

**Individuals with Disabilities**

**3700**

**Rights of Individuals with Disabilities**

Consistent with this policy, the School shall comply with all applicable laws regarding the rights of individuals with disabilities. No otherwise qualified person shall, solely by reason of his/her disability, be excluded from participating in, be denied the benefits of or be subject to discrimination under any School sponsored program or activity.

An individual with a disability is defined as a person who: (1) has a physical or mental impairment that substantially limits one or more major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment.

Major life activities are defined to include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, reading, thinking, communicating, and working.

*Program.* The School shall make all reasonable efforts to serve the School's special needs children who are eligible for special education and/or related services. As more fully explained in Policy No. 3710.1, Special Education Policies and Procedures, the School shall:

- provide a free appropriate public education to each qualified person with disabilities in need of a special education;
- conduct special education programs in the least restrictive environment and shall be placed in an educational setting with students to the extent appropriate;
- not deny any student, because of his/her disability, from participating in any co-curricular, intramural, or interscholastic activities or any of the services offered; and
- enforce the due process rights of disabled students and their parents.

*Employment Practices.* No qualified person with a disability shall, on the basis of his/her disability, be subject to discrimination in employment under any of the programs or activities of the School. The School shall take positive steps to employ and advance in employment qualified persons with disabilities. The School shall make all decisions concerning employment in a manner which ensures that discrimination on the basis of disability does not occur and shall not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status. The School shall not participate in a contractual or other relationship that has the effect of subjecting qualified applicants or employees with disabilities to prohibited discrimination. The School shall not use any employment test or other selection criterion that screens out or tends to screen out persons with disabilities or any class of persons with disabilities unless the test or selection criterion is job-related for the position and alternative tests or criteria are not available.

*Facilities.* Consistent with all applicable laws, the School shall provide barrier free access to School or provide an alternative means of providing service so that no individual with a disability is excluded from participating in the School program solely because of the individual's disability.

Disseminating this Policy

To ensure compliance with the School's policies regarding individuals with disabilities, the School shall post a statement pertaining to regarding the School's position on non-discrimination in the School and published in any school statement pertaining to employment positions

*Federal:* 42 U.S.C. 1210, et seq.

*Cross Reference:* Policy No. **3710.1**, Special Education Policies & Procedures; Policy No. **3720**, Section 504 of the Rehabilitation Action of 1973; Policy No. **3730**, Alternate State Assessments for Students with Disabilities; Policy No. **3740**, Child Find Responsibilities.

**Special Education Policies & Procedures**

The School is committed to providing a free appropriate public education (FAPE) to children with disabilities identified in accordance with applicable State and Federal laws, rules, and regulations. The School shall provide students with disabilities the services to which they are entitled pursuant to their individualized education programs (IEPs) and in accordance with the *Operating Standards for Ohio Educational Agencies Serving Children with Disabilities*, ("Ohio Operating Standards") including Child Find and Evaluation requirements.

In order to satisfy the requirements of the Ohio Operating Standards, the School adopts the Special Education Model Policies and Procedures ("Model Policies") promulgated by the Ohio Department of Education and Workforce's Office for Exceptional Children (ODEW-OEC), which is incorporated by reference into this policy.

While the Model Policies are comprehensive, the School recognizes its obligation to follow all relevant laws and regulations, regardless of whether their provisions are restated in the Model Policies. Copies of the Model Policies shall be available upon request.

*Ohio:* O.R.C. Ch. 3323; O.R.C. 3326.12

### **Independent Educational Evaluation**

An Independent Educational Evaluation ("IEE") is an evaluation conducted by a qualified examiner who is not an employee of the School. A parent has a right to an IEE at public expense if the parent disagrees with an evaluation that the School conducted.

For purposes of this policy, "evaluation" means the procedures used to determine whether a child has a disability and the nature and extent of the special education and related services the child needs. In the event the School receives a parent request for an IEE, the School must either provide the IEE at public expense pursuant to this policy or request a due process hearing to show that its evaluation is appropriate.

The IEE must meet School criteria for IEEs, which is the same criteria that the School uses when it conducts its own evaluations. If the School requests a due process hearing and the Hearing Officer determines that the School's evaluation is appropriate, the parent still has a right to an IEE, but not at public expense. Parents may only request one publicly funded IEE for each evaluation completed by the School.

