

HOWARD GARDNER MULTIPLE INTELLIGENCE CHARTER SCHOOL

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	Special Education Policy	ADOPTED DATE: January 20, 2026 REVIEWED DATE: REVISED DATE: September 15, 2026

HOWARD GARDNER MULTIPLE INTELLIGENCE CHARTER SCHOOL

Board of Trustees Policy

Special Education Policy

The Board of Trustees of Howard Gardner Multiple Intelligence Charter School (“Charter School”) recognizes that charter schools must comply with Chapter 711 of Title 22 (“Chapter 711”) of the Pennsylvania Code, Charter School Services and Programs for Children with Disabilities.

The Charter School declares it to be the policy to ensure that all Charter School programs and practices are free from discrimination against all qualified students with disabilities. The Charter School recognizes its responsibility to provide academic and nonacademic services and programs equally to students with and without disabilities. The Board of Trustees of Charter School also recognizes that charter schools are not exempt from federal special education laws or regulations which include, but are not limited to, enumerated provisions of the federal law known as the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1400 et. Seq. (“IDEA”). The Charter School also recognizes and complies with Section 504 of the Rehabilitation Act of 1973 (“Section 504”), for school-age children with disabilities who do not meet the eligibility criteria outlined under the IDEA, but who might be eligible for special protections and for adaptations and accommodations in instruction, facilities, and activities. Section 504 protects children who have a mental or physical disability that substantially limits or prohibits participation in or access to an aspect of the school program and otherwise qualifies under the applicable state and federal laws, including Chapter 711 and Section 504.

FREE AND APPROPRIATE PUBLIC EDUCATION (“FAPE”) RESPONSIBILITY

Pursuant to 22 Pa. Code §711.3:

“Charter schools and cyber charter schools assume the duty to ensure that a [free and appropriate public education], FAPE, is available to a child with a disability in compliance with IDEA and its implementing regulations in 34 CFR Part 300 (relating to assistance to states for the education of children with disabilities) and section 504 and its implementing regulations in 34 CFR Part 104 (relating to nondiscrimination on the basis of handicap in programs and activities receiving federal financial assistance).”

The Charter School’s special education program includes the supports and services needed for students who require specially designed instruction and other services, including related services, with all services provided at no cost to the student or parents and guardians. Programs are developed by qualified Charter School staff to meet the needs of all students. Individual Education Programs are developed on an individual basis by the IEP Team, pursuant to Sec. 300.321, and implemented in the Least Restrictive Environment, pursuant to Sec. 300.114. The term individualized education program or IEP means a written statement for each child with a

disability that is developed, reviewed, and revised in a meeting in accordance with §§300.320 through 300.324, pursuant to Sec. 300.320.

The Charter School shall ensure that all children with disabilities enrolled in the Charter School, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine necessary special education and related services for students currently receiving special education and related services.

The Charter School encourages students and parents/guardians who believe they have been subjected to discrimination or harassment to promptly report such incidents to designated employees. The Board directs that complaints of discrimination or harassment shall be investigated promptly, and corrective or preventative action be taken for substantiated allegations.

The Charter School must be able to document that children with disabilities, who are in need of special education programs and services, are identified and evaluated through published Child Find activities in accordance with 22 Pa. Code §711.21, a pertinent portion of which is set forth below:

Each charter school's or cyber charter school's written policy must include:

- (1) Public awareness activities sufficient to inform parents of children applying to or enrolled in the charter school or cyber charter school of available special education services and programs and how to request those services and programs. Written information shall be published in the charter school or cyber charter school handbook and web site.
- (2) Systematic screening activities that lead to the identification, location and evaluation of children with disabilities enrolled in the charter school or cyber charter school.

Basic screening procedures might include, but are not limited to, hearing and vision tests as well as grade level tests of academic performance.

Please see the Charter School's Child Find Board Policy and Child Find Notice.

The Charter School also complies with the Family Educational Rights and Privacy Act (20 U.S.C. §1232g; 34 CFR Part 99) ("FERPA"), which is a Federal law that protects the privacy of student education records, which includes special education records. Parental consent must be obtained before personally identifiable information is disclosed to parties, other than officials of participating agencies in accordance with Sec. 300.622(b)(1) of the IDEA, unless the information is contained in education records, and the disclosure is authorized without parental consent under 34 CFR part 99, in accordance with §300.622(a).

