

SPECIAL EDUCATION HANDBOOK



The Excel Centers of Michiana LEADS

An Adult High School Serving Students 18 Years and Older

Goodwill LEADS, Inc.

Operating The Excel Centers of Michiana (Elkhart, Gary, Hammond, South Bend)

Website: goodwill-ni.org/excel-center

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I. THE EXCEL CENTER MISSION AND VISION

Our Mission

Goodwill changes lives every day by empowering people to increase their independence and reach their potential through education, health and employment.

Our Values

Innovation

Goodwill identifies gaps, evaluates opportunities and risks, and creates solutions that significantly advance our mission.

The Value of the Individual

Goodwill demonstrates respect for the dignity, worth, and uniqueness of all people. Learning People grow and build confidence when they learn and apply knowledge.

Employment

People can reach their greatest potential through employment.

Self-sufficiency

Goodwill believes in every person's ability to define, work toward and achieve greater independence.

Lasting Impact

Goodwill values solutions that result in long-term, social impact that affects multiple generations.

II. POLICIES

Free and Appropriate Public Education (511 IAC 7-33-2)

The Excel Centers of Michiana LEADS ensures that all eligible adult students with disabilities aged 18 through the maximum age permitted under Indiana state rule are provided a Free and Appropriate Public Education (FAPE). FAPE is delivered at no cost to the student or their families, meeting individual academic standards while advancing them toward an Indiana Core 40 high school diploma. Academic and supportive environments are aligned with the state standards as outlined in Article 7 (511 IAC 7-33-2).

Procedural Safeguards (511 IAC 7-37-1)

Procedural safeguards ensure that the rights of adult students with disabilities (and their parents/guardians, where rights have not transferred) are completely protected. The Excel Center provides students with written copies of their procedural safeguards notice at least once a year, and additionally upon initial referral, request for evaluation, or file of a formal complaint/disciplinary action. This protection incorporates independent evaluations, written notice, and multi-tiered conflict dispute avenues. For more information, please review: <https://www.in.gov/doe/files/Notice-of-Procedural-Safeguards-English-August-2025.pdf>

Access to and Disclosure of Educational Records (511 IAC 7-38-1)

In accordance with 511 IAC 7-38-1 and the Family Educational Rights and Privacy Act (FERPA), adult students (18 years and older) hold sole access rights to their educational records unless an explicit release is provided. The Excel Center guarantees the student the right to inspect, review, and request amendments to their educational records. Disclosure to outside entities requires explicit, signed, and dated written consent from the student, except where authorized under statutory exceptions.

Confidentiality Safeguards in the Collection, Maintenance, and Destruction of Educational Records (511 IAC 7-38-3)

The Excel Center maintains tight physical and digital safeguards to preserve record confidentiality. Special education files are kept secure, accessible only to authorized personnel with direct educational relevance. Under 511 IAC 7-38-3, records are maintained throughout the student's enrollment and safely destroyed or given to the student after the statutory maintenance period ends, following notice to the adult learner that the information is no longer needed to provide educational services.

Family Educational Rights and Privacy Act (FERPA)

Confidentiality & Student Information the Family Education Rights and Privacy Act (FERPA) is a Federal Law designed to protect the privacy of a student's education records. This act protects student personal information from being distributed to third parties. The Excel Center must have written consent from you before personal information can be released to a third party (i.e., spouse, parent, employer, etc.). For more information on FERPA rights, please review: <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html> or request a copy from the school office. Schools may disclose, without consent, "directory" information such as a student's name,

address, telephone number, date and place of birth, honors and awards, and dates of attendance. If you wish to remove your student from directory information, please notify the school office in writing. (See Appendix for full FERPA disclosure).

Educational Surrogate Parents (34 CFR 300.519; 511 IAC 7-39-1; 511 IAC 7-39-2)

Because The Excel Center serves an adult population (18+), the appointment of an educational surrogate parent occurs rarely. However, in cases where an adult student has been adjudicated incompetent by a court of law and lacks an established legal guardian, or when an individual's whereabouts cannot be ascertained, The Excel Center will appoint a trained educational surrogate parent to protect the student's structural rights in the special education process.

Child Find (511 IAC 7-40-1)

As an adult public charter school network, The Excel Center maintains a robust Child Find system tailored to individuals aged 18 and older who have not yet obtained a high school diploma. School staff, life coaches, and instructors are comprehensively trained to identify and locate enrolled students who demonstrate indicators of a disability and who may be in need of special education and related services.

Educational Evaluations; In General (34 CFR 300.300; 511 IAC 7-40-3)

Educational evaluations consist of comprehensive, multi-disciplinary assessments used to determine a student's eligibility for special education and to identify their unique learning needs. Evaluations are never based on a single assessment tool. The Excel Center ensures that evaluations utilize a variety of technical, non-discriminatory, and validated diagnostic mechanisms to evaluate the student across all functional, cognitive, behavioral, and physical domains.

