

Wyoming Area School District

Special Education Processes and Procedures Manual



2022-2023

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Introduction

This manual was designed to help facilitate and guide teachers, administration, parents, staff, service providers and other community stakeholders in the identification, evaluation, placement, educational rights and responsibilities and proper education of students identified as having a disability within the Wyoming Area School District. This document is intended to create a guideline for implementing the standard of federal and state legal requirements as applicable to each student identified with a disability within this school district.

The Mission & Beliefs of the Wyoming Area School District

Wyoming Area's Mission Statement reflects.

The mission of the Wyoming Area School District is to provide educational programs and services which meet the needs of all the youth of the district. These programs and services shall be equitable and accessible so that all students may grow to their full potential and become responsible citizens. In this mission, we shall forge new partnerships with parents, community, groups, businesses, industries, and higher education, so as to enhance the quality of life for students and members of the community.

Individual Roles & Responsibilities

Director of Special Services

Stephanie Anuszewski

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570-655-2836 ext 2429

- Coordinates District Special Education programs in accordance with Board policy; goals and objectives; Department of Education rules and regulations; and federal laws and regulations.
- Develops long and short range special education plans. Collaborates with staff to ensure the appropriate inclusion of special education students in all subject classes, school programs and activities.
- Articulates and implements a clear vision for moving special education students on a service continuum from the least restrictive environment (LRE) to inclusion in general education classes.
- Oversees the development and implementation of individual education plan (IEP) and monitors compliance with all state and federal regulations.
- Monitors the placement of students in off-site special education programs. Acts as LEA at individual education plan (IEP) meetings for students eligible for special education whose services are provided by public or private schools.
- Supervises and coordinates ACCESS reimbursement for Medicaid eligible students who receive services through their individual educational plans (IEPs).
- Coordinates Autism Support, Life Skills Support and Emotional Support programs, including students transitioning into and out of the program. Ensures appropriate use of a social skills curriculum and behavior management strategies.
- Monitors compliance with special education discipline including Manifestation Determination and suspensions.
- Monitors Pennsylvania System of State Assessment and Pennsylvania Alternative Assessment testing accommodations for special education students.
- Monitors Special Education Rosters and student tracking system for compliance with Chapter 14 (class size, caseloads, and PennData). Monitors special education student tracking systems.
- Monitors the Special Education Plan and compliance with state mandated LRE (Least Restrictive Environment) requirements. Endeavors to bring percentages of students placed in outside placements within state limits.
- Collaborates with instructional and support personnel on placement and instruction of special education students. In conjunction with principals and superintendent, monitors the performance of special education professional and support staff.
- Maintains lines of communication among students, parents, and staff involved with special education programs. Interacts with community and state agencies as they are involved in special education programming process.

Transition Coordinator

- Ensures that each individual education plan (IEP) team develops and implements transition goals, outcomes, instructional areas and services needed for each student of transition age identified as having a disability.
- Assures that the school district complies with the requirements of Indicator 13 and 14; Conduct reviews of draft/unfinalized individual education plans (IEPs) for transition-age students via utilization of an Indicator 13 Checklist.
- Participates in ongoing transition related trainings.
- Coordinates transition staff development related to compliance under Indicator 13 and 14.
- Coordinates the completion of appropriate secondary student transition assessments; links assessment data and transition planning for the individual education plan process.
- Maintains documentation required for compliance through portfolio utilization.
- Ensures updating the postsecondary individual education plan goal or goals for each eligible transition-age student as needed, but at least annually; and regularly monitors individual student progress toward both transition goals and graduation from high school.
- Facilitates transition programming (administers career skill and interest inventories, conducts career exploration activities, and provides vocational programming) for students who are eligible for special education services and for whom the IEP team has established transition goals and objectives including students whose individual education plans are being implemented at off campus/ out of district sites; such as NOLA, Intermediate Units, SCCTC and approved private school.
- Arranges, oversees and monitors student progress in community based instruction and community based vocational trainings.
- Serves as a liaison with educators, school counselors, managers, CSBBH, agencies , service providers, employers and job coaches to ensure communication, collaboration and coordination of transition services and activities.
- Coordinates with the school district during comprehensive planning, special education planning, and school district evaluation of transition process.
- Serves as a liaison with the Local Transition Coordinating Council.
- Researches and writes grants pertaining to the advancement of transition programming.
- Networks with appropriate community agencies and organizations to develop and maintain a working relationship with businesses, agencies and organizations that provide post secondary services with students identified as having a disability (e.g. OVR).
- Complete the non-academic portions of the *Summaries of Academic Achievement and Functional Performance* for graduating seniors.

School Psychologist

- Complete psychoeducational evaluation and assessment for individual students referred who are experiencing social, emotional or academic difficulties
- Conduct required reevaluations as mandated by state standards and regulations

- Complete evaluations for potential gifted students
- Conduct evaluations as recommended by Early Intervention teams
- Ensure proper timelines are followed regarding evaluations and reevaluations
- Provide individual or group short term counseling
- Make recommendations regarding the need for outside counseling sources
- Serve as a consultant to administrators related to special education, curriculum and instruction, group testing, counseling and guidance, pupil personnel policies and other matters relating to the adjustment of the individual child in the school setting
- Participant on the Elementary Instructional Support Team to assist in providing instructional and behavioral recommendations for students referred to IST
- Assist with the planning, development, and implementation of a High School Pre-referral Team designed to assist in providing instructional and behavioral recommendations for students referred to PRT
- Serve as a resource person to the school staff to provide information regarding learning styles, classroom management, and behavior modification to enhance student achievement
- Provide teachers and parents with counsel and assistance toward the solution of instructional challenges
- Provide input to curriculum committees as to selection of material and their impact on student achievement
- Maintain respect at all times for confidential information
- Assist in planning/conducting in-services as requested or as needed
- Perform other duties as assigned by the Director of Special Services or Superintendent

Special Education Teacher (Case Manager)

- Participates in the development, management and implementation of a student's Individual Education Plan, Reevaluation Report, NOREP, Positive Behavior Support Plan, Functional Behavioral Assessment, and all other legally required paperwork as prescribed by the PDE in accordance with federal and state law.
- Administers developmental testing programs, subject specific assessments, etc. for the purpose of assessing student competency levels and/or developing individual learning plans.
- Administers, under supervision, assistance to medically fragile children (e.g. tube feeding, toileting, diapering, etc.) for the purpose of providing appropriate care for children as assigned.
- Advises parents and/or legal guardians of student progress for the purpose of communicating expectations; student's achievements; developing methods for improvement and/or reinforcing classroom goals in the home environment.
- Assesses student progress towards objectives, expectations, and/or goals (e.g. behavioral, motor development and communication skills, academic needs, vocational abilities, etc.) for the purpose of providing feedback to students, parents and administration.

- Collaborates with instructional staff, other school personnel, parents and a variety of community resources for the purpose of improving the overall quality of student outcomes, achieving established classroom objectives in support of the school improvement plan.
- Demonstrates methods required to perform classroom and/or subject specific assignments for the purpose of providing an effective program that addresses individual student requirements.
- Monitors students' behavior/activities in a variety of educational environments (e.g. classroom, playground, field trips, hallway transitions, etc.) for the purpose of providing a safe and positive learning environment.
- Participates in and/or coordinates a variety of meetings (e.g. PLC, IEP, Department, School) for the purpose of conveying and/or gathering information required to perform functions.
- Prepares a variety of written materials (e.g. grades, attendance, anecdotal records, etc.) for the purpose of documenting student progress and meeting mandated requirements.
- Reports incidents (e.g. fights, suspected child abuse, suspected substance abuse, etc.) for the purpose of maintaining personal safety of students, providing a positive learning environment and adhering to Education Code and school policies.
- Maintain a strict code of confidentiality that is prescribed by federal and state law for all students and families within the educational environment.

Paraprofessional and PCA Staff

- Assess student needs and progress under the direction of the teacher.
- Assist in the instructional process and communicate with the teacher, their perceptions of a student's progress and needs.
- Observe and carry out behavior management strategies.
- Maintain a student centered and supportive environment.
- Implement lessons, small group instruction and the reinforcement of skills as prescribed by the classroom teacher.
- Administer but not grade non standardized tests and progress monitoring as directed by the classroom teacher.

Child Find

This section outlines the procedures for locating, identifying, and evaluating children with a suspected disability.

The content of this notice has been written in English. If a person does not understand any of this notice, he or she should contact the school district (**Mrs. Stephanie Anuszewski, Director of Special Education**, (570-655-2836 ext 2429) and request an explanation.

All of the public schools of Luzerne Intermediate Unit 18 (LIU), 368 Tioga Ave. Kingston, Pennsylvania provides special education and related service to resident children with disabilities who are ages three through twenty-one. The purpose of this notice is to describe (1) the types of disabilities that might qualify the child for such programs and services, (2) the special education programs and related services that are available, (3) the process by which the public schools screen and evaluate such students to determine eligibility, and (4) the special rights that pertain to such children and their parents or legal guardians.

The notice of Special Education Services is prepared annually by the Director of Special Education at the Luzerne Intermediate Unit and is reported each October on behalf of the member school districts. It is meant to inform the public as to the purpose and rights of special needs children and families.

What types of disability might qualify a child for special education and related services? Under the federal Individuals with Disabilities Education Act, or "IDEA," children qualify for special education and related services if they have one or more of the following disabilities and, as a result, need such services: (1) intellectual disabilities (formerly mental retardation); (2) hearing impairments, including deafness; (3) speech or language impairments; (4) visual impairments, including blindness; (5) serious emotional disturbance; (6) orthopedic impairments, or physical disabilities; (7) autism, including pervasive developmental disorders; (8) traumatic brain injury, or neurological impairment; (9) other health impairment; (10) specific learning disabilities.

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. Children with more than one of the foregoing disabilities could qualify for special education and related services as having multiple disabilities. For infants, birth through three with special needs, contact the Luzerne County Mental Health / Mental Retardation Agency. The legal definitions of these disabilities, which the public schools are required to apply under the IDEA, may differ from those used in medical or clinical practice. The legal definitions, moreover, could apply to children with disabilities that have very different medical or clinical disorders. A child with attention deficit hyperactivity disorder, for example, could qualify for special education and related services as a child with "other health impairments," "serious emotional disturbance," or "specific learning disabilities" if the child meets the eligibility criteria under one or more

of these disability categories and if the child needs special education and related services as a result. Under Section 504 of the federal Rehabilitation Act of 1973, and under the federal Americans with Disabilities Act, some school age children with disabilities who do not meet the eligibility criteria outlined above might nevertheless be eligible for special protections and for adaptations and accommodations in instruction, facilities, and activities. Children are entitled to such protections, adaptations, and accommodations if they have a mental or physical disability that substantially limits or prohibits participation in or access to an aspect of the school program.

What programs and services are available for children with disabilities? Public schools must ensure that children with disabilities are educated to the maximum extent appropriate in the regular education environment, and that the instruction they receive conforms as much as possible to the instruction that non-disabled students receive.

This practice is commonly referred to as Least Restrictive Environment (LRE). Programs and services available to students with disabilities, in descending order of preference, are (1) regular class placement with supplementary aides and services provided as needed in that environment; (2) regular class placement for most of the school day with itinerant service by a special education teacher either in or out of the regular classroom; (3) regular class placement for most of the school day with instruction provided by a special education teacher in a resource classroom; (4) part time special education class placement in a regular public school or alternative setting; and (5) special education class placement or special education services provided outside the regular class for most or all of the school day, either in a regular public school or alternative setting.

Depending on the nature and severity of the disability, the public school can provide special education programs and services in (1) the public school the child would attend if not disabled, (2) an alternative regular public school either in or outside the school district of residence, (3) a special education center operated by a public school entity, (4) an approved private school or other private facility licensed to serve children with disabilities, (5) a residential school, (6) approved out-of-state program, or (7) the home. Special education services are provided according to the primary educational needs of the child, not the category of disability.

The types of service available are (1) learning support, for students who primarily need assistance with the acquisition of academic skills; (2) life skills support, for students who primarily need assistance with development of skills for independent living; (3) emotional support, for students who primarily need assistance with social or emotional development; (4) deaf or hearing impaired support, for students who primarily need assistance with deafness; (5) blind or visually impaired support, for students who primarily need assistance with blindness; (6) physical support, for students who primarily require physical assistance in the learning environment; (7) autistic support, for students who primarily need assistance in the areas affected by autism spectrum disorders; and (8) multiple disabilities support, for student who primarily need assistance in multiple areas affected by their disabilities.

Related services are designed to enable the child to participate in or access his or her program of special education. Examples of related services are speech and language therapy, occupational therapy, physical therapy, nursing services, audiologist services, counseling including social work, and family training.

Within the Luzerne Intermediate Unit, children of preschool age are served by the Hazleton Area School District in a variety of home and school-based settings that take into account the chronological and developmental age and primary needs of the child. As with school age programs, preschool programs must ensure that to the maximum extent appropriate, children with disabilities are educated with non-disabled peers.

The public school, in conjunction with the parents, determines the type and intensity of special education and related services that a particular child needs based exclusively on the unique program of special education and related services that the school develops for that child.

The child's program is described in writing in an individualized education program, or "IEP," which is developed by an IEP team consisting of educators, parents, and other persons with special expertise or familiarity the child. The parents of the child have the right to be notified of and to participate in all meetings of their child's IEP team. The IEP is revised as often as circumstances warrant but at least annually. The law requires that the program and placement of the child, as described in the IEP, be reasonably calculated to ensure meaningful educational progress to the student at all times. IEPs contain, at a minimum, a statement of present levels of educational and functional performance, an enumeration of annual goals and, for some children, short-term objectives or benchmarks, and a statement of the special education, program modifications, and related services that the child needs to make meaningful educational progress.

Transition planning begins at age fourteen. For children aged sixteen and older, the IEP must also include a transition plan to assist in the attainment of post-secondary objectives. The public school must invite the child to the IEP team meeting at which the transition plan is developed.

How do the public schools screen and evaluate children to determine eligibility for special education and related services? Multidisciplinary team evaluation

The public schools must conduct a multidisciplinary team evaluation of every child who is thought to have a disability. The multidisciplinary team is a group of professionals who are trained in and experienced with the testing, assessment, and observation of children to determine whether they have disabilities and, if so, to identify their primary educational strengths and needs. Parents are members of the multidisciplinary team. Public schools must reevaluate school-age students receiving special education services every three years and must reevaluate children with mental retardation and pre-school-age children receiving special education services every two years. Parents may request a

multidisciplinary team evaluation of their children at any time. They must do so in writing or in some cases an oral request can be made but must be followed up by permission to evaluate from the parent. Every public school within the Luzerne Intermediate Unit has a procedure in place by which parents can request an evaluation.

For information about the procedures that apply in your public school, contact the public elementary, middle, or high school to which children in your area are assigned. Telephone numbers and addresses for these schools can be found in the blue pages section of the telephone book under the heading "Schools."

Parents of preschool age children, age three through five, residing within the Luzerne Intermediate Unit may request an evaluation in writing by addressing a letter as follows: Hazleton Area School District, Early Intervention Services, 1515 West 23rd Street, Hazleton, PA 18202.

The telephone number for the Early Intervention Program is (570) 459- 8118. Parents of children in private schools residing within the Luzerne Intermediate Unit may request a multidisciplinary team evaluation of their children from the public school district that they reside without enrolling in the public schools. While some services might be available to some private school children found eligible by public school multidisciplinary teams, the public schools are not required to provide all or any of the special education and related services that children enrolled in the public schools would receive. If, after an evaluation, the multidisciplinary team determines that the child is eligible for special education and related services, the public school must offer the parents a Free Appropriate Public Education (FAPE) and an IEP for a public school-sponsored placement. If parents wish to take advantage of such an offer, they might have to enroll or reenroll their child in the public schools in order to receive services and/or dually enroll in both public and non-public setting.

Some public schools may offer FAPE through a third party (LIU) in the non-public school. The Luzerne Intermediate Unit through IDEA acts as the Local Education Agent (LEA) for non-public schools under equitable participation (EP). Equitable Participation services are determined annually by the non-public schools within the LIU. EP services are based on funding of student's in nonpublic schools who have known disabilities through appropriate evaluation and are not receiving FAPE through their local public schools.

This identification process is called Child Find. Child find is the responsibility of the public schools. The LIU reports the data of child find for the public schools to PDE for IDEA data purposes. Before the public school can proceed with any evaluation, it must notify the parents in writing of the specific types of testing and assessment it proposes to conduct, of the date and time of the evaluation, and of the parents' rights. The evaluation cannot begin until the parent has signed the written notice indicating that he or she consents to the proposed testing and assessments and has returned the notice to the public school.

Screening Public schools undertake screening activities before referring most children for a multidisciplinary team evaluation. Screening activities consist of the following: Ongoing analysis of the child's response to instruction and performance on State-wide and District-wide assessments. Periodic vision and hearing assessments by the school nurse and review of the results of physical examinations by school or private physicians as Mandated by the Pennsylvania Public School Code.

Team-based baseline assessment and analysis of the child's response to individualized academic or behavioral intervention over a period of up to sixty (60) days. Such intervention-based screening occurs when requested by the child's teacher, parents, or other concerned school personnel. For information about the dates of various screening activities in your local public school or to request screening activities for a particular child, contact the local public school directly. Telephone numbers and addresses for these schools can be found in the blue pages section of the telephone book under the heading "Schools." Parents of preschool age children, age three through five, residing within the Luzerne Intermediate Unit may obtain information about screening activities, or may request a screening of their children, by calling or writing the Hazleton Area School District, Early Intervention Services, 1515 West 23rd Street, Hazleton, PA 18202. The telephone number for the Early Intervention Program is (570) 459-8118.

Private school administrators, teachers, and parent groups, or individual parents of students in private schools, who are interested in establishing systems in those schools for locating and identifying children with disabilities who might need a multidisciplinary team evaluation may contact Ms. Elizabeth Krokos, Director of Special Education, Luzerne Intermediate Unit 18, 368 Tioga Avenue, Kingston, PA 18704, phone number 570-287-9681.

Non-public school administrators are in-serviced yearly at the IEP meeting as to the procedures for identification and responsibilities of the non-public, public school district and the LIU for parent privately placed children in non-public schools. What special rights and protections do children with disabilities and their parents have? State and federal law affords many rights and protections to children with disabilities and their parents.

A summary of those rights and protections follows. Interested persons may obtain a complete written summary of the rights and protections afforded by the law, together with information about free or low cost legal services and advice, by contacting the special education or student services department of the school district in which they reside at the address and telephone number listed at the end of this notice, or through the principal of the local public school at the address and telephone number listed in the blue pages section of the telephone book under the heading "Schools."

For pre-school identified students residing within the Luzerne Intermediate Unit a written summary is also available through the Hazleton Area School District, Early Intervention Services, 1515 West 23rd Street, Hazleton, PA 18202. The telephone number for the Early Intervention Program is (570) 459-8118.

Rights and Protections Prior Written Notice. The public school must notify you in writing whenever it proposes to initiate or to change the identification, evaluation, educational program, or placement of a child or whenever it refuses to initiate or make a change in the identification, evaluation, educational program, or placement requested by a parent. Such notice must be accompanied by a written description of the reasons for the proposal or refusal, the options considered, if any, and the reasons why such options were rejected.

