

## **Annual Public Notice of Special Education Services and Programs**

Under the federal law, the Individuals with Disabilities Education Act (IDEA), it is the responsibility of the Pennsylvania Department of Education to ensure that all children with disabilities, regardless of the severity of the disability residing in the Commonwealth who are suspected to be in need of special education and related services, are located, evaluate, and identified.

To fulfill IDEA's requirement, Pennsylvania law requires each school district to provide notice to the community by publishing an annual public notice to parents, in newspapers or by other media, regarding the school district's identification and screening activities, the location and time of the activities, and also any evaluation activity which takes place in the school district.

School districts are required to provide a free appropriate public education (FAPE) to children with disabilities who are determined, through the evaluation process, to need special education and related services under IDEA and 22 Pa. School Code §14. A school age child with a disability, who is determined in need of special education and related services, is identified as a child with a disability eligible for special education in need of specially designed instruction. The following are disability categories under IDEA:

- Autism/pervasive developmental disorder
- Serious emotional disturbance
- Traumatic Brain Injury
- Deafness/hearing loss
- Specific learning disability
- Orthopedic Impairment
- Mental retardation
- Multiple disabilities
- Other health impairment
- Speech and language impairment
- Blindness/visual loss

### Gifted Education

Parents who suspect that their child is in need of specially designed instruction beyond that required in 22 Pa. School Code §4 (relating to academic standards and assessments) may request that their child be evaluated under the criteria of 22 Pa. School Code §16.22.

### Early Intervention

In Pennsylvania, a child between 3 years of age and the school district's age of beginners who has a developmental delay or one or more of the physical or mental conditions listed above is identified as an "eligible young child." Eligible young children are afforded the same rights under IDEA and 22 Pa. School Code §14 as school age children, in order to determine if they are eligible to receive special education services, through the screening and evaluation process.

Once determined eligible to receive special education an individualized education program would be developed for the child.

The Pennsylvania Department of Education is responsible for providing programs and services to eligible young children under Act 212 of 1990, the Early Intervention System Act. Screening for preschool children is available each month at The Yorkshire Center (York 717-757-1531), the LIU Central Office (New Oxford 717-624-6490), and the Franklin Learning Center (Chambersburg 717-263-1732). To schedule an appointment for a screening or evaluation call one of the numbers listed above. For additional information, contact Georgette Mester at (717) 624-4616.

### Screening

Each school district must establish and implement procedures to locate, identify, and evaluate students suspected of being a child with a disability eligible for special education. Screening activities 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 ungraded classes, first, second, third, seventh, and eleventh grades);
- vision screening (every grade level);
- motor screening; and
- speech and language screening.

Some school districts elect to have Instructional Support Teams (IST). IST teams include parents and members of the professional staff of the school district. The IST team analyzes information from the screening activities listed above as well as classroom behavior and performance and recommends strategies for the student in the classroom. If within 60 school days after initiation, screening activities have produced little or no improvement, the student is referred for an evaluation to determine eligibility for special education services.

Except as indicated above or otherwise announced publicly, screening activities are conducted on an on-going basis throughout the school year. Screening is conducted in the student's home school unless other arrangements are necessary. Parents can request screening for their children by contacting the school that their child attends. When screening indicates that a student may be a child with a disability eligible for special education, the school district will seek parental consent to conduct an evaluation.

Screening activities and/or IST activities cannot block the rights of a parent to request, at any time, including prior to or during the instructional support activities, an evaluation for the purpose of determining if the student is a child with a disability and eligible for special education services.

### Evaluation

“Evaluation” is the procedure used to determine whether a child has a disability and if the child’s disability is of the nature and extent that the child would be eligible for special education and related services. Evaluation procedures used are determined on an individual basis by an Evaluation team, which includes the parents. Parents are asked to provide permission to conduct the evaluation via Permission to Evaluate form. The Evaluation team takes into consideration cultural issues as they determine the assessment tools that will be administered for the student. A single test or procedure cannot be the sole factor in determining that a child is eligible for special education services. The initial evaluation shall be completed and a copy of the evaluation report shall be presented to the parents no later than 60 days after the agency receives written parental consent. Evaluation for the purpose of determining if a child is a child with a disability eligible for special education does not include the procedures or basic tests that are administered to all children.