Parental Consent (34 CFR 300.300; 511 IAC 7-40-4)

For adult students aged 18 and older who have maintained their legal rights, "Parental Consent" translates to the direct, informed written consent of the adult student. Written consent must be obtained prior to conducting an initial evaluation, a reevaluation, or the initial provision of special education services. Consent is completely voluntary and can be revoked by the student at any point prior to the action's execution.

Initial Evaluations (34 CFR 300.301; 511 IAC 7-40-4)

Upon receipt of written request or referral for an initial evaluation, The Excel Center has twenty (20) instructional days to provide the student with a formal notice seeking written consent or notice of refusal. Once the adult student signs the informed written consent, the school must complete the comprehensive evaluation and convene the Case Conference Committee (CCC) within fifty (50) instructional days, adhering strictly to state timelines.

Screening for Instructional Purposes is Not Evaluation (34 CFR 300.302; 511 IAC 7-40-3(b)(2))

Routine screening tools administered by teachers to an entire classroom or cohort to determine appropriate instructional strategies, academic tiers, or reading levels are not considered formal educational evaluations for special education eligibility. These assessments do not require prior student consent and are utilized to guide general differentiated instruction within the accelerated 8-week term model.

Reevaluations (34 CFR 300.303; 511 IAC 7-40-8)

A reevaluation must be conducted if The Excel Center determines whether the educational or related service needs of the adult student warrant it, or if the student requests an assessment. A reevaluation may occur at least once every three years unless the adult student and the school formally agree that a reevaluation is unnecessary. Reevaluations will not occur more than once a year unless explicitly agreed upon by both parties.

Conducting an Initial Evaluation (34 CFR 300.304; 34 CFR 300.305; 34 CFR 300.308; 511 IAC 7-40-5)

Initial evaluations are conducted by a multidisciplinary team of licensed professionals. The evaluation includes reviewing existing data, transcripts, current classroom performance, and direct evaluations administered in the student's native language or mode of communication. The evaluation is structured to provide comprehensive data establishing whether the student has a disability and determining its direct impact on their academic progress.

Determination of Eligibility (34 CFR 300.306; 511 IAC 7-40-6)

Following the completion of an evaluation, the Case Conference Committee (CCC) convenes to review the integrated evaluation report. The CCC collectively determines whether the student meets the structural eligibility criteria under Indiana Article 7. A student will not be determined eligible if the determinant factor is a simple lack of appropriate instruction in reading, math, or limited English proficiency.

Specific Learning Disabilities (34 CFR 300.307; 511 IAC 7-40-5(g))

In determining eligibility under the category of Specific Learning Disability (SLD), The Excel Center utilizes comprehensive evaluation procedures that document a severe discrepancy or an inadequate rate of growth when provided with high-quality, scientifically research-based interventions. The evaluation addresses areas such as oral expression, listening comprehension, written expression, basic reading skills, and mathematical calculations.

Determining the Existence of a Specific Learning Disability (34 CFR 300.309; 34 CFR 300.310; 34 CFR 300.311; 511 IAC 7-41-12)

The documentation determining an SLD must contain a direct observation of the student's academic performance in a regular classroom setting. The CCC must verify that the student's underachievement is not primarily the result of a visual, hearing, or motor disability, intellectual disability, emotional disturbance, environmental or economic disadvantage, or cultural factors,

explicitly documenting these findings in a written report.

Local Procedures and Training (511 IAC 7-42-1)

The Excel Centers of Michiana LEADS implements formalized local administrative procedures and ongoing staff professional development to ensure complete compliance with state and federal special education mandates. Staff training specifically highlights the operational components of adult learning environments, accommodating accelerated 8-week academic terms, and addressing complex life barriers through specialized coaching.

Case Conference Committee Participants (511 IAC 7-42-3)

The Case Conference Committee (CCC) for an adult student must include the following essential personnel:

- The adult student (holding educational rights).
- A public agency representative (holding administrative authority over resources).
- At least one of the student's general education teachers.
- At least one special education teacher or provider.
- An individual capable of interpreting the instructional implications of evaluation results.

Parent (511 IAC 7-32-70) / Educational Surrogate (511 IAC 7-39-2(f))

Under Indiana law, when a student reaches 18 years of age, all rights accorded to parents transfer entirely to the adult student, unless the student has been determined legally incompetent. Therefore, references to "Parent" within this handbook signify the adult student themselves. If an educational surrogate has been legally designated under strict statutory criteria, they assume the representative role in the CCC.

Case Conference Committee (511 IAC 7-42-(4-7))

The CCC is the core decision-making body tasked with developing, reviewing, and amending the student's Individualized Education Program (IEP). The CCC meets annually to review progress, or more frequently upon request by the adult student or school personnel. Decisions regarding placement, accommodations, services, and goals are achieved through structural consensus within the committee framework.