Consent. The public school cannot proceed with an evaluation or reevaluation, or with the initial provision of special education and related services, without the written consent of the parents. A public school may override the lack of consent for an initial evaluation by requesting the approval of an impartial hearing officer or judge following a hearing.

If the parents fail to respond to a written request for permission to reevaluate, however, the public school may proceed with the proposed reevaluation without consent. A public school may not seek a hearing to override the refusal of a parent to consent to an initial placement in special education.

Protection in Evaluation Procedures. Evaluations to determine eligibility and current need for special education and related services must be administered in a manner that is free of racial, cultural, or linguistic bias. Evaluations cannot consist of a single test or assessment, and testing must be a valid measure of the psychological, social, emotional, or other learning characteristic or behavior that the school is using it to measure. Testing and assessment must be administered in accordance with professional standards and the criteria established by the publisher. It must be administered in the native language of the child. **Independent Educational Evaluation.** If parents disagree with the evaluation conducted by the public school, they may request in writing an independent educational evaluation, or "IEE," at public expense.

The policy of the public schools of Luzerne Intermediate Unit 18 is to refuse to pay for such evaluations if the independent evaluator is not a Pennsylvania certified or Licensed professional, if the evaluation is not conducted in the same manner that the law requires of public school evaluations, or if the cost of the evaluation substantially exceeds the prevailing cost of similar evaluations in the region.

Exceptions to these limitations will be granted only for compelling reasons. If the public school refuses to pay for the IEE, it must request an immediate special education due process hearing to defend the appropriateness of its evaluation. **Due Process Hearing Procedures** The parent or local educational agency (LEA) may request a due process hearing with respect to any matter relating to the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education

("FAPE"). The party requesting the hearing must submit a "Due Process Hearing Request" form to the Office for Dispute Resolution, 6340 Flank Drive, Suite 600, Harrisburg, Pennsylvania 17112; telephone (800) 222-3353; TTY (800) 654-5984. A due process hearing will not proceed until all required information is provided and procedures followed.

Timeline for requesting Due Process. The parent or LEA must request a due process hearing by filing a Due Process Hearing Request within two (2) years of the date to parent or the LEA knew or should have known about the alleged action that forms the basis of the request. There are limited exceptions to this timeline. This timeline will not apply to the parent if— the parent was prevented from requesting the due process hearing due to the specific misrepresentations by the LEA that it had resolved the problem forming the basis of the hearing request, or if the LEA withheld information from the parent that the LEA was required provide.

Filing and Service of the Due Process Hearing Request. The party requesting the hearing must send a copy of the Due Process Hearing Request to the other party and, at the same time, to the Office for Dispute Resolution by mail addressed to the Office for Dispute Resolution, 6340 Flank Drive, Suite 600, Harrisburg, Pennsylvania 17112, or by electronic mail addressed to ODR.pattan.net, or by facsimile at (717) 657-5983.

Contents of Due Process Hearing Request. The Due Process Hearing Request must contain the following information: 1. The name of the child, the address where the child lives, and the name of the school the child is attending or, if the child is homeless, available contact information for the child and the name of the school the child is attending; 2. A description of the nature of the problem, including facts relating to such problem; and 3. A proposed resolution of the problem to the extent known and available to the party filing the Request.

Challenging Sufficiency of the Due Process Hearing Request. The Due Process Hearing Request will be considered to be sufficient unless the party receiving it notifies the Hearing Officer and the other party in writing within fifteen (15) days of receipt that the receiving party believes the Request does not meet the requirements listed above.

Response to Request. If the LEA has not sent a prior written notice ("NOREP") to the parent regarding the subject matter contained in the parent's Due Process Hearing Request, the LEA must send to the parent, within ten (10) days of receiving the Due Process Hearing Request, a response including the following Information: an explanation of why the LEA proposed or refused to take the action raised in the Hearing Request; a description of other options the Individualized Education Program ("IEP") Team considered, if any, and the reasons why those options were rejected; a description of each evaluation procedure, assessment, record, or report the LEA used as the basis for the proposed or refused action; and a description of the factors that are relevant to the proposal or refusal. Filing this response to the parent's Due Process Hearing Request does not prevent the LEA from challenging the sufficiency of the

Due Process Hearing Request. If the LEA has already sent prior notice in the form of a NOREP to the parent, or it is the parent receiving the Due Process Hearing Request then a response to the Due Process Hearing Request must be sent to the other side within ten (10) days of receipt of the request. The response should specifically address the issues raised in the Due Process Hearing Request. Hearing Officer Determination of Sufficiency of the Due Process Hearing Request. Within five (5) days of receiving a party's challenge to the sufficiency of the Due Process Hearing Request, the Hearing Officer must make a determination based solely on the information contained within the Request whether the Request meets content requirements listed above. The Hearing Officer must immediately notify both parties in writing of his or her determination. Subject Matter of the Hearing. The party requesting the due process hearing is not permitted to raise issues at the due process hearing that were not raised in the Due Process Hearing Request (or Amended Due Process Hearing Request) unless the other party agrees otherwise.

Resolution Session. Before a due process hearing can take place, the LEA must convene a preliminary meeting with the parent and the relevant member or members of the IEP Team who have specific knowledge of the facts identified in the Due Process Hearing Request in an attempt to resolve those issues without the need to proceed to a due process hearing. This preliminary meeting must be convened within fifteen (15) days of the receipt of the Due Process Hearing Request. A representative of the LEA who has decision-making authority must be present at this meeting. The LEA may not have an attorney attend the meeting unless the parent is also accompanied by an attorney. At the meeting, the parent will discuss the Due Process Hearing Request, and the LEA will be provided the opportunity to resolve the Due Process Hearing Request unless the parent and the LEA agree, in writing, to waive this meeting, or agree to use the mediation process.

If the parent and LEA resolve the issues in the Due Process Hearing Request at the preliminary meeting, they must put the agreement terms in writing, and both the parent and a representative of the LEA who has the authority to bind the LEA must sign the agreement. The agreement is a legally-binding document and may be enforced by a court. Either the parent or LEA may void the agreement within three (3) business days of the date of the agreement. After three (3) days, the agreement is binding on both parties.

Amended Due Process Hearing Request. Either the parent or a LEA may amend its Due Process Hearing Request only if the other party consents in writing to the amendment and is given the opportunity to resolve the issues raised in the Due Process Hearing Request through a resolution session, or the Hearing Officer grants permission for the party to amend the Due Process Hearing Request. However, the Hearing Officer may grant this permission not later than five (5) days before a due process hearing occurs.

Timeline for Completion of Due Process Hearing. If the LEA has not resolved the Due Process Hearing Request within thirty (30) days of receiving it, or within thirty (30) days of receiving the Amended Due

Process Hearing Request the due process hearing may proceed and applicable timelines commence. The timeline for completion of due process hearings is forty-five (45) days, unless the Hearing Officer grants specific extensions of time at the request of either party. Disclosure of Evaluations and Recommendations. Not less than five (5) business days prior to a due process hearing, each party must disclose to all other parties all evaluations completed by that date, and recommendations based on the offering party's evaluations that the party intends to use at the due process hearing. Failure to disclose this information may result in a Hearing Officer prohibiting the party from introducing the information at the hearing unless the other party consents to its introduction.

Due Process Hearing Rights. The hearing for a child with a disability or thought to have a disability must be conducted and held in the LEA at a place and time reasonably convenient to the parent and child involved. The hearing must be an oral, personal hearing and must be closed the public unless the parent requests an open hearing. If the hearing is open, the decision issued in the case, and only the decision, will be available to the public. If the hearing is closed, the decision will be treated as a record of the child and may not be available to the public. The decision of the Hearing Officer must include findings of fact, discussion, and conclusions of law. Although technical rules of evidence will not be followed, the decision must be based upon substantial evidence presented at the hearing. A written or, at the option of the parent, electronic verbatim record of the hearing will be provided to the parent at no cost. Parents may be represented by legal counsel and accompanied and advised by individuals with special knowledge or training with respect to the problems of children with disabilities. Parents or parent representatives must be given access to educational records, including any tests or reports upon which the proposed action is based. A party has the right to compel the attendance of and question witnesses who may have evidence upon which the proposed action might be based. A party has the right to present evidence and confront and cross-exam witnesses. A party has the right to present evidence and testimony, including expert medical, psychological, or educational testimony.

Decision of Hearing Officer. A decision made by a Hearing Officer must be made on substantive grounds, based upon a determination of whether the child received a FAPE. In disputes alleging procedural violations, a Hearing Officer may award remedies only if the procedural inadequacies impeded the child's right to a FAPE; significantly impeded the parents opportunity to participate in the decision-making process regarding the provision of a FAPE to the child; or caused a deprivation of educational benefits. A Hearing Officer may still order a LEA to comply with procedural requirements even if the Hearing Officer determines that the child received a FAPE. The parent may still file a Complaint with the Bureau of Special Education within the Pennsylvania Department of Education regarding procedural violations. The Due Process Hearing will service as the local and state level hearing: appeals may be made to the court of competent jurisdiction.

Civil Action. A party that disagrees with the findings and decision of the Hearing Officer (in the case of Section 504/Chapter 15 cases and early intervention cases) has the right to file an appeal in state or federal court. The party filing an appeal is encouraged to seek legal counsel to determine the

appropriate court with which to file an appeal. A party filing an appeal to state or federal court has ninety (90) days from the date of the decision to do so. Attorney's Fees. A court, in its discretion, may award reasonable attorney's fees to the parent of a child who is a prevailing party or to a State Educational Agency or LEA against the attorney of the parent who files a Due Process Hearing Request or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of the parent who continued to litigate after the litigation clearly became frivolous, unreasonable or without foundation; or to a prevailing State Educational Agency or LEA against the attorney of the parent, or against the parent, if the parent's Due Process Hearing Request or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation. Fees awarded will be based on rates prevailing in the community in which the action or proceeding arose for the kind and quantity of attorney services furnished. The federal law imposes certain requirements upon the parent and LEA and in some circumstances may limit attorney fee awards. Parents should consult with their legal counsel regarding these matters.

The following rules apply: Attorney's fees may not be awarded and related costs may not be reimbursed in any action or proceeding for services performed subsequent to the time of a written offer of settlement to the parent if the offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedures, or, in the case of an administrative hearing, at any time more than ten (10) days before the proceeding begins; the offer is not accepted within ten (10) days; and the court finds that the relief finally obtained by the parent is not more favorable to the parent than the offer of settlement. Attorney's fees may not be awarded for time spent attending any meeting of the IEP team unless the meeting is convened as a result of an administrative proceeding or judicial action. A due process resolution session is not considered to be a meeting convened as a result of an administrative hearing or judicial action, nor an administrative hearing or judicial action for purposes of reimbursing attorney's fees. The Court may reduce the amount of any attorney's fee award when: (a) the parent, or the parent's attorney, during the course of the action or proceeding unreasonably protracted the final resolution of the controversy; (b) the amount of the attorney's fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience; (c) the time spent and legal services furnished were excessive considering the nature of the action or proceeding; or (d) the attorney representing the parent did not provide to LEA the appropriate information in the

Due Process Hearing Request. These reductions do not apply in any action or proceeding if the court finds that the State or LEA unreasonably protracted the final resolution of the action or proceeding. Child's Status during Administrative Proceedings. Except for discipline cases, which have specific rules, while the due process case, the child must remain (pendency) in his or her present educational placement unless the parent and LEA or State agree otherwise. If the due process hearing involves an application for initial admission to public school, the child, with parental consent, must be placed in the

public school program until completion of all the proceedings, unless the parent and LEA agree otherwise.

Private School Tuition Reimbursement. In some cases, parents of children who were identified by the public school as eligible for special education and related services and who received such services can recover in a due process hearing or from a court an award of private school tuition reimbursement. Parents can also receive such awards if their child was in need of special education and related services but were not offered such services in a timely manner. To obtain an award of tuition reimbursement, parents must notify their public school of their intent to enroll their child in a private school either verbally at the last IEP team meeting prior to withdrawing their child or in writing received by the public school at least ten days prior to the date on which the child is withdrawn from public school. Parents can obtain tuition only when they can prove at a special education due process hearing that (1) the public school failed to offer an appropriate program or placement to the child, (2) the parents therefore placed their child in a private school, and (3) the private school placement was proper. Tuition reimbursement awards can be denied or reduced if the parent's behavior was improper or if the parents delay unreasonably in asserting a claim against the public school in a due process hearing. Such awards can also be denied or reduced if the parents fail to do one of the following: (1) notify the public school of their intent to place the child in a private school at the last IEP team meeting prior to the planned placement or (2) notify the public school in writing of their intent to place the student in a private school at least ten days before withdrawing the student for that purpose.

Mediation. Parties may agree to submit their dispute to the mediation process by requesting mediation from the Office for Dispute Resolution. Mediation may be requested in place of or in addition to a due process hearing. If a hearing is also requested, mediation cannot delay the scheduling of the due process hearing, unless the Hearing Officer grants a continuance for that purpose at the request of a party. An impartial, trained mediator facilitates the mediation process, which is scheduled at a time and location convenient to the parties. The parties are not permitted to have attorneys participate in the process. Any resolution reached through mediation must be reduced to writing, which will be binding on the parties. Rights under Section 504 of the Rehabilitation Act of 1973.

As noted above, some students with disabilities who are not in need of special education and related services are nevertheless entitled to adaptations and accommodations in their school program or in the physical environment of school buildings, grounds, vehicles, and equipment, when such adaptations or accommodations are required to enable the student to access and participate meaningfully in educational programming and extracurricular activities. Parents are entitled to a written description of the adaptations and accommodations that the public school is willing to offer. This written description is called a "service agreement" or "accommodation plan." The rights and protections described above under the headings "Notice," "Consent," "Protection in Evaluation Procedures," and "Maintenance of Placement" apply to students receiving adaptations and accommodations under Section 504. Parents who have complaints concerning the evaluation, program, placement, or provision of services to a

student may request either an informal conference with the public school or a due process hearing. The hearing must be held before an impartial hearing officer at a time and location convenient to the parents. Parents have the right to request a free written or electronic transcript or recording of the proceedings, to present evidence and witnesses disclosed to the public school, to confront evidence and testimony presented by the public school, to review their child's complete educational record on request before the hearing, to receive a written decision from the hearing officer, and to be represented by counsel or an advocate of their choice. An appeal may be taken from the decision of the hearing officer to a court of competent jurisdiction.

Compliance Complaints. In addition to the above hearing rights, parents and others with complaints concerning the education of a child with disabilities or violations of rights guaranteed by either the IDEA or Section 504 may file complaints with the Pennsylvania Department of Education, which must investigate such complaints and issue written findings and conclusions. Information concerning such complaints can be obtained at the following address: Pennsylvania Department of Education Bureau of Special Education Division of Compliance Monitoring and Planning 333 Market Street, 7th Floor Harrisburg, PA 17126-0333 (800) 879-2301

Student Records. The public schools of Luzerne Intermediate Unit 18 maintain records concerning all children enrolled in public school, including students with disabilities. Records containing personally identifiable information about or related to children with disabilities could include, but are not limited to, cumulative grade reports, discipline records, enrollment and attendance records, health records, individualized education programs, notices of recommended assignment, notices of intent to evaluate and reevaluate, comprehensive evaluation reports, other evaluation reports by public school staff and by outside evaluators, work samples, test data, data entered into the Penn Data system, PIMS, correspondence between school staff and home, instructional support team documents, referral data, memoranda, and other education-related documents. Records can be maintained on paper, on microfiche, on audio or videotape, and electronically. Records can be located in the central administrative offices of the public school, the school building or building at which the student attended or attends school, private schools and facilities at which the public school has placed the child for educational purposes, central storage facilities and electronic storage systems, and in the secure possession of teachers, building administrators, specialists, psychologists, counselors, and other school staff with a legitimate educational interest in the information contained therein. All records are maintained in the strictest confidentiality and adhere to the Family Educational Rights and Privacy Act (FERPA) regulations. Records are maintained as long as they remain educationally relevant. The purposes of collecting and maintaining records are (1) to ensure that the child receives programs and services consistent with his or her IEP; (2) to monitor the ongoing effectiveness of programming for the child; (3) to document for the public school and the parents that the student is making meaningful progress; (4) to satisfy the requirements of state and federal agencies who have an interest in inspecting or reviewing documents concerning particular students or groups of students for purposes of compliance monitoring, complaint investigation, and fiscal and program audits; and (5) to inform future

programming for and evaluations of the child. When educational records, other than those which must be maintained, are no longer educationally relevant, the public school must so notify the parents in writing and may destroy the records or, at the request of the parents, must destroy them. Public schools are not required to destroy records that are no longer educationally relevant unless the parents so request in writing.

Parent consent. Parent consent is required in writing prior to the release of any personally identifiable information concerning a child with disabilities. Parent consent is not required, however, prior to the release of information (1) to a hearing officer in a special education due process hearing; (2) to public school staff and contractors with a legitimate educational interest in the information; (3) to officials or staff of other schools and school systems at which the student is enrolled or intends to enroll; (4) to federal or state education officials and agencies and to the Comptroller of the United States; (5) to accrediting organizations to carry out their accrediting functions; (6) to comply with a lawful subpoena or judicial order; (7) in conjunction with a health or safety emergency to the extent necessary to protect the health and safety of the child or others; or (8) that the public schools have designated as “directory information.” Disclosure without consent of the parent is subject to certain conditions more fully described in the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C § 1332g, and its implementing regulation, 34 C.F.R. Part 99.

Parent access. Upon submitting a request to do so in writing, parents have the right to access the educational records of their child within forty five days or before any due process hearing or IEP team meeting, whichever is sooner. Access entitles the parent to the following: (1) an explanation and interpretation of the records by public school personnel; (2) copies of the records if providing copies is the only means by which the parent can effectively exercise his or her right of inspection and review; and (3) inspection and review of the records by a representative of the parent’s choosing upon presentation to the records custodian of a written authorization from the parent. The public school can charge a fee not to exceed its actual costs for copying records. “Directory information.” Public school entities designate certain kinds of information as “directory information.” The public schools of Luzerne Intermediate Unit 18 typically designate the following as “directory information”: (1) the name, address, telephone number, and photographs of the child; (2) the date and place of birth of the child; (3) participation in school clubs and extracurricular activities; (4) weight and height of members of athletic teams; (5) dates of attendance; (6) diplomas and awards received; (7) the most recent previous institution or school attended by the child; and (8) names of parents, siblings, and other family members. The District will provide this information to any interested person, including armed forces recruiters who request it, without seeking consent from the parents of the student or the student. Parents who do not want the District to disclose such information must so notify the District in writing on or before the first day of the school term. Written notice must identify the specific types of directory information that the parent does not want the District to disclose without consent. If the parent fails to notify the District in writing by the first day of the school term, the District may release directory information upon request and without consent. Disclosure of records containing personally identifiable

information to other schools and institutions. Public school entities disclose personally identifiable information concerning students to educational agencies or institutions at which the student seeks to enroll, intends to enroll, or is enrolled, or from which the student receives services, when that agency or institution requests such records. Access to records by school officials with a “legitimate educational interest.” School officials with a legitimate educational interest in the personally-identifiable information contained in education records can have access to personally identifiable information without parent or student consent. Each school entity designates in its education records policy those persons who have a “legitimate educational interest” that would allow such access to education records. Such persons typically include teachers of the child, building administrators, guidance counselors to whom the child is assigned, members of instructional support and multidisciplinary teams in the course of screening and evaluation activities, records custodians and clerks, public school administrators with responsibility for programs in which the student is enrolled or intends to be enrolled, school board members sitting in executive session in consideration of matters concerning the child upon which only the school board can act, program specialists and instructional aides working with the child, therapeutic staff working with the child, and substitutes for any of the foregoing persons Amendment of education records.