#### **Procedure to Obtain an IEE at Public Expense:**

1. The parents should submit to the School a written request for an IEE and should include in such request an explanation of their reasons for objecting to the evaluation obtained by the School. However, the School will not deny parents a publicly funded IEE because they fail to provide the School with such a written request or fail to provide reasons for requesting an IEE.
2. If a parent requests an IEE, the School will provide the following information:
  - a. A list of the names and addresses of IEE Examiners located in the area. The list will consist of IEE Examiners who, in the School's judgment, are qualified to perform the evaluation requested by the parents. If a qualified examiner is not located in the area, the School will identify a qualified examiner.
  - b. A description of the School's criteria for selection of IEE Examiners.
3. Minimum Qualifications for IEE Examiners; Evaluation Instruments and Written Reports:
  - a. The School will not pay for an IEE unless the IEE complies with the following criteria or the parents can show unique circumstances that justify a publicly funded IEE that does not meet the criteria.
  - b. The prospective IEE Examiner (the "Examiner") must hold a college degree and appropriate and valid license from the State of Ohio in the field related to the known or suspected disability. The Examiner must have extensive training in evaluation of the area(s) of concern and be able to interpret instructional implications of the evaluation results. In instances where no "applicable license" exists, the evaluator must provide documentation of extensive and recent training and experience related to the known or suspected disability.

c. Minimum requirements and maximum fee:

- i. Medical/physical examinations – must be conducted by licensed medical doctor or doctor of osteopathy; up to \$200;
- ii. General intelligence and achievement evaluations – must be conducted by a psychologist who holds a license from the State of Ohio, Board of Psychology or who holds an Ohio School Psychologist certificate/license from the Ohio Department of Education; up to \$1000;
- iii. Visual evaluations – must be conducted by an optometrist or ophthalmologist; up to \$200;
- iv. Audiological evaluations – must be conducted by an audiologist who holds a license from the Ohio Board of Speech Pathology and Audiology; an Ohio special education teacher's certificate/license for audiology from the Ohio Department of Education; and at least a Master's Degree in audiology or its equivalent from an accredited institution; up to \$200;
- v. Speech and language evaluations – must be conducted by a speech/language pathologist who holds a license from the Ohio Board of Speech Pathology and Audiology and/or an Ohio special education teacher's certificate/license for speech and hearing therapy from the Ohio Department of Education; up to \$200;
- vi. Physical therapy/ Occupational therapy evaluations – must be conducted by a physical therapist who holds a license from the Ohio Board of Occupational Therapy and Physical Therapy and/or a special education teacher's certificate/license for physical therapy from the Ohio Department of Education; up to \$350;
- vii. Social/emotional/behavioral assessments – must be conducted by professionals with appropriate certification or licensure in relevant field, such as psychology, psychiatry, counseling or social work; up to \$600
- viii. Other evaluations must be conducted by qualified professionals as determined by the State and Federal law and regulations and by professionals with the same qualifications as the School uses in its evaluation team reports including, but not limited to, credentials, licenses, certificates, background and educational-related experience (including experience in a public school educational setting).
- ix. Comprehensive IEE – up to **\$2500**.

**\*Note:** The School shall not be responsible for reimbursement of travel costs or other related costs incurred by the parents in connection with their arrangement of, or their attendance at the IEE, unless the parents can demonstrate that necessary services are not available in the community.

The Examiner must have experience or specialized training to work with children with disabilities.

4. The Examiner must be located within 50 miles of the School and take place in the County in which the School is located. This requirement may be waived or modified in special circumstances when unique diagnostic expertise is warranted, provided the parents demonstrate the necessity of using an evaluator outside the specified geographic area.