Exit Case Conference Committee and Summary of Performance (511 IAC 7-43-7)

When an adult student exits The Excel Center by graduating with a Core 40 high school diploma or by exceeding the statutory age limit for funding, the school must conduct an exit process. The school provides the students with a comprehensive **Summary of Performance (SOP)**. The SOP outlines the students' academic achievements, functional performance, and clear, practical recommendations on how to assist the student in meeting their postsecondary, collegiate, or career goals. The Summary of Performance is a part of the IEP process.

Revocation of Consent (511 IAC 7-42-15)

An adult student may revoke consent in writing for the continued provision of special education and related services at any time. Upon receiving a written revocation, The Excel Center will provide prior written notice to the student and subsequently terminate all special education services. The school is not required to amend or erase the student's past educational records to remove references to historical special education services.

Transfer of Rights (511 IAC 7-43-5)

At least one year before a student reaches 18 years of age, formal notice is provided regarding the future transfer of rights. Because students entering The Excel Center are already 18 years or older, this transfer occurs immediately upon enrollment. All rights regarding notices, evaluations, IEP approvals, and administrative hearings rest exclusively with the adult learner unless a court order dictates otherwise. This does not apply to The Excel Centers as all students must be 18 years of age at the time of admission.

General Administration of Programs (511 IAC 7-36)

The Excel Center maintains full administrative compliance under 511 IAC 7-36, ensuring that special education programs operate with proper certifications, adequate funding tracks, and appropriate administrative oversight. Programs are integrated smoothly into the overall operational framework of Goodwill LEADS, Inc., ensuring fiscal accountability and programmatic equity across all regional sites.

Parent Participation (511 IAC 7-36-1)

While the legal rights belong to the adult student, The Excel Center recognizes the value of family support networks. Adult students may formally invite their parents, spouses, or external advocates to participate in CCC meetings. The school facilitates participation through flexible scheduling and multi-modal meeting options (in-person, telephonic, or virtual platforms).

Program Personnel (511 IAC 7-36-2)

All special education and related services at The Excel Center are delivered by qualified personnel who meet the strict licensing requirements established by the Indiana Department of Education.

Special Education Teachers (511 IAC 7-36-3)

Special education teachers at The Excel Center serve as critical instructional leaders and case managers. They ensure the complete implementation of accommodations during accelerated 8-week terms, deliver direct specialized instruction, manage IEP compliance, and collaborate continuously with general education instructors and life coaches to resolve student barriers.

Instructional Curricula, Materials, Equipment, and Assistive Technology Devices and Services (511 IAC 7-36-7)

The Excel Center ensures that adult students with disabilities have full, unimpeded access to instructional materials and curricula that mirror those provided to general education peers. Assistive technology (AT) evaluations are conducted as requested by the CCC, and necessary AT devices—such as screen readers, text-to-speech software, or specialized physical tools—are provided at no cost to the student.

School Day (511 IAC 7-36-4)

The instructional school day for adult students with disabilities matches the flexible scheduling options provided to all Excel Center students. Classes operate on structured AM and PM blocks to accommodate work schedules and family responsibilities, ensuring that the total hours of instructional access align entirely with the state definitions for a standard school day. The instructional days for Excel Center students are Monday- Friday. Mondays through Thursdays include classes, transition periods or breaks, and time for lunch. Fridays are comprised of curriculum or educationally related activities under the direction of staff members. For specific times and information, contact your specific school.

Early Childhood (511 IAC 7-36-5)

As an adult-focused high school serving individuals aged 18 and older, early childhood special education programs under 511 IAC 7-36-5 are non-applicable to the direct educational operations of The Excel Center. However, free drop-in childcare ("Kids Excel") is provided for the children of enrolled adult students (ages 7 weeks to 7 years old), using the High Scope curriculum format to remove childcare as an academic barrier.

Facilities (511 IAC 7-36-6)

The physical facilities across all Michiana Excel Center campuses (including Elkhart, Gary, Hammond, and South Bend) are fully accessible, Americans with Disabilities Act (ADA) compliant, and structurally equivalent to facilities housing general education classrooms. Special education services are delivered in environments that maximize integration with the general student body.

Transportation (511 IAC 7-36-8)

The Excel Center proactively eliminates transportation barriers by providing public transportation passes (such as Transpo passes) or specialized travel assistance to eligible adult students. If a student's IEP explicitly establishes that specialized transportation is required as a related service due to their disability, the school will arrange and fund such transportation directly.

Medication Administration (511 IAC 7-36-9)

Due to privacy laws (FERPA & HIPAA): Once a student turns 18, school staff cannot legally inquire or share student personal or medical information with parents or guardians without explicit written consent, reinforcing the student's autonomy. Therefore, The Excel Centers do

not handle or administer student medications. Students requiring emergency medication administration must inform their school Director and provide written authorization alongside physician-signed orders. All medications are to be securely stored on the student's person and administered by designated, trained campus personnel in compliance with 511 IAC 7-36-9.