After reviewing records, a parent or a student who has attained the age of 18 can request that records be amended. The school will make the requested changes or reject the request within forty-five days of the receipt of the request in writing. If the school rejects the request, the parent or student may request an informal hearing. The hearing can be held before any public school official who does not have a direct interest in its outcome. If the parents are dissatisfied with the outcome of the informal hearing, they may submit to the public school a statement outlining their disagreement with the record. The school thereafter must attach a copy of that statement to all copies of the record disclosed to third parties.

Complaints to the United States Department of Education. Complaints concerning alleged failure of a public school entity to comply with the requirements of the Family Educational Rights and Privacy Act may be addressed to the United States Department of Education as follows: Family Policy Compliance Office U.S. Department of Education 400 Maryland Avenue, S.W. Washington, DC 20202-4605 This notice is only a summary of the special education services, evaluation and screening activities, and rights and protections pertaining to children with disabilities, children thought to be disabled, and their parents. For more information or to request evaluation or screening of a public or private school child contact the public school nearest you.

The number and addresses of all public schools in Luzerne Intermediate Unit 18 are located in the blue pages of the telephone book under the heading “Schools.” Information can also be obtained, and screenings and evaluations requested, by contacting the offices of special education or student services in each of the various school districts or, for preschool children, at Luzerne Intermediate Unit of Hazleton Area School District.

Notice of Services for Gifted Students While “gifted” is not one of the “disabilities” required under the Federal IDEA legislation, the State Board of Education’s regulations as set forth in 22 Pa. Code Chapter 16 – Special Education for Gifted Students, provides recognition that gifted students are considered to be “children with exceptionalities” under the Public School Code of 1949 and are in need of special designed instruction.

A district shall conduct public awareness activities to inform the public of gifted education services and programs and the manner by which to request these services and programs. These awareness activities shall be designed to reach parents of students enrolled in the public schools.

Students Who are Mentally Gifted All Luzerne Intermediate Unit entities, except charter schools, also offer special education services, in the form of acceleration or enrichment, for students who are identified by a gifted multidisciplinary team (GMDT) as “mentally gifted”. A child is considered mentally gifted when his or her cognitive ability or other factors, as determined by a multidisciplinary team evaluation, indicate that he or she has outstanding intellectual ability the development of which requires special programs and services not ordinarily available in the general education program.

The school entity engages in screening activities during regular classroom instruction and uses the data thus generated to determine whether a GMDT evaluation is warranted. In addition, parents may request gifted screening or a GMDT evaluation at any time. Parents are part of the GMDT and, if their child is determined to be mentally gifted, are part of the development and annual review and revision of their child’s gifted individualized education program (GIEP) as a member of the GIEP team. The GIEP describes the present levels, annual goals and measurable objectives, and specially designed instruction and related services through which the District will provide the enrichment or acceleration, or both, that is needed to develop the outstanding mental ability of the child.

Parents of students who are mentally gifted have the right to request a special education due process hearing or to file a compliance complaint with the Pennsylvania Department of Education at the address listed below.

Details concerning the procedures governing hearing requests can be found on the Website of the Office for Dispute Resolution at <http://www.pattan.k12.pa.us>. A child can be identified as both a child with a disability and mentally gifted. In such cases, the rights of the child and his or her parents are governed by the rules applicable to children with disabilities and their parents, as described above. Pennsylvania Department of Education Bureau of Special Education Division of Compliance Monitoring and Planning 333 Market Street, 7th Floor Harrisburg, PA 17126-0333 (800)879-2301

Chapter 4 - The State Board of Education regulations as adopted under statutory authority in the School Code.

Chapter 16- Gifted education is separate from special education services. Dual Exceptionalities: If a student is both gifted and eligible for special education, the procedures in

Chapter 14 shall take precedence. For these students identified with dual exceptionalities, the needs established under the gifted status must be fully addressed in the procedures required in Chapter 14. (22 Pa. Code § 16.7(b)) For students who are gifted and eligible for special education, it is not necessary for school districts to conduct separate screening and evaluations, develop separate IEPs, or use separate procedural safeguards processes to provide for a student's needs as both a gifted and eligible student. (22 Pa. Code § 16.7(c))

Education Placement - The overall educational environment in which gifted education is provided to gifted students in all public schools of Luzerne Intermediate Unit 18. Placements and Programs may vary from school district to school district. GIEP - Gifted Individualized Education Program. GMDT- Gifted Multidisciplinary Team Gifted Education - Specially designed instruction to meet the needs of a gifted student that is: (i) Conducted in an instructional setting, (ii) Provided in an instructional or skill area, (iii) Provided at no cost to the parents, (iv) Provided under the authority of a school district, directly, by referral or y contract, (v) Provided by an agency, (vi) Individualized to meet the educational needs of the student, (vii) Reasonable calculated to yield meaningful educational benefit and student progress, (viii) Provided in conformity with GIEP.

Gifted Multidisciplinary Evaluation - A systematic process of testing, assessment, and other evaluative processes used by a team to develop a recommendation about whether or not a student is gifted or needs gifted education.

Gifted Student - A student who is exceptional under section 1372 of the School Code (24 P.S. §13-1371) because the student meets the definition of "mentally gifted" in this section, and needs specially designed instruction beyond that required in Chapter 4 (relating to academic standards and assessment.) This term applies on to students who are of "school age" as defined under § 11.12 (relating to academic standards and assessment.) This term applies only to students who are of "school age" as defined under §11.12 (relating to school age.) Instruction setting - A classroom or another setting in which gifted students are receiving gifted education.

Mentally gifted - Outstanding intellectual and creative ability the development of which requires specially designed programs or support services, or both, not ordinarily provided in the regular education program.

Parents - A natural or adoptive parent or parents, guardian or guardians, one or more persons acting as the parent or parents of a student.

Party - Parent or school district.

Regular classroom - A specific instructional grouping within the regular education environment.

Regular education environment - The regular classroom and other instructional settings in which students without a need for gifted education receive instruction programs and the full range of supportive services normally provided to these children.

School Code - The Public School Code of 1949 (24 P.S. §§1-101, 27-2702)

School day - A day that school is in session. Screening and evaluation process - The systematic determination of whether or not a student is gifted or needs gifted education.

Specially designed instruction - Adaptations or modifications to the general curriculum, instruction, instructional environments, methods, materials, or a specialized curriculum for student who are gifted.

Support services - Services as required under § 16.33 (relating to support services) to assist a gifted student to benefit from gifted education. Examples of the term include: (i) Psychological services (ii) Parent counseling and education (iii) Counseling services (iv) Transportation to and from gifted programs to classroom in buildings operated by the school district.

This Public Notice Documentation has been submitted by the Luzerne Intermediate Unit on behalf of the LIU member school districts and Dr. Anthony Grieco, Executive Director. The documentation and preparation was completed by Ms. Elizabeth Krokos, Assistant to the Executive Director for Student Services. Information is based on interpretation of Public Laws including “No Child Left Behind”, Individuals Disabilities in Education Act”, Pa. Chapter 14 Special Education Regulations, Chapter 4, Section 504, Chapter 15, and Chapter 16.

Initial Evaluation

How is a referral initiated?

A student can be referred for initial evaluation by the local education agency (LEA) following a pre-referral intervention such as a multi-tier system of supports (MTSS), Student Assistance Program review (SAP), or by parental request.

LEA Initiated Request

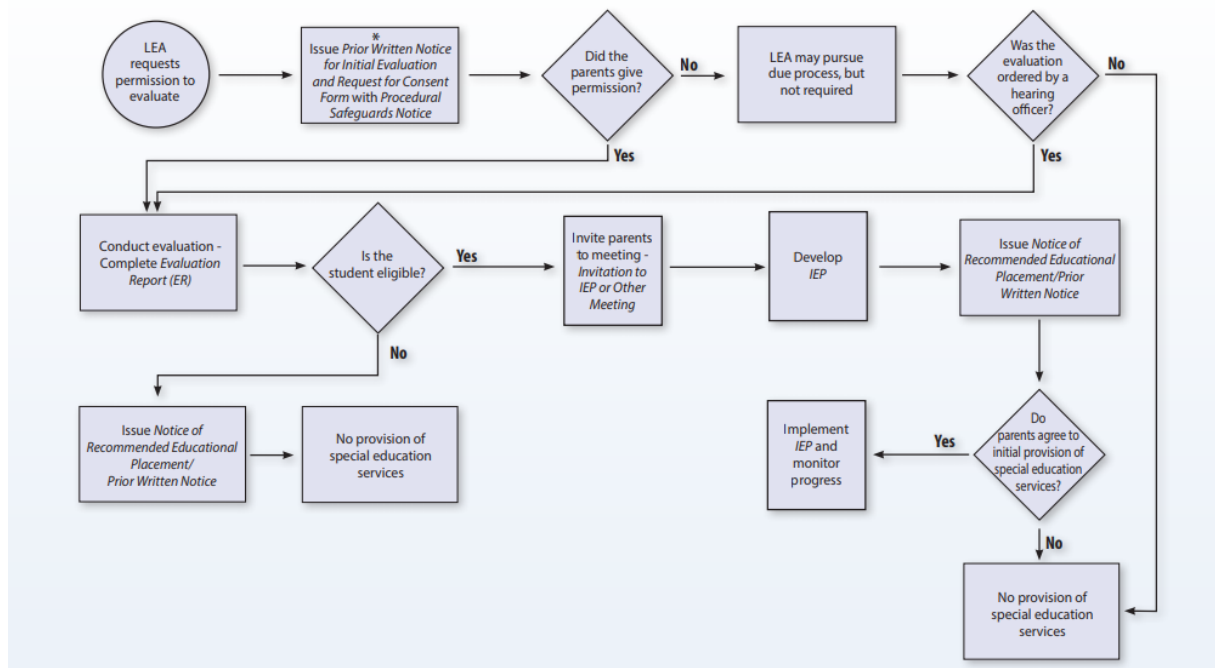
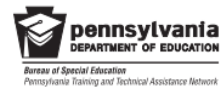
LEA Issues *Prior Written Notice for Initial Evaluation and Request for Consent Form with Procedural Safeguards Notice*. Upon receipt of the *Prior Written Notice for Initial Evaluation and Request for Consent Form*, indicating consent, the district must conduct a multidisciplinary evaluation and provide parents a copy of the evaluation report within 60 calendar days (excluding summer months).

Note: The following days are not included in the definition of calendar days- the day after the last day of the school year for staff up to and including the day before the first day of the subsequent fall school year for staff will not be counted.

The Special Education Evaluation/IEP Process

This flowchart shows the basic steps to be followed and the decisions to be made by local educational agencies (LEAs) to meet the requirements for evaluation and development of *Individualized Education Programs (IEPs)* for students with disabilities **when the request is initiated by the LEA**. It is not meant to replace the IDEA or Chapters 14 and 711 of the Pennsylvania Regulations. For more detailed information about the evaluation process, refer to the annotated *Evaluation Report*, available at www.pattan.net.

LEA Initiated Request



Parent Initiated Request

Parents may request an evaluation at any time, and the request must be in writing. The school entity shall make the *Permission to Evaluate-Evaluation Request Form* readily available for that purpose. Best practice of readily available is **10 calendar days**. If a request is made orally to ANY professional or administrator, the school must provide the *Permission to Evaluate-Evaluation Request Form* to the parents within **10 calendar days**.

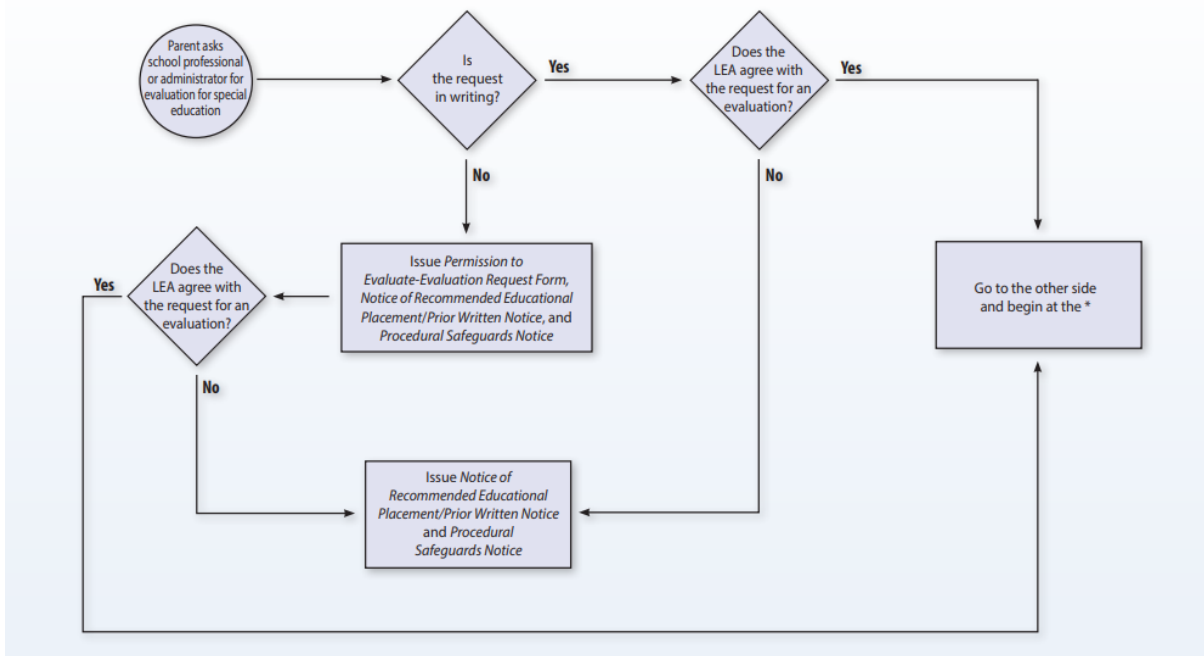
- Upon receipt of the *Permission to Evaluate-Evaluation Request Form*, the district shall issue *Prior Written Notice for Initial Evaluation and Request for Consent Form* and a copy of the *Procedural Safeguards Letter & Procedural Safeguards Notice*. The procedural safeguards notice is a description of parental rights and responsibilities.
- Upon receipt of the *Prior Written Notice for Initial Evaluation and Request for Consent Form*, providing parental consent, the district must conduct a multidisciplinary evaluation and provide the parents a copy of the evaluation report within **60 calendar days** (excluding summer months).

Note: The following days are not included in the definition of calendar days- the day after the last day of the school year for staff up to and including the day before the first day of the subsequent fall school year for staff will not be counted.

The Special Education Evaluation/IEP Process

This flowchart shows the basic steps to be followed and the decisions to be made by local educational agencies (LEAs) to meet the requirements for evaluation and development of *Individualized Education Programs (IEPs)* for students with disabilities **when the request is made by the parent(s)**. It is not meant to replace the IDEA or Chapters 14 and 711 of the Pennsylvania Regulations. For more detailed information about the evaluation process, refer to the annotated *Evaluation Report*, available at www.pattan.net.

Parent Initiated Request



Multidisciplinary Evaluation Team

The multidisciplinary evaluation team consists of qualified professionals and the parent of the student, which reviews the evaluation materials to determine whether the child is a child with a disability and whether or not the child requires specially designed instruction.

Disability Categories under IDEA & PDE Chapter 14

1. **Autism:** A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.
2. **Deaf-blindness:** Concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.
3. **Deafness:** A hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child's educational performance.
4. **Emotional Disturbance:** A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance: (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors. (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers. (C) Inappropriate types of behavior or feelings under normal circumstances. (D) A general pervasive mood of unhappiness or depression. (E) A tendency to develop physical symptoms or fears associated with personal or school problems.
5. **Hearing Impairment:** An impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.
6. **Mental Retardation** (to be changed to intellectual disabilities at next authorization of IDEA based on Rosa's Law): Significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.
7. **Multiple Disabilities:** Concomitant impairments (such as mental retardation-blindness or mental retardation orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf-blindness.
8. **Orthopedic Impairment:** A severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly,

impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

9. **Other Health Impairment:** Having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome. It must also adversely affect a child's educational performance.
10. **Specific Learning Disability:** A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.
 - a. Areas of Specific Learning Disability Include:
 - i. Basic Reading Skills
 - ii. Oral Reading Fluency Skills
 - iii. Reading Comprehension
 - iv. Written Expression
 - v. Mathematics Calculation
 - vi. Mathematics Problem Solving
 - vii. Oral Expression
 - viii. Listening Comprehension
11. **Speech or Language Impairment:** A communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.
12. **Traumatic Brain Injury:** An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance.
13. **Visual Impairment including Blindness:** An impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

Helpful Tips Regarding Evaluations:

1. A medical diagnosis alone does not guarantee eligibility for Special Education. There is a difference between a Medical Diagnosis and a Disability Category under IDEA.
2. To be eligible for Special Education, you must meet the definition of one of the disability categories listed above and be determined to be in NEED of Special Education.
3. There is no one method that should be used to determine need and to determine whether the child is accessing the curriculum.
4. A child is assessed in all areas of suspected disability.

5. Eligibility does not drive services. The child should receive services in all areas of need.
6. Early Intervention Services use the category Developmental Delay for younger children. Pennsylvania State adopts a definition of developmental delay and determined that the term applies to children aged three through five. Developmental delay is not recognized as a school age disability category. Therefore, students identified with a developmental delay in early intervention will need a re-evaluation to determine whether they meet one of the above school aged disability categories, and whether they require specially designed instruction, upon transitioning from early intervention to kindergarten.

When evaluating students, the evaluation team should include the following:

1. The student's regular education teacher;
2. If the student does not have a regular education teacher, a regular classroom teacher qualified to teach a student of his or her age;
3. The student's parent;
4. At least one person qualified to conduct individual diagnostic examinations of student, such as a speech-language pathologist, school psychologist or remedial reading teacher.
5. A certified school psychologist is a required team member when evaluating/considering eligibility for autism, emotional disturbance, intellectual disability, multiple disabilities, other health impairments, specific learning disabilities, and traumatic brain injury.

