

## **Annual Public Notice of Special Education & Early Intervention Services and Programs**

It is the responsibility of the Pennsylvania Department of Education to ensure that all children with disabilities residing in the Commonwealth, regardless of the severity of their disability, 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 Individual with Disabilities Education Act (IDEA).

The IDEA requires each state educational agency to publish a notice to parents in newspapers or other media before any major identification location or evaluation activity. The IDEA requires this notice to contain certain information. Pennsylvania law requires each school district to fulfill this notice requirement by providing an annual public notice.

The school district is required by the IDEA to provide a free appropriate public education to children with disabilities who need special education and related services. Pennsylvania has adopted state laws which conform with the IDEA and which school districts must follow. In Pennsylvania a school age child with disabilities who needs special education and related services is identified as a child with a disability. Students are exceptional if they need specially designed instruction and have one or more of the following physical or mental disabilities:

|                                       |                                       |
|---------------------------------------|---------------------------------------|
| Autism/Pervasive Development Disorder | Orthopedic Impairment                 |
| Deaf-Blindness                        | Other Health Impairment               |
| Deafness                              | Specific Learning Disability          |
| Emotional Disturbance                 | Speech or Language Impairment         |
| Hearing Impairment                    | Traumatic Brain Injury                |
| Intellectual Disabilities             | Visual Impairment Including Blindness |
| Multiple Disabilities                 |                                       |

In Pennsylvania, students also qualify as exceptional if they require specially designed instruction and are determined to be mentally gifted. 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.

### Early Intervention

IDEA requires the provisions of a free appropriate public education (FAPE) to children with disabilities between 3 years of age and the school district's age of beginners. 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

disabilities listed above is identified as a child with a disability. 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, 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 area, as documented by test performance of 1.5 standard deviations below the mean on standardized tests. Developmental areas include cognitive, communicative, physical, social/emotional and self-help. For additional information you may contact the Early Intervention Program Supervisor at Midwestern Intermediate Unit IV, 453 Maple Street, Grove City, PA 16127 or (724) 458-6700.

These children are afforded the rights of school age exceptional children, including screening, evaluation, individualized education program planning, and provisions of appropriate programs and services. The Pennsylvania Department of Education is responsible for providing programs and services to these children under Act 212 of 1990, the Early Intervention Services System Act.

### Screening

Each school district must establish and implement procedures to locate, identify, and evaluate students suspected of being exceptional. These procedures include screening activities, which include but are not limited to: review of group-based data (cumulative record, enrollment records, health records, and report cards); hearing screening (at a minimum of kindergarten, special ungraded class, first, second, third, seventh, and eleventh grades); vision screening (every grade level); motor screening; and speech and language screening.

In schools which have an Instructional Support Team (IST) or child study team or Multi Tiered System of Support (MTSS), the above screening activities may be a consideration used by these teams as another level of screening. Parents and members of the professional staff of the student's school have the right to request screening by the IST or child study team.

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. Telephone numbers and addresses can be found at the end of this notice for more information.

### Evaluation

When screening indicates that a student may be exceptional, the school district will seek parental consent to conduct an evaluation. "Evaluation" means procedures used to determine whether a child has a disability and the nature and extent of the special

education and related services that meet the child's 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.

In Pennsylvania, this evaluation is called a multidisciplinary evaluation (MDE). It is conducted by a multidisciplinary team (MDT), which must include a school psychologist, a teacher and the parents. The MDE process must be conducted in accordance with specific timelines and use procedural safeguard procedures. For example, tests and procedures used as part of the multidisciplinary evaluation may not be racially and culturally biased.

The MDE process results in a written evaluation report called an (ER). This report makes recommendations about 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 regardless of whether or not the team recommends that the student is exceptional. Once parental consent for an evaluation is obtained, the school district has timelines and procedures specified by law, which it must follow.