- a. The Examiner may only charge fees for educational evaluation services that, in the sole judgment of the School, are reasonable.
  - b. The Examiner shall have no history of consistent bias against public schools.
5. The evaluation instruments utilized must be age appropriate, current, have acceptable reliability and validity according to professional testing standards, be generally accepted in the field of educational evaluation, be relevant to the educational questions to be addressed by the evaluation, and administered, scored and interpreted in conformance with the publisher's instructions and in accordance with all applicable professional criteria and standards.
  - a. Test must be administered in a way to accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure.
  - b. The Examiner must make at least one thirty minute observation of the child in his/her educational setting. If the child received any services at the School, one observation must be conducted at the school. The observation requirement will be waived for any evaluation that is presented strictly for purposes of clinical diagnosis of a disability.
  - c. The IEE must also include interview of school personnel; a description of the educational history, including a listing of educational interventions and a review and summary of education records.
6. The complete written evaluation results must be delivered directly from the Examiner to the School. Evaluation results that have been redacted or altered or contain incomplete or missing information are not acceptable. The parent must sign a release of their right to confidentiality of information and a release of any privilege regarding information related to the IEE to permit consultation and discussion between School staff and the Examiner with regard to the IEE. The Examiner must also agree to release the assessment and results, including parent and teacher surveys, prior to receipt of payment for services.
  - a. Test interpretations and conclusions stated in the written report must be directly and clearly supported by the data. Recommendations made as a result of the evaluation must be educationally relevant and realistic within an educational setting.
7. The maximum allowable cost for an Examiner will be the average cost per day or per hour for a similarly qualified staff member employed by the School during the current school year, as determined by the Director of Special Education (not to exceed \$400). In the unusual event the Examiner is one not typically employed by the School, such as a medical doctor, psychiatrist, clinical psychologist, or other similar professional, reimbursement of costs will be limited to reasonable and customary charges as determined by the School and its insurance carrier.
8. The School will permit parents to show that unique circumstances justify an IEE that exceeds the maximum allowable cost. If the total cost of the IEE exceeds the maximum allowable costs and if, in the School's sole judgment, there is no justification for the excess cost, the cost of the IEE will be funded up to the School's maximum allowable cost and no further. The parents shall be responsible for any remaining costs.

### **Section 504 of the Rehabilitation Act of 1973**

Section 504 of the Rehabilitation Act provides that no qualified person with a disability shall, on the basis of the disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance. The School shall operate all programs and activities be operated in compliance with Section 504 of the Rehabilitation Act.

For the purposes of this policy, a “qualified” person with a disability” is defined in the following settings as follows:

- *Employment* – a disabled person who, with reasonable accommodation, can perform the essential functions of the job in question.
- *Public preschool, elementary, secondary, or adult educational services* - a disabled person (1) of an age during which nondisabled persons are provided such services, (2) of any age during which it is mandatory under state law to provide such services to disabled persons, or (3) to whom a state is required to provide a free appropriate education under Section 612 of the Education of the Handicapped Act.
- *Vocational Education Services* – a disabled person who meets the academic and technical standards requisite to admission or participation in the School’s education program or activity.
- *Other Services* – a disabled person who meets the essential eligibility requirements for receipt of such services.

For the purposes of this policy, a “person with a disability” or a “disabled person” is defined as any person who (1) has a physical or mental impairment which substantially limits one or more life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment.

Individuals may be defined as “handicapped” or a “disabled person” under Section 504 of the Rehabilitation Act of 1973, but d are not “handicapped” or a “disabled person” under the Americans with Disabilities Act.

#### **Employment Practices**

*Discrimination Prohibited.* No qualified person with a disability shall, on the basis of his/her disability, be subject to discrimination in employment under any of the programs or activities of the School. The School shall take positive steps to employ and advance in employment qualified persons with disabilities. The School shall make all decisions concerning employment in a manner which ensures that discrimination on the basis of disability does not occur and shall not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status. The School shall not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this subpart.

*Reasonable Accommodations.* The School shall make reasonable accommodations to the known physical or mental limitations of an otherwise qualified applicant or employee unless the School



can demonstrate that the accommodation would impose an undue hardship on the operation of its program or activity.

*Employment Criteria.* The School shall not use any employment test or other selection criterion that screens out or tends to screen out persons with disabilities or any class of persons with disabilities unless the test or selection criterion is job-related for the position and alternative tests or criteria are not available.

*Pre-employment Inquiries.* Pre-employment medical examinations and pre-employment inquiries must be made consistent with Section 504.

### Education

*Free and Appropriate Education.* The School, if it provides an elementary or secondary education program or activity, shall provide a free appropriate education to each qualified person with disabilities and is in the School's jurisdiction, regardless of the nature or severity of the person's disability.