In addition to personnel who are required to participate in all district evaluations, consideration for additional specialists that are needed to determine the student's need for related services should also be planned at this time. Related services are developmental, corrective, or supportive services that are needed by some students in order to benefit from their education program. Related services may include the following: occupational therapy, physical therapy, speech & language support, psychological services, vision or hearing support, social work services, orientation and mobility, and others. The LEA representative who is responsible for designing the evaluation must be familiar with the unique knowledge that specific related service providers bring to the evaluation process. Many students involved in special education evaluations have educationally related needs involving motor skills, sensory performance, communication/language performance, assistive technology, cognitive performance, and behavioral functioning. Such issues will require the inclusion of specific related service providers during the assessment process so that specific student strengths and needs can be appropriately addressed during the identification/evaluation process.

Purpose of Multidisciplinary Evaluation

Fundamentally, the evaluation functions to assist the evaluation team in answering two questions that are necessary to determine if a student qualifies for special education services and supports. For special education, both answers must be "YES":

1. Does the student have a disability as defined under IDEA & Chapter 14?
2. Does the student need specially designed instruction and related services?

Question one is answered in terms of the definitions for each category of disability according to IDEA regulations and PDE Chapter 14. The second question is answered in terms of the student's educational needs. Special education is specially designed instruction to meet the needs of a student with a disability. It is only when a student with a disability needs specially designed instruction that she or he becomes a candidate for receiving special education services and programs. The fact that a student has a disability does not automatically determine that the student is eligible for special education. These students may qualify for services and accommodations under Chapter 15, Section 504 of the Rehabilitation Act of 1973 or under the Americans with Disabilities Act (ADA).

The evaluation for special education services must be comprehensive. According to IDEA & PDE Chapter 14, when conducting an evaluation, the LEA "shall use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent; shall not use any single measure or assessment as the sole criterion for determining whether a student is a student with a disability or determining an appropriate educational program for the student; and shall use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors [§ 614(b)(2)(A-C)]." As in the past, evaluation tools and materials used to assess a student need to be selected so as not to be discriminatory on a racial or cultural basis, are used for purposes for which the assessments or measures are valid and reliable, are administered by trained and knowledgeable personnel, and are administered in accordance with any instructions provided by the producers of such assessments. New language in IDEA further states that the assessments "are provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide or administer [§ 614(b)(3)(A)(ii)]." Consequently, native language may not be the form that yields the most accurate information.

Upon completion of the evaluation process, a team of qualified professionals and the parent of the student shall determine whether the student is a student with a disability and the student is in need of specially designed instruction. Consequently, it is the responsibility of the evaluation team to utilize sufficient procedures not only to make decisions regarding eligibility, but also to make substantive recommendations regarding the student's program. A copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent, guardian, or surrogate. A team meeting may be conducted to review the results, but is not required.

The following link (<http://www.pattan.net/files/Forms/English/ER-ANN070108.pdf>) is the annotated Initial Evaluation Report from PaTTAN. This provides an overview of the contents for the Evaluation Report.

Quick Tips for Initial Evaluations

Student Eligible for Special Education Services	
<p>Parent Agrees</p> <p>↓</p> <p>Convene IEP meeting within 30 calendar days of ER date and develop IEP</p> <p>↓</p> <p>Implement IEP within 10 school days or upon approval of NOREP</p>	<p>Parent Disagrees</p> <p>↓</p> <p>Convene IEP Meeting within 30 calendar days to offer FAPE</p> <p>↓</p> <p>Issue NOREP</p>

Student NOT Eligible for Special Education Services	
<p>Parent Agrees</p> <p>↓</p> <p>Issue NOREP</p>	<p>Parent Disagrees</p> <p>↓</p> <p>Issue NOREP</p>

Procedural Safeguard Notice

Procedural Safeguard Timelines

- Must be provided to the parent one time per year for students already receiving special education supports and services.
- Must be given upon initial referral or parent request for evaluation.
- Must be given when a complaint is placed by parent to the Pennsylvania Department of Education.
- Must be given when parent requests a copy of the Procedural Safeguards.
- Must be given when there is a manifestation determination hearing.
- Must be published on school district website.

Proposed script for IEP Team Member:

“These Procedural Safeguards are your rights as a parent of a student with a disability. It will explain your rights and your student’s rights and what to do and who to contact if you have a dispute.” Should you have any questions please contact Mrs. Stephanie Anuszewski, Director of Special Services, Mountain View School District.”

Overview of the Office for Dispute Resolution (ODR)

The Office for Dispute Resolution (ODR) <http://odr.pattan.net> is the agency in Pennsylvania that coordinates the administration of the statewide special education dispute resolution system. There are several official processes in place to assist when a dispute arises. These are:

- IEP Facilitation
- Mediation
- Due Process Hearing

These processes are used to resolve disputes between a parent and the Local Education Agency (LEA) responsible for providing the student with an education (e.g., a school district, intermediate unit, charter school, or Department of Corrections). These disputes concern the identification, evaluation, educational placement, or the provision of a free appropriate public education (referred to as FAPE) for students with disabilities, students who are gifted, protected handicapped students, and students with disabilities.

Informal Meeting

Often, if a parent disagrees with an educational issue involving their child, the first and best step to take is to ask to meet with the parent and members of the school team to discuss the concern. This may be all that is needed to resolve the matter to the parent’s satisfaction, however, the parent must remember that timelines applying to a request for due process may continue to run while such a meeting is set-up and held, so that a request for an informal meeting should not be delayed.

IEP Facilitation

IEP Facilitation is a voluntary process that can be utilized when all parties to the IEP meeting agree that the presence of a neutral third party would assist in the facilitation of communication and the successful drafting of an IEP for the student. This process is not necessary for most IEP meetings – it is most often utilized when there is a sense from any of the participants that the issues at the IEP meeting are creating an impasse or acrimonious climate, and it may be helpful to have a neutral, trained facilitator guide the process.

The facilitator's primary task is to assist the IEP team's effort to communicate, to ensure that the IEP team focuses on developing the IEP while addressing any disagreements that may arise during the meeting. The facilitator does not make recommendations or decisions for the IEP team. The members of the IEP team remain the sole decision-makers. Either the parents or LEA can request IEP Facilitation; however, since the process is voluntary, both parties must agree. If either the parents or the LEA decline to participate, facilitation cannot be used. Therefore, both parties must sign a request form that is available from ODR.

Mediation

Mediation is a voluntary process in which the parent and the LEA involved in a dispute regarding special education both agree to obtain the assistance of an impartial mediator. Mediation is available whenever a due process hearing is requested or it may be requested by the parent or school district to try and resolve a dispute rather than initiating due process. When one calls to request mediation, the ODR case manager forwards the request to the other party. Usually within 10 days of the request, the case manager establishes a date, time, and place for the mediation. Mediation sessions are scheduled for an entire day but typically last three to five hours.

If parents want to bring advocates or educational experts, parents are responsible to invite participants and pay any fees they require. At this time, attorneys do not participate in mediation.

The goal of mediation is to establish a positive relationship between parents and school personnel through collaborative problem solving. Any agreement that results from this collaboration is one the parties can live with because they created it together. The mediator does not decide what outcome is correct for the parties. If an agreement is reached, the mediator will develop a written agreement with the assistance of the parties. The parties determine the terms of the agreement and compose the wording. All parties (parent, LEA, and mediator) sign the agreement. Copies of the agreement are distributed to the parties as documentation of the meeting. If the agreement requires a change in the student's IEP, the school or school district should hold an IEP meeting to make the changes to the IEP. If the school signs the agreement but does not follow the agreement, a parent can file a complaint with the Bureau of Special Education to enforce the IEP, or go to court to enforce the agreement.

Due Process Hearing

If a parent files for due process or discusses with a staff member of the school that they want a to go to due process, the Director of Special Education needs to be contacted immediately. Due process is a legal proceeding presided over by a hearing officer who makes determinations about a student's educational program. There are many legal requirements and timelines associated with this action. The oversight of this process will be out of the special education office. There are some specific requirements mandated once a due process request is initiated. Since there will an attorney representing the school entity and most likely the parent, many of the mandated processes will be lead by counsel. With this, there are requirements the school district or intermediate unit must adhere to during this process.

The following is just a snapshot of the requirements:

- Within 15 calendar days of receiving notice of parent's due process complaint, and prior to initiation of a due process hearing the LEA must convene a **resolution meeting** with the parent and the relevant member(s) of the IEP team who have specific knowledge of the facts identified in the due process complaint (within 7 calendar days for expedited hearing).
 - The purpose of the resolution meeting is for the parents to discuss the due process complaint and supporting facts so the LEA has the opportunity to resolve the dispute. A resolution meeting gives the parents and the LEA a chance to work together to avoid a due process hearing. The parents and the LEA determine which members of the Individualized Education Program (IEP) team will attend the resolution meeting. Participants include the parents, the LEA representative who can make decisions on behalf of the school, and any IEP team member who has relevant information about the issues that are being discussed. School districts may not bring an attorney to the resolution meeting unless the parents bring an attorney.
- If the LEA has not resolved the due process complaint to the satisfaction of the parents within 30 calendar days of the receipt of the due process complaint, the due process hearing may occur (15 calendar days for expedited hearing).
- If the LEA resolves the due process complaint to the satisfaction of the parents within 30 calendar days of the receipt of the complaint, then the timelines end.

Student Placement during Mediation or Due Process

If parents or the school have requested mediation or a hearing, the student must "stay put" in his or her current program until the disagreement is resolved. That means that the school cannot change the program until the mediation and hearing have ended.

Individualized Education Program

What is an IEP?

An “Individualized Education Program” (IEP) is a written plan that describes the unique needs of a student who is eligible for special education and explains the specific services that the school will give the student.

The IEP lists the special education, related services, and other supports the student needs to make meaningful progress in school. The IEP should explain when the services will begin, and how frequently and for how long they will be given (for example, two half-hour sessions of physical therapy every week). The IEP must also state where the services will be provided (for example, in a regular or special education classroom or a special school), and tell what special training and equipment will be given to the school staff (teachers and aides) who work with the student. The IEP also tells how much of the school day the student will spend with classmates who do not have disabilities.

Who Develops an IEP?

The IEP is developed by a team of people, including the parents. School districts must give the student all of the special education, related services, and other supports listed in the IEP. The IEP is the “contract” between the parent and student and the school for the services a student needs to make progress. If the school does not follow the IEP, a parent can file a complaint with Pennsylvania’s Bureau of Special Education (BSE). The IEP Team must include:

- The student’s parents,
- At least one special education teacher or special education provider (for example, the student’s learning support teacher or speech therapist),
- At least one regular education teacher (if the student is, or may be, in any regular education classes),
- An LEA (a school official qualified to provide or supervise specially designed instruction, who knows about the school’s resources, and who is familiar with the general education curriculum (usually this is the building principal, assistant principal, special education director or designee such as guidance counselor or school psychologist),
- Someone who can interpret the student’s evaluations (this does not have to be a separate person, so the student’s case manager could fill this role – if it is a separate person, it is usually the school psychologist),
- A gifted education teacher if the IEP is being written for a student with a disability who is also gifted, and
- The student, when appropriate. (The student must be invited to the meeting if postsecondary goals and transition needs are discussed at the meeting. This is required if the student will be 14 during the course of an IEP. If transition needs are not going to be discussed, then it is up to the parent to decide whether the student should attend the meeting.)

Who Else May Attend an IEP Meeting?

While the people listed above must attend IEP meetings (unless they are excused by the parent), other people can come to the meetings. The IEP Team can include anyone the parent or the school believes has knowledge or expertise about the student. This means that a parent can invite an advocate (either a lawyer or a non-lawyer. If a parent elects to bring an attorney to an IEP meeting, the District may choose to reconvene the meeting at a time where the District's attorney is available to attend the IEP meeting). In addition, the school or the parent can ask an occupational therapist (OT), physical therapist (PT), or speech therapist who is working with the student to attend the IEP meeting.

A parent can agree in writing to excuse one (or more) of the IEP Team members listed above. If the IEP Team member's area of expertise will not be discussed at the meeting, then the parent and school may sign an agreement that the Team member can miss the meeting. If the team member's area of expertise is going to be discussed at the IEP meeting, before that team member can miss the meeting: (1) a parent must agree in writing and (2) the team member must give the parent and IEP team written input about the student before the IEP meeting.

Parent Attendance is Crucial

The law places great emphasis on parents' participation in the IEP Team meeting. The school must take steps to get one or both of the student's parents to attend the IEP meeting. That means the school must notify both parents of the meeting early enough so that they can attend, and schedule the meeting at a time and place that is convenient. The notice of the meeting must tell the parent the time, date, location, and purpose of the meeting. The Invitation to Participate in the Individualized Education Program (IEP) Team Meeting or Other Meeting form also informs the parent that one can bring other people to the meeting who have knowledge or expertise regarding the student.

There are times when an interpreter is needed for parents with deafness or parents whose native language is not English. The parents should let the school principal and the Special Education Office know as soon as possible that an interpreter is needed for the IEP Team meeting. If the parents cannot attend the meeting in person, the school must offer the family other ways of participating in the meeting, including conference calls. If the family does not participate in person or by phone, the school can hold the meeting without the parent – but it must keep a detailed record of its efforts to get the parent to attend. These efforts should include three invitations.

IEP Team Meeting

School Districts are permitted to give parents a draft IEP at the meeting (or before the meeting); however, the IEP is a working document and must include the parents' input. When the IEP is finished, it should reflect the information discussed and decided by the IEP Team at the meeting. During the meeting, the IEP team must consider the student's strengths, the parents' concerns for enhancing the education of their child, the results of the most recent evaluation, and the student's academic,

developmental, and functional needs in determining what services and placement are appropriate for the student.

IEP Signature Page: It is important to ask everyone who attended the team meeting to sign the IEP signature page. By signing the IEP signature page, it only shows who attended the meeting. It does not mean that one agrees with the IEP. If someone participated via telephone or other electronic means, the signature section of the IEP should indicate how the team member participated.

Audio Recording of IEP Meetings: Audio recording of IEP meetings is permissible but there is no express right to record. However, the LEA cannot have blanket prohibition denying audio recording. This is inappropriate under Law. Contrary to what many parents claim, neither the IDEA nor any other law provides a parent with an absolute right to record meetings. The “Parent Participation” provision, of the IDEA, found within 34 CFR 300.322(e), provides that “[t]he public agency must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.” Section 504 and the ADA also require that individuals with disabilities be afforded reasonable accommodations for their disabilities. Under all three laws, however, it is the District’s right and responsibility to determine what accommodations are appropriate. However, while there are circumstances under the ADA, Section 504, and the IDEA where accommodations must be made to ensure full participation by parents in special education meetings, public schools and intermediate units may reserve audio and video recording of such meetings as an accommodation of last resort, to be used only where there are no other appropriate accommodations. Rarely is permitting recording of a meeting the only viable accommodation available. If a parent wishes to audio record any meeting, contact the Special Education Office for guidance. Written request to record a meeting should be given at least 5 days prior to the meeting.

IEP Components

The Pennsylvania Department of Education’s Bureaus of Special Education has developed an annotated IEP form to help individuals understand the contents of the document. This document can be found by accessing:

http://pattan.netwebsite.s3.amazonaws.com/images/2017/05/23/Ann_IEP_Revised052417.pdf

An IEP can be of any length and can contain any amount of information. However, what is really important is the information in the IEP needs to be useful to parents and school staff in guiding the student’s educational program so that the student can make meaningful educational progress. The following is a breakdown of the various sections of an Individualized Education Plan (IEP).

IEP: Section I - Special Considerations

In the first section of the IEP, the IEP team must ask whether the student is blind or visually impaired, deaf or hearing impaired, if the student has needs in the areas of communication, if the student needs assistive technology (AT) devices and/or services, if the student has limited English proficiency, or if the student has behaviors that get in the way of his/her learning or that of others. The Team should keep these “special considerations” in mind when it writes the student’s IEP. PDE’s annotated IEP form explains these considerations in detail.

- Deaf or Hard of Hearing – IEP team must complete a communication plan (Input statement from IEP)
- Assistive technology includes devices or special equipment that improve the student’s functional or communication skills. Assistive technology services may include help in determining the need for a specific service (usually through the SETT process) and training for the student, school staff, and possibly the student’s family on how to use the device.
- Behavior that impedes the student’s learning or the learning of others – a FBA must be completed
- Positive Behavior Supports (PBS) addresses a student’s behavior. These strategies must reflect individual student’s needs and be based on positive – not punitive approaches. This could mean that behavior goals and support services are included in sections 5 and 6 of the IEP. Or, the IEP Team might write a positive behavior support plan as part of the IEP. Defensible behavior plans are developed following the completion of a functional behavior assessment (FBA) – [See section on Discipline and Behavior Support]

IEP: Section II - Present Levels of Academic Achievement & Functional Performance

The second section of the IEP contains information on the student’s present levels of academic achievement and functional performance (including social and daily living skills). It is important for this section to be completed because knowing where the student is currently helps the Team decide where the student should be going – meaning what goals should be written for the student. This section should include the student’s strengths and needs, both academic and functional. It also needs to include the student’s present levels related to current postsecondary transition goals (such as results of vocational evaluations, career surveys, etc.). Information from any Functional Behavioral Assessment (FBA) should also be part of this section. This section should include information on how the student’s disability affects involvement and progress in the general education curriculum. Furthermore, with passage of Chapter 14, other specific questions need to be answered specific to the disability category of a student. These questions are as follows:

- **Autism:** Services for students with the disability of autism who require services to address needs primarily in the areas of communication, social skills, or behaviors consistent with those of autism spectrum disorders. The IEP for these students must address needs as identified by the

team which may include the verbal and nonverbal communication needs of the student; social interaction skills and proficiencies; the student's response to sensory experiences and changes in the environment, daily routine, and schedules; and, the need for positive behavior supports or behavioral interventions.

- **Blind-Visually Impaired:** Services for students with the disability of visual impairment including blindness, who require services to address needs primarily in the areas of accessing print and other visually-presented materials, orientation and mobility, accessing public and private accommodations, or use of assistive technologies designed for individuals with visual impairments or blindness. For students who are blind or visually impaired, the IEP must include a description of the instruction in Braille and the use of Braille unless the IEP team determines, after the evaluation of the student's reading and writing needs, and appropriate reading and writing media, the extent to which Braille will be taught and used for the student's learning materials.
- **Deaf and Hard of Hearing:** Services for students with the disability of deafness or hearing impairment, who require services to address needs primarily in the area of reading, communication, accessing public and private accommodations, or use of assistive technologies designed for individuals with deafness or hearing impairment. For these students, the IEP must include a communication plan to address the language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode; and assistive technology devices and services.

IEP: Section III - Transition Services

The third section of the IEP lists the student's postsecondary goals (these are goals for life after high school) and the transition services that the school will give the student to help reach those goals. The point of "transition planning" is to build a bridge between school programs and the opportunities of adult life, including higher education, employment, independent living and community participation, and to make sure the student is being prepared for life beyond high school. This section must be filled out for all students who are age 14 or older during the school year that the IEP will cover. The school and parent can agree to fill this section out earlier if that is appropriate for the student. Questions to ask include:

- What academic and other skills will the student need for adult living?
- Are the needed skills being taught?
- What does the IEP Team think should be the student's measurable postsecondary goals related to training, education, employment, and, where appropriate, independent living skills?
- Are these goals based on age-appropriate transition assessments and the student's own preferences? If not, why not?