Parents who think their child is a child with a disability may request, at any time that the school district conduct a multidisciplinary evaluation. This request should be made in writing to the Coordinator of Special Education Office. If a parent makes an oral request for a multidisciplinary evaluation the school district shall provide the parent with a form for written permission. Instructional Support (IS) activities or MTSS do not serve as a bar to the right of a parent to request, at any time, including prior to or during the provision of instructional support activities, a multidisciplinary evaluation. For information about procedures applicable to your child, contact the school which your child attends. Telephone numbers and addresses can be found at the end of this notice. Parents of preschool age children three through five may request an evaluation in writing by addressing a letter to the Early Intervention Program Supervisor at Midwestern Intermediate Unit IV, 453 Maple Street, Grove City, PA 16127 or by contacting the Preschool Connection at 1-800-345-0033.

Parents also 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.

### Consent

School entities cannot proceed with an evaluation, or with the initial provision of special education and related services, without the written consent of the parents. 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](http://www.pattan.net). Once written parental consent is obtained, the school district, intermediate unit or charter school will

proceed with the evaluation process. If the parent disagrees with the evaluation, the parent can request an independent education evaluation at public expense.

### Program Development

Once the evaluation process is completed, a team of qualified professionals and the parents determine whether the child is eligible. If the child is eligible, the individualized education program (IEP) team meets, develops the program, and determines the educational placement. Once the IEP team develops the program, and determines the educational placement, school district staff, intermediate unit staff, or charter school staff will issue a notice of recommended educational placement/prior written notice. Your written consent is required before initial services can be provided. The parent has the right to revoke consent after initial placement.

### Educational Placement

A single test or procedure may not be the sole factor in determining that a child is exceptional. The IEP team must include a district representative, the student's teacher, special education teacher and the parents. If the student is determined to be exceptional an IEP will be developed.

An IEP describes a student's current educational levels, goals, and objectives, and the individual programs and services, which the student will receive. IEP's 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.

Placement must be made in the least restrictive environment in which the student's needs can be met with special education and related services. All students with disabilities must be educated to the maximum extent appropriate with children who are not disabled.

### Services for Protected Handicapped Students

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 must ensure that protected handicapped students have equal opportunity to participate in the school program and extracurricular activities to the maximum extend appropriate for the individual student.

In compliance with state and federal law, the school district will provide to each protected handicapped student without discrimination or cost to the student or family, those related aides, 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 to the student's abilities. 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 the school program.

These services and protections for protected handicapped students are distinct from those applicable to all eligible or exceptional students enrolled (or seeking enrollment) in special education programs.

The school district or parent may initiate an evaluation of a student under the laws, which protect handicapped students. Parents who wish to have a child evaluated should contact the building principal or the Office of Special Education.

### Confidentiality

Each school district protects the confidentiality of personally identifiable information regarding its exceptional and protected handicapped students in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA) and other applicable federal and state laws.

The Family Education Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. The age of majority in Pennsylvania is 21. These rights are:

- 1.) The right to inspect and review the student's education records within 45 days of the day the school receives request for access.

Parents or eligible students should submit to the school principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- 2.) The right to request the amendment of student's education records that the parent or eligible student believes are inaccurate or misleading.

Parents or eligible students may ask the school to amend a record that they believe is inaccurate. They should write the school principal (or appropriate school official) and clearly identify the part of the record they want changed, and specify why it is inaccurate. If the school decides not to amend the record as requested by the parent or eligible student, the school 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.) The right to consent to disclosures of personally identifiable information contained in the student's education 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 education interests. A school official is a person employed by the district 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 school 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 or her task.

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.

- 4.) The right to file a complaint with the U.S. Department of Education concerning alleged failure by the school district to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-4605

The school district maintains its education records in compliance with the guidelines for the collection, maintenance and dissemination of pupil records. Category "A" data which includes the minimal personal data necessary for operation of the school district will be maintained for a minimum time period of a 100 years. Category "B" data which includes verified information of clear importance, but not absolutely necessary to the school, over time, in helping the child or in protecting others will be maintained until the child leaves school. Category "C" data which includes potentially useful information, but not yet verified or clearly needed beyond the immediate present, will be reviewed at least once a year and destroyed as soon as its usefulness has ended.

