP will have access to a copy of the IEP, will be informed of their specific responsibilities in implementing the IEP, and expectations for privacy under the Family Educational Rights and Privacy Act ("FERPA").

Students with Temporary Disabilities – Home Hospital Instruction

Pursuant to Assembly Bill 2109, OCEAA may continue to enroll a student with a temporary disability who is receiving individual instruction in a hospital or other residential health facility (referred to as home hospital instruction ("HHI")) in order to facilitate the timely reentry of the pupil in their prior school after the hospitalization has ended, or in order to provide a partial week of instruction to a student who is receiving HHI, for fewer than five (5) days of instruction per week, or the equivalent. A student receiving HHI who has clearance by a medical professional to return to school shall be allowed to return to OCEAA, the school that the student attended immediately before receiving HHI, if the student returns during the school year in which the HHI was initiated.

Transportation

Charter School shall ensure appropriate, no cost transportation services are provided for students with disabilities as specified in their IEP as a related service when required. The specific needs of the student shall be the primary consideration when an IEP team is determining the student's transportation needs. Considerations may include, but are not limited to, the student's health needs, travel distances, physical accessibility and safety of streets and sidewalks, accessibility of public transportation systems, midday or other transportation needs, extended-year services, and, as necessary, implementation of a behavioral intervention plan.

When transportation services are required, the Executive Officer or designee shall arrange transportation schedules so that students with disabilities do not spend an excessive amount of time on buses compared to other students. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis.

When contracting with a nonpublic, nonsectarian school or agency to provide special education services, the Executive Officer or designee shall ensure that the contract includes general administrative and financial agreements related to the provision of transportation services if specified in the student's IEP.

Guide dogs, signal dogs and service dogs trained to provide assistance to persons with disabilities may be transported in a school bus when accompanied by students with disabilities, teachers with disabilities, or persons training the dogs.

Charter School shall ensure that all school buses, school student activity buses, youth buses and childcare motor vehicles, whenever they may be used, are equipped with an operational child safety alert system. Charter School shall ensure that all buses are equipped with a passenger restraint system.

Mobile seating devices, when used, shall be compatible with the securement systems required by Federal Motor Vehicle Safety Standard No. 222 (49 C.F.R. § 571.222). OCEAA shall ensure school bus drivers are trained in the proper installation of mobile seating devices in the securement systems.

Independent Educational Evaluations

A. IEE at Parent Expense

Charter School acknowledges that a parent/guardian has the right to obtain an independent educational evaluation(s) ("IEE") at their own expense at any time. In these circumstances, the Executive Officer or designee(s) shall ensure that the student's IEP team shall consider the results of the IEE when determining an offer of a FAPE for the student. However, the results of an IEE will not dictate the IEP team's determinations.

If a parent/guardian requests reimbursement for an IEE assessment obtained by the parent/guardian at their own expense, the Executive Officer or designee(s) shall ensure that the unilaterally obtained IEE meets the following criteria:

1. The parent disagreed with the Charter School's evaluation and the Charter School received a request within a reasonable time after receipt of the results of the evaluation.

2. The parent timely and upon request provided Charter School with written consent to exchange information with the examiner.

3. The private evaluation meets all criteria contained in this Policy.

4. The parent timely provided a copy of the written evaluation report and all other documents\tests related to the report.

5. The examiner attends the relevant IEP team meeting by phone or in person to discuss their findings and provides protocols of all assessments to Charter School.

The reimbursement will be in an amount no greater than the actual cost to the parents. Parents may only be reimbursed for one (1) IEE for each assessment area or discipline with which they disagree.

In all cases, if Charter School initiates a due process hearing to show that Charter School's evaluation is appropriate, no reimbursement shall be made unless ordered by a Hearing Officer.

B. IEE at Public Expense

Charter School recognizes that federal and state laws provide parents/guardians of students with disabilities with the right to obtain an IEE, at public expense, when the parent/guardian disagrees with an assessment conducted by Charter School within the last two (2) years. Parents may only receive one (1) IEE for each assessment area or discipline with which they disagree.