- What transition services (including courses of study) are needed to help the student achieve the transition goals?

IEP: Section IV - Participation in State and Local Assessments

In the fourth section of the IEP, the IEP Team decides whether the student can participate in statewide (the Pennsylvania System of School Assessment or PSSA) and districtwide (local) achievement testing and whether the student needs testing accommodations. A list of allowable accommodations can be found on PDE's website at

http://www.education.state.pa.us/portal.server.pt/community/testing_accommodations_security/7448.

If the Team decides that the student has such significant cognitive abilities that taking the PSSA would not be appropriate, the student will take the Pennsylvania Alternative System of Assessment or PASA test. The Team's decision to have a student take the PASA instead of the PSSA must be explained in the IEP. Please refer to the PASA website for detailed information: www.education.pa.gov Specific criteria for determining "who is the PASA for?" can be found here: <http://www.education.pa.gov/K-12/Special%20Education/Pages/PA-Alternate-System-ofAssessment.aspx#tab-1> **NOTE: The decisions to assign a student to PASA must be made in collaboration with a district special education administrator.** If the team believes this could be an issue for a given student, it should discuss this prior to the IEP meeting. If it comes up during the IEP meeting, the team needs to defer that decision until the team has reviewed it with your school's special education administrators. When it is decided that a student qualifies for PASA, the team is required to do short-term objectives, it is therefore important to be prepared to write these objectives if there is any question that the student qualifies for the PASA.

In order to help school districts prepare their students for statewide assessments, the Pennsylvania Department of Education has developed "alternate eligible content." Alternate eligible content tell schools which parts of the state standards are most important for students to learn. The assessment anchors are also helpful because they explain what students are expected to learn in simpler terms than the state "standards" and include helpful examples on what to teach the students and how. For more information on assessment anchors and to get a copy of the Department's alternate eligible content visit: <http://www.education.pa.gov/K-12/Special%20Education/Pages/PA-Alternate-System-ofAssessment.aspx#tab-1>

As stated above, for students who take the PASA or another alternative assessment test, the law requires that the IEP includes short-term objectives in addition to annual goals. This is discussed under Measurable Academic and Functional Goals.

IEP: Section V - Goals & Objectives

The fifth section of the IEP lists the measurable annual goals. Measurable annual goals are at the core of a student's individualized education program. Measurable annual goals must provide a clear description of the skills the student needs in order to access, participate, and make progress in the general educational curriculum. The goals must relate directly to the areas of need identified in the Present Levels of Academic Achievement and Functional Performance section of the IEP. Areas of need are determined by analyzing multiple sources of information, including evaluations, classroom-based assessments, student observations, and input from parents. A well-written measurable annual goal contains four parts: condition, student name, clearly defined behavior, and performance criteria.

1. **Condition** – The condition describes the situation in which the student will perform the behavior. Examples: Given visual cues, during independent practice in math, using a self-monitoring checklist, using passages from content area classes, given a writing prompt, etc.
2. **Student's Name** – Include student's first name in the goal. Example: Tyler
3. **Clearly Defined Behavior** – This portion of a well-written goal specifically describes the target behavior in measurable and observable terms, using action verbs to state what the student will do. Use of vague terms (such as understand, recognize, discover) that cannot be observed directly or counted should not be used. Examples: locate, name, rank, select, point to, solve, analyze, create, etc.
4. **Performance Criteria** – There are three distinct components that must be included in the performance criteria of each annual goal:
 - a. **Criterion level:** Indicates the performance level the student must demonstrate.
 - b. **Number:** Indicate the number of times behavior must be performed at criterion level to reach mastery.
 - c. **Evaluation Schedule/Method:** Indicate how frequently the student will be assessed and the method of assessment.

Examples of Effective Measurable Annual Goals

- Given a three minute writing prompt and use of a computer with word prediction software, Emily will create a paragraph addressing the topic of the prompt, containing at least three complete sentences, with no more than two grammatical errors, on four out of five consecutive weekly probes.
- Given a choice of three known items at various intervals during the day, Nasir will indicate his preference by signing, then taking the preferred item, with one or fewer prompts, on four out of five opportunities on three out of four consecutive days.
- Using a visual schedule, Ben will shift from one school task or activity to the next throughout the school day, independently without verbal outbursts, 80 percent of opportunities, daily for two consecutive weeks.

These are NOT measurable goals:

- Bobby will improve his reading this year.

- Jane will not act out in class.

The student's goals should be designed in a way so the student's needs can be met allowing one to make progress and be involved in the general education curriculum. The "general education curriculum" means the curriculum that your school follows for all students at a student's grade level. A good overview of goals can be accessed through the SAS (State Aligned System) system. More information on SAS can be found at www.pdesas.org. Students with disabilities should be taught what all other students at their grade level are taught unless there is a good, disability-based reason why they should be taught at a different level. The school cannot refuse to include the student in the general curriculum solely because the general education curriculum would need to be modified for the student.

Short-Term Objectives

As previously mentioned, for students who take the PASA or another alternative assessment test, the law requires the IEP includes short-term objectives in addition to annual goals. The short term objectives break down the yearly goals into small bites about what the student is expected to learn during the school year to achieve the annual goals. Short-term learning outcomes are also required for students who are gifted. Short-term objectives are not required for other students, but the IEP team can choose to include them.

- **Example:** Given visual and physical prompts when asked to copy simple lines and shapes, Emma will stay within one inch accuracy five out of five times within one week for three consecutive weeks.

How and When Progress Will Be Reported

The IEP team must decide *how* the annual goals will be measured. Goals can be measured through formal or informal assessment tools such as checklists, math or reading probes, rubrics, etc. The IEP team must then decide *when* the progress on those annual goals will be reported to parents. This reporting must be done at least concurrent with the issuance of report cards through quarterly and other periodic reports, such as addenda to report cards, special progress reporting instruments, duplicated copies of the goals and objectives page of the IEP, documented phone conferences with parents, or other means decided by the IEP team.

IEP: Section VI - Special Education, Related Services, Supplementary Aids & Services, Program Modifications

The sixth section of the IEP lists the modifications and supports the student needs to receive an appropriate education. This is one of the most important parts of the IEP because it must indicate exactly what school personnel will do to help the individual student learn. The IEP Team should ask: What specialized instruction, methods, and strategies will be used by the school this year to help the student advance toward reaching his/her IEP goals, be involved and make progress in general education

curriculum, and participate in extracurricular and nonacademic activities? This section should state what specially designed instruction (SDI), supports, and services the school will provide to the student.

In general, the schools have the right to pick the instructional approach and method that will be used to teach students. But, special education law requires that special education, related services, and supplementary aids and services (supports the student needs to be successful in a regular or special education classroom) included in the IEP be “based on peer-reviewed research to the extent practicable.” This means that if there are strategies that research studies show are successful in helping students with similar learning needs learn successfully, those strategies must be included in the student’s IEP – instead of approaches that do not have a proven track record of success. For more information on research-based practices and effective instruction, visit the Pennsylvania Training and Technical Assistance Network’s website at www.pattan.net.

It is important that the IEP team develop specially designed instruction from the assessment information for a particular student in consideration of the student’s specific needs and the PA academic standards. IEP teams should be careful to not offer too few or too many modifications or accommodations as either extreme can have a negative impact on the student’s education.

[See section on Adaptations and section on Supplementary Aids & Services]

Related Services: Section six of the IEP also lists the related services the student will receive. Related services are support services that will help the student benefit from his/her special education program. Examples of related services a student can receive include transportation, therapies (speech, physical, occupational, or psychological therapy), interpreting services for students who are deaf, parent training and counseling, and school health services (such as school nurse services). The IEP must tell you how often these services will be provided and how long each session will last. (For instance, instead of just stating “speech therapy,” an IEP should state: “Johnny will receive two 30-minute sessions of individual speech therapy per week.”) These services are determined by the IEP Team. The related service provider should participate in the IEP Team meeting. PDE’s annotated IEP also lists examples of related services. Changes to related services should not be made without documented input by service provider or representative or service provider. Case managers and LEAs should not make such changes unilaterally and when changes are made, such changes must be documented by NOREP.

The following list of related services is taken directly from Chapter 14:

- Occupational Therapy
- Physical Therapy
- Vision
- Hearing
- Speech and Language
- Nursing

- Others

Supports for School Personnel: The sixth section of the IEP also tells what help the school will give to the staff who will be teaching the student. Staff may need support include administrators, regular education teachers, special education teachers, related service providers, bus drivers, and paraprofessionals (such as aides). Questions the IEP Team should ask include: Does the staff require special training to work with the student? Is a special education teacher needed to help the regular education teacher modify the curriculum or to provide extra support to the student in the regular education classroom?

Gifted Support Services: Section six of the IEP must also list any support services that are needed to help a gifted student who is also a student with a disability benefit from gifted education. Examples of such support services include counseling services, career guidance, flexible grouping, and transportation.

Extended School Year: Section six of the IEP also addresses whether the student is eligible for extended school year services. All students with a disability must be considered for ESY as part of their annual IEP meeting. [See ESY Section for Detailed information]

IEP: Section VII - Educational Placement

The final two sections of the IEP (Sections 7 and 8) explain where the student will receive services. It is the responsibility of each public agency to ensure that to the maximum extent appropriate student 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.

The IEP must tell you if the student will be included in regular education classes and activities and, if so, for how much of the school day. The IEP Team must begin by deciding if the student can make progress in a regular class with supplementary aids and services. The Team must then decide what amount and type of special education support the student needs. The “amount” of special education support tells the team the total amount of time in a typical school day that the student receives special education supports from special education professional staff.

The following terms are used to communicate the amount of special education support:

- Itinerant support: special education support provided for 20% or less each day
- Supplemental support: special education supports provided for more than 20% of the day but less than 80% of the day)

- Full-time support: support provided for 80% or more of the day

The “type” of support listed in the IEP tells the student’s most important learning needs – to learn academic skills (learning support), to control behaviors (emotional support), to acquire basic living skills (life skills), etc.

The “location” of the program is also found in this section of the IEP. If the student will not be in the home school, the IEP must explain why the student’s needs cannot be met in that school. Remember that preapproval from the Director of Special Education MUST be obtained prior to placing the student outside of their neighborhood school.

IEP: Section VIII – Penn Data Reporting

Penn Data Reporting: Section 8, the final section of the IEP, contains information that the state uses to track whether school districts are placing students with disabilities in programs with students who are not disabled, as opposed to separate special education programs. The IEP Team must determine how much time a student with a disability is being educated in a regular education classroom.

Key Information about IEPs:

- An IEP must be in place for each student receiving special education services at the beginning of each school year. If a student has just been evaluated for the first time, an IEP Team meeting must be held within 30 calendar days of the date listed on the Evaluation Report. The law requires the school to give the parent 10 calendar days to review the Evaluation Report before this first IEP meeting, but parents can choose to waive (give up) this right in writing and to have the meeting sooner. This should be a rare occurrence rather than practice.
- After the IEP has been finalized, the school must give the parents a free copy of the IEP along with a form called a *Notice of Recommended Educational Placement/Prior Written Notice (NOREP/PWN)*. The NOREP/PWN form asks the parents to say (in writing) whether they approve the IEP. If the IEP Team has just written the student’s first IEP, special education services cannot start unless the parent approves the IEP in writing on the NOREP/PWN. For later IEPs, the new IEP can start if the parent returns a signed NOREP/PWN that has the “I approve” box checked or if the parent does not return the NOREP at all within 10 calendar days.
- When the IEP is approved, the school must explain to its staff their responsibilities and the specific supports, modifications, and accommodations that they must give the student under the IEP. The IEP document itself must also be available for the staff to review.
 - Staff includes: the student’s regular and special education teachers, his/her related services providers, and any other person who is responsible for following the IEP. Don’t assume that all the people who are working with the student have access to the most recent copy of the student’s IEP. The IEP case manager needs to check with all educators, therapists, and anyone else who may have a role to play, to make sure that they have a copy of the student’s most recent IEP.

- A student in any public school must be given the services in his/her IEP (at the location listed on the IEP) no later than 10 school days after the IEP is completed.
- The IEP team must meet at least once every year to review and revise the IEP based on: the student's progress on his/her annual goals, the student's progress in the general education curriculum, any reevaluations that have been done, and parent or teacher concerns.
- If the parent agrees, the IEP can also be amended (changed) between the yearly meetings without holding an IEP Team meeting. The IEP amendment must be in writing. The school must tell all of the IEP Team members about the change.
- While the school must make sure the IEP Team meets every year, parents or school staff have the right to ask for more frequent IEP Team meetings. The law does not limit the number of IEP meetings the parents can request.

Transfer Students with IEP

- **Within Pennsylvania:** For students transferring from one school district to another within the state of Pennsylvania, the receiving LEA must provide services comparable to those described in the IEP from the sending school. The LEA can choose to either adopt the previous IEP or develop and implement a new IEP.
- **State to State:** For students transferring between states, IDEA requires that the new LEA must also continue comparable services until it conducts an evaluation of the student. If the LEA determines it to be necessary and develops a new IEP, it must be consistent with federal and state law. Both old and new school districts are required to take reasonable steps to ensure that the student's IEP, supporting documentation, and other records are promptly transferred.

Procedure for Transfer Students:

1. The LEA designee reviews incoming transfer records to determine if IEP can be implemented within the school district or an outside placement.
2. If the IEP is current, follow procedures for Revising an IEP and convening a meeting.
3. If a student with an IEP transfers from out-of-state into Pennsylvania and the student requires an evaluation, the LEA should conduct an initial evaluation to determine eligibility for special education and services. The District must implement the existing IEP until the evaluation is completed. If a parent refuses to consent to an initial evaluation, refer to Initial Evaluation section of this manual for guidance.

Supplemental Aids and Services

Supplementary aids and services are defined as aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate. The purpose of providing supplementary aids and services is to support students with disabilities as active participants with nondisabled peers as well as to enable their access to the general curriculum.

Supplementary aids and services include modification to the general curriculum. Supplementary aids and services must be available to all students who need them, designed to provide meaningful educational benefit, and provided in a manner that avoids stigmatizing students.

A framework for considering the full range of supplementary aids and services can be found on a publication titled, [“Supplementary Aids and Services Fact Sheet”](http://www.pattan.net/category/Resources/PaTTAN%20Publications/Browse/Single/?id=4dc09560cd69f9ac7f710000) available on the PaTTAN website. <http://www.pattan.net/category/Resources/PaTTAN%20Publications/Browse/Single/?id=4dc09560cd69f9ac7f710000>

This framework includes four categories of supplementary aids and services (collaborative, instructional, physical, and social-behavioral). PaTTAN has developed the following grid to provide an overview of these supports:

Collaborative Adults working together to support students	<ul style="list-style-type: none">• Scheduled time for co-planning and team meetings• Instructional arrangements that support collaboration (e.g., co-teaching, para educator support)• Professional development related to collaboration• Coaching and guided support for team members in the use of assistive technology for an individual student• Scheduled opportunities for parental collaboration• School personnel collaborate in the development and delivery of SAS
Instructional Development and delivery of instruction that addresses diverse learning needs	<ul style="list-style-type: none">• Providing modified curricular goals• Providing alternate ways for students to demonstrate learning• Providing test modification• Providing alternate materials and/or assistive technology (e.g., materials on tape, transcribe text into Braille, large print, alternate computer access)• Providing instruction on functional skills in the context of the typical routines in the regular classroom

	<ul style="list-style-type: none"> ● Changing method of presentation ● Using reader services ● Providing research-based supplementary materials ● Providing instructional adaptations (e.g., pre-teaching, repeating directions, extra examples and non-examples, providing visual cues, using scaffolding to plan for written work, providing guided notes)
Physical Adaptations and modifications to the physical environment	<ul style="list-style-type: none"> ● Furniture arrangement in environments ● Specific seating arrangements ● Individualized desk, chair, etc. ● Adaptive equipment ● Adjustments to sensory input (e.g., light, sound) ● Environmental Aids (e.g., classroom acoustics, hearing, ventilation) ● Structural Aids (e.g., wheelchair accessibility, trays, grab bars)
Social-Behavioral Supports and services to increase appropriate behavior and reduce disruptive or interfering behavior	<ul style="list-style-type: none"> ● Social skills instruction ● Counseling supports ● Peer supports (e.g., facilitating friendships) ● Individualized behavior support plans ● Modification of rules and expectations ● Cooperative learning strategies

Adaptations: Accommodations & Modifications

There are many adaptations an IEP team can use when developing programs for students with disabilities. Two types of adaptations are accommodations and modifications. The difference is that accommodations do not alter expectations of students, while modifications alter expectations of students. The following are types of adaptations a team might consider when developing an individualized program for a student:

Curricular Adaptations: Changes in educational environments that allow students equal opportunity to obtain access, results, benefits, and levels of achievement. These adaptations consist of both accommodations and modifications. These changes make learning – or work – more manageable for the individual.

- **Accommodations:** Adaptations that change course content, teaching strategies, standards, test presentation, location, timing, scheduling, expectations, student responses, environmental structuring, and/or other attributes which provide access for

a student with a disability to participate in a course/standard/test, which **DO NOT** fundamentally alter or lower the standard or expectations of the course/standard/test. These accommodations provide access to participate in the Least Restrictive Environment (LRE) and an opportunity to demonstrate mastery of performance standards.

- **Modifications:** Changes in course content, teaching strategies, standards, test presentation, location, timing, scheduling, expectations, student responses, environmental structuring, and/or other attributes which provide access for a student with a disability to participate in a course/standard/test, which **DO** fundamentally alter or lower the standard or expectations of the course/standard/test. These modifications, although providing access, will necessitate careful selection of assessment components to achieve accountability for performance.

Examples of adaptations an IEP team may consider when developing an IEP.

It is essential that adaptations relate to areas of student need.

<p>Instructional Development and delivery of instruction that addresses diverse learning needs</p>	<ul style="list-style-type: none"> ● Providing modified curricular goals ● Providing alternate ways for students to demonstrate learning ● Providing test modification ● Providing alternate materials and/or assistive technology (e.g., materials on tape, transcribe text into Braille, large print, alternate computer access) ● Using a keyboard/portable device ● Instruction in keyboarding skills ● Providing instruction on functional skills in the context of the typical routines in the regular classroom ● Changing method of presentation ● Using reader services ● Providing research-based supplementary materials ● Providing instructional adaptations (e.g., pre teaching, repeating directions, extra examples and non-examples, providing visual cues, using scaffolding to plan for written work, providing guided notes)
<p>Physical Accommodations and modifications to the physical environment</p>	<ul style="list-style-type: none"> ● Furniture arrangement in environments ● Arrange furniture differently or provide specialized furniture ● Specific seating arrangements ● Individualized desk, chair, etc. ● Provide access to specific areas of classroom or other settings outside of classroom ● Adaptive equipment ● Adjustments to sensory input (e.g., light, sound) ● Allow for water bottle or sensory object during instruction ● Environmental Aids (e.g., classroom acoustics, hearing, ventilation) ● Structural Aids (e.g., wheelchair accessibility, trays, grab bars)
<p>Social-Behavioral</p>	<ul style="list-style-type: none"> ● Social skills instruction

Supports and services to increase appropriate behavior and reduce disruptive or interfering behavior	<ul style="list-style-type: none"> • Counseling supports • Peer supports (e.g., facilitating friendships) • Individualized behavior support plans • Modification of rules and expectations • Cooperative learning strategies
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Reevaluation

How is a reevaluation initiated?