Least Restrictive Environment and Delivery of Special Education and Related Services (511 IAC 7-42-10)

The Excel Center operates under a strict presumption of the **Least Restrictive Environment (LRE)**. Adult students with disabilities are educated alongside general education peers to the maximum extent appropriate. Special education services follow a multi-tiered system, utilizing a continuum of placements from full general education inclusion with accommodations to resource classroom support as determined necessary by the CCC.

Nonpublic School or Facility Placements by Public Agencies (511 IAC 7-42-13(e))

In highly unique circumstances where the CCC determines that an adult student's complex needs cannot be safely or appropriately met within the structural layout of The Excel Center's programs, the school will coordinate with external public agencies or approved nonpublic facilities to secure an appropriate educational placement, ensuring all FAPE provisions remain structurally active and financially covered by the public agency.

Individualized Education Program (IEP) Components (511 IAC 7-42-6)

Every IEP developed at The Excel Center contains explicit, legally mandated components:

- A detailed statement of the students' Present Levels of Academic Achievement and Functional Performance (PLAAFP).
- Measurable annual academic and functional goals.
- A detailed description of the specific special education, related services, and supplementary aids to be provided.
- A clear statement of necessary testing and classroom accommodations.

Transition (511 IAC 7-42-6)

Transition components within the IEP for an adult student focus heavily on postsecondary career, vocational, and collegiate paths. Transition plans utilize age-appropriate transition assessments to establish clear goals related to employment, independent living skills, and post-secondary education, directly linking the student with industry-recognized certifications and college-credit pathways offered internally.

Special Factors / General Consensus (511 IAC 7-42-6)

In developing the IEP, the CCC explicitly considers unique special factors: the use of positive behavioral interventions, language and communication needs for English learners, Braille needs for visually impaired individuals, and specific assistive technology requirements. The committee actively works to establish programmatic consensus on all elements of the service model.

Related Services (511 IAC 7-42-6; 511 IAC 7-43-1)

Related services are developmental, corrective, or supportive services required to assist an adult student with a disability to benefit fully from their special education program. These services are documented clearly within the IEP and scheduled to avoid disrupting the accelerated 8-week core courses.

Reporting (511 IAC 7-42-6)

The Excel Center provides regular, objective updates to adult students regarding their progress toward annual IEP goals. These progress reports are made available concurrently with the school's standard grading periods (at the conclusion of each 8-week academic term), detailing whether the current rate of progress is sufficient to achieve the established goals by the annual review date.

Goals (511 IAC 7-42-6)

Annual goals included in the IEP must be measurable and designed to meet each student's needs resulting from their disability, ensuring they can actively progress within the Core 40 general education curriculum. Goals are framed using the SMART criteria (Specific, Measurable, Attainable, Results-oriented, Time-bound) and are modified yearly by the CCC.

Alternate Assessment (511 IAC 7-42-6)

If the CCC determines that an adult student cannot participate in standard statewide accountability assessments, the IEP must contain a clear statement detailing why the standard assessment is inappropriate and how the specific alternate assessment selected (e.g., Indiana's alternate assessment framework) is a scientifically valid measure for the student.

Objectives (511 IAC 7-42-6)

For students who participate in alternate assessments aligned to alternate achievement standards, the IEP must include written intermediate benchmarks or short-term objectives. These objectives break down the broader annual goals into incremental, measurable steps, providing a transparent pathway for tracking functional and academic growth.

Student Progress (511 IAC 7-42-6)

Student progress is measured continuously through objective data collection tools, including periodic rubric evaluations, curriculum-based measurements, and diagnostic assessments. This progress data is thoroughly reviewed by the case manager and forms the structural baseline for modifying instructional strategies or modifying service delivery tiers.

Transportation of Students in Public or Private Residential Placement (511 IAC 7-42-14(e) and (f))

In the rare event that an adult student is placed in a public or private residential facility for educational purposes by the CCC, The Excel Center maintains administrative responsibility for coordinating and financing the student's initial, terminal, and regularly scheduled vacation-

period transportation to and from the residential facility.

Transition from Early Intervention Services (Part C) to Early Childhood Special Education (Part B) (511 IAC 7-43-2)

Because The Excel Center is an adult high school serving individuals aged 18 and older, the legal and programmatic provisions governing the transition from Part C (First Steps) early intervention services to Part B early childhood special education are completely non-applicable to the school's operational mandate.

Early Intervention Services (511 IAC 7-40-2)

The Excel Center supports proactive, multi-tiered systems of academic and behavioral support (such as Response to Intervention or MTSS) to provide early instructional interventions for adult learners struggling in core classes. These interventions are deployed within the standard classroom setting to resolve academic challenges prior to initiating formal special education evaluation processes.

Discipline Procedures (511 IAC 7-44)

Adult students with disabilities are subject to the standard student code of conduct; however, disciplinary changes of placement exceeding ten (10) cumulative instructional days trigger strict legal protections. The Excel Center will convene a **Manifestation Determination Review (MDR)** within ten (10) instructional days of any decision to change placement due to misconduct. The CCC will review all relevant data to determine if the behavior was caused by, or had a direct and substantial relationship to, the student's disability, or if it resulted from the school's failure to implement the IEP. If a manifestation is found, a Functional Behavior Assessment (FBA) is conducted, a Behavioral Intervention Plan (BIP) is implemented, and the student returns to their placement unless unique safety circumstances apply.

Removals in General (511 IAC 7-44-1)

(a) A public agency is not required to provide services to a student with a disability during any of the first ten (10) cumulative instructional days of removal in a school year, for violating a code of student conduct, if services are not provided to a nondisabled student who has been similarly removed.

(b) Removal of a student for any part of a day constitutes a day of removal.

(c) A short-term removal of a student pursuant to the student's IEP is not a removal under this rule.

(d) A suspension is a removal. However, an in-school suspension is not considered a removal for purposes of this rule if, during the in-school suspension, the student has the opportunity to:

- 1. progress appropriately in the general curriculum;
- 2. receive the special education services specified in the student's IEP; and
- 3. participate with nondisabled students to the extent the student would have in the student's current placement.

Disciplinary Change of Placement (511 IAC 7-44-2)

(a) A removal or a series of removals from a student's current educational placement results in a change of placement under this rule in the following situations:

- 1. The removal is for more than ten (10) consecutive instructional days.
- 2. The student is subjected to a series of removals that constitute a pattern because:
 - ◆ a. the series of removals cumulate to more than ten (10) instructional days in a school year;
 - ◆ b. the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
 - ◆ c. of such additional factors as the:
 - (i) length of each removal;
 - (ii) cumulative amount of time the student has been removed; and
 - (iii) proximity of the removals to one another.

(b) The public agency determines on a case-by-case basis whether a series of removals under subsection (a)(2) constitutes a pattern that results in a change of placement for the student.

(c) The public agency may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with other requirements in this rule, is appropriate for a student with a disability who violates a code of student conduct. Unique circumstances may include the following:

- 1. A student's:
 - ◆ a. disciplinary history; and
 - ◆ b. ability to understand consequences.
- 2. Supports provided to the student prior to violating a code of student conduct.
- 3. Other relevant considerations.

(d) The public agency does not need parental consent for a disciplinary change of placement under this rule.

(e) The parent of a student with a disability who disagrees with a decision regarding a student's change of placement under this rule may request the following:

- 1. Mediation in accordance with 511 IAC 7-45-2.
- 2. A due process hearing in accordance with 511 IAC 7-45-3 or 511 IAC 7-45-10.
- 3. Simultaneously, mediation and a due process hearing.

(f) Upon a parent's request for a due process hearing, the department of education shall arrange for an expedited hearing pursuant to 511 IAC 7-45-10.

(g) In reviewing a decision regarding change of placement, an independent hearing officer may return the student with a disability to the placement from which the student was removed if the hearing officer determines that the removal was a violation of this rule.

Removals of More Than 10 Cumulative Days That Do Not Result in a Change of Placement (511 IAC 7-44-3)

(a) When a student has been removed for more than ten (10) cumulative instructional days in the same school year, but the removals do not constitute a pattern that results in a change of placement under section 2(a)(2) of this rule, school personnel, in consultation with at least one (1) of the student's teachers, determine the extent to which services are needed to enable the student to do the following:

- 1. Continue to participate in the general education curriculum, although in another setting.
- 2. Progress toward meeting the goals set out in the student's IEP.

(b) The services required by subsection (a) may be provided in an interim alternative education setting.

Removals of more than 10 consecutive days or 10 cumulative days that result in a change of placement (511 IAC 7-44-4)

(a) When a decision is made to make a removal that constitutes a change of placement, the public agency must notify the student's parent and provide the parent with the notice of procedural safeguards described in 511 IAC 7-37-1. A change of placement occurs when a student has been removed for more than ten (10):

- 1. consecutive instructional days in the same school year; or
- 2. cumulative instructional days in the same school year if the removals constitute a pattern that results in a change of placement under section 2(a)(2) of this rule.

(b) The notice required in subsection (a) must be provided by the public agency on the date the public agency decides to make a removal that results in a change of placement. The public agency must make and document reasonable efforts to:

- 1. notify the parents of that decision; and
- 2. provide the parents with the notice of procedural safeguards.

(c) If the public agency is unable to notify the parent on the date a decision is made under subsection (b), notice must be mailed to the parent not later than the following business day.

(d) A manifestation determination must be conducted according to the requirements in section 5 of this rule.

