

08-09 Annual Notice of Special Education Services

Annual Public Notice of Special Education Services & Programs

Notice to Parents of Children who reside in Fulton, Huntingdon, Juniata & Mifflin Counties
August 2008

It is the responsibility of the Pennsylvania Department of Education to ensure that all children with disabilities residing in the Commonwealth, including children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated. This responsibility is required by a federal law called the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004).

The IDEA 2004 requires each state educational agency to publish a notice to parents, in newspapers or other media, prior to any major identification, location, or evaluation activity. The IDEA 2004 requires this notice to contain certain information. Pennsylvania special education regulations require each school district/charter school to fulfill the IDEA 2004 notice requirement by providing an annual public notice. To comply with the above requirements, this publication is the annual public notice for the school districts, charter school, and intermediate unit in the accompanying list.

A public school district/charter school is required by the IDEA 2004 to provide a free appropriate public education to children with disabilities who need special education and related services. (Note: the duty to identify, locate, evaluate and provide special education services to school-age individuals incarcerated in local correction institutions rests with the school district within whose boundaries such an institution is located). Pennsylvania must adopt state laws, regulations, and/or policies conforming with the IDEA 2004 which school district/charter school must follow. Early Intervention and School age children who need special education and related services are identified as children with disabilities. These students have been identified as being in need of specially designed instruction and have one or more of the following physical or mental disabilities:

- Autism/PDD
- Deaf-blindness
- Deaf and Hard of Hearing
- Developmental Delay – (Early Intervention identification)
- Emotional Disturbance
- Mental Retardation
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech/Language Impairment
- Traumatic Brain Injury
- Visual Impairment

Early Intervention

The IDEA 2004 requires the provision of a free appropriate public education to children with disabilities between 3 years of age and the school district/charter school's age of beginners. In Pennsylvania, a child between 3 years and 5 years of age who has a developmental delay or one or more of the physical or mental disabilities listed above may be identified as an "eligible young child";

Eligible young children are afforded the rights of school age children with disabilities, including screening, evaluation, individualized education program planning, and provision of appropriate programs and services. The Pennsylvania Department of Education is responsible for providing programs and services to eligible young children under Act 212 of 1990, the Early Intervention Services System Act. The Tuscarora Intermediate Unit (IU) 11 provides programs and services to eligible young children on behalf of the Pennsylvania Department of Education. For more information, contact IU 11 at 814-542-2501 or 717-899-7143.
Ask for an Early Intervention Supervisor.

Screening

The Tuscarora Intermediate Unit 11 and each school district/charter school in Fulton, Huntingdon, Juniata and Mifflin Counties has established and implemented procedures to locate, identify, and evaluate students and young children suspected of having a disability. These procedures include screening activities which include but are not limited to: review of group-based data (cumulative records, enrollment records, health records, and report cards); hearing screening

(at a minimum of kindergarten, special non-graded classes, first, second, third, seventh, and eleventh grades); vision screening (every grade level); motor screening; and speech and language screening. In buildings which have a Pre-Referral Team, Child-Study Team or Instructional Support Team (IST), the above screening activities may lead to consideration by the teams to move to the next level of screening activities. The Tuscarora Intermediate Unit 11 and the school district/charter schools have an established annual schedule to conduct screening activities. The screenings are conducted at specific times during the school year in designated school buildings and community sites. Parents, guardians or surrogate parents may contact their local school district/charter school or Tuscarora Intermediate Unit 11 contact person to obtain specific information about the times and locations of screening activities. Except as indicated above or otherwise announced publicly, screening activities take place in an ongoing fashion throughout the school year. Screening is conducted in the student's home school unless other arrangements are necessary.

Evaluation

When screening indicates that a student may be a child with a disability, the school district/charter school will seek parental consent to conduct an evaluation. Evaluation means procedures used in the determination of whether a child has a disability and the nature and extent of the special education and related services that the child needs. The term means "procedures used selectively with an individual child" and does not mean "basic tests administered to or procedures used with all children".

This evaluation is conducted by a multidisciplinary team (MDT) that includes the parent, teachers, therapists, and any other qualified professionals. The process must be conducted in accordance with specific timelines and must include procedural safeguard procedures. For example, tests and procedures used as part of the evaluation may not be racially or culturally biased.