Reevaluations are required once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary, which is to be documented through the *Agreement to Waive Reevaluation Form* and included in the student's educational record. PARC Consent Decree requires students with mental retardation (intellectual disabilities) to be reevaluated every 2 years. Reevaluation for students with mental retardation may not be waived.

Purpose of the reevaluation:

One purpose of a reevaluation is to decide if the student continues to have a disability and needs special education and related services. The reevaluation should also help the IEP Team decide whether the student is making reasonable progress towards IEP goals and, if reasonable, progress is not being made, what changes are needed.

Waiving a Reevaluation:

If the Local Educational Agency (LEA) recommends that the reevaluation is not necessary, the form titled *Agreement to Waive Reevaluation* must be provided to the parent. The LEA must indicate on the form the reasons it has made this determination. The parent has the option to agree to waive reevaluation or proceed with the reevaluation. A waiver of reevaluation requires written parental consent. Important reminder: waiving a reevaluation is not an option for a student who has a diagnosis of intellectual disability.

If the parent agrees to waive reevaluation,

- No reevaluation report is written.
- No *Prior Written Notice for Reevaluation and Request for Consent Form* is issued.
- The signed *Agreement to Waive Reevaluation* is included in the student's educational record.
- A reevaluation is not required for 3 years from the date of the parent signature on the *Agreement to Waive Reevaluation*.
- There is no requirement to revise the Individualized Education Program (IEP) as part of this process unless the IEP is due for its annual review.

Students Transfers from Out-of-State:

If a student with an IEP transfers from out-of-state into Pennsylvania, the school district must issue a NOREP indicating that they will implement the current IEP (to the best ability). The district should issue a *Prior Written Notice for Initial Evaluation and Request for Consent Form* and a copy of the *Procedural Safeguards Letter & Procedural Safeguards Notice*. This evaluation would be considered an initial evaluation. The evaluation is conducted to determine eligibility for special education programs and services in Pennsylvania. During this process, the LEA must implement the existing IEP until the

evaluation is completed. If by chance the parent refuses to provide consent for the initial evaluation, the LEA may go to due process to override the parent's refusal to consent to the initial evaluation. If the LEA does not decide to go to due process, the LEA would not be in violation of FAPE. The LEA has a Child Find responsibility and would meet this responsibility by issuing the *Prior Written Notice for Initial Evaluation and Request for Consent Form*. Since the purpose of the evaluation is to determine eligibility in Pennsylvania and the parent refuses consent, the LEA met its child find responsibility. Because the initial evaluation to determine eligibility in Pennsylvania cannot be conducted, the student is not considered eligible for special education programs and services.

Reevaluation Process:

For all students (including those with intellectual disability), the reevaluation begins with a review of existing data by the IEP Team (i.e., PSSA scores, report cards, progress monitoring reports, and other relevant data), including the parent. If a student has a disability category of autism, emotional disturbance, intellectual disability, multiple disabilities, other health impairment, specific learning disability, or traumatic brain injury, the school psychologist must be involved in the process. This review does not require permission from the parent nor is a meeting required. ("The group may conduct its review without a meeting."§300.305 (b)). However, the parent must be included in the review.

A review of existing evaluation data, completed in Section I of the reevaluation report titled *Summarize Information Reviewed*, is conducted by the IEP team to determine if enough information exists to complete the reevaluation process. At the end of the data review, the IEP team will determine one of the following:

1. The IEP team determines **ADDITIONAL EVALUATION DATA ARE NOT NEEDED**
2. The IEP team determines **THERE IS A NEED FOR ADDITIONAL EVALUATION DATA**

If the IEP Team determines that **NO ADDITIONAL DATA** are needed:

- The appropriate box on the reevaluation report is checked and the reason(s) written on the reevaluation report. Findings (based upon existing data) are summarized and conclusions regarding eligibility are made.
- A copy of the reevaluation report is given to the parent and the reevaluation report becomes part of the student's educational record. Please note, if additional data are not needed, the *Prior Written Notice for Reevaluation and Request for Consent Form – School Age* is not needed and, therefore, is not part of the student's educational record.
- The student's IEP must be reviewed and revised within 30 calendar days of the completion of the reevaluation report.
- Reevaluation is not required for another 2 years for students with intellectual disability and for 3 years for all other students with disabilities.

By determining that **ADDITIONAL EVALUATION DATA ARE NOT NEEDED**, the IEP team is indicating they believe enough information exists to: determine continued eligibility for special education and to

develop an IEP for the student if needed. The team completes Item 1 in the reevaluation, beginning with a thorough explanation of why the team determined that additional evaluation data are not needed. Item 1 also requires a summary of information that led to the conclusion as to the continued eligibility of the student.

If the IEP team determines that additional evaluation data are not needed, the LEA should complete the Reevaluation Report and issue it to the parents. The parent, as a member of the IEP team, has the right to request additional assessments at this point in the reevaluation process, to determine whether the student continues to be a student with a disability and eligible for special education services. The Reevaluation Report must be provided to the parents no later than two years from the date of the previous Evaluation Report or Reevaluation Report for students with an Intellectual Disability, or not later than three years from the date of the previous Evaluation Report or Reevaluation Report for students with other disabilities. For students identified with a specific learning disability only, the parent and LEA may agree in writing to extend the required three year timeline.

If the parent requests additional assessments at this point in the reevaluation process, the LEA has the options of agreeing or disagreeing with the request for additional assessments.

- If the LEA agrees to conduct additional assessments, the LEA checks the box in Section II, Item 2 indicating that additional data are needed and issues the *Prior Written Notice for Reevaluation and Request for Consent Form – School Age* to the parent. The LEA will have 60 calendar days from receipt of parent permission to complete the reevaluation report and provide the parents with a copy of the report (not including summer months). Regardless of the 60 day period to complete the evaluation, the LEA still must complete the reevaluation process within the two or three year requirements.
- If the LEA does not agree to conduct additional assessments, the LEA issues a *Notice of Recommended Educational Placement/Prior Written Notice (NOREP/PWN)* with an explanation of the refusal. If the LEA or parent initiate a reevaluation earlier than the mandated two-or three-year reevaluation, and the review of existing evaluation data indicates that additional evaluation data are not needed, a Reevaluation Report must be completed and issued to the evaluation team, including the parent, to reflect the summary and conclusions. While regulations are silent on a time frame for this process, the Reevaluation Report should be issued in a timely manner so it reflects current evaluation data.

If the IEP Team determines that **ADDITIONAL DATA ARE** needed:

- The appropriate box on the reevaluation report is checked
- The *Prior Written Notice for Reevaluation and Request for Consent Form – School Age* and *Procedural Safeguards Notice* are provided to the parent. The LEA must indicate the reason for the reevaluation and the specific types of assessment tools, tests, and procedures that will be

used. The *Prior Written Notice for Reevaluation and Request for Consent Form – School Age* is part of the student's educational record.

- The reevaluation must be completed and presented to the parents within 60 calendar days (not including summer days) of parental consent and/or by the anniversary date of the previous Evaluation/Reevaluation Report.
- After the additional data are collected and analyzed, the findings and interpretation of the additional data are written into the reevaluation report and conclusions regarding eligibility are made.
- A copy of the reevaluation report must be given to the parent at least 10 school days prior to the meeting of the IEP team (unless the team chooses to waive this timeline, which is documented in the IEP). The reevaluation report becomes part of the student's educational record.
- The student's IEP must be reviewed and revised within 30 calendar days of the completion of the reevaluation report.
- Reevaluation is not required for another 2 years for students with intellectual disability and for 3 years for all other students with disabilities.

By determining that **THERE IS A NEED FOR ADDITIONAL EVALUATION DATA**, the IEP team is indicating that more information is needed to: determine continued eligibility for special education and/or develop an IEP for the student if needed. Following the gathering of the additional evaluation data, the team completes item 2 in the reevaluation report, reporting on the results of the data collection and their conclusion as to continued eligibility of the student. While a meeting to review existing evaluation data is not required, the information that will be reviewed must be provided to all members of the IEP team, including the parents, before making the decision that new evaluation data are needed or are not needed. When the decision is made to collect additional evaluation data, the team must seek permission from the parents using the *Prior Written Notice for Reevaluation and Request for Consent Form – School Age*. If reasonable attempts to get permission are not successful, the team may conduct the reevaluation.

There might be a condition that warrants a reevaluation be completed more frequently than every three or two years. This occurs when an IEP Team believes additional information is required to determine educational or related services needs of a student, or to try and determine why a student is not making academic or functional progress. Furthermore, a reevaluation is also required if:

- A student's educational placement and/or services is being proposed to change to a more restrictive placement;
- A student is thought to no longer be in need of special education supports and services;
- A parent requests a reevaluation;
- A member of the student's educational team requests a reevaluation.

If the student's eligibility is not in question, but a parent requests a reevaluation to determine educational needs of the student, the LEA must respond to the parent's request to conduct a reevaluation by: (1) conducting a review of data; (2) conducting a full reevaluation; or (3) declining to conduct the reevaluation. If the LEA declines to conduct the reevaluation, the LEA must issue a *NOREP/PWN* to the parent. The LEA must provide notice to the parent if the LEA refuses to initiate or change the identification, evaluation, or education placement of the student or the provision of FAPE to the student.

A reevaluation must be conducted prior to implementing a change in level of support and/or change in service on a student's IEP (i.e., a change from full time learning support to itinerant learning support). One of the purposes of the reevaluation is to determine the educational needs of the student, including whether any additions or modifications to the specially designed instruction and related services are needed to enable the student to meet his/her IEP goals and/or to participate in the general education curriculum. Because the evaluation/reevaluation report outlines the unique needs of the student, the IEP Team develops an IEP based on the needs described in the evaluation/reevaluation. For example, if a student is in a full-time special education placement, that placement decision was based upon the needs described in the evaluation/reevaluation report. When the student's placement is changed from full time to itinerant, there should be a basis for the change in educational placement. It is unlikely that that the student's IEP developed for the full-time level of support could be implemented in the itinerant setting because the educational program in the itinerant setting is likely to be substantially and materially different from the educational program in the full-time setting. Therefore, the IEP Team will need new information available through the reevaluation process to support the change in type of support.

Timeline Review:

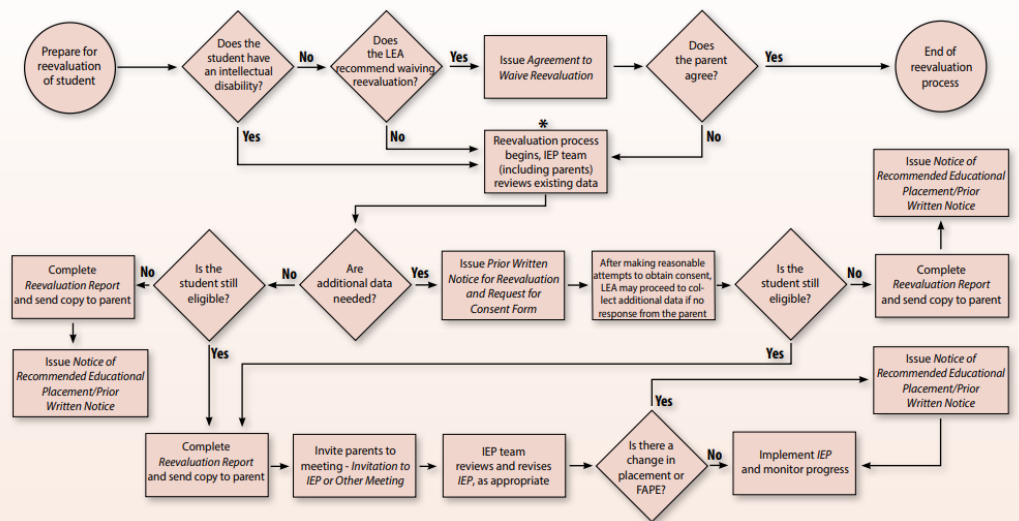
- The reevaluation must be completed and presented to the parents within 60 calendar days (not including summer months) of parental consent and/or by the anniversary date of the previous Evaluation/Reevaluation Report.
- A copy of the reevaluation must be given to the parent at least 10 school days prior to the IEP meeting (unless the parents waive this timeline and document this in the IEP).
- Students' IEPs must be reviewed and revised within 30 calendar days of the completion of the reevaluation report.
- **LEA proposes reevaluation process and team determines no additional data are needed:** Complete and send a copy of the reevaluation report to parent; and a newly revised IEP must be developed within 30 calendar days after completion of the reevaluation report. Copies are included in the student's educational record. No permission to re-evaluate is needed if no additional data have been requested.
- **LEA proposes reevaluation process and team determines additional data are needed:** Issue *Prior Written Notice for Reevaluation and Request for Consent Form – School Age* with *Procedural Safeguards Notice*, and:

- Reevaluation must be completed within the 2 or 3 year Timeline;
- The completed reevaluation report is conducted within 60 calendar days (excluding summer months) and a copy is provided to the parents;
- The reevaluation report is provided to the parent at least 10 school days prior to the IEP meeting (unless the parents waive this timeline and document this in the IEP);
- A newly revised IEP is developed within 30 calendar days after completion of the reevaluation report; and
- Copies are included in the student's educational record.

The Special Education Reevaluation/IEP Process

This flowchart shows the basic steps to be followed and the decisions to be made by local educational agencies (LEAs) to meet the requirements for reevaluation and development of *Individualized Education Programs (IEPs)* for students with disabilities **when the request is initiated by the LEA**. It is not meant to replace the IDEA or Chapters 14 and 711 of the Pennsylvania Regulations. For more detailed information about the reevaluation process, refer to the annotated *Reevaluation Report* available at www.pattan.net. Reevaluation is required every 3 years unless it is waived by both LEA and parent(s). In Pennsylvania, a reevaluation for students with an intellectual disability is required every 2 years and cannot be waived.

LEA Initiated Request



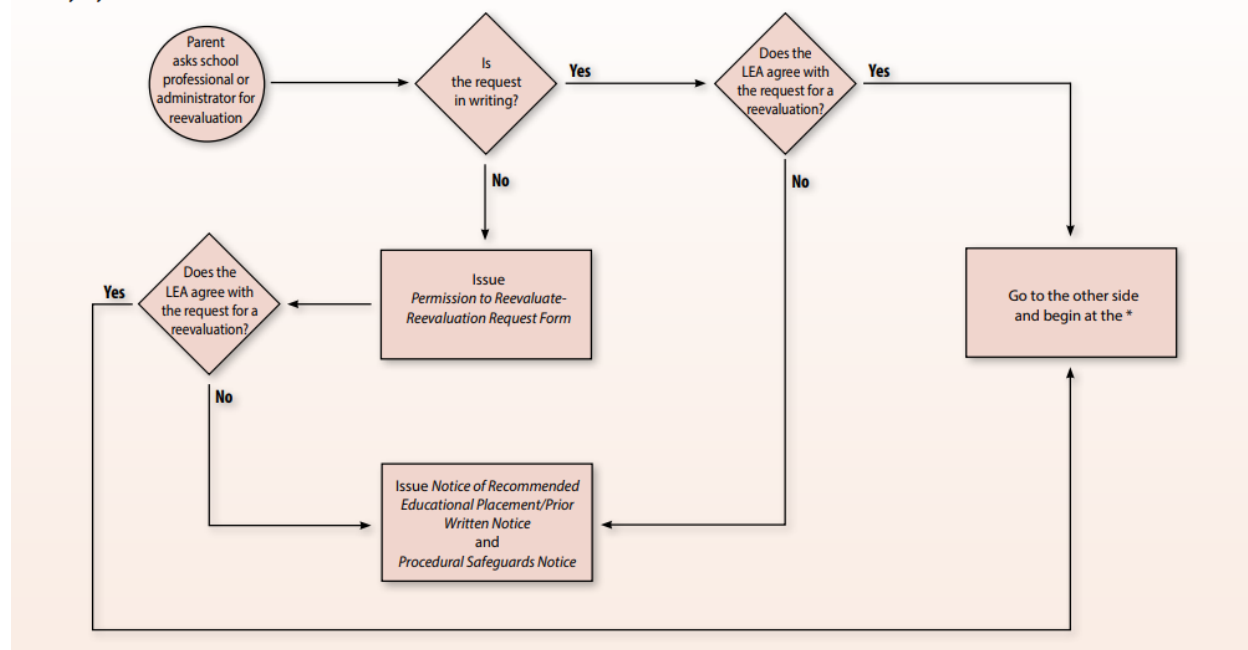
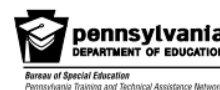
Parent requests reevaluation: Parents may request a reevaluation at any time, up to one evaluation per year.

- Send parent *Permission to Reevaluation – Reevaluation Request Form* within **10 calendar days** (not including summer days) of request;
 - If LEA agrees to conduct reevaluation, send parent *Prior Written Notice for Reevaluation and Request for Consent Form – School Age* and *Procedural Safeguards Notice* within reasonable time of receipt of *Permission to Reevaluate – Reevaluation Request Form*. Best practice identifies reasonable time as 10 school days;
 - If LEA does not agree to conduct reevaluation, send parent *Notice of recommended Educational Placement/Prior Written Notice (NOREP/PWN)* within reasonable time of receipt of *Permission to Reevaluate – Reevaluation Request Form*. Best practice identifies reasonable time as 10 school days.

The Special Education Reevaluation/IEP Process

This flowchart shows the basic steps to be followed and the decisions to be made by local educational agencies (LEAs) to meet the requirements for reevaluation and development of *Individualized Education Programs (IEPs)* for students with disabilities **when the request is made by the parent(s)**. It is not meant to replace the IDEA or Chapters 14 and 711 of the Pennsylvania Regulations. For more detailed information about the reevaluation process, refer to the annotated *Reevaluation Report* available at www.pattan.net. Reevaluation is required every 3 years unless it is waived by both LEA and parent(s). In Pennsylvania, a reevaluation for students with an intellectual disability is required every 2 years and cannot be waived.

Parent Initiated Request



Functional Behavior Assessments and Positive Behavior Support Plans

Functional Behavioral Assessment

Functional Behavioral Assessment (FBA) is a process for identifying problem behaviors and developing interventions to improve or eliminate those behaviors. An FBA consists of information-gathering procedures that result in a hypothesis about the function(s) that the behavior is serving for the student. The process also results in the identification of environmental antecedents (what happened before the behavior occurred) and consequences (what happened after the behavior occurred) that are maintaining the behavior. The information gathered is used to develop an effective and efficient behavior plan.