The Executive Officer or designee(s) shall ensure that when a parent/guardian requests an IEE at public expense, Charter School shall provide the parent/guardian with a copy of their Procedural Safeguards *and,* without unnecessary delay, either:

1. Initiate a due process hearing to show that the evaluation, completed by the Charter School, is appropriate; or

2. Provide the parent/guardian with information about where an IEE may be obtained, the Charter School's criteria applicable for IEEs, and ensure that an IEE is provided at public expense.

Should the Charter School grant the parent's request for an IEE, the Executive Officer or designee(s) shall ensure the following:

1. The criteria under which the IEE is obtained at public expense, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that Charter School uses when it initiates an evaluation.

2. Charter School does not impose conditions or timelines related to obtaining an IEE at public expense.

3. All assessments shall be completed by persons competent to perform the assessment as determined by Charter School. Parent has the right to choose the examiner.

4. If the original evaluation completed by Charter School included in-class observation of the student, an equivalent opportunity shall apply to an independent educational assessment of the student in the student's current educational placement and setting.

5. A parent/guardian shall have the opportunity to demonstrate that unique circumstances justify a waiver of any of the criteria listed above as defined by Charter School.

6. The evaluator must prepare and sign a full evaluation report containing:
    a. A list of all information/data reviewed.
    b. A clear explanation of the testing and assessment results.
    c. A complete summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores, domain or composite scores, and sub-test scores reported in standard, scaled or T-score format.
    d. A complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator.
    e. Recommendations for IEP team consideration for educational programming and, if appropriate, placement that is educationally relevant and realistic within a public educational setting.

The cost determination for an IEE shall be comparable to the costs incurred by Charter School when it uses its own employees or contractors to complete an assessment, whenever possible and shall reflect reasonable and customary rates for such services in the area. As a result, the Executive Officer or designee(s) shall provide a parent/guardian with a recommended cost ceiling. The cost ceiling shall be updated (*once every three (3) years*) and determined by averaging the cost of the following three factors:

1. The cost of an assessment provided by a Charter School employee.

2. The cost of an assessment provided by a neighboring local educational agency.

3. The cost of an assessment provided by a private service provider, with appropriate qualification, within 40 miles from the Charter School.

The Executive Officer or designee(s) shall ensure a parent/guardian may demonstrate that unique circumstances, related to the student's education need(s), justify a financial waiver of any for the cost as defined by Charter School.

The Executive Officer or designee(s) shall ensure a parent/guardian voluntarily have their private health insurance pay the costs of the IEE if covered by their insurance. However, Charter School recognizes that federal and state laws specify that parents/guardians are not required to have private insurance cover the costs of an IEE if the process would result in a financial cost to the parent/guardian including but not limited to:

1. A decrease in available lifetime coverage or any other benefit under an insurance policy

2. An increase in premiums or the discontinuance of the policy

3. An out-of-pocket expense such as payment of a deductible amount incurred in filing a claim

DRAFT

Parent/Guardian Assumption of Risk
Waiver of Liability, and Indemnity Agreement
Relating to Coronavirus/COVID-19

For Students and Parents Coming to Campus to Participate in
Support Services and Small Cohort Stage

Orange County Educational Arts Academy ("School") continues to provide distance learning to its students for the 2020-21 school year. The School will be offering the opportunity and option for high-needs students to come to the School campus for supervised access to the distance learning program ("On Campus Support"). Signing this waiver is only required if you will be coming to campus for On Campus Support. On Campus Support is entirely optional and no student shall receive any advantage in terms of grading or course credit for attending On Campus Support.

For all parents who have their child(ren) come to campus for On Campus Support, the School is requiring that parents/guardians complete and adhere to the below information and safety guidelines to reduce the risk or spread of infection of COVID-19.

The School is complying with guidance and taking reasonable steps to mitigate the risk of spreading COVID-19; however, there is no guarantee you or your child will not become infected with COVID-19 if you come to campus for On Campus Support. As the requirements and COVID-19 situation evolve, the School may modify the measures it takes. The School will keep a current list of measures and requirements posted on its website which can be accessed here: https://oceaa.org/distance-learning/

I am providing the following information on behalf of _____**("Student")** as of the date that I am signing this form **[please initial each paragraph]:**

____ I promise and agree that I and my child(ren) will not come to campus for On Campus Support if any of us have had contact with anyone confirmed with COVID-19 in the past fourteen (14) days.

____ I promise that before coming to campus for On Campus Support, I will determine if I, my child(ren) , or any members of Student's household, are experiencing a fever (above 100.4) or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea ("COVID-19 Symptoms"), if so, the student is expected to stay home for up to fourteen (14) days.

____ I promise and agree that I will ensure my and my child's(rens') temperatures are taken daily before leaving home.

____ I agree that I and my child(ren) will comply with all safety measures in place for the campus when we are on campus for On Campus Support, including but not limited to wearing a face covering (all day), washing hands or using hand sanitizer, and social distancing requirements.

____ I understand that there is an inherent risk of exposure and infection of COVID-19 during On Campus Support. I know, understand and voluntarily accept these risks.

____ I understand that my child(ren) must come to school with all necessary materials to be able to participate in distance learning from the School. Materials should include: iPad or Chromebook, earphones, charger, books, and folders with coursework.

____ I understand that my child(ren) must bring his/her own refillable water bottle every day.

____ I have read and agree to the Assumption of Risk, Waiver of Liability, and Indemnity Agreement, fully understand its terms, and understand that I am giving up substantial rights, including my right to sue. I confirm that I am signing the agreement freely and voluntarily, and intend my signature to be a complete and unconditional release of all liability to the greatest extent allowed by law. Visit https://bit.ly/oceaawaiver to read the Assumption of Risk, Waiver of Liability, and Indemnity Agreement.

This is to certify that I, as parent/guardian, with legal responsibility for my child(ren), have read and explained the provisions in this waiver/release to my child/ward including the risks of presence and participation and his/her/their personal responsibilities for adhering to the rules and regulations for protection against communicable diseases.

_____

Child(ren) Name(s)

_____

Parent/Guardian Name

_____ _____

Parent/Guardian Signature Date

Plan for Tracking Daily Participation and Weekly Engagement for Distance Learning

October 14, 2020
OCEAA Board of Directors Meeting

Background

For the 2020-21 school year, local educational agencies (LEAs) providing instruction through distance learning in whole or part are subject to the provisions of the distance learning statutes (*Education Code* (*EC*) Section 43500).

Included within those provisions of law are requirements that the LEA document:

- Instructional Assignment/ Delivery Method
- Assignment Tracking
- Attendance/ Absence Documentation
    - Written reengagement plan for students absent from distance learning
- Daily Participation Documentation and Verification
- Instructional Time Certification

The above distance learning requirements will be reviewed during the annual audit and have a fiscal consequence if not met.

Background

LEAs must have a plan in place to collect and manage information from employees, including teachers that are documenting and maintaining these records, so that the information is available and easily attainable at the time of the annual audit.

The CDE recommended documentation template, released in August, has been widely criticized as burdensome to teachers.

New guidance* emphasizes modifications to current systems and processes to meet all the audited distance learning documentation requirements.

* *LEA ALTERNATIVES FOR TRACKING DAILY PARTICIPATION AND WEEKLY ENGAGEMENT FOR DISTANCE LEARNING 2020-21 School Year:* California Department of Education, School Fiscal Services Division, October 2020

CDE Identified Combinations to Meet Requirements

Options	**Attendance/Absence Documentation and Daily Participation Verification** *EC* Section 43504(d)(e)(f)	**Instructional Assignment/Delivery Method and Assignment Tracking** *EC* Section 43504(e)	**Instructional Time Certification** *EC* sections 43502(e) and 43504(c)
Level	Student	Class	May be certified at student, class, or grade level.
Combination A *SIS + Lesson Plan/Grade Book*	SIS captures the following: 1. Document attendance and absences 2. Document daily participation verification methodology 3. Certification to the accuracy and correctness of the attendance record by an employee of the LEA that can attest to first-hand knowledge of the attendance.	Use teacher's lesson plan and/or grade book to document students' assignments and document in-person, synchronous, and/or asynchronous instruction for full or partial day.	Create a standalone certification document to be completed by a certificated employee of the LEA certifying to the time value of assignments.