*Academic Settings.* The School shall educate each qualified person with disabilities in its jurisdiction with persons who do not have disabilities to the maximum extent appropriate to the needs of the person with disabilities. The School shall place a qualified person with disabilities in a regular environment unless it can be demonstrated that a regular environment, with the use of supplementary aids and services, cannot be achieved satisfactorily. Whenever the School places a disabled person in a different setting, the School shall take into account the proximity of the alternate setting to the disabled person's home.

*Nonacademic Settings.* In regards to providing or arranging to providing nonacademic and extracurricular services and activities, the School shall ensure that persons with disabilities participate with persons without disabilities in such activities and services to the maximum extent appropriate to the needs of the disabled person in question. Such services and activities include, but are not limited to meals, recess, counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the School, referrals to agencies which provide assistance to persons with disabilities, and employment of students, including both employment by the School and assistance in making available outside employment.

### Accessibility

No qualified person with a disability shall, because the School's facilities are inaccessible to or unusable by disabled persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any applicable program or activity.

To comply with this policy, the School may undertake the following: redesign equipment, reassign classes or other services to accessible buildings, assign aides to beneficiaries, home visits, deliver health; welfare; or other social services at alternate accessible sites, alter existing facilities and construct new facilities in conformance with Section 504, or undertake other methods that result in making the School's program or activity accessible to handicapped persons. The School is not required to make structural changes in existing facilities where other methods are effective in

achieving compliance. In choosing among available methods for meeting the accessibility requirements, the School shall give priority to those methods that serve disabled persons in the most integrated setting appropriate.

#### Compliance & Grievance Procedures

*Compliance Officer.* To ensure compliance with Section 504, the School has designated the Head Administrator as the School's Compliance Officer. As the Compliance Officer, the Head Administrator shall coordinate efforts to comply with Section 504 of the Rehabilitation Act, Title 2 of the Americans with Disabilities Act, and all other regulations.

*Grievance Procedure.* In compliance with Section 504, the School has adopted a grievance procedure to provide for the prompt and equitable resolution of applicable complaints brought under Section 504. The School shall not retaliate against any complaints or grievances filed. Grievance shall be conducted according to the procedure described below.

- Complaints shall be filed in writing within fifteen (15) days of the alleged conduct. The written complaint must state the alleged discrimination and the facts that surround the conduct. The written complaint shall be filed with the Compliance Officer.
- The Compliance Officer shall investigate the matter. The Compliance Officer shall attempt to First attempt to resolve the complaint informally, The Compliance Officer shall provide a written report of his/her finding ("Findings") to all parties involved. The Finding shall indicate whether a Section 504 Violation occurred.
- The Findings may be appealed in writing to the Governing Authority within ten (10) days of a receipt of the Finding. The Governing Authority may conduct a hearing on the matter. The Governing Authority shall issue a written decision regarding the matter.

Formal complaints may also be made with the U.S. Department of Education's Office for Civil Rights. Formal complaints must be made either within thirty (30) days of the Governing Authority's decision or ninety (90) days of the filing the original complaint.

#### Disseminating this Policy

The School shall post this policy in the School.

*Federal:* 29 U.S.C. 701, et seq., 34 C.F.R. Part 104.

*Cross Reference:* Policy No. **3710**, Rights of Individuals with Disabilities; Policy No. **3710.1**, Special Education Policies & Procedures; Policy No. **3740**, Child Find Responsibilities.

### **Alternate State Assessments for Students with Disabilities**

To the extent possible, students with disabilities shall not be excused from taking a required assessment administered to nondisabled students unless no reasonable accommodation, as described below, can be made to enable the student to take the assessment.

For the purposes of this policy, a “student with disabilities” refers to either a (1) student receiving special education services and an individualized education program (IEP) or (2) has been identified as having a disability pursuant to Section 504 of the Rehabilitation Act.

Whether a student with disabilities shall take state required assessments shall be determined by the student’s Individual education program (IEP) or 504 plan. A student’s IEP shall state either that:

- the student is excused from taking any particular assessment and is required to participate in an alternate assessment, or
- the student shall take required assessments and will need accommodations.