Manifestation Determinations (511 IAC 7-44-5)

(a) Within ten (10) instructional days of any decision to change the placement of a student with a disability for violating a code of student conduct, the CCC must meet to determine whether the student's behavior is a manifestation of the student's disability.

(b) All relevant information in the student's file must be reviewed, including the student's IEP, any teacher observations, and any relevant information provided by the parent, to determine if

the conduct in question was:

- 1. caused by, or had a direct and substantial relationship to, the student's disability; or
- 2. the direct result of the public agency's failure to implement the student's IEP.

(c) The conduct must be determined to be a manifestation of the student's disability if the CCC determines that either of the conditions in subsection (b)(1) or (b)(2) were met.

(d) If the conduct was the direct result of the public agency's failure to implement the IEP, the public agency must take immediate steps to remedy those deficiencies.

(e) If the CCC determines that the conduct was a manifestation of the student's disability, the student's CCC must:

- 1. either:
 - ◆ a. conduct a functional behavioral assessment, unless the public agency had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student; or
 - ◆ b. if a behavioral intervention plan already has been developed, review the behavioral intervention plan and
- 2. except as provided in section 6 of this rule, return the student to the placement from which the student was removed, unless the parent and the public agency agree to a change of placement as part of the modification of the behavioral intervention plan.

(f) If the CCC determines that the conduct is not a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as those procedures would be applied to students without disabilities. However, the student must, during any removal that is ordered, continue to receive appropriate services. The student's CCC must determine appropriate services needed to enable the student to do the following:

- 1. Continue to participate in the general education curriculum, although in another setting.
- 2. Progress toward meeting the goals set out in the student's IEP.
- 3. 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.

(g) Services required by subsection

(f) may be provided in an interim alternative education setting. The student's CCC determines the interim alternative education setting for services.

(h) The parent of a student with a disability who disagrees that the student's conduct was not a manifestation of the student's disability may request the following:

- 1. Mediation in accordance with 511 IAC 7-45-2.
- 2. A due process hearing in accordance with 511 IAC 7-45-3 or 511 IAC 7-45-10.
- 3. Simultaneously, mediation and a due process hearing.

(i) Upon a parent's request for a due process hearing, the department of education shall arrange for an expedited hearing under 511 IAC 7-45-10.

(j) In reviewing a decision with respect to the manifestation determination, an independent hearing officer may return the student with a disability to the placement from which the student was removed if the hearing officer determines that the student's conduct was a manifestation of the student's disability.

Interim alternative educational setting; weapons, drugs, and serious bodily injury (511 IAC 7-44-6)

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

- 1. carries a weapon to school or possesses a weapon;
- 2. knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance; or
- 3. Has inflicted serious bodily injury upon another person; while at school, on school premises, or at a school function under the jurisdiction of the department of education or a public agency.

(b) The public agency must do the following:

- 1. Notify the student's parents.
- 2. Provide the parent with the notice of procedural safeguards as specified in section 4 of this rule.

(c) A manifestation determination must be conducted as specified in section 5 of this rule. However, if the student's conduct is determined to be a manifestation of the student's disability, the student remains in the interim alternative education setting.

(d) The student's CCC must determine the interim alternative educational setting and appropriate services needed to enable the student to do the following:

- 1. Continue to participate in the general education curriculum, although in another setting.
- 2. Progress toward meeting the goals set out in the student's IEP.
- 3. 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.

(e) The parent of a student with a disability may challenge the interim alternative education placement by requesting one (1) of the following:

- 1. Mediation in accordance with 511 IAC 7-45-2.
- 2. A due process hearing in accordance with 511 IAC 7-45-3 or 511 IAC 7-45-10.
- 3. Simultaneously, mediation and a due process hearing.

(f) The department of education shall arrange for an expedited hearing under 511 IAC 7-45-10. The student's placement during an expedited due process hearing is governed by section 8 of this rule.

(g) In reviewing a decision under this section to place the student in an interim alternative educational setting, the independent hearing officer may return the student with a disability to the placement from which the student was removed if the hearing officer determines that the removal was a violation of this rule.

Substantial likelihood of injury to students or others (511 IAC 7-44-7)

(a) If a public agency believes that maintaining the student in the current educational placement (the student's placement prior to a removal) is substantially likely to result in injury to the student or others, the public agency may request an expedited due process hearing to determine an appropriate placement for the student. The student's placement during an expedited due process hearing is governed by section 8 of this rule.

(b) The hearing officer, in accordance with 511 IAC 7-45-7, must:

- 1. hear the matter; and
- 2. Make a determination regarding the student's placement.

(c) In making the determination, an independent hearing officer may order a change of placement to an appropriate interim alternative educational setting for not more than forty-five (45) instructional days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

(d) Nothing in this rule shall prohibit a public agency from seeking injunctive relief to:

- 1. remove a student with a disability from school; or
- 2. change a student's current educational placement; if the public agency believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or others.