OCEAA Systems to Meet Requirements

Options	**Attendance/Absence Documentation and Daily Participation Verification** *EC* Section 43504(d)(e)(f)	**Existing OCEAA Systems**	**Modification needed**
Level	Student	Student	Student
Combination A *SIS + Lesson Plan/Grade Book*	SIS captures the following: 1. Document attendance and absences 2. Document daily participation verification methodology 3. Certification to the accuracy and correctness of the attendance record by an employee of the LEA that can attest to first-hand knowledge of the attendance.	PowerSchool Attendance Codes ● DP (Distance Present): Present during any portion of synchronous learning time for that day ● DA (Distance Absent): Not present during any portion of synchronous learning time for that day Seesaw Activity Reports - additional documentation of student-level participation	Additional Attendance Code ● DW (Distance Work): Not present during any portion of synchronous learning but submitted work. Create an electronic attendance certification document to be completed by a certificated employee with firsthand knowledge of the student's participation.

Seesaw Activity Report

- Run every Monday
- Student level report that shows engagement with assigned work in Seesaw for the past 7 days.

By student:

1. Student Name
2. Student ID
3. Grade Level (mode grade level for student of all classes they attend)
4. Last Active Date (active means performed any action in Seesaw like signed in, added a post, added a comment, viewed announcements)
5. Days Active in Past Week
6. Posts Added to Student Journal in Past Week (approved posts and draft posts)
7. Comments Added in Past Week
8. Posts Added to Student Journal Yesterday (approved posts and draft posts)
9. Comments Added Yesterday
10. Days with Posts Added to Student Journal in Past Week (number of days out of the last week that the student has at least one approved post or draft post)
11. Days with Comments in Past Week
12. Connected Family Members
13. Active Yesterday (1 = yes)
14. Active in Last Week (1 = yes)
15. Active MM/DD (one column for every date active of past week, 1 = yes)

OCEAA Systems to Meet Requirements

Options	**Instructional Assignment/Delivery Method and Assignment Tracking** *EC* Section 43504(e)	**Existing OCEAA Systems**	**Modification needed**
Level	Class	Class	Class
Combination A *SIS + Lesson Plan/Grade Book*	Use teacher's lesson plan and/or grade book to document students' assignments and document in-person, synchronous, and/or asynchronous instruction for full or partial day. A class schedule may be used to meet the requirement to document in-person, synchronous, and or asynchronous instruction. LEAs that choose to use this method will still need to meet the assignment tracking or instructional time certification requirements (11).	Master Schedule* Archived Lesson Plans ● Learning Targets, input, activities, formative assessment ● Can be in week-at-a glance or Daily PPTs/Class Agenda format PTP Gradebook ● Summative assessment scores	Create an electronic instructional time certification document to be completed by a certificated employee certifying to the time value of assignments.

Minutes	Time	Monday	Tuesday*	Wednesday	Thursday	Friday
	8:00 - 8:10	Breakfast/ Tech Support				
30	8:10 - 8:40	Crew	Crew 8:10-8:30	Crew	Crew	Crew
10	8:40 - 8:50	Students watch flipped video/complete entrance ticket	SS/Sci/Case Study Garcia Art 8:30-9:10	Students watch flipped video/complete entrance ticket	Students watch flipped video/complete entrance ticket	Students watch flipped video/complete entrance ticket
20	8:50 - 9:10	Spanish Reading-LA Reading/Writing Mini Lesson		Spanish Reading-LA Reading/Writing Mini Lesson	Spanish Reading-LA Reading/Writing Mini Lesson	Spanish Reading-LA Reading/Writing Mini Lesson
	9:10-9:20	Brain Break	Brain Break	Brain Break	Brain Break	Brain Break
30	9:20 - 9:50	Literacy Based Small Group Instruction Guided reading (2 groups per day)	ELD	Literacy Based Small Group Instruction Guided reading (2 groups per day)	Literacy Based Small Group Instruction Guided reading (2 groups per day)	Literacy Based Small Group Instruction Guided reading (2 groups per day)
	9:50-10:00	Recess/Snack	Recess/Snack	Recess/Snack	Recess/Snack	Recess/Snack
25	10:00-10:25	ELD Designated	SS/Sci/Case Study Valadez Art 10:00-10:40	ELD Designated	ELD Designated	ELD Designated
30	10:25-10:55	English Language Arts Foundational Skills Mini lessons Small group instruction		English Language Arts Foundational Skills Mini lessons Small group instruction	English Language Arts Foundational Skills Mini lessons Small group instruction	English Language Arts Foundational Skills Mini lessons Small group instruction
			SS/Sci/Case Study 10:40 - 10:55			
	10:55-11:00	Brain Break for groups taught that day		Brain Break for groups taught that day	Brain Break for groups taught that day	Brain Break for groups taught that day
10	11:00-11:10	Math In Sync Video	SS/Sci/Case Study Chen Art 11:00-11:40	Math In Sync Video	Math In Sync Video	Math In Sync Video
40	11:10-11:50	Math Grapple Problem Set Exit Ticket	Crew (closure) 10:40-11:50	Math Grapple Problem Set Exit Ticket	Math Grapple Problem Set Exit Ticket	Math Grapple Problem Set Exit Ticket
195		LUNCH				
35	3rd Flex	Independent or choice work in English				
230	3rd total minutes					