The Charter School recognizes that:

- a) Children with disabilities must be admitted to the Charter School on the same basis as children without disabilities.
- b) Upon admitting a child with a disability, the Charter School must provide services to address the child's specific needs.
- c) When a child with an IEP transfers to the Charter School, the Charter School is responsible upon enrollment for ensuring that the child receives special education and related services in conformity with the IEP, either by adopting the existing IEP or by developing a new IEP for the child in accordance with the requirements of IDEA, as set forth within the timelines in 22 Pa. Code §711.41.
- d) To meet the requirements of federal law, the Charter School may provide the services itself, or contract with another entity, such as an intermediate unit or a private licensed entity or individual to provide services, in accordance with the individual needs of the student, per the child's IEP, least restrictive environment requirements, and all criminal and child abuse clearance requirements.

The Charter School shall not discriminate against any qualified student with a disability in its provision of nonacademic services and extracurricular activities, including but not limited to, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs, and referrals to agencies which provide assistance to individuals with disabilities.

The Charter School shall educate a qualified student with a disability with students who are not disabled to the maximum extent appropriate to the needs of the student with a disability.

A qualified student with a disability shall be removed from the regular educational environment only when the Charter School determines that educating the student in the regular educational environment with the use of related aids, services, or accommodations cannot be achieved satisfactorily. Placement in a setting other than the regular educational environment shall take into account the proximity of the alternative setting to the student's home.

Parental Involvement

Parents/Guardians have the right to inspect and review all relevant school records of the student, meet with the appropriate school officials to discuss any and all issues relevant to the evaluation and accommodations of their child, and give or withhold their written consent to the evaluation and/or the provision of services.

Contact the Charter School CEO, or designee, or the Director of Special Education for questions about the Charter School Special Education program, the evaluation/reevaluation process, including forms for the Permission to Evaluate ("PTE") and Reevaluate ("PTRE"), and for the Parents Procedural Safeguards regarding consent for the evaluation and reevaluation processes, or for any matters concerning the IEP process and special education,. For a copy of the Procedural Safeguards Notice, contact the Charter School CEO or designee, or the Charter School Director of Special Education. The CEO or designee is directed to implement all procedures in accordance with this policy.

Discipline

When necessary, the Charter School shall discipline qualified students with disabilities in accordance with state and federal laws and regulations and Board policies.

Referral to Law Enforcement and Reporting Requirements

For reporting purposes, the term incident shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.

The CEO or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity, or on a conveyance providing transportation to or from a Charter School or Charter School-sponsored activity by a qualified student with a disability, including a student for whom an evaluation is pending, to the local police department that has jurisdiction over the school's property, in accordance with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement, and Board policies. The CEO or designee shall respond in a manner that is consistent with the student's Service Agreement and Behavior Support Plan, if applicable.

In making a determination of whether to notify the local police department of a discretionary incident committed by a qualified student with a disability, including a student for whom an evaluation is pending, the CEO or designee shall use the same criteria used for students who do not have a disability.

For a qualified student with a disability who does not have a Behavior Support Plan as part of the student's Service Agreement, subsequent to notification to law enforcement, the Charter School, in consultation with the student's parent/guardian, shall consider whether a Behavior Support Plan should be developed as part of the Section 504 Plan to address the student's behavior.

In accordance with state law, the CEO shall annually, by report to the Office for Safe Schools on the required form all new incidents committed by qualified students with disabilities, including students for whom an evaluation is pending, which occurred on school property, at any school-sponsored activity, or on a conveyance providing transportation to or from a school or school-sponsor.

Procedural Safeguards

The Charter School shall establish and implement a system of procedural safeguards that includes notice of rights to the parent/guardian of a student suspected of being a qualified student with a disability, an opportunity for the parent/guardian to review relevant records, an impartial hearing with an opportunity for participation by the student's parent/guardian, and a review procedure. A student or parent/guardian filing a claim of discrimination need not exhaust these procedures prior to initiating court action under Section 504.

Confidentiality

The Charter School shall maintain a system of safeguards to protect the confidentiality of students' educational records and personally identifiable information when collecting, storing, disclosing and destroying student records as required by law, regulations and Board policy.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.

ADOPTED this _____ day of _____, 2026

President

Secretary