

Christine Duncan Heritage Academy Special Education Policies and Procedures

Christine Duncan Heritage Academy provides special education services to students enrolled in Early Pre-K through 8th grade. A free appropriate public education (FAPE) must be available to all children between the ages of 3 and 21. Students at Christine Duncan Heritage Academy receive special education services pursuant to 34 CFR Sec. 300.115 as mandated by IDEA which indicates each student with a disability be placed in the Least Restrictive Environment (LRE) possible based on his/her needs. Christine Duncan Heritage Academy follows all state and federal laws when it comes to identifying students who receive special education services and implementation of their IEPs. Some students who attend Christine Duncan Heritage Academy are identified through Child Find; while others are identified through the SAT process. Since Christine Duncan has a high population of EL students, we conduct bilingual evaluation when it is necessary to avoid over identifying our students due to language barriers instead of a disability. Christine Duncan Heritage Academy provides most of its special education services in the general education classroom as part of the inclusion model. Special education staff will make sure students are provided accommodations and have work modified as indicated in their IEP, while they receive instruction in the general education classroom. Christine Duncan Heritage Academy administration ensures special education and general education teachers work collaboratively to meet the needs of students who receive special education services. General education and special education teachers are encouraged to co-teach in order to meet the needs of the students. For those students who require more one-on-one or small group support, services are provided in a more restrictive environment. Students who need a more restrictive environment work individually or in a small group with a special education teacher or an educational assistant. The special education teacher and/or the educational assistant will focus on each student's IEP goals.

Christine Duncan Heritage Academy staff realize it is important for students who receive special education services be exposed to grade level curriculum with their general education peers. Students must be provided with the support needed to address their academic and social emotional needs. The goal of Christine Duncan Heritage Academy is to always provide students the support and services they need in the least restrictive environment. When IEP meetings are conducted the amount of support and the setting in which students receive it in are always reviewed and updated annually. The mission of Christine Duncan Heritage Academy is to promote social and high academic achievement with differentiated instruction in a dual language setting for all students.

Christine Duncan Heritage Academy Continuum of Services

Christine Duncan Heritage Academy's Continuum of Services ensures that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. Christine Duncan Heritage Academy's continuum includes:

- 1) Instruction in general education classes,
- 2) Provision for supplementary services/materials such as resources/strategies, in-person instruction, and/or virtual instruction, to be provided in conjunction with general education classroom placement,
- 3) Instruction in special education classrooms in a small group/individual setting,

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4) Speech, Social Work, Recreational Therapy, and Occupational Therapy Services.

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5) Other services needed based-on a student's individual needs in order to provide the best education to all students.

There is no requirement that each of the placements on the continuum be utilized. Instead, Christine Duncan Heritage Academy shall ensure that, to the maximum extent appropriate, children with disabilities are educated with children who are nondisabled; and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (OSEP Redacted Letter (March 30, 2009))

Placement decisions for children with disabilities shall be made on an individual basis, based on the unique needs of each child, by the IEP Team which consists of the principal designee, special education teacher, general education teacher, parents, ancillary staff, and diagnostician (as needed). (34 CFR § 300.116(a)(1))

Using the IEP Team process, Christine Duncan Heritage Academy shall ensure that:

- The placement decision, including for a preschool age child, is made by the IEP Team in conformity with the least restrictive environment provisions of the IDEA.
- The child's placement is determined at least annually.
- The child's placement is based on the child's IEP.
- In selecting the LRE, consideration is given to any potential harmful effects on the child or on the quality of services that he or she needs.
- A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

(34 C.F.R. §300.116)

The IEP shall include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child:

- To advance appropriately toward attaining the annual goals
- To be involved in and make progress in the general curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and
- To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section.

(34 C.F.R. §300.320(a)(4))

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The IEP shall include an explanation of the extent, if any, to which the child will not participate with nondisabled children in:

- The regular class
- The general curriculum; and
- Extracurricular and nonacademic activities.

(34 C.F.R. ' 300.320(a)(5))

The Tenth Circuit in *L.B. and J.B. ex rel. K.B. v. Nebo Sch. Dist.*, 379 F.3d 966 (10th Cir. 2004), adopted the standard (two-part test) and factors articulated in *Daniel R.R. v. SBOE*, 874 F.2d 1036 (5th Cir. 1989).

Standard (Two-Part Test):

- Ask whether education in the regular classroom, with the use of supplementary aids and services, can be achieved satisfactorily.
- If the answer is “no,” and the school intends to provide special education or to remove the child from regular education, ask whether the school has mainstreamed the child to the maximum extent appropriate.