ORANGE COUNTY CEAM Educational Arts Academy

OCEAA Systems to Meet Requirements

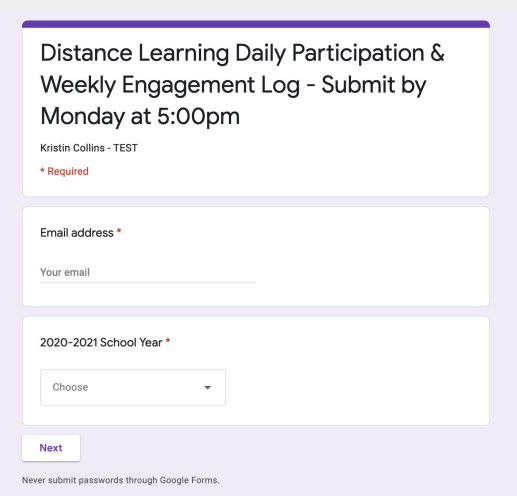
Reengagement Strategies *EC* Section 43504(f)(2)	**Existing OCEAA Systems**	**Modification needed**
EC Section 43504(f)(2) requires an LEA to develop written procedures for tiered reengagement strategies for students that are absent from distance learning for more than three schooldays or 60 percent of the instructional days in a school week.	PowerSchool Daily Absence Report with call notes. Attendance Team Weekly Meeting to review: ● 3 Day Absence Tracker ● PowerSchool Log Entries document follow-up Google Forms ● Character Communication & Report ● Office Disciplinary Referral ● Mental Health Referral	Continue to learn best practices for reengagement and improve the range of strategies we can implement Include affirmation of using systems to document and communicate concerns on certification form

ORANGE COUNTY CEAA Educational Arts Academy

Reengagement Procedures & Strategies

1. Teachers will submit daily attendance in PowerSchool during crew (6-8) or by 12pm (TK-5).
2. Office Assistants and Health Clerk will monitor daily attendance. The Office Assistants or the Health Clerk will call home daily to identify the reason for a student absence, and communicate the importance of daily attendance to parents.
3. Health Clerk and Counselor will work to build rapport and support parents in order to address barriers to attendance and engagement.
4. Phone call records and reasons for absences will be recorded in PowerSchool daily attendance reports.
5. Character Communication Report, Office Discipline Referral and Mental Health Referral data will be entered by Teachers on the respective Google forms.
6. Engagement Team will review data weekly; Counselor and School Director will contact families of students disengaged for three or more days in a week via multiple methods, including phone, email, Class Dojo, letters, or home visits if needed. All attempts and contacts will be noted in PowerSchool.
    a. Services, referrals, and training will be provided as needed. Services to be provided may include support with technology and internet connectivity, academic supports, school meals and groceries, behavioral and counseling support, and parent education and coaching.
    b. Outcomes of reengagement efforts will be reported to the student's teacher and the School Director.
    c. Ongoing monitoring and follow-up will be provided to see if attendance has improved. Additional supports and services may be provided to ensure that reengagement efforts are successful.

Draft electronic certification document



Distance Learning Daily Participation & Weekly Engagement Log - Submit by Monday at 5:00pm

Kristin Collins - TEST

* Required

Email address *

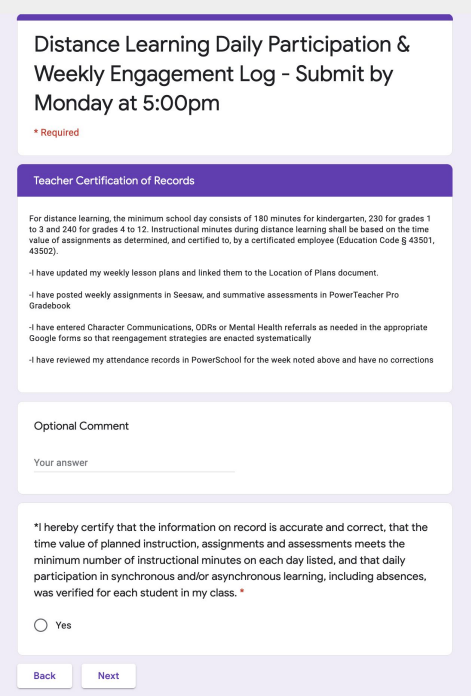
Your email

2020-2021 School Year *

Choose

Next

Never submit passwords through Google Forms.



Distance Learning Daily Participation & Weekly Engagement Log - Submit by Monday at 5:00pm

* Required

Teacher Certification of Records

For distance learning, the minimum school day consists of 180 minutes for kindergarten, 230 for grades 1 to 3 and 240 for grades 4 to 12. Instructional minutes during distance learning shall be based on the time value of assignments as determined, and certified to, by a certificated employee (Education Code § 43501, 43502).

-I have updated my weekly lesson plans and linked them to the Location of Plans document.

-I have posted weekly assignments in Seesaw, and summative assessments in PowerTeacher Pro Gradebook

-I have entered Character Communications, ODRs or Mental Health referrals as needed in the appropriate Google forms so that reengagement strategies are enacted systematically

-I have reviewed my attendance records in PowerSchool for the week noted above and have no corrections

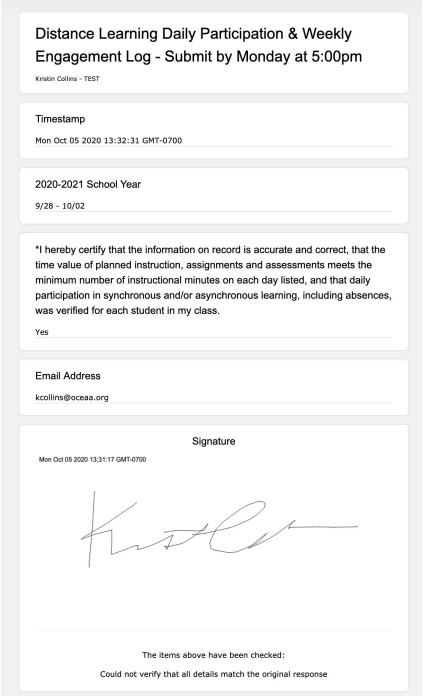
Optional Comment

Your answer

*I hereby certify that the information on record is accurate and correct, that the time value of planned instruction, assignments and assessments meets the minimum number of instructional minutes on each day listed, and that daily participation in synchronous and/or asynchronous learning, including absences, was verified for each student in my class. *

Yes

Back Next



Distance Learning Daily Participation & Weekly Engagement Log - Submit by Monday at 5:00pm

Kristin Collins - TEST

Timestamp

Mon Oct 05 2020 13:32:31 GMT-0700

2020-2021 School Year

9/28 - 10/02

*I hereby certify that the information on record is accurate and correct, that the time value of planned instruction, assignments and assessments meets the minimum number of instructional minutes on each day listed, and that daily participation in synchronous and/or asynchronous learning, including absences, was verified for each student in my class.

Yes

Email Address

kcollins@oceaa.org

Signature

Mon Oct 05 2020 13:31:17 GMT-0700

The items above have been checked:

Could not verify that all details match the original response

ORANGE COUNTY CEAA Educational Arts Academy

Q&A