Information must be gathered indirectly through a team interview of people who have observed the behavior of the student in a variety of settings and conditions. The purpose of the interview is to review variables affecting the behavior, and then narrow the focus to those variables that are important to the student. Information also should be gathered by collecting data through direct observation of the behavior across settings and times with consideration of a variety of other environmental factors (e.g., other persons present, task demands, changing conditions). Information gathered during the interview portion of the FBA identifies the type of data to collect during direct observations. A graphic representation of the data collected, written descriptions collected through structured anecdotal reports during direct observations, and the interview information result in the following:

- Development of a specific, clear description of the behavior of concern
- Identification of environmental factors such as antecedents and consequences corresponding with the behavior
- Development of summary statements identifying the perceived function(s) of the behavior of concern

This information serves as the basis for the development of a positive behavior support plan that changes environmental conditions (i.e. antecedents and consequences) while providing instruction in the acquisition of new, more appropriate behaviors. Throughout the baseline and intervention phases, data are collected and evaluated, and decisions are made based upon analyses of the data. Ongoing revisions to the positive behavior support plan should continue to be driven by data analyses.

When should an FBA be conducted?

An FBA must be conducted:

- Whenever the Individualized Education Program (IEP) team:
 - (1) determines that a student's behavior is interfering with his/her learning or the learning of others, and
 - (2) requires additional information to provide appropriate educational programming.
- When a behavior violates a "code of student conduct" that results in a change of placement and is determined by the IEP team to be a manifestation of the student's disability.
- When the school refers the student to law enforcement.
- When a student is removed from his/her current placement as a result of weapon possession, and/or illegal drug possession/ use, and/or serious bodily injury.

Positive, rather than negative, measures must form the basis of behavior support programs to ensure that all students and eligible young children shall be free from demeaning treatment, the use of aversive techniques, and the unreasonable use of restraints. Behavior support programs must include research-based practices and techniques to develop and maintain skills that will enhance an individual student's or eligible young child's opportunity for learning and self-fulfillment. Behavior support programs and plans must be based on a functional assessment of behavior and utilize positive behavior techniques. When an intervention is needed to address problem behavior, the types of intervention chosen for a particular student or eligible young child shall be the least intrusive necessary.

The use of restraints is considered a measure of last resort, only to be used after other less restrictive measures, including de-escalation techniques, in accord with Chapters 14 and 711. Notwithstanding the requirements incorporated by reference in 34 CFR §300.34, §300.324 and §300.530 (relating to related services; development, review, and revision of Individualized Education Programs (IEPs); and authority of school personnel), with regard to a child's behavior, the following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

- Aversive techniques—Deliberate activities designed to establish a negative association with a specific behavior.
- Behavior support—The development, change, and maintenance of selected behaviors through the systematic application of behavior change techniques.
- Positive behavior support plans—A plan for students with disabilities and eligible young children who require specific intervention to address behavior that interferes with learning.

Positive Behavior Support Plan

A positive behavior support (PBSP) shall be developed by the IEP team, be based on an FBA, and become part of the individual eligible young child's or student's IEP. These plans must include methods that utilize positive reinforcement and other positive techniques to shape a student's or eligible young child's behavior, ranging from the use of positive verbal statements as a reward for good behavior to specific tangible rewards.

Disciplinary Change of Placement

When a change of placement occurs, and/or subsequent to a referral to law enforcement for students with disabilities, as part of the evaluation/reevaluation, the LEA must conduct an FBA. The LEA must then complete the report and develop a positive behavior support plan as part of the IEP or modify the existing positive behavior support plan to prevent recurrence of the behavior.

A disciplinary change in placement occurs when a student with a disability is removed for:

- More than 10 consecutive school days, or
- More than 15 cumulative school days in a school year, or
- When school days 11-15 constitute a pattern of exclusion, or
- Even one school day for a student with mental retardation, or
- Up to 45 school days to an interim alternative educational setting for violations involving drugs, weapons, or serious bodily injury

Permission to Evaluate or Reevaluate

A functional behavioral assessment (FBA) is understood to be an individualized evaluation of a child in accordance with 34 CFR §300.301 through 34 CFR §300.311 to assist in determining whether the child is, or continues to be a child with a disability. The FBA process is frequently used to determine the nature and extent of the special education and related services that the child needs, including the need for a positive behavior support plan (PBSP). As with other individualized evaluation procedures and consistent with 34 CFR §300.300 (a) and (c), parental consent is required for an FBA to be conducted as part of the initial evaluation or a reevaluation.

PaTTAN has developed a plethora of resources to assist MDT and IEP teams with this process. The following links are these resources:

Functional Behavior Assessment

<http://www.pattan.net/category/Resources/PaTTAN%20Publications/Browse/Single/?id=4dc09560cd69f9ac7f130000>

Functional Behavior Assessment Process <http://www.pattan.net/files/Behavior/FBA-Process.pdf>

Functional Assessment Observation Tools

<http://www.pattan.net/category/Resources/Instructional%20Materials/Browse/Single/?id=>

[4de7a28fcd69f96919570000](#) (ABC Observation Form, Functional Assessment Scatterplot, Classroom Scatterplot, Functional Assessment Observation Form, PA Data Collection Tools)

Functional Assessment Interview Forms

<http://www.pattan.net/category/Resources/Instructional%20Materials/Browse/Single/?id=4de79eb6cd69f980195c0000> (Functional Interview with a Student, Student-Directed Functional Assessment Tools)

Behavior and Discipline

We firmly believe that effective behaviors and self-discipline, originates in the home. ***The parent/guardian is the first teacher of his/her child and should develop in him/her good behavior habits and proper attitudes of respect for others, themselves and the school.*** It is essential that parents/guardians recognize that the teacher, in accordance with PA school law, takes the place of the parent/guardian while the child is in school (in loco parentis). We expect that parents/guardians have taught their child respect for self, the law, authority, the rights of others, and private and public property. Parents/Guardians should realize that a disruptive student not only hinders his/her own educational progress, but also the educational rights of every other student. Parents/Guardians are expected to work with the school members in carrying out recommendations, including discipline, made in the best interest of the student.

Student discipline may range from, but is not limited to: a verbal reprimand, loss of privileges, detention, suspension or expulsion and/or arrest. The classroom teacher will handle normal classroom discipline. All academic problems will be referred to the guidance counselors.

Board of Education Policies/Discipline

For the purpose of this handbook school district policies have been summarized. Complete policies may be reviewed on the district website at www.wyomingarea.org, click on District Offices, Board of Education and Board Policy Manual. You may access all discipline policies including Controlled Substances #227, Tobacco #222, Fighting #218.4, Unlawful Harassment #248, Computer Acceptable Use #815, Terroristic Threats #218.2, Weapons #218.1, Bullying/Cyber bullying #248, Dress and Grooming Policy #221, and Attendance Policy #204.

Discipline Infractions

The following guidelines outline expected consequences for violations of our discipline policy. This outline may be modified if, in the judgment of an administrator, alternative or additional action will serve the best interest of the student and/or school environment. Also, the disciplinary policy, in general, is subject to change throughout the school year with the Board of Education approval.

The Wyoming Area School District is committed to the belief that all students are entitled to the best education possible. The Wyoming Area School District has developed the following discipline policy in order to ensure that all students receive their education in an environment that is safe, orderly, and conducive to learning.

Referral Procedures for Students

The classroom teacher will first redirect students who violate the classroom regulations. If redirection fails, students will be asked by the teacher to have a brief conference to discuss the expectations of that student. A verbal or written agreement may occur at this time. If the student returns to class and the behaviors are not corrected, they will be referred to administration. The student may be assigned a detention, a parent/guardian may be contacted or the student may be sent to the in-school suspension room. For more serious infractions an out of school suspension may be assigned.

Students whose behaviors are referred to administration for general areas, such as the hallway, cafeteria, or lavatory will be subject to the same consequences as those of the classroom violations.

Alternative Actions

With each incident, the administrator will decide on an individual basis if alternative action will best meet the needs of the student, the School District, and/or the employees of the School District.

Alternative actions may replace and/or accompany the action for each violation of the disciplinary policy. Alternative actions, which may be taken, include but are not limited to:

- A. Parent/guardian conference(s).
- B. Referral to counselor, internal or external.
- C. Denial or restriction of privileges.
- D. Design of a student behavioral contract.
- E. Design of a special student educational program.
- F. Temporary in-school suspension.
- G. Referral to psychological service staff, internal or external.
- H. Referral to appropriate local, county, and/or state agencies and/or institutions.
- I. Liability for damages or financial loss.
- J. Civil and/or criminal prosecution.
- K. Lunch detention.
- L. Phone call to parent/guardian.
- M. Driving privileges revoked.
- N. Referral to STAR TEAM (SAP).
- O. Out-of-school suspension
- P. Expulsion

Discipline Penalties

Detention

Detentions will be held during the school day, or after school, on an “as needed” basis. Students will serve their assigned detention during designated class periods, during lunch detention, or after school. Students must report to detention with sufficient school-related work for the entire time of the detention. Students who report without sufficient work will be assigned work to do by the detention monitor. Refusal of the student to do the assignment will result in additional consequences. Any student who is disruptive in detention or who fails to follow specific instructions of the detention monitor will be subject to additional consequences.

Detentions missed because of absence from school must be served immediately upon return to school.

In-School Suspension

In-school suspension provides an alternative to out-of-school suspension. Students assigned an ISS will report to their homeroom teacher upon entering the building to provide them an opportunity to be counted in attendance and collect their books needed for the day. At the beginning of 1st period, those students will report to the main office. They will be escorted to the ISS room where they will complete the work assigned to them by their teachers. They will eat lunch in the ISS room. Refusal of a student to

do the assigned work, follow specific instructions of the monitor, and/or disruptive behavior will result in further disciplinary consequences.

Restricted Movement

Students who have behaved in a fashion which resulted in numerous discipline referrals or who have received referrals requiring suspension may be placed on a restricted movement list. Students whose names appear on this list are restricted to classrooms and are not permitted to leave with a pass except in cases of emergency. In such cases, an administrator will be called immediately and the student will be escorted. A student's name will be removed after a period of time that will be determined by the administration once behavior improves.

Exclusion from School - Suspensions and Expulsions

A student will be excluded from school when, in the opinion of an administrator, the continued presence of the student represents a threat to the health, safety, morals, or welfare of others.

Exclusion from school can occur in the following forms:

- A. Suspension - exclusion from school for a period of up to ten (10) school days.
- B. Expulsion - exclusion from school by School Board action for a period of over ten (10) consecutive school days.

Students who are suspended or expelled will be informed of the reason(s) for the action and will be given an opportunity to discuss the behavior causing the action before the action becomes effective.

A. An informal hearing will be offered within five (5) school days to the student as well as the parent(s) or guardian(s) when a student receives a suspension of more than 3 days.

B. Whenever possible, any student being suspended will be directed, in the presence of an administrator to telephone a parent or guardian to inform them of the suspension. The administrator will attempt to answer questions or supply information requested by the parent or guardian.

C. The parent(s)/guardian(s) will be notified by letter of the suspension. A copy of the letter will also be issued to the student for immediate delivery to a parent/guardian.

D. A parent/guardian conference may be requested before the student is re-admitted to the regular school program following a suspension.

E. Students who are suspended are not permitted to attend any school function during or after school hours. Any suspended student who is on school property without permission of the administration is subject to further disciplinary action.

F. A suspension does not relieve a student from responsibility for any penalties previously incurred.

Transfer Students Under Suspension or Expulsion by Prior School District

Prior to admission to the school district, the parent/guardian or other person having control or charge of a student shall, upon registration for admission, provide a sworn statement or affirmation stating whether the student was previously suspended or expelled from any public or private school in the Commonwealth of Pennsylvania or any other state for an act or offense involving weapons, alcohol, or drugs or the willful infliction of injury to another person or for any act of violence committed on school property. Such registration shall be maintained as part of the student's disciplinary record. Parents/Guardians shall be advised that any willful false statements made under this section shall be a misdemeanor of the third degree.

When a student transfers to this school district, a certified copy of the student's disciplinary record shall be requested from the school entity from which the student is transferring. This record shall be maintained as part of the student's permanent disciplinary record and shall be available for inspection as required by law.

It is the policy of the Wyoming Area School District to adhere to the decision of another school entity to suspend or expel a student for disciplinary reasons. Therefore, the Wyoming Area School District will honor and continue to impose all unfinished suspensions and/or expulsions that were imposed on each new student into the Wyoming Area School District. Each new student, whether by transfer or relocation, will serve the remainder of that discipline prior to physical entrance into the Wyoming Area School.

Manifestation Determination

A manifestation determination is required by the Individuals with Disabilities Education Act (IDEA) when considering the exclusion of a student with a disability that constitutes a disciplinary change of placement.

Manifestation Determination Process

- The local educational agency (LEA), parent, and relevant members of the Individualized Education Program (IEP) team conduct a review to determine if the behavior that is subject to disciplinary action is directly related to the student's disability (i.e., a manifestation of the student's disability). **Students with disabilities cannot be disciplined for behaviors that are related to or are manifestations of their disabilities.**
- The IEP team must answer the following questions:
 1. Was the behavior caused by, or directly and substantially related to, the student's disability?
 2. Was the behavior the direct result of the LEA's failure to implement the IEP?
- If the IEP team answers "yes" to either question, and therefore determines that the behavior is a manifestation of the student's disability, the proposed disciplinary action is voided and the team must immediately take steps to remedy any and all deficiencies in the IEP.
 - A functional behavioral assessment (FBA) must be conducted and a positive behavior support plan (PBSP) must be implemented. If an FBA and a positive behavior support plan were completed, then the IEP team must review and modify them as necessary.
- If the IEP team determines that the behavior is not a manifestation of the student's disability, the disciplinary action may be applied with the provision that the LEA must continue to provide a Free Appropriate Public Education (FAPE).

School personnel may unilaterally remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:

1. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an LEA;
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an LEA; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an LEA.

Disciplinary Change of Placement

A disciplinary change of placement occurs when a student who is receiving special education services is excluded from school:

1. For more than 10 school days in a row, or
2. For more than 15 school days in any one school year, or
3. When days 11-15 constitute a pattern of exclusion, or
4. For even one school day for a student with an intellectual disability

Overview of Physical Restraints

22 Pa. Code Chapter 14 provides guidance on physical restraints. The regulations state that restraints are only to be considered as a measure of last resort, only after other less restrictive measures have been used, and the use of prone restraints is prohibited in PA educational settings. Prone restraints are those in which a student is held face down on the floor.

Defined by Chapter 14, a restraint is the application of physical force, with or without the use of any device, for the purpose of restraining the free movement of a student's body.

The term does not include briefly holding, without force, a student to calm or comfort him, guiding a student to an appropriate activity, or holding a student's hand to safely escort him/her from one area to another. The term does not include hand-over-hand assistance with feeding or task completion and techniques prescribed by a qualified medical professional for reasons of safety or for therapeutic or medical treatment, as agreed to by the student's parents and specified in the IEP.

Devices used for physical or occupational therapy, seat belts in wheelchairs or on toilets used for balance and safety, safety harnesses in buses, and functional positioning devices are examples of mechanical restraints which are excluded from this definition.

Restraints to control acute or episodic aggressive or self-injurious behavior may be used only when the student is acting in a manner as to be a clear and present danger to himself/herself, to other students, or to employees, and only when less restrictive measures and techniques have proven to be or are less effective.

The regulations specify that AVERSIVE TECHNIQUES ARE PROHIBITED. These are:

- Corporal punishment
- Punishment for a manifestation of disability
- Locked rooms, boxes, or other structures or spaces from which the student cannot readily exit
- Noxious substance
- Deprivation of basic human rights, such as withholding meals, water, or fresh air
- Suspension constituting a pattern
- Treatment of a demeaning nature
- Electric shock

Requirements When Restraint Used:

The school must notify the parent of the use of restraint to control the behavior of a student. The Bureau of Special Education recommends this notification be within one school day of the restraint. Additionally, there needs to be an IEP team meeting within 10 school days of the inappropriate behavior causing the use of restraints. The only reason for an IEP meeting to not take place is if the parent, after written notice, agrees in writing to waive the meeting.

When an IEP meeting occurs, the team shall consider whether the student or eligible young child needs a functional behavioral assessment, reevaluation, a new or revised positive behavior support plan, or a change of placement to address the inappropriate behavior. The outcome of this meeting must be documented.

Restraint Contained in IEP

The use of restraints may be included in a student's IEP **ONLY** if the following conditions apply:

- The restraint is utilized with specific component elements of positive behavior support
- The restraint is used in conjunction with the teaching of socially acceptable alternative skills to replace problem behavior
- Staff is authorized to use the procedure and have received the staff training required
- There is a plan in place for eliminating the use of restraints through the application of positive behavior support
- The use of restraints may not be included in the IEP for the convenience of staff, as a substitute for an educational program, or employed as punishment

Reporting of Restraints

Chapter 14 requires reporting of restraints in the Commonwealth. The reporting system developed by the Pennsylvania Department of Education is known as RISC (Restraint Information System of Collection). **Anytime a restraint is used, it must be reported to PDE via RISC.** It is also the responsibility of the home school district to report all incidences of restraints, even for those students attending an Approved Private School or out of district placement.

If a school district does not have any restraints within a school year, this also must be reported by June 30 of each year.

The web-based system for reporting all restraints of special education students (RISC) is located at <https://apps.leadingservices.com/risc/index.aspx>. This system is only accessible to LEA designated individuals. Each district has a mechanism to conduct this function. However, it is important staffs understand all of the elements that are required to be reported.

The data fields required are as follows:

- PA Secure Student ID#
- Student's Disability (drop down list provided)
- Student's Grade Level (drop down list provided)
- Age of Student
- School Building Attended (drop down list provided)
- Program Location (drop down list provided)
- Date when the restraints was used to control aggressive behavior (calendar appears)
- Physical location where intervention occurred (drop down list provided)
- Type of restraint(s) used (drop down list provided)
- Length of time restraint lasted (drop down list provided)
- Number of staff who conducted the restraint (drop down list provided)
- Staff titles (NOT NAMES) of individuals who conducted the restraint
- Were the staff involved in the restraint trained and certified in the use of de-escalation techniques and the use of safe physical restraints?
- Did any injury occur to student and/or staff? If so, what kind?
- Date the injury of student or staff was reported to the BSE (maximum of three school days from incident)
- Was the student who was restrained referred to law enforcement?
- Date of parent notification of the use of a restraint (within one school day from the incident)
- Was the use of restraints listed in the student's IEP?
- Date IEP team meeting held (calendar appears)
- If appropriate, date waiver of IEP team meeting signed by parent (calendar appears)
- Were a Functional Behavioral Assessment (FBA), Reevaluation, new or revised behavior support plan or change of placement considered and discussed?

- Restraint reports may be entered and then saved as “in process” until after the IEP meeting is held. At that time they may be updated and saved as final.
- If a district does not finalize the report by entering either an IEP meeting date or the date of receipt of the signed parental waiver within **20 days of the restraint**, the system will log the school as **out-of-compliance** and your Special Education Adviser will contact you for follow-up.

Monitoring of Restraint Tracking

Each time a restraint is entered into RISC, the Bureau of Special Education (BSE) staff is notified. A person from the Bureau reviews the data within ten working days of recording. If BSE has questions, the contact person for the school entity will be notified.

Extended School Year Services

What is Extended School Year?