Parents who think their child is a child with a disability may request, at any time, that the school district conduct an evaluation to determine if the child is eligible to receive special education and related services. This request must be made in writing to the Special Education Contact Person on the attached list. If a parent makes an oral request for an evaluation, the school district shall provide the parent with a Permission to Evaluate form to complete.

#### Independent Educational Evaluation

Parents have the right to obtain an independent educational evaluation. The school district must provide to parents, on request, information about where an independent educational evaluation may be obtained. If parents present the school district with an independent educational evaluation that they have obtained on their own, the Evaluation or Individualized Education Program (IEP) team must consider the results of the independent educational evaluation. Under certain circumstances, such an independent educational evaluation may be obtained at public expense.

#### Educational Placement

After the evaluation team has determined that the student is eligible for special education, an IEP team develops an educational program, based on the evaluation, that identifies the type of services, the level of intervention, and the location of intervention. The IEP team must include:

- a school district representative,
- the general education teacher,
- the special education teacher, and
- the child’s parents.

An IEP describes a student's current educational levels, goals, and objectives, and the individualized programs and services that the student will receive. These services include:

1. Academic support
  - Learning support class
2. Life skills support class
3. Emotional support class
4. Sensory support
  - Deaf or hard of hearing class
  - Blind or vision loss class
5. Speech and language support class
6. Physical support class
7. Autistic support class
8. Multiple disabilities support class

A student's special education placement must be made in the least restrictive environment in which the student's educational needs can be addressed. All students with disabilities must be educated to the maximum extent appropriate with students who are not disabled as determined by the IEP team. Student's IEP are reviewed on an annual basis.

#### Services for Protected Handicapped Students

In compliance with state and federal law, and 22 Pa. School Code Chapter 15, the school district 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 an equal opportunity to participate in and obtain the benefits of the school programs and participate in extracurricular activities to the maximum extent appropriate to the student's abilities.

#### Protected Handicapped Student

In order to qualify as a protected handicapped student, the child must be of school age with a physical or mental disability which substantially limits or prohibits participation in, or access to, an aspect of school programs. These services and protections for "protected handicapped students" are different from those applicable to all students eligible or thought to be eligible for special education services.

The school district or parent may at any time initiate an evaluation of a student. Parents who wish to have a child evaluated should contact the Special Education Contact.

For further information on the evaluation procedures and provision of services to protected handicapped students, contact the Special Education Contact Person on the attached list.

#### Confidentiality

Each school district protects the confidentiality of personally identifiable information regarding its students that are identified as children with disabilities and eligible for special education services and protected handicapped students, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974 and other applicable federal and state laws.

Parents have the right to inspect and review their child's educational record. The school district will comply with a request to inspect and review educational records without unnecessary delay and before any meeting regarding an IEP or any due process hearing, but no later than 30 days after the written request has been made. Parents have the right to a response from the school district to reasonable requests for explanations and interpretations of the records. Parents have the right to request copies of the records. While the district cannot charge a fee to search for or to retrieve information, it may charge a copying fee as long as it does not effectively prevent the parent from exercising their right to inspect and review the records. Parents have the right to appoint a representative to inspect and review their child's records. If any educational record contains information on more than one child, parents have the right only to inspect and review the information relating to their child.

### Educational Records

"Educational records" mean those records that are directly related to the student which are maintained by an educational agency or by a party acting for the agency. "Education agency", for purposes of this notice, means the local school district. For all students, the school district maintains educational records, which include but are not limited to personally identifiable and confidential information, as well as, directory information.

1. Personally Identifiable and Confidential Information includes, but are not limited to:
  - the student's name, name of parents and/or other family members;
  - the address of the student and/or the student's family; and
  - personal information or personal characteristics which would make the student's identity easily traceable.
  
2. Directory information is information contained in an educational record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes, but is not limited to:
  - the student's name, address, telephone number, date and place of birth, major field of study;
  - participation in officially recognized activities and sports;
  - weight and height of members of athletic teams;
  - dates of attendance;
  - degrees and awards received; and
  - previous educational agency or institution attended.