The evaluation process results in a written evaluation report. This report specifies a student's eligibility for special education based on the presence of a disability and the need for specially designed instruction. The evaluation report also makes recommendations for educational programming. A single test or procedure may not be the sole factor in determining that a child is exceptional. Once parental consent for evaluation is obtained, the school district/charter school has timelines and procedures specified by law, which it must follow.

Parents who think their child may have a disability may request, at any time, that the local education agency conduct an evaluation. This request should be made in writing to the contact person in the accompanying listing. If a parent makes an oral request for an evaluation, the school district/charter school/intermediate unit shall provide the parent with a form for that purpose. Pre-Referral Team, Child-Study Team, or Instruction Support Team (IST) activities do not serve as a barrier to the right of a parent to request, at any time, including prior to or during the conduct of instructional support activities, an evaluation.

Parents also have the right to obtain an independent educational evaluation. The school district/charter school must provide to parents, on request, information about where an independent educational evaluation may be obtained. Under certain circumstances, such an independent educational evaluation may be obtained at public expense.

Educational Placement

Following the evaluation report, an Individual Education Program (IEP) must be developed by a team of people. The IEP team must include the parent(s) of a child with a disability. Other required members include at least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment), at least one special education teacher, or where appropriate, at least one related services provider, and a representative of the school district/charter school. The IEP team develops a written education plan called an IEP. The IEP shall be based on the results of the evaluation report.

An IEP describes a student's current educational levels, goals, objectives, and the individualized programs and services that the student will receive. IEPs are reviewed on an annual basis. The IEP team will make decisions about the type of services, the level of intervention, and the location of intervention.

Types of services include:

1. Autistic support
2. Blind and Visually Impaired Support
3. Deaf and Hard of Hearing Support
4. Emotional Support
5. Learning Support
6. Life Skills Support
7. Multiple Disabilities Support
8. Physical Support
9. Speech and Language Support

Level of support options include:

• Itinerant: Special Education supports and services provided by special education personnel for 20% or less of the school day

• Supplemental: Special education supports and services provided by special education personnel for more than 20% of the day but less than 80% of the school day

• Full-time: Special education supports and services provided by special education personnel for 80% or more of the school day

It is the responsibility of each public agency to ensure that, to the maximum extent appropriate, students with disabilities, including those in public or private institutions or other care facilities are educated with students who are not disabled. Special classes, separate schooling or other removal of students with disabilities from the general educational environment occurs only when the nature or severity of the disability is such that education in general education classes, even with the use of supplementary aids and services, cannot be achieved satisfactorily.

Services for Protected Handicapped Students in Accordance with Section 504 – The Rehabilitation Act of 1973

Students who are not eligible to receive special education programs and services may qualify as protected handicapped students and therefore be protected by other federal and state laws intended to prevent discrimination. The school district/charter school must ensure that protected handicapped students have equal opportunity to participate in the school program and extracurricular activities to the maximum extent appropriate for each individual student. In compliance with state and federal law, the school district/charter school will provide to each protected handicapped student without discrimination or cost to the student or family, those related aids, services, or accommodations which are needed to provide equal opportunity to participate in and obtain the benefits of the school program and extracurricular activities to the maximum extent appropriate for the student.

Section 504 covers qualified students with disabilities who attend schools receiving Federal financial assistance. To be protected under Section 504, a student must be determined to: 1) have a physical or mental impairment that substantially limits one or more major life activities; 2) have a record of such impairment, or 3) be regarded as having such impairment. Section 504 requires that school districts provide a free and appropriate public education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities.

These services and protections for "protected handicapped students" may be distinct from those applicable to disabled or thought-to-be disabled students. The school district/charter school or the parent may initiate an evaluation if they believe a student is a protected handicapped student. For further information on the evaluation procedures and provision of services to protected handicapped students, parents should contact the Special Education Contact in the school district/charter school.

Confidentiality

CONSENT FOR DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION

Unless the information is contained in education records, and the disclosure is authorized without parental consent under FERPA, your consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies. Except under the circumstances specified below, your consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of Part B of the IDEA.