In addition, the school district may release "directory information" without parental consent unless a prior written objection to the release of such information is provided to the school district by the parent(s). "Directory information" includes the following: student's name, address, telephone listing, date and place of birth, photographs, videotapes, major fields of study, participation in officially recognized

activities and sports, weight and height of members of athletic teams, duties of attendance, honors and awards received. If you object to the disclosure of this information, you must submit a written letter of objection to the school district. Written objections for students 3-5 years old should be mailed to Midwestern Intermediate Unit IV at 453 Maple Street, Grove City, PA 16127.

For additional information related to student records, the parent can refer to the FERPA at the following url: <http://www.ed.gov/policy/gen/quid/fpco/ferpa/index.html>

### Procedural Safeguards

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

Parent's consent is always required prior to:

- Conducting an initial (for the first time) evaluation or a reevaluation,
- Initially placing a child with a disability in a special education program,
- Disclosing to unauthorized persons personally identifiable information.

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.

Parents who disagree with such actions proposed or refused by the school district have the right to request a hearing by an impartial third party using a procedure called due process.

Before a due process hearing will take place, the district must convene a preliminary meeting with the parent and the relevant member(s) of the IEP team in an attempt to resolve issues without the need for a due process hearing.

Pennsylvania has also made 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 is completely voluntary. Mediation does not deny or delay a party's right to a due process hearing.

School districts also have the right to initiate due process in certain situations. 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 Pennsylvania law. Throughout due process, an attorney may represent parents.

Due process hearings are oral personal hearings and are open to the public, unless the parents request a closed hearing. The decision of the hearing officer shall include finding of fact, a discussion, and conclusions of law. The decision of the hearing officer may be appealed to the appropriate court.

Each school district must make available, upon request, printed information regarding special education programs and services and parent due process rights. This printed information is available from each building principal and/or the Office of Special Education.

#### Mode of Communication

The content of this notice has been written in straight forward, simple language. If a person does not understand any of this notice, he or she should contact the school district or IU and request an explanation.

The school district or IU will arrange for an interpreter for a parent with limited English proficiency. If a parent is deaf or blind or has no written language, the school district or IU will arrange for communication of this notice in the mode normally used by the parent (e.g. sign language, Braille, or oral communication).

For further information contact:

**Wilmington Area School District**  
**Mary Anne Grubic**  
**450 Wood St.**  
**New Wilmington, PA 16142**  
**724.656.8866 ext. 6502**

The school district, intermediate unit or charter school will not discriminate in its educational programs, activities, or employment practices, based on race, color, national origin, sex, disability, age, religion, ancestry, or any other legally protected classification. Announcements of this policy are in accordance with the state and federal laws, including Title VI of the Civil Rights Act of 1966. Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and the Americans with Disabilities Act of 1990. For information regarding grievance procedures, services, activities, programs and facilities that are accessible to and usable by handicapped persons or, for inquires regarding compliance with the above

nondiscriminatory policies, please contact the Superintendent of Schools at your local school district, or Midwestern Intermediate Unit IV, 453 Maple Street, Grove City, PA 16127 (724-458-6700).

The school district will make reasonable accommodations to its programs and services to assure access to all persons. If, because of a disability, you require an accommodation please contact the Superintendent of Schools, Americans with Disabilities Act Coordinator at the school district in which you reside listed above or the Director of Special Education at Midwestern Intermediate Unit IV at (724)458-6700.

**This amendment to the Annual Notice will be in effect at the start of the 2018-19 school year.**

In accordance with 34 CFR § 300.624, please be advised of the following retention/destruction schedule for the Pennsylvania Alternate System of Assessment (PASA), Pennsylvania System of School Assessment (PSSA), and Keystone Exam related materials:

- PSSA, Keystone Exam, and PASA test booklets will be destroyed one year after student reports are delivered for the administration associated with the test booklets.
- PSSA and Keystone Exam answer booklets and PASA media recordings will be destroyed three years after completion of the assessment.

July 2018