Extended School Year (ESY) services are special education and related services that are provided to students with disabilities beyond the 180-day school year. The Individuals with Disabilities Education Act (IDEA) states that local educational agencies (LEAs) must provide ESY services if a student needs these services to receive a free appropriate public education (FAPE). In some cases, interruptions in the school schedule, such as summer break, may result in some students with disabilities losing basic skill level and taking a much longer time to regain those skills than their peers without disabilities once school is back in session. ESY services are provided during breaks in the educational schedule to prevent this loss.

What ESY is Not...

ESY services are not day care or respite services. ESY services are not a summer recreation program or other programs or services that are not required to ensure the provision of FAPE to a student – even if they provide some educational benefit.

How is ESY Eligibility Determined?

Every student who is eligible for special education has an IEP that describes the programs and services necessary for the student to receive FAPE. One of the issues discussed and decided upon at the IEP team meeting is whether or not the student requires ESY services as part of the student's special education program. ESY must be considered each year for every student with a disability.

Armstrong Target Group

In addition, the Pennsylvania Department of Education offers guidance regarding students with severe disabilities, such as autism/pervasive developmental disorder, serious emotional disturbance, severe intellectual disabilities, degenerative impairments with mental involvement, and severe multiple disabilities. Students in this group, known as the Armstrong Target Group, must have an IEP team review of ESY eligibility no later than February 28 of each school year, with a Notice of Recommended Educational Placement/Prior Written Notice (NOREP/PWN) issued no later than March 31 of each school year. Students whose disabilities are not in the target group will not be held to the same timelines; however, determinations must be made in a timely manner.

Factors to Guide IEP Team Determination of ESY Eligibility

The IEP team makes its decision about providing ESY services by examining data that have been collected throughout the school year, including before and after scheduled breaks in the school year. The team also reviews input provided by teachers, parents, or other members of the IEP team. Reliable sources of information could include:

- Progress toward goals on consecutive IEPs

- Progress reports maintained by educators, therapists, and others having direct contact with the student before and after interruptions in education
- Reports by parents of negative changes in adaptive behaviors or in other skill areas
- Medical or other agency reports indicating degenerative-type difficulties that become exacerbated during breaks in educational services
- Observations and opinions by educators, parents, and others
- Results of tests including criterion-referenced tests, curriculum-based assessments, ecological life skills assessments, and other equivalent measures
- Progress Monitoring data collected by teachers

There are seven factors that the IEP team must consider to determine if a student is eligible for ESY services. However, **no one factor by itself can be used to determine eligibility for ESY services**. The child may be eligible by meeting just one of the criteria, but all seven factors must be considered by the IEP team. The seven factors for consideration are:

1. **Regression** - whether the student reverts to a lower level of functioning as evidenced by a measurable decrease in skills or behaviors that occur as a result of interruption in educational programming
2. **Recoupment** - whether the student has the capacity to recover the skills or behavior patterns in which regression occurred to a level demonstrated prior to the interruption of educational programming.
3. **Regression/Recoupment** - whether the student's difficulties with regression and recoupment make it unlikely that the student will maintain the skills and behaviors relevant to the IEP goals
4. **Mastery** - the extent to which the student has mastered and consolidated an important skill or behavior at the point when educational programming would be interrupted
5. **Self-sufficiency and independence** - the extent to which a skill or behavior is particularly crucial for the student to meet the IEP goals of self-sufficiency and independence from caretakers
6. **Successive interruptions** - the extent to which successive interruptions in educational programming result in a student's withdrawal from the learning process
7. **Severity of disability** - whether the student's disability is severe, such as autism/pervasive developmental disorder, serious emotional disturbance, severe intellectual disabilities, degenerative impairments with mental involvement and severe multiple disabilities

Steps in ESY Decision Process

1. Gather information regarding student progress toward IEP goals, particularly before/after breaks in the school schedule.
2. Make the determination regarding ESY eligibility at the IEP team meeting, reviewing the seven factors explained previously.
3. Document the ESY determination on the IEP.
4. Issue a NOREP/PWN if the LEA is:

- Proposing to add ESY services to an IEP that previously did not have it
- Proposing to delete the provision of ESY services from an IEP
- Refusing to initiate the provision of ESY services requested by the parent
- Proposing or refusing to change the provision of the ESY program

ESY Service Delivery Models

The IEP team must determine the appropriate service delivery model based on the needs of the individual student. School districts are not required to create new programs merely to provide ESY in an integrated setting if they do not provide services at that time for students without disabilities.

ESY service delivery models may be one-to-one or group instruction. Services may be delivered in the student's home, in the community, or in a school classroom setting. The school district may deliver ESY services in the district of residence, or may contract through another agency to provide ESY services outside the boundaries of the school district. ESY services may include related services, such as speech and language therapy, occupational therapy, and physical therapy, as well as instructional academic goals, based on the student's individual needs and as stipulated in the IEP.

What if the Parents and the School Disagree on ESY Determination?

If the IEP team, which includes the parents, cannot reach an agreement on the determination of eligibility and/or provision of ESY services, then the school district must issue the NOREP/PWN along with the Procedural Safeguards Notice to the parents explaining the IEP team's decision. If the parents still disagree, then they may respond to the NOREP/PWN with a letter stipulating their concerns, request another IEP team meeting, request free mediation services, or request a due process hearing. Mediation services use a neutral, specially-trained mediator who meets with both sides and helps both parties reach an agreement. A due process hearing is held before an impartial hearing officer who listens to both sides and then makes a decision.

Additional ESY Resources

A Basic Education Circular (BEC) on ESY can be found on the Pennsylvania Department of Education website at www.education.pa.gov. [Extended School Year Services in PA](#)

Transition from Early Intervention to School-Aged Program

Overview

The Bureau of Special Education (BSE) and the Bureau of Early Intervention Services (BEIS) intend to facilitate the smooth transition of preschool children from Early Intervention programs to the school district (or charter school) program, while respecting parental choices. This will require Preschool Early Intervention programs and school districts or charter schools to work cooperatively and be flexible in planning in order to accommodate the implementation of these procedures. To assist in this process, BSE and BEIS have developed standardized procedures and forms to be utilized by the Preschool Early Intervention programs and school districts or charter schools throughout the transition process.

“Age of Beginners”

Act 212 of 1990, the Early Intervention Systems Act, established Early Intervention services in Pennsylvania for eligible children from age three to the “age of beginners”. Age of beginners is defined as the minimum age established by each school district’s board of directors for admission to the school district’s first grade under 22 Pa. Code 14 §14.101. A transition, without interruption in program, and with appropriate procedural protections, is required under 20 U.S.C. §1419 (IDEA). All children who are not provided with the transition procedures will remain eligible for the Early Intervention services described in their preschool Individual Education Program (IEP) when they enter kindergarten or first grade. Moreover, violations of a child’s right to procedural protections or pendency may result in a child’s eligibility for compensatory services.

While parents have the option of having their child remain in Early Intervention when their child is eligible for kindergarten, it is incumbent on the IEP team to fully inform the parents of the advantages of transitioning to school age programming with same age peers. In the event that the child will remain in Early Intervention an additional year, the child’s evaluation must reflect that the team will be providing an additional year of Early Intervention at the request of the family.

Beginning the Transition Process

- IEPs of children in Early Intervention who are within one year of transition to a school-age program are required to include goals and objectives which address the transition process.
- By February 1 of each year, Preschool Early Intervention programs must identify the children in their programs who are approaching the age for kindergarten or first grade in their districts of residence and must send their parents a letter explaining the transition process.
 - The *Notice of Your Child’s Transition to School Age Meeting*, should be utilized by Preschool Early Intervention programs when notifying parents of the transition to school age process. This letter includes information for parents on the meeting to discuss transition to school age, explains the parents’ option to register their child in a kindergarten program or have their child remain in Preschool Early Intervention programming for another year; and informs parents that their children cease to be

eligible for Early Intervention services when they reach the age for first grade, regardless of whether the parents actually enroll their children in the district program or charter school.

- **Transfer of Records** - It is recommended that the records of children who will be transitioning to the local school district or charter school be transferred from the Preschool Early Intervention program to the local school district or charter school at the time of the transition meeting. If a transition meeting is not held, the records should be transferred upon the child being registered with the local school district or charter school or when the child is no longer receiving Preschool Early Intervention services.
 - **The Early Intervention records of children who are no longer eligible for special education services cannot be shared with school districts or charter schools without parental consent.**

The Transition Meeting

The Preschool Early Intervention program must convene transition meetings by the end of February for all children approaching the age for kindergarten or first grade. This transition meeting may need to be held earlier if the child's school district of residence registers children for kindergarten between February 1 and the end of February. If the IEP team has already decided that a child approaching kindergarten age will remain in an Early Intervention program, then the parents and Preschool Early Intervention program can agree that a transition meeting is not necessary. For those children whose parents are uncertain, or who have decided that the child should move on to kindergarten or first grade, a transition meeting must be held, in which the school district of residence or charter school representative must participate. (Note that transition meetings are not necessarily IEP meetings, but they may also serve as such if the necessary participants are present.)

At the transition meeting, the Preschool Early Intervention program must provide to parents the appropriate *Intent to Register* form. This form enables parents to indicate whether they intend to register their child with the school district of residence or charter school. The Preschool Early Intervention program should review the available options on the form with parents during the transition meeting. If the parents decide that a child approaching the age for kindergarten should move into a school age program, or if the child is approaching the age for first grade, the parents must indicate on the *Intent to Register* form that they intend to register the child in the school district or charter school for the next school year.

School districts' or charter schools' responsibilities for the transition process for the new school year commence with receipt of the parents' *Intent to Register* form. School districts or charter schools may conduct a re-evaluation and develop individualized education programs (IEP) in accordance with the required timelines. The school district or charter school, and the parent may agree to waive a required reevaluation or may agree to implement the existing evaluation or IEP.

Reevaluations and IEPs

During the transition meeting, if the parents intend to register their child with the school district, the *Notice of Options for Your Child's Transition* must be reviewed with the parents by the school district.

The following options should be considered by the school district and parents:

- Agree to adopt and implement the child's current preschool special education IEP. School District issues the NOREP indicating this recommendation
- Agree to adopt the preschool special education IEP with revisions. The School District and parents would discuss the revisions and the School District would then issue the revised IEP and NOREP indicating this recommendation.
- Decide that a reevaluation is necessary. (**Note: Developmental Delay is a disability category under Preschool Special Education regulations but is NOT a disability category under School-Age regulations. In such a case, the school district needs to reevaluate the child to determine eligibility for school-age services.**)
 - SD may conduct a reevaluation consisting of a review of existing data and information prior to the development of an IEP.
 - The district is not required to issue the *Permission to Reevaluate – Consent Form* to obtain parental consent prior to a reevaluation limited to a review of existing data.
 - If the team is meeting to review existing evaluation data, the *Invitation to Participate in the IEP Team Meeting or Other Meeting* notice can be used, noting that the meeting is to review data as part of a reevaluation. This review of existing data should commence within a reasonable amount of time after receipt of the *Intent to Register*.
 - The *Reevaluation Report* will summarize the data reviewed during reevaluation, the decision about whether additional evaluation data are needed, and a determination about the child's continued eligibility for special education services.
 - The team may, through the review of existing evaluation data, determine that additional data are needed.
 - The school district will issue the *Permission to Reevaluate – Consent Form* to obtain parental consent to collect the additional data.
 - Within 60 days of the date that the school district receives parental consent to collect additional data (not including summer days), the parent will receive a copy of the *Reevaluation Report*. The *Reevaluation Report* will summarize the data reviewed during reevaluation, the decision about whether additional evaluation data are needed, and make a determination about the child's continued eligibility for special education services.
- An IEP meeting will be held within 30 calendar days of the *Reevaluation Report*, and a new IEP and NOREP will be issued.

- An IEP will be implemented no later than 10 school days after its completion in order to ensure that the special education programs of the child with disabilities is not interrupted when he/she transitions from Preschool Special Education programs to school-age programs.

If parents disagree with the IEPs offered by their school districts and initiate a due process hearing or both parties agree to mediation, the child who will transition into kindergarten or school-age programs must continue to receive the services described in his/her preschool IEPs (ensuring “status quo”) pending completion of dispute resolution options of mediations or due process hearings. However, these services are typically provided at the school district.

There is another key timeline that is required by the school district:

- Within a reasonable period of time from the receipt of the signed *Intent to Register* form, but no later than April 15, the school district will notify the parent in writing and initiate one of the options as noted above.

All children currently eligible for special education in Preschool Special Education and registered with the school district remain eligible for special education in their school districts unless the school district or Preschool Early Intervention Program completes a reevaluation that determines the child is no longer eligible for special education. If no longer eligible for special education services, school district or Preschool Early Intervention programs must issue a NOREP.

Secondary Transition Planning

What is Secondary Transition?

Secondary transition is the process of preparing students for life after they leave high school, including participation in post-secondary education or training, employment, and community living. These three areas are often referred to as “post-secondary outcomes” and are the driving force behind Individualized Education Programs (IEPs) written for students in high school.

When Does Secondary Transition Begin?

Transition planning begins no later than age 14, in middle school or early high school, as students explore what they want their post-school outcomes to be through career awareness exploration activities. It continues through high school as instruction and community experiences support these outcomes.

A resource that Pennsylvania school districts rely on for up to date information is

<http://www.secondarytransition.org>

Who is Involved in Transition Planning?

Transition planning involves a partnership between the student, the family, school-age services and program providers, post-secondary services and program providers, and local community members. Effective transition involves purposeful planning among all these entities. It entails recognizing the student’s current strengths, interests, preferences, and needs, and then identifying what services and supports he or she will need to achieve future success.

Additional Resources

- National Post School Outcome Center (NPSO) <http://www.psocenter.org/>
- National Dropout Prevention Center for Students with Disabilities (NCPD-SD) <http://www.dropoutprevention.org/>
- National Secondary Transition Technical Assistance Center (NSTTAC) <http://www.nsttac.org>
- Career Education and Work Standards <http://www.pacareerstandards.com>

Special Education Trends in Pennsylvania

The Pennsylvania Department of Education strives to ensure that all student are:

- Proficient in core subjects
- Graduate from high school, ready for post secondary education and career
- Achieve equitable outcomes, regardless of background, condition or circumstances

Transition: A View from Two Vantage Points

PA 339- College and Career Ready For All Students	IDEA- College and Career Ready related to Special Education Students
All Students	Individual Students
K-12 Comprehensive Plan	Involvement at age 14 (best practice starts earlier)
Career Education Workforce Standards CEW <ul style="list-style-type: none"> ● Career Awareness and Preparation ● Career Acquisition ● Career Retention and Advancement ● Entrepreneurship 	SPECIFIC INDIVIDUAL GOALS <ul style="list-style-type: none"> ● Postsecondary Education/Training ● Employment ● Independent Living
Advisory Counsel with Interagency and Community Representation	Interagency Involvement
Comprehensive curriculum, information collected, ability to organize resources	Individualized to meet the unique strengths and needs

PA Career and Work Standards

The Career Education and Work Standards, Chapter 4 of Title 22, are part of the State Board of Education's regulations of required education for all students in Pennsylvania. The Career Education and Work Standards address four areas of knowledge:

- Career Awareness and Preparation
- Career Acquisition (Getting a Job)
- Career Retention and Advancement
- Entrepreneurship

Funded by the Pennsylvania Department of Education, Bureau of Career and Technical Education, this website has been developed by the Career Development Leaders Network and coordinated by [Outreach for K-12 at Pennsylvania College of Technology](#).

Elements of an Effective Transition Program

- Students must be present at their IEP meetings and have a vested interest in what the team is preparing. Transition age youth should be the center/key member of the team.

- Students should come into the IEP meeting and introduce themselves to the team. They should have a say in their future planning, not just idly sitting back and listening to the other team players discuss their future.
- The transition coordinator at Mountain View is a key member of the IEP team. The coordinator should be the pivot point between the classroom and the community.
- The transition coordinator is responsible for work with individual students on their future goals and helps prepare their readiness for postsecondary life.

The old adage, it takes a village to raise a child reigns true in our current educational environment. The partnership between the classroom and transition services must focus on the students goals post high school.

The transition coordinator must create meaningful, objective centered, experiences that allow the student to gain experience relative to their field of choice in order to be prepared for life past high school.

Learning Support and Transition

- Transition services such as job site and college visits, career spokesmen, guest speakers and community partnerships for future readiness should be part of our student's yearly education.
- Each IEP must have goals with services and activities highlighting the schools effort in creating a path way for student's future successes.

Transition Program Highlights

Tier 1: All Students

- Screening and ongoing assessments across all domains outlined in the IEP
- Dropout prevention systems
- Early and ongoing assessments for developing career and graduation plans
- Connections with community employers and post-secondary education, e.g. job shadowing, volunteering, work based learning
- Families informed and engage

Tier 2: Targeted Programming

- Additional assessments and progress monitoring across domains needed to meet individual needs(diagnostics for academic skills, FBA)
- Supplemental smaller group instruction and supports for academic, social and interpersonal, transition, self-determination skills
- Supplemental assessment and planning for post-secondary outcomes and career; work based assessment and learning

Tier 3: Intensified Programming

Intensive, explicit, individualized or small group instruction and supports for academic, social and interpersonal, self-determination skills

- Intensified assessment and planning (e.g, person centered planning)
- Intensified instructional programming for secondary transition, with emphasis on self-determination, social, independent living, recreation and leisure skills.

Not Just Field Trips

Transition should not be just a “field trip”. The objective of the experience should be student centered with a clear goal planted in the IEP. The transition outlook can grow and change yearly, focusing on more in depth skills to allow the students to flourish post high school.

Revocation of Special Education

Revocation occurs any time subsequent to the initial provision of special education and related services when a parent of a student revokes consent in writing for the continued provision of special education and related services.

When this occurs, the school district:

- (i) Must provide prior written notice in accordance with §300.503 before ceasing the provision of special education and related services. Written notice is defined as issuing of a NOREP for revocation;
- (ii) May not go to due process to maintain services to the student;
- (iii) May not continue to provide special education and related services to the student;
- (iv) Will not be considered to be in violation of the requirement to make FAPE available to the student because of the failure to provide the student with further special education and related services; and
- (v) Is not required to convene an IEP Team meeting or develop an IEP under §300.320 and §300.324 for the student for further provision of special education and related services.

The regulation governing revocation provides that a student who was previously identified by a school district for special education or related services under the IDEA/Chapter 14 may be withdrawn from services by his or her parent(s) at any time and for any reason, provided that such withdrawal is in writing.

There are five points to remember about revocation:

1. Revocation of consent must be in writing.

A parent may request his or her student's withdrawal orally or in writing. If a parent requests it orally, ask the parent to put it in writing.

2. Parents cannot revoke some service.

Revocation of consent requires the district to cease all special education and services. The parents cannot submit a revocation for some special education programs or services. Revocation is all or nothing.

3. Districts may not invoke due process and/or mediation procedures to dispute the parent's attempted revocation of consent.

Despite the fact that the best interests of the student presumably are not served by parents' unilateral withdrawal of their student from the receipt of special education, school districts may not challenge revocation through the Dispute Resolution process. This precludes districts from seeking a ruling that special education services must be provided to a student.

4. FAPE and Service After Revocation

After revocation, districts will not be bound to provide FAPE to the student. Once revocