

## ALTERNATIVE EDUCATION FOR DISRUPTIVE YOUTH (AEDY) REFERRAL

Date: _____	Parent/Guardian: _____
Student Name: _____	Address: _____
Grade: _____	Phone: _____
D. O. B: _____	Email: _____
Student ID Number: _____	School: _____
____ Special Education ____ Regular Education	____ E.L.L. (English Language Learner)

### **ALL REFERRALS MUST MEET THE FOLLOWING CRITERIA:**

**Disruptive student:** A student who poses a clear threat to the safety and welfare of other students or the school staff, who creates an unsafe school environment or whose behavior materially interferes with the learning of other students or disrupts the overall educational process. **By law, districts may refer students to AEDY programs only if, at the time of the recommended transfer, they demonstrate, to a marked degree, any of the following conditions:**

- (1) Disregard for school authority, including *persistent* violation of school policy and rules;
- (2) Display of or use of controlled substances on school property or during school-affiliated activities;
- (3) Violent or threatening behavior on school property or during school-related activities;
- (4) Possession of a weapon on school property, as defined under 18 Pa. C.S. Section 912 (relating to possession of weapon on school property);
- (5) Commission of a criminal act on school property;
- (6) Misconduct that would merit suspension or expulsion under school policy; and
- (7) *Habitual* truancy\*

\*All procedures, including the implementation of a Truancy Elimination Plan must have been implemented and followed PRIOR to placing habitually truant students in AEDY programs

Students in grades 6-12 may be served by AEDY programs.

### **Requirement for placing a Special Education Student in an AEDY program:**

(Please note: AEDY is not an Emotional Support Classroom)

**Students with disabilities shall not be permitted to be enrolled in the AEDY program unless all requirements have been met and all required documents have been submitted to the AEDY program prior to the placement of the student with a disability.**

Special Education students are placed in this program through the IEP process as mandated by Chapter 14 and IDEA. The IEP Team convenes to discuss the student's current placement, IEP goals, specially designed instruction, supports and Positive Behavior Support Plan. The IEP meeting is held at the home school district and includes a special education teacher, regular education teacher, the LEA, the parents, the student (if age 16 or older) & a representative from the AEDY program. The school district informs the team of the reason(s) they are seeking an alternative placement for the student. **A Manifestation Determination is conducted to determine if the student's disability is related to the behavior(s).** If the behavior is unrelated to the disability and the student meets one or more of the criteria for alternative education then the IEP Team can decide if placement is considered the Least Restrictive Environment and the best placement for the student. **If this is the IEP team's decision, then the district will complete a Notice of Recommended Educational Placement (NOREP) prior to placement.** The district sends the student folder with updated special education/academic records to the program where one of the special education teachers becomes the case manager of the student's Special Education services and provides the full spectrum of services necessary to keep a student's IEP, RR and other documents up to date.

**Manifestation Determination:** The LEA, parent, and relevant members of the Child's IEP team (as determined by the parent and LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or if the conduct in question was the direct result of the LEA's failure to implement the IEP.

**Note:** In special circumstance under 34 CFR 300 .530(g) specific to drugs, weapons and serious bodily injury, school personnel may remove a student to an interim alternative education placement for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability.

**\* A Manifestation Determination must be held for an I.E.P. student being considered for an AEDY Placement**

**REASON(S) FOR REFERRAL (Please check all that apply):**

*Students enrolled in this program must be considered disruptive as Defined by Act 30, Section 19-1901-C (5).*

*Identify and provide documentation (suspension documents) that applies to each behavior resulting in the referral...*

\_\_\_ (1) disregard for school authority, including *persistent* violation of school policy and rules;

\_\_\_ (2) display of or use of controlled substances on school property or during school-affiliated activities;

\_\_\_ (3) violent or threatening behavior on school property or during school-related activities;

\_\_\_ (4) possession of a weapon on school property, as defined under 18 Pa. C.S. Section 912 (relating to possession of weapon on school property);

\_\_\_ (5) commission of a criminal act on school property;

\_\_\_ (6) misconduct that would merit suspension or expulsion under school policy;

\_\_\_ (7) *habitual* truancy\*

\*All procedures, including the implementation of a Truancy Elimination Plan must have been implemented and followed PRIOR to placing habitually truant students in AEDY programs

**Only students in grades 6-12 may be placed in AEDY programs.**

- Interventions (completed, attempted, offered/denied). The attached intervention sheet must be completed. All three levels of Interventions (Administrative, Guidance Referral and S.A.P. Referral) must be documented.