Directory information may be released without parental consent to anyone who is entitled to see it under FERPA. Parents have the right to refuse to let an agency designate any or all of the above information including directory information. If a parent does not want directory information released about their child, the parent should contact the school contact listed for their district.

## Consent

Consent means the parents have been fully informed regarding the activity requiring consent, in their native language or other mode of communication; they understand and agree in writing to the activity; and, they understand that consent is voluntary and may be revoked at any time.

The school district must obtain parental consent before disclosing personally identifiable information to anyone not entitled to see it under law. (Note: Student consent takes the place of parent consent if the student is 18 years old or attending a postsecondary institution.)

### Conflict Regarding Information in the Record

If parents think information in an educational record is inaccurate, misleading, or violates the privacy or other rights of their child, they may request in writing an amendment of the record. The school district will decide whether or not to amend the record and will notify the parent in writing of its decision. If the school district refuses to amend a record, it will notify the parents of their right to a hearing to challenge the disputed information.

Such record hearings will be held within a reasonable time after a written parental request and the parent shall be notified in advance of the date, time, and place within a reasonable time. Any individual, including a school district official, who does not have a direct interest in the outcome of the hearing, may conduct the hearing. The parent will have a full and fair opportunity to present evidence at the hearing and may be assisted or represented by one or more individuals including an attorney.

The school district will make its decision in writing within a reasonable time after a hearing, basing its decision solely on the evidence presented at the hearing and including a summary of the evidence and reasons for its decision. If the hearing decision is that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the school district will amend the information and inform the parent in writing. If the hearing decision is that the information will not be amended, the parents have the right to place a statement in the education record setting forth reasons for disagreeing with the hearing decision. Any such explanation placed in the record of a child will be maintained as long as the record of the child is maintained and will be disclosed whenever the record is disclosed to any party.

The school district will inform parents when personally identifiable information is no longer needed to provide educational services to a child. Such information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. "Destruction" of records means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

The school district will provide, upon request, a listing of the types and locations of educational records maintained, the school officials responsible for these records, and the school personnel authorized to see personally identifiable information. Such personnel receive training and instruction regarding confidentiality. The school district keeps a record of authorized parties obtaining access to educational records, including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

The school district will provide a copy of its confidentiality policy upon request. Complaints may be filed with the Family and Educational Rights and Privacy Act Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20201.

## Procedural Safeguards

Procedural safeguards protect the rights of parents and student. These safeguards include the following:

Parental consent is always required prior to:

1. conducting an initial (for the first time) evaluation;
2. conducting a reevaluation;
3. initially placing an exceptional or eligible young child in a special education program; and
4. disclosing to unauthorized persons personally identifiable information.

Parental consent may be revoked at any time.

The school district must notify parents in writing whenever it wants to begin, change, or discontinue special education and related services. Along with this notification, the school district will provide the parents with a comprehensive, written description of their rights. Specifically, parents must be notified in writing if the school district proposes to or refuses to:

- conduct an evaluation or reevaluation, or
- initiate or change the identification or placement of a student.

Also, parents must be notified in writing if the school district refuses to:

- provide an independent educational evaluation at public expense,
- conduct an evaluation that the parent requests, or
- make changes to an IEP when requested by parents.

Parents who disagree with actions, proposed or refused by the school district, have the right to request mediation, prehearing conference or a due process hearing, which is a hearing, conducted by impartial third party, or file a complaint as outlined in IDEA. Parents may request either mediation by checking their choice on the Notice of Recommended Educational Placement or by letter. Each of the dispute resolution mechanisms available to parents and school districts are described below.

### Mediation

Pennsylvania has mediation services available throughout the Commonwealth at Commonwealth expense. Mediation services help parents and agencies, involved in a dispute over special education, to attempt to reach a mutually agreeable settlement with the assistance of an impartial mediator. Mediation does not deny or delay a party's right to a due process hearing.

### Prehearing Conference

A prehearing conference is between the school district and the parents, although either party may waive the right to a prehearing conference. The school district, parents, and the attorneys

representing each, attempt to resolve the dispute. If a prehearing conference does not resolve the dispute, the parent may request an impartial due process hearing with an independent hearing officer, or if a hearing has been scheduled, move to the due process hearing.