#### **Alternate Assessments**

A student may be excused from taking a particular assessment and may participate in an alternate assessment if all five (5) of the following are met:

1. Either of the following apply:
  - a. A student with disabilities is completing a curriculum that is modified substantially in form and/or substance by the IEP from the general education curriculum.
  - b. A student with disabilities is completing the regular curriculum, but the student has a disability that presents unique and significant challenges such that the student’s IEP provides for accommodations in classroom and district wide tests that do not meet the accommodation criteria stated below.
2. The student has a significant cognitive disability.
3. The student requires instruction focused on the application of state standards through essential life skills
4. The student requires instruction at multiple levels below age or grade level.
5. The student with disabilities is unlikely to provide valid and reliable measures of proficiency in content areas in a standardized assessment with accommodations that meet the criteria described below

When a student is excused from an assessment, the excuse shall be documented in writing in the student’s IEP or 504 Plan. The writing shall provide for an alternate assessment, describe benchmark or short-term objectives, and provide reasons for not taking the assessment, including a statement of why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the student.

No student with disabilities who is excused from taking an assessment shall be prohibited from taking that assessment. If the student takes and meets the proficient level of performance may be credited on the student’s transcript with meeting the required performance standard, provided the accommodations made are consistent with those stated below.

### Accommodations for an Assessment

A student with disabilities may be required to take an assessment but may be granted accommodations in taking the assessment. Accommodations must be made in accordance with the following:

- the accommodation is specified in a student with disabilities' IEP/504 Plan and is provided for classroom and school-wide assessments;
- the accommodation does not change the content or the structure of an assessment;
- the accommodation does not change what type of knowledge or skill that an assessment is intended to measure; and
- the accommodation does not change or enhance a student's response as to what type of knowledge or skill is intended to be assessed, but it facilitates how the response is provided or accessed.

### Graduation Requirements

Any student with disabilities who otherwise has completed an IEP program but has not received a diploma because the student has not passed any required assessment, may take any assessment required for graduation anytime it is administered in any School.

### Reporting Pass Rates

Statewide assessment pass rates used to determine the School's performance shall include, to the maximum extent allowed by state and federal law, all those who take assessments without any accommodation; those who take assessments with approved accommodations; and those who are excused but instead take an alternate assessment.

### Interpreting this Policy

This policy should be interpreted in conjunction with the Form No. **3730.1**, Alternate Assessment for Students with Cognitive Disabilities Manual.

*Ohio:* R.C. 3323.011, 3301.0711, O.A.C. 3301-13-03.

*Cross Reference:* Policy No. **3531**, State Assessments and Support; Policy No. **3540**, Promotion and Retention of Students; Policy No. **3550**, Core Curriculum Requirements.

**Alternate Assessments for Students with Cognitive Disabilities Manual**

The School has adopted the most recent Manual developed by the Ohio Department of Education.

The Manual may be accessed at:

<https://oh-alt.portal.airast.org/core/fileparse.php/3153/urlt/SP18-AASCD-Test-Coordinators-Manual.pdf>

### **Child Find Responsibilities**

As required by Ohio law, the School shall adopt and implement written policies and procedures that ensure all children with disabilities residing within the district, including children with disabilities, regardless of their situations, who are in need of special education and related services are identified, located, and evaluated as required by Federal Law. The School's policies and procedures shall be approved by the Ohio Department of Education.

For the purposes of this policy, "child(ren) with disabilities" is defined to include a child with an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

This policy extends to students who are:

- advancing from grade to grade;
- enrolled in a private school;
- highly mobile; and
- are home-schooled.

To meet the requirement of an effective and practical system for identifying and assuring that all children within the local school district are receiving special education and related services are accurately accounted for, the School shall publish a Child Find Notice in a newspaper of general circulation in the School's geographic area. A model Child Find Notice may be found in Form No. 3740.1.

*Federal:* 34 C.F.R. 300.08; 34 C.F.R. 300.111.

*Ohio:* 20 U.S.C. 1412.

*Cross Reference:* Policy No. 3710, Rights of Individuals with Disabilities; Policy No. 3710.1, Special Education Policies & Procedures; Policy No. 3720, Section 504 of the Rehabilitation Act of 1973; Form No. 3740.1, Child Find Notice.

**Child Find Notice**

**CHILD FIND NOTICE** Coshocton Opportunity School, by law, is required to identify, locate, and evaluate all children in the School's geographic area that may have disabilities. This notice is one way the School accomplishes this goal. If you have or know a child with disabilities, please contact this school. A child with a disability is defined to include child with an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services. The School does not discriminate on the basis of race, color, national origin, sex, disability, or religion in the educational programs and/or activities operated by the School.

**Miscellaneous Policies**

3800