<u>Behavior (please describe)</u>	<u>Intervention w/ Dates &amp; Notes</u> <u>Administrative</u>	<u>Result</u>
	<ul style="list-style-type: none"> <li>• Parent Conference – Review Behavior/Discuss Expectations_____</li> <li>• Reflection documents, apology, behavior contract, conflict agreements_____</li> <li>• Connect student to school activities_____</li> <li>• Involve teachers in meetings, mentors, conferences_____</li> <li>• Address physical, Environmental Concerns_____</li> <li>• Probation (if applicable)_____</li> </ul>	
	<u>Guidance Referral</u> _____ <ul style="list-style-type: none"> <li>• Could be made by teacher/administrator or other staff</li> <li>• Referral must be related to disciplinary issues and discipline referrals</li> <li>• Must be completed by guidance counselor</li> <li>• Possible Outcomes:               <ol style="list-style-type: none"> <li>1. Referral to Group_____</li> <li>2. SAP Referral_____</li> <li>3. Individual, group or Community Based Counseling_____</li> <li>4. Schedule Modification_____</li> <li>5. Peer Mediation_____</li> <li>6. Conflict Resolution strategies_____</li> <li>7. Mentoring_____</li> <li>8. Check in/out_____</li> <li>9. Parent Contact_____</li> <li>10. Student created Action Plan_____</li> </ol> </li> </ul>	
	<u>SAP Referral</u> <ul style="list-style-type: none"> <li>• Parent Contact_____</li> <li>• Possible Outcomes:               <ol style="list-style-type: none"> <li>1. Contact with outside agencies_____</li> <li>2. Mental Health Evaluation_____</li> <li>3. Individual or Group Counseling_____</li> <li>4. Community Based Services_____</li> </ol> </li> </ul>	
	<u>FBA and Positive Behavior Support Plan</u> - must be attached w/ any revisions if applicable <ul style="list-style-type: none"> <li>• Must be based on a Functional Behavior Assessment</li> <li>• Have in place for at least 30 days</li> <li>• Evaluate the effectiveness of the PBSP; make changes if needed</li> </ul>	

STUDENT INFORMATION:

Please include **copies** of the following:

1. Registration form
2. Most recent report card
3. Student schedule
4. Psychological evaluation (if applicable)
5. Other relevant reports

Please include **copies** of the following:

1. Cumulative Academic File
2. SAP (referral & any other relevant information)
3. Health Record (to be forwarded by school nurse)

*Please print reports NOT screens*

Attendance

Discipline

Transcript

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*If the above reports are not included, please complete the following:*

Grade Level\_\_\_\_\_ School\_\_\_\_\_ Year\_\_\_\_\_

**Grades:**

	<u>4 Sight-Math</u>	<u>4-Sight-Reading</u>	<u>PSSA-Math</u>	<u>PSSA-Reading</u>	<u>CDTs/Keystones</u>
English _____					
Reading _____					
Science _____	Below Basic	Below Basic	Below Basic	Below Basic	_____/____
Social Studies _____	Basic	Basic	Basic	Basic	_____/____
Math _____	Proficient	Proficient	Proficient	Proficient	_____/____
			Advanced	Advanced	_____/____

**Please attach Performance Plus Report for student for local and state testing reports.**

**Attendance:**

Total number of days: \_\_\_\_\_  
Absent \_\_\_\_\_ Tardy \_\_\_\_\_ Illegal \_\_\_\_\_ Legal \_\_\_\_\_ Suspension \_\_\_\_\_

**This student is currently placed in:**

- Regular Education\_\_\_\_\_
- Special Education\_\_\_\_\_

## VERIFICATION OF INFORMAL HEARING FOR AEDY PLACEMENT

**All students recommended for assignment to an AEDY program must be provided with due process prior to placement including an informal hearing in accordance with 22 Pa. Code §12.8 (c).** The informal hearing is held to bring forth all relevant information regarding the event for which the student may be transferred to AEDY and for students, their parents or guardians and school officials to discuss concrete strategies for avoiding future offenses. The following due process requirements shall be observed in regard to the informal hearing:

1. Notification of the specific reasons for the recommendation of transfer shall be given in writing to the parents or guardians and to the student
2. Sufficient notice of the time and place of the informal hearing shall be given
3. A student has the right to question any witnesses present at the hearing
4. A student has the right to speak and produce witnesses on his or her own behalf
5. The school entity shall offer to hold the informal hearing prior to placement in the program. However, if the student's presence in the regular classroom poses a danger to persons or property or provides a disruption of the academic process, immediate placement in the alternative program for disruptive youth may occur with the informal hearing to follow as soon as practicable.

An intake will not be scheduled at the AEDY program until the informal hearing has been completed.

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An informal hearing was held on the following date and time for the purpose of student placement in an AEDY program.

Informal Hearing Scheduled: \_\_\_\_\_  
Date Time

Parent Contacted to attend: \_\_\_\_\_  
Date Time

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Result of the informal hearing:

☐ The student will be placed in the \_\_\_\_\_ AEDY program.

☐ The student will remain in his/her home school.

☐ Other: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Administrator-Required

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Parent

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Student

TEAM MEMBERS WHO INITIATED THIS AEDY REFERRAL – “Please Print Clearly”

_____	Administrator
Name	
_____	Counselor
Name	
_____	School Psychologist
Name	
_____	Teacher
Name	
_____	Other: (specify)
Name	

Principal Check-List/Verification

Building Principal – Please review the check-list below and confirm each item has been completed.