### Due Process Hearing

Parents requesting a due process hearing must notify the school in writing of the nature of the problem with the school's proposed or existing program, placement, evaluation, or identification; the facts relating to such problem; and a proposed resolution of the problem to the extent known and available to the parents at the time. This notice is mandatory, and the failure to provide it to the school district can diminish or extinguish a claim for attorney's fees and costs if counsel represents the parents.

Due process hearings are oral, personal hearings open to the public, unless the parents request a closed hearing. The decision of the hearing officer shall include findings of fact, a discussion, and conclusions of law. The decision of the hearing officer may be appealed to a three-member panel of hearing officers. The panel's decision may be appealed to the appropriate court.

During a due process procedure, a student must remain in the last agreed upon educational placement (a status called pendency). Due process procedures are governed by timelines and procedures in IDEA.

Each school district must make available, upon request, printed information regarding special education programs and services, procedural safeguards, and due process rights. This printed information is available from the appropriate administrator in the school district office. Information regarding the award of or prohibition of attorney's fee is included as well. A section is included regarding guidelines of parental claims for tuition reimbursement. The section on rights regarding discipline and suspension more clearly specifies procedures to be followed with the intention of disciplinary exclusion of an eligible student. It also delineates the procedure to be followed when a referral to, and action by, law enforcement and judicial authorities is pursued.

### Complaint with the Bureau of Special Education - Pennsylvania Department of Education

Parents who believe that special education procedures as outlined in regulations have not been adhered to regarding the identification, evaluation, educational plan development, and/or the implementation of the IEP may file a written complaint with the Bureau of Special Education. The Bureau has staff assigned to each Intermediate Unit that will investigate the accusations of the complaint. If parents want to file a written complaint with the Pennsylvania Department of Education, a complaint packet is available by calling the Special Education ConsultLine at 1-800-879-2301.

### Mode of Communication

If a person has questions regarding the contents of any of this notice, he or she should contact their school district and request an explanation. If the parent needs an interpreter or support for assistive technology for communication purposes, the school district will arrange for the services for the parent. If a parent is deaf or blind or has no written language, the school district will arrange for communication of this notice in the mode normally used by the parent (e.g., sign language, Braille, or oral communication).

***Lincoln Intermediate Unit #12  
Special Education Advisory Council Representatives***

<b><u>Representative</u></b>	<b><u>County</u></b>	<b><u>School District</u></b>	<b><u>Phone</u></b>
Karen Jackson	Adams	Bermudian Springs	717-528-4113 or 624-4231
Janet Trimmer	Adams	Conewago Valley	717-624-2157
Karen Kugler	Adams	Fairfield	717-642-8228
Kathy Pittman	Adams	Gettysburg	717-334-6254
Walton Jones	Adams	Littlestown	717-359-4146
Eric Eshbach	Adams	Upper Adams	717-677-7191
Tom Seben	York	Central York	717-846-6789
Lydia Schnetzka	York	Dallastown	717-747-9400
Deborah Wickwire	York	Dover Area	717-292-3671
Michael Thew	York	Eastern York	717-252-1555
Jill Dillon	York	Hanover Public	717-637-9000
Nancy School	York	Northeastern	717-266-3667
Mary Smith	York	Red Lion Area	717-244-4519
Lisa Conrad	York	South Eastern	717-382-4220
Rozenna Hartman	York	South Western	717-632-2500
Robert Cline	York	Southern York	717-235-4811
Donna Hake	York	Spring Grove	717-225-4731
Robert Wilson	York	West York	717-792-2426
Thomas Burnheimer	York	York City	717-845-3571
Lynn Tucker	York	York County Vo-Tech	717-741-0820
Brigitte Birch	York	York Suburban	717-848-2814
Lisa Frantz	Franklin	Chambersburg	717-261-3425
Freda Brindle	Franklin	Fannett-Metal	717-349-2513
Ken Baker	Franklin	Franklin County Vo-Tech	717-263-9033
Mary Frey	Franklin	Greencastle-Antrim	717-597-2183
Michael Boryan	Franklin	Shippensburg	717-530-2700
Mary Lou Graham	Franklin	Tuscarora	717-328-3127
Jean Purnell	Franklin	Waynesboro	717-762-1191