Factors to consider:

- Has the district taken steps to accommodate the child with disabilities in regular education?
- Were these efforts sufficient or token?
- Will the child receive an educational benefit from regular education?
- What will be the child's overall educational experience in the mainstreamed environment, balancing the benefits of regular and special education?
- What effect does the disabled child's presence have on the regular classroom environment?

Christine Duncan Heritage Academy is not a homeschool for any student with or without disabilities. It is a Charter School where parents choose to enroll their child no matter the student's needs.

Christine Duncan Heritage Academy shall take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities.
(34 C.F.R. §300.107(a))

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Christine Duncan Heritage Academy shall ensure that each child with a disability has the supplementary aids and services determined by the IEP Team to be appropriate and necessary for the child to participate in nonacademic settings. (34 C.F.R. §300.117)

In providing or arranging for the provision of nonacademic and extracurricular services and activities, Christine Duncan Heritage Academy shall ensure that each child with a disability has an equal opportunity to participate with nondisabled children in those services and activities subject to the rules that are applicable to all Albuquerque Public School students. These services and activities may include:

- Meals
- Recess periods
- Counseling services
- Athletics
- Transportation
- Health Services
- Recreational activities
- Special interest groups or clubs sponsored by Christine Duncan Heritage Academy
- Referrals to agencies that provide assistance to individuals with disabilities

(34 C.F.R. §§ 300.117; 300.107(b))

For more information about the legal references below, refer to the following sites:

- [United States Code \(U.S.C.\)](#)External link
- [Code of Federal Regulations \(CFR\)](#)External link

IEP/Re-Evaluation Process

Although a few students are identified by Child Find prior to enrolling at Christine Duncan Heritage Academy, most of the students who are performing 1-2 or more grade levels below and/or who are not making adequate progress are placed in the Student Assistance Team (SAT) or Multilayer Student Support (MLSS) process by the general education teacher or as a parent request where the team implements various strategies and interventions to assist the student with possible progress and growth in the area(s) of concern.

After SAT team meetings where student data is evaluated and insufficient growth is made, the SAT team including the parent refers the student to be evaluated by the Christine Duncan Heritage Academy diagnostician, speech therapist, and other related service providers, if recommended. The Special Education Director obtains permission to test from the parents and guardians. The team will have 60 days from consent to complete the evaluation. Based on

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whether a student is an English Language Learner or not, the diagnostician and other evaluators will give the student a bilingual evaluation, if necessary. This determination will be made based-on the home survey given to the family at the time of registration and/or whether the student's home language is Spanish. Once the diagnostician and/or other evaluators have evaluated the student the special education team including the LEA representative, diagnostician, general education teacher, special education teacher, parents, and other related service providers meet to discuss 1) if the student meets IDEA eligibility and 2) if the student requires specialized instruction in order to access and make progress with grade level curriculum. The parents will be notified of this meeting through a parent notification letter as well as phone contact.

Following eligibility determination decision, if the team agrees with the recommendations, the team proceeds with the IEP meeting where goals and services are identified based-on the student's needs and disabilities. The IEP is reviewed annually and every three-years a re-evaluation is conducted for each student on an IEP. The re-evaluation consists of a Review of Existing Educational Data (REED) where the team including the parent and students when appropriate looks at current observations, short-cycle assessments, student work samples, and other valid data to determine if the student needs to be further evaluated. A student needs to be further evaluated if one of the following criteria is met:

1. The present levels of academic needs and related development needs have changed
2. The team is considering adding or changing eligibility; or the student could be exited and may not need to continue to have special education or a related service
3. Any other additions or modifications that a child may need to meet annual goals and participate in the general education curriculum

Unless one of the above criteria is being considered the REED will be used every other evaluation cycle and a formal evaluation will be given to the student on the alternate evaluation year.

A student will be evaluated in the area of concern if the student has already been receiving services in that area; however, if the student needs to add new services, the student will be placed in tier II interventions prior to having an evaluation completed. For example, if the student has received services in basic reading skills and reading fluency but not math, and the team feels the student may have a disability in math the student will need to complete the tier II intervention process first. If a decision to further evaluate the student is determined, the diagnostician and other service providers will evaluate the student based-on needs and eligibility after receiving a signed consent to evaluate form from the parents/guardian. The team meets to discuss eligibilities and needs and decide whether the student continues to need services or not. If services are no longer needed, the child is exited from special education. On the other hand, if the child continues to need services the team proceeds with the IEP.