Placement of the student during due process hearings or appeals of disciplinary action (511 IAC 7-44-8)

(a) If a parent requests a hearing or an appeal to challenge a removal or the manifestation determination, the student must remain in the interim alternative educational setting:

- 1. pending the decision of the independent hearing officer; or
- 2. until the time period for the disciplinary action expires; whichever occurs first, unless the parent and the public agency agree otherwise.

(b) If a student is placed in an interim alternative educational setting under section 6 or 7 of this rule, and the student's parent opposes the public agency's proposed change in educational placement after expiration of the forty-five (45) instructional days, during the pendency of any proceeding to challenge the proposed change in placement, the student remains in the interim alternative education setting:

- 1. pending the decision of the hearing officer; or
- 2. until the expiration of the forty-five (45) instructional days; whichever occurs first, unless the parent and the school agree otherwise.

(c) If the public agency and the parent are unable to resolve the dispute in subsection (b) regarding the proposed change of placement after the expiration of the forty-five (45) instructional days, and the public agency maintains that the current placement (the placement prior to removal to the interim alternative education setting) is substantially likely to result in injury to the student or others, the public agency may request the following:

- 1. An expedited due process hearing under section 7 of this rule.
- 2. The independent hearing officer to extend the interim alternative education placement.

Protections for students not yet eligible for special education and related services (511 IAC 7-44-9)

(a) A student who has:

- 1. not been determined eligible for special education and related services under this article; and
- 2. engaged in behavior that violated any rule or code of conduct of the public agency, including any behavior described in this rule; may assert any of the protections provided for in this article if the public agency had knowledge, as described in subsection (b) that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

(b) A public agency shall be deemed to have knowledge that a student is a student with a disability if any of the following have occurred:

- 1. The parent of the student has expressed concern in writing to licensed personnel of the appropriate public agency, or a teacher of the student, that the student is in need of special education and related services.
- 2. The parent of the student or the public agency has requested an evaluation of the student under 511 IAC 7-40-4.
- 3. The teacher of the student, or other personnel of the public agency, has expressed specific concern about a pattern of behavior demonstrated by the student directly to supervisory personnel of the public agency.

(c) A public agency shall not be deemed to have knowledge under subsection (b) if any of the following has occurred:

- 1. The parent of the student has not allowed an evaluation of the student under 511 IAC 7-40.
- 2. The parent of the student has refused services under this article or the Individuals with Disabilities Education Act.
- 3. The public agency:
 - ◆ a. conducted an educational evaluation;
 - ◆ b. determined that the student was not a student with a disability under this article; and

- ◆ c. provided notice to the student's parents of the determination consistent with 511 IAC 7-42-7.
- 4. The parent of the student has revoked consent for special education and related services in accordance with 511 IAC 7-42-15.

(d) If a public agency does not have knowledge, in accordance with subsections (b) and (c), that a student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as measures applied to students without disabilities who have engaged in comparable behaviors, subject to subsections (e) and (f).

(e) If a referral is made for an initial educational evaluation of a student during the time period in which the student is subjected to:

- 1. suspension;
- 2. expulsion; or
- 3. placement in an interim alternative educational setting; the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which may include suspension or expulsion without educational services.

(f) As used in this rule, "expedited evaluation" means that the public agency conducts the evaluation and convenes the CCC within twenty (20) instructional days from the date of the parent's written consent for the evaluation. A copy of the educational evaluation report shall be provided to the parents at the CCC convened to consider the student's identification and eligibility for special education services.

(g) If the student is determined to be a student with a disability, taking into consideration information: 1. from the educational evaluation conducted by the public agency; and 2. provided by the parents; the public agency shall provide special education and related services in accordance with this article.

Referral to law enforcement and judicial authorities (511 IAC 7-44-10)

(a) Nothing in this article:

- 1. prohibits a public agency from reporting a crime allegedly committed by a student with a disability to appropriate authorities; or
- 2. prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

(b) When the public agency reports a crime committed by a student with a disability, the public agency must ensure that copies of the education and disciplinary record of the student are transmitted only to the extent the transmission is permitted by the Family Educational Rights and Privacy Act (which includes requiring the receiving authorities to certify in writing that the records will not be disclosed to any other parties) and as required by IC 20-33-7-3, without the prior written consent of the parent or the student of legal age for consideration by the appropriate authorities to whom it reports the crime.

Provisions for Warning and Evacuating Students Whose Disabilities Require Special Warning or Evacuation Procedures (511 IAC 6.1-2-2.5)

In accordance with 511 IAC 6.1-2-2.5, each Excel Center campus incorporates specialized provisions within its Local Educational Agency (LEA) Emergency Preparedness Plan to accommodate students with physical, sensory, cognitive, or medical disabilities. Individualized Evacuation Plans are created for students requiring unique assistance. These plans specify designated staff escorts, specialized visual/auditory alert devices, accessible exit paths, and localized safe-refuge areas, ensuring complete safety and operational readiness during emergency drills or active evacuations.