Please **sign below** to verify that you have reviewed the referral and that it is complete.

- \_\_\_ Discipline Infraction (Discipline Records)
- \_\_\_ Completed Interventions (page 3)
- \_\_\_ Completed Truancy Elimination Plan for Habitual Truancy students
- \_\_\_ Academic/attendance Information (page 4)
- \_\_\_ Informal hearing verification (page 5)
- \_\_\_ Special Education student requirements (page 7)
- \_\_\_ Special Education requirements (NOREP and Manifestation Determination attached & completed)
- \_\_\_ Student Assistance Program referral (SAP)
- \_\_\_ Completed a behavioral assessment (see AEDY guidelines pages 22-23)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## STUDENTS REQUIRING SPECIAL EDUCATION SERVICES

**AEDY programs must comply with the Individuals with Disabilities Education Act (IDEA) and all applicable federal and state regulations pertaining to the education of children with disabilities.** The sending school district maintains the ultimate responsibility for ensuring that special education students in AEDY programs receive a free and appropriate public education (FAPE) that conforms to federal and state law and regulations. No student eligible for special education services pursuant to the IDEA shall be transferred to an AEDY program except in accordance with 34 C.F.R. §§ 300.530-300.536, 22 Pa. Code § 14.143, and 22 Pa. Code § 711.61 (pertaining to charter schools). See PDE B.E.C. “Disciplinary Exclusions of Students Who Are Eligible for Special Education.” A special education student placed in an AEDY program must be appropriately supported in making progress toward the goals in his or her Individualized Education Program (IEP).

Special education services must be provided to a child with a disability who has been removed from the child’s current placement and whose IEP Team has determined the educational setting, such as AEDY, is appropriate.

**Where a child is removed from the current placement for more than 10 consecutive school days or 15 cumulative days and placed in an AEDY Program he/she must:**

1. Continue to receive educational services, so as to enable the child 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 IEP; and
2. 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 happen again.

- The disciplinary exclusion of a student with a disability for more than 10 consecutive or 15 cumulative days in a school year will be considered a pattern so as to be deemed a change in educational placement (22 PA Code 14.143(a). A removal from school is a change in placement for a student who is identified with mental retardation, except if the student’s actions are consistent with 34 CFR 300.530(g)(1)-(3) (relating to authority of school personnel).
- The parent can agree to the change in educational placement via the notice of recommended educational placement/prior written notice.
- The LEA must conduct a manifestation determination. Within 10 school days of any decision to change the placement of a child with a disability because of violation of a code of student conduct, the LEA, the parent, and relevant members of the child’s IEP Team (as determined by the parent and the LEA) must review all relevant information in the student’s file.
- A functional behavioral assessment must be conducted if it is determined that the child’s behavior impedes the child’s learning or that of others and a positive behavioral support plan is required, unless the LEA conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child, or if a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.
- A change in educational placement could occur if the student has been subjected to a series of removals that constitute a pattern because the series of removals total more than 10 school days in a school year, because the student’s behavior is substantially similar to the student’s behavior in previous incidents that resulted in the series of removals and because of such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another (34 CFR 300.536(2)(2)(i)(ii)(iii)).

## STUDENTS REQUIRING SPECIAL EDUCATION SERVICES *(continued)*

Before a school may effect a change in educational placement for disciplinary purposes, the student's IEP Team must meet and determine whether the behavior for which the transfer is considered is a "manifestation" of the child's disability (called a "manifestation determination"). Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student

conduct (except for a removal that does not constitute a change in educational placement i.e., is for 10 consecutive school days or less and not a change of placement), the LEA, the parent, and relevant members of the IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, 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 LEA's failure to implement the child's IEP.

If the LEA, the parent and relevant members of the child's IEP Team determine that either of those conditions was met, the conduct must be determined to be a manifestation of the child's disability.

If the LEA, the parent, and relevant members of the child's IEP Team determine that the conduct in question was the direct result of the LEA's failure to implement the IEP, the LEA must take immediate action to remedy those deficiencies.

For a copy of a manifestation determination worksheet developed by the PA Department of Education, go to

<http://www.pattan.k12.pa.us/files/Behavior/ManiDeterm102907.pdf>.

**The school may not transfer the student until the IEP Team has met and determined whether the behavior was a *manifestation of the student's disability*, except for the special circumstances specified in 34 CFR 300.530(g).**

3. In specific circumstances regarding drugs, weapons and serious bodily injury, whether or not the behavior was a manifestation of the child's disability, school personnel may remove a student to an interim alternative educational setting (determined by the child's IEP Team) for up to 45 school days, if the child:

- a. Carries a weapon to school or has a weapon at school, on school premises or at a school function under the jurisdiction of the LEA;
- b. Knowingly has 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 under the jurisdiction of the LEA or
- c. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the jurisdiction of the State Educational Agency or a LEA.