Your consent, or consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

If your child is in, or is going to go to, a private school that is not located in the same LEA you reside in, your consent must be obtained before any personally identifiable information about your child is released between officials in the LEA where the private school is located and officials in the LEA where you reside.

WHO HAS ACCESS TO CONFIDENTIAL INFORMATION

1. Related to the confidentiality of information, the following definitions apply:

- a. Destruction means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
- b. Education records means the type of records covered under the definition of "education records" in 34

CFR Part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA)).

c. Participating agency means any LEA, agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.

d. Personally identifiable (34 CFR §300.32) means information that has:

- 1) Your child's name, your name as the parent, or the name of another family member;
- 2) Your child's address;
- 3) A personal identifier, such as your child's social security number or student number; or
- 4) A list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

2. Access Rights:

A. Parent Access

The LEA must permit you to inspect and review any education records relating to your child that are collected, maintained, or used by your LEA under Part B of the IDEA. The LEA must comply with your request to inspect and review any education records on your child without unnecessary delay or before any meeting regarding an IEP, or any impartial due process hearing (including a resolution meeting or a hearing regarding discipline), and in no case more than 45 calendar days after you have made a request.

- 1) Your right to inspect and review education records includes:
- 2) Your right to a response from the participating agency to your reasonable requests for explanations and interpretations of the records;
- 3) Your right to request that the participating agency provide copies of the records if you cannot effectively inspect and review the records unless you receive those copies; and
- 4) Your right to have your representative inspect and review the records.

a) The participating agency may presume that you have authority to inspect and review records relating to your child unless advised that you do not have the authority under applicable State law governing such matters as guardianship, or separation and divorce.

b) If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

c) On request, each participating agency must provide you with a list of the types and locations of education records collected, maintained, or used by the agency.

B. Other Authorized Access

Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

3. Fees:

Each participating agency may charge a fee for copies of records (34 CFR §300.617) that are made for you under Part B of the IDEA, if the fee does not effectively prevent you from exercising your right to inspect and review those records.

A participating agency may not charge a fee to search for or to retrieve information under Part B of the IDEA.

4. Amendment of Records at Parent's Request

If you believe that information in the education records regarding your child collected, maintained, or used under Part B of the IDEA is inaccurate, misleading, or violates the privacy or other rights of your child, you may request the participating agency that maintains the information to change the information.

The participating agency must decide whether to change the information in accordance with your request within a reasonable period of time of receipt of your request.

If the participating agency refuses to change the information in accordance with your request, it must inform you of the refusal and advise you of the right to a hearing for this purpose.

5. Opportunity for a Records Hearing

The LEA must, on request, provide you an opportunity for a hearing to challenge information in education records

regarding your child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child.

a. Hearing Procedures

A hearing to challenge information in education records must be conducted according to the following procedures for such hearings under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1233g (FERPA):

- 1) The educational agency or institution shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.
- 2) The educational agency or institution shall give the parent or eligible student notice of the date, time, and place, reasonable in advance of the hearing.
- 3) The hearing may be conducted by any individual, including an official of the educational agency or institution who does not have a direct interest in the outcome of the hearing.
- 4) The educational agency or institution shall give the parent or eligible student a full and fair opportunity to present evidence to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
- 5) The educational agency or institution shall make its decision in writing within a reasonable period of time after the hearing.
- 6) The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

b. Result of Hearing

If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must change the information accordingly and inform you in writing. If, as a result of the hearing, the participating agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child, you may place in the records that it maintains on your child a statement commenting on the information or providing any reasons you disagree with the decision of the participating agency.

Such an explanation placed in the records of your child must:

- 1) Be maintained by the participating agency as part of the records of your child as long as the record or contested portion is maintained by the participating agency; and
- 2) If the participating agency discloses the records of your child or the challenged portion to any party, the explanation must also be disclosed to that party.

c. Safeguards

Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information must receive training or instruction regarding your State's policies and procedures regarding confidentiality under Part B of the IDEA and FERPA.

Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who have access to personally identifiable information.

6. Destruction of Information

Your LEA must inform you when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to your child, and the information must be destroyed at your request.

However, a permanent record of your child's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

Mode of Communication

The content of this notice has been written in straightforward, simple language. If a person does not understand any of this notice, he or she should contact the school district, charter school, or Intermediate Unit 11 and request an