When students are identified as a student who needs to receive special education services or needs to have changes made to their IEP, based-on data, we update their information in Synergy and/or hold an initial, annual, or addendum IEP meeting. A master spreadsheet is created by the

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special education director with all annual IEP dates and Re-Eval dates for all students for the upcoming school year. The dates of the IEPs, Re-Evaluation Meetings, other meetings will be sent to the team through email and Google Calendar. If the student has a re-evaluation due, a day is assigned on the spreadsheet when to start filling out the REED. The entire team including the special education director, special education teacher, general education teacher, parents, related service providers, and other members of the team will have input on the REED. After the REED is completed, it will be determined if formal testing is required. If formal testing is needed the special education director will send out a consent to evaluate form to obtain a parental signature to evaluate. Once consent has been given the special education director will notify the diagnostician. The evaluation will take place within the allowed time-frame (see the NMTEAM Tech Manual). The caseload teacher/special education director will contact the parents and schedule the MET.

Prior to the meetings, the caseload manager will also send out forms to the general education teachers to get the student's present levels. The caseload manager will give the student a short cycle assessment (ex. IMSSA and/or IStation) to determine current ability levels. If a student is in eighth grade or will be turning 14 prior to the next IEP date, the student will be given an interest profiler survey and the transition portion of the IEP will be filled out. The caseload teachers will notify the special education director a week before the IEP is scheduled to look over the IEP. The special education director will send out parent notifications inviting the parents to the meeting 10-14 days prior to the meeting. All students in 6th grade or higher will be invited to their IEP meeting. If the student is in eighth grade or will be turning 14 prior to their next IEP date, the student will receive a formal invite. The special education director will send out a Zoom Link or Google Meets link three days prior to the meeting if the meeting is to be conducted virtually. The special education director will make sure the draft IEP is ready to present to the parents and that all the paperwork/documents to hold the meeting are completed. The meeting will only be held if all necessary team members are present. This includes, but not limited to: Principal Designee, Parents/Guardian, Caseload Manager, General Education Teacher, Diagnostician (if evaluation or reevaluation), related-service providers, and the student for transition IEPs. A parent may excuse a team member and proceed with the meeting (this must be documented in the PWN).

Tentative Annual IEP/Reevaluation IEP Checklist:

| Task | Person Responsible |
|---|---|
| Ask for Teacher Input/Parent Input (Have them complete input form)* | Caseload Manager/Sped Director |
| Complete REED | Caseload Manager/Sped director/General Education Teacher Teacher/Parents/other team members |
| Provide a written prior notice of intent to evaluate not to evaluate to parents | Sped Director |
| Obtain Parent Permission to evaluate | Sped director |

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|---|--|
| Notify Diagnostician (if need) | Sped Director |
| Complete Formal Evaluation (if needed) | Sped Director/Diagnostician |
| Schedule Meeting to review MET/Evaluation/IEP * | Sped Director |
| Complete Eligibility Determination | Sped Director |
| Complete draft MET. | Sped Director |
| Complete draft IEP* | Caseload Manager/Sped Director |
| Conduct Interest Profiler for student if the student is turning 14 prior to his/her next IEP meeting***** | Caseload Manager |
| Call Parents to schedule meetings* | Caseload Manager |
| Send Parent Notification/Student Notification* | Sped Director |
| Send Zoom Link/Google Meets, if virtual * | Sped Director |
| Director reviews all documentation* | Sped Director |
| PWN draft completed * | Caseload Manager/Sped Director/IEP Team |
| Finalize all documents * | Sped Director |
| Complete Progress Towards Goals Reports and send to parents | Sped Director |
| Post Secondary Goals * | Caseload Manager/General Education Teacher |
| Grade Level * | Case Manager |
| Case Manager * | Sped Director |
| Parents Input (Strengths and Weaknesses)* | Sped Director/Caseload Manager |
| Sub Needed* | Sped Director |
| Translator Needed* | Sped Director |
| Ancillary Services (Speech, RT, OT, SW)* | Sped Director |
| Age of Majority* | Sped Director/Caseload Manager |
| Documentation sent to Medicaid* | Sped Director |
| Eligibility* | Sped Director/Caseload Manager |

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* All items with asterisks will be needed for the annual IEP. All tasks on this list need to be completed a three-year reevaluation (*****except the interest profiler; which is given to students are in 7th and 8th grade or over the age of 14).

Discipline Plan

All students who receive special education services follow the school-wide discipline plan. CDHA expects all its staff to use Positive Behavior Intervention Strategies as well as the “No Nonsense Nurturing” to build respectful, responsible leaders for tomorrow. If a student who receives special education services has behavior which starts to impact his/her learning a Functional Behavioral Assessment will be done. Teachers will document behaviors to give the IEP team a better idea of when and what is causing the behaviors. If behaviors continue to impact a student’s learning, a meeting will be scheduled to create a Behavioral Intervention Plan (BIP). The BIP will be implemented and reviewed/ revised if it is not working. If behaviors continue and result in suspension the number cannot exceed 10 days per year. It is always the goal of CDHA staff to address behaviors that could cause a student to be suspended. CDHA takes pride in getting to know its students and their parents and having conferences with the appropriate members of the school staff to prevent situations from getting out of hand. Any act that is potentially hazardous to students such as but not limited to weapons, aggressive behavior, sexual assault, etc., is means for immediate suspension or expulsion. A manifestation determination meeting will be conducted immediately if a student on an IEP has violated a school rule that warrants a long-term suspension or expulsion. CDHA believes that the best school program can only be successful if there is a strong home/school relationship.

Restraints and Inclusion

A student at Christine Duncan will be restrained, only if it is proportionate, reasonable, and as a last resort. This will only occur if the student is a threat, causing harm or possible harm to another student, a staff member, another person on campus, or oneself. A team of individuals have been trained using the Crisis Invention Prevention (CPI) strategies. These strategies will be used with fidelity if the occasion arises to restrain a student.

The CPI team will maintain their certifications by completing the CPI refresher yearly.

Alternative Educational Setting

If a student who receives special education services has been removed from his/her current placement for more than ten days and the behavior is not a manifestation of the child’s disability or who is removed under special circumstances, the student shall:

- 1) Continue to receive educational services (FAPE), so as to enable the child to

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continue to participate in the general education curriculum, although in another setting (that may be an interim alternative setting), and to progress toward meeting the goals set out in the child's IEP.

- 2) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not happen again. The IEP Team determines the interim alternative educational setting for removals that are changes of placement.

Gifted Student Identification Policy

Introduction:

At Christine Duncan Heritage Academy, we are committed to providing an inclusive and supportive learning environment that nurtures the diverse talents and abilities of all our students. In line with this commitment, we recognize the importance of identifying and supporting gifted students who demonstrate exceptional intellectual capabilities. This policy outlines the procedures and criteria for identifying gifted students at our school, utilizing the Cognitive Abilities Test (CogAT) screener as one of the assessment tools.

Definition of Giftedness:

Giftedness is not solely defined by high academic achievement, but rather encompasses a wide range of exceptional abilities and potential. At Christine Duncan Heritage Academy, we define giftedness as:

"Gifted students are those who demonstrate outstanding levels of aptitude or competence in one or more domains, including intellectual, creative, artistic, leadership, or specific academic areas, and who require differentiated educational programs or services beyond those normally provided by the regular school program in order to fully develop their capabilities."

Identification Process:

1. Screening Phase:

- All students at Christine Duncan Heritage Academy will undergo universal screening using the Cognitive Abilities Test (CogAT) during a specified grade level. The CogAT will be administered to students in third grade.
- The CogAT will assess students' cognitive abilities in three domains: verbal, quantitative, and nonverbal reasoning.

2. Criteria for Selection:

- Students who score **in the 97 percentile** in any one or more of the three CogAT domains will be identified as potentially gifted.
- Students who meet the criteria will proceed to the next phase of the identification process, which is the formal evaluation with a diagnostician.

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- Students who do not meet the above criteria may retake the CogAt every two years.

3. Further Assessment:

- Identified students will undergo further assessment, which may include:
 - Review of academic performance and achievements.
 - Teacher and parent nominations and observations.
 - Additional standardized testing if deemed necessary.
- The purpose of further assessment is to gather comprehensive information about students' abilities and needs to determine eligibility for gifted services.

4. Identification Decision:

- A Gifted Identification Committee, comprised of administrators, teachers, counselors, and specialists, will review all assessment data and make a determination regarding gifted identification for each student.
- The committee will consider multiple criteria and perspectives to ensure fair and equitable identification practices.

5. Notification:

- Parents/guardians will be notified of the identification decision and provided with information about the gifted program and available services.
- Students identified as gifted will have access to appropriate differentiated instruction and enrichment opportunities tailored to their unique strengths and needs, as outlined in the NMPED Team Gifted Manual.

Appeals Process:

Parents/guardians who disagree with the identification decision may request an appeal. The appeals process will involve a review of the student's assessment data by an impartial panel, followed by a reconsideration of the identification decision.

Confidentiality:

All information related to gifted identification and services will be kept confidential in accordance with applicable privacy laws and regulations.

Review and Revision:

This Gifted Student Identification Policy will be reviewed periodically to ensure its effectiveness and alignment with best practices in gifted education. Any revisions or updates will be communicated to stakeholders accordingly.

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Conclusion:

At Christine Duncan Heritage Academy, we are dedicated to recognizing and supporting the unique abilities and potential of our gifted students. By implementing a comprehensive identification process that utilizes the CogAT screener among other assessment tools, we strive to provide an enriching educational experience that meets the diverse needs of all learners.

[Julie Weeks/Special Education Director] [Christine Duncan Heritage Academy]