

Annual Public Notice of Special Education Services and Programs

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Notice to Parents

According to state and federal special education regulations, annual public notice to parents who reside within a school district is required regarding child find responsibilities. School districts, intermediate units and charter schools are required to conduct child find activities for children who may be eligible for services via Section 504 of the Rehabilitation Act of 1973. For additional information related to Section 504/Chapter 15 services, the parent may refer to Section 504, Chapter 15, and the Basic Education Circular entitled Implementation of Chapter 15. Also, school districts are required to conduct child find activities for children who may be eligible for gifted services via 22 PA Code Chapter 16. For additional information regarding gifted services, the parent may refer to 22 PA Code Chapter 16. If a student is both gifted and eligible for Special Education, the procedures in IDEA and Chapter 14 shall take precedence.

This notice shall inform parents throughout the school district, intermediate unit, and charter school of the child identification activities and of the procedures followed to ensure confidentiality of information pertaining to students with disabilities or eligible young children. In addition to this public notice, each school district, intermediate unit, and charter school shall publish written information in the handbook and on the website. Children ages three through twenty-one can be eligible for special education programs and services. If parents believe that the child may be eligible for special education, the parent should contact the appropriate staff member identified at the end of this public notice.

Children age three through the age of admission to first grade are also eligible if they have developmental delays and, as a result, need Special Education and related services. Developmental delay is defined as a child who is less than the age of beginners and at least three years of age and is considered to have a developmental delay when one of the following exists: (i) the child's score, on a developmental assessment device, on an assessment instrument which yields a score in months, indicates that the child is delayed by 25% of the child's chronological age in one or more developmental

areas, or (ii) The child is delayed in one or more of the developmental areas, as documented by test performance of 1.5 standard deviations below the mean on standardized tests. Developmental areas cognitive, communicative, physical, social/emotional and self-help. For additional information you may contact: Robert Wicker, Superintendent 814-697-7175.

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
- Deafness
- Deaf / Blindness
- Emotional disturbance
- Traumatic Brain Injury
- Hearing Impairment
- Specific Learning Disability
- Mental Retardation

- Multiple Disabilities
- Other health impairment
- Speech and language impairment
- Orthopedic Impairment
- Visual Impairment including Blindness

Compliance Statement

The school districts do not discriminate on the basis of race, age, sex, religion, color, national origin, handicap or disability as applicable in educational programs, activities or employment policies. This policy is as required by Title IX of the 1972 Educational Amendments, Title V!! of the Civil Rights Act of 1964, Section 504 Regulations of the Rehabilitation Act of 1973, the Americans with Disabilities Act and all other applicable state, federal, and local laws and ordinances.

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 in writing 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 through the Seneca Highlands Intermediate Unit 9 at (814)887-9287.

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), Response to Intervention (RTI) or pre-referral teams. These teams include parents and members of the professional staff of the school district. They analyze 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. There is no timeline tied into IST or Rtl, so parents can request evaluation anytime during these processes.

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 in writing 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 a 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 calendar 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 building principal. If a parent makes an oral request for an evaluation, the school district shall provide the parent with a Permission to Evaluate Request form to complete. This form is available at www.PaTTAN.net under Special Education Forms.

Parents of preschool age children, age three through five, may request an evaluation in writing by addressing a letter to the Intermediate Unit staff.

School entities cannot proceed with an evaluation or with the initial provision of special education and related services, without the consent of the parents or court appointed/approved guardians. (check language under IDEA 300.300 for details) For additional information related to consent, please refer to the Procedural Safeguards Notice which can be found at the PaTTAN website at www.pattan.net.

Independent Educational Evaluation

The parents of a child with a disability have the right under 34 CFR Part 300 to obtain an independent educational environment evaluation of the child, subject to the provisions outlined below. The LEA provides to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the LEA criteria applicable for independent educational evaluations as set forth below. For the purposes of this part, “independent educational evaluation” means an evaluation conducted by a qualified examiner who is not employed by the LEA and “public expense” means that the LEA either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the LEA. If a parent requests an independent educational evaluation at public expense, the LEA, with unnecessary delay, either initiates a hearing under procedures described below to show that its evaluation is appropriate, ensure that an independent educational evaluation is provided at public expense, unless the LEA demonstrates in a hearing that the evaluation obtained by the parent did not meet the LEA criteria. If the LEA initiates a hearing and the final decision is that the LEA’s evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at LEA expense.

If a parent requests an independent educational evaluation, the LEA may ask for the parent’s reason why he or she objects to the public evaluation. However, the explanation by the parent is not required and the LEA does not unreasonably delay either providing the independent educational evaluation at the LEA expense or initiating a due process hearing to defend the LEA’s evaluation.

Parent-initiated evaluations

If the parent obtains an independent educational evaluation at private expense, the results of the evaluation must be considered by the LEA, if it meets the LEA’s criteria, in any decision made with respect to the provision of the FAPE to the child, and may be presented as evidence at a hearing under this subpart regarding that child.

Program Development

If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child. The IEP is 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, (LEA),
- the general education teacher,
- the special education teacher,
- the child's parents and the student when 14 years of age.

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. 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 at least 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 a life activity which 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.

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.)

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.

All records are maintained in the strictest confidentiality. Your consent or of an eligible child who has reached the age of eligibility, must be obtained before personally identifiable information is released, except as permitted under FERPA. Each participating agency must protect the confidentiality of any personally identifiable information. Each participating agency must maintain, for public inspection, a current listing of names and positions of those employees within the agency who have access to personally identifiable information.

FERPA affords parents and eligible students certain rights with respect to the student's education records:

1. 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. The written request should be submitted to the building principal. The request should identify the record(s) that they wish to inspect. Parents have the right to a response from the school district to reasonable requests for explanations and interpretations of the records. The principal will make arrangements and notify the parent or eligible student of the time and place where the records may be inspected.
2. 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.
3. 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.

4. The parent or eligible student has the right to request amendment of the student's education records that he or she believes is inaccurate or misleading. If the district decides not to amend a record as requested, the district will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment.
5. The right to consent to disclosures of personally identifiable information contained in the student's educational records, except to the extent that FERPA authorizes. One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. 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 district discloses education records without consent to officials of another school district or educational agency in which a student seeks to enroll.
6. Under FERPA, the district may disclose without consent "directory information" concerning a student. Directory information may include publications such as sports programs, newspapers, awards and graduation programs, yearbooks, alumni directories, and other school publications. Directory information is information not generally considered harmful or an invasion of privacy if disclosed. Parents who wish to have their children exempted from publication or other disclosure of directory information may do so by letter to the school principal. The letter must be received by the school principal at least 30 days prior to the date of publication.
7. The parent or eligible student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with FERPA. The name and address that administers FERPA is: Family Policy Compliance 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 Consult Line 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)

For additional information, you may contact the following school district staff members:

Mrs. Carolyn Fugate, ES Principal 814-697-7161

Mr. Gary Elder, MS/HS Principal 814-697-6132

Ms. Jane Perkins, Guidance Counselor 814-697-6132

Mr. C. Robert Wicker, Superintendent 814-697-7175

Mr. Tony Watt, Special education Supervisor 814-274-9880