Federal Child Count Procedures (511 IAC 7-46-1; 511 IAC 7-46-2; 511 IAC 7-46-3)

Procedure for the December 1 Federal Child Count The Excel Centers of Michiana LEADS conducts an annual census of all eligible students with disabilities receiving special education and related services. In compliance with Indiana Department of Education (IDOE) mandates and 511 IAC 7-46, the official count is captured on **December 1** of each school year (or the consecutive instructional day designated by the state).

To ensure complete accuracy, financial equity, and federal data validation, the network utilizes the following multi-tiered protocol:

- **Database Pre-Verification (October – November): * Teachers of Record (TORs):**
Review all active student files within the Indiana IEP (IIEP) system to ensure that every assigned adult student has an IEP that is current, signed, and fully implemented.
- **The Census Snapshot (December 1):**
 - ◆ **Count Criteria:** To be included in the official Federal Child Count data pull, the adult learner must meet the following three criteria on December 1:
 - Be officially enrolled at an Excel Center of Michiana campus (Elkhart, Gary, Hammond, or South Bend).
 - Be between the ages of 18 and the maximum age permitted under Indiana state funding rules.
 - Be actively receiving specialized instruction as outlined in an IEP.
- **Regional Administrative Sign-Off:**
 - ◆ The **District Data Coordinator / Special Education Coordinator** conducts the final validation, resolving any data conflicts across campuses before formally submitting the certified data to the IDOE via the state's secure reporting portal.

III. EXCEL CENTER CONTACT INFORMATION

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IV. APPENDIX

FERPA- Notification of Rights

The Family Educational Rights and Privacy Act, 20 U.S.C., Section 1232g (FERPA), affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s educational records. The rights with respect to the student’s educational records are:

- 1. Parents and eligible students have the right to inspect and review the student’s educational records within 45 days of the day the The Excel Center receives a request for access. Parents or eligible students should submit to the school leader a written request that identifies the record(s) they wish to inspect. The School Director will arrange for access and notify the parent or eligible student of the time and place where the records may be inspected.
- 2. Parents and eligible students have the right to request the amendment of the student’s educational records that the parent or eligible student believes are inaccurate or misleading. Parents or eligible students may ask The Excel Center to amend a record that they believe is inaccurate or misleading. They should write the school’s School Director, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If The Excel Center decides not to amend the record as requested by the parent or eligible student, The Excel Center will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- 3. Parents and eligible students have the right to consent to disclosures of personally identifiable information contained in the student’s educational records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by The Excel Center as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom The Excel Center has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks. A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibility.

Upon request, The Excel Center discloses educational records without consent to officials of another school district in which a student seeks or intends to enroll. When FERPA authorizes disclosure to a person or entity without consent, education records will be disclosed and forwarded upon request without notice to the parent or eligible student.

Within FERPA requirements, The Excel Center must list the categories (below) that are considered “directory information” for each student attending the schools within the corporation. This means that this designated “directory information” may be disclosed without written consent from parents and eligible students unless a parent and/or eligible student have advised (in writing) The Excel Centers officials to the contrary. The primary purpose of “directory information” is to allow The Excel Centers officials to include information from the student’s education records in school publications. Examples include, but are not limited to:

- Honor roll and other academic listings
- Graduation and honors programs

The school corporation also may release certain directory information— information in an education record that is generally not considered harmful or an invasion of privacy if released—to outside organizations without the consent of a parent and/or eligible student. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks, media, colleges, civic or school-related organizations, and federal, state, and/or local government agencies. The following information has been designated as “directory information” by the The Excel Center:

- Student’s name, address, telephone listing, electronic mail address, date, and place of birth
- Student’s major field of study (certifications and dual credits)
- Student’s photograph
- Student’s grade level and dates of attendance
- Participation in officially recognized activities
- Degrees, honors, and awards received
- The most recent educational agency or institution attended
- Student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user’s identity, such as a PIN, password, or other factor known or possessed only by the authorized user
- In addition to requesting complete nondisclosure, a parent/guardian may also limit the types of information disclosed by notifying The Excel Center within the established timelines of the specific type(s) of information that is prohibited from disclosure.
- Further, in addition to requesting complete nondisclosure to all qualified outside organizations, a parent/guardian may notify the The Excel Center of specific qualified organization(s) for which the directory information is prohibited from disclosure

U.S.C. 1232g(a)(5)(B) In addition, federal laws require local educational agencies (LEAs), which the The Excel Center is, to provide military recruiters, upon request, with certain “directory information”— name, address, and telephone listing— unless a parent and/or eligible student has advised— in writing— that they do not want this student’s directory information disclosed to military recruiters without prior written consent.

Parents and eligible students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by The Excel Center to comply with the requirements of FERPA. The Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 600 Independence Avenue SW, Washington, DC 20202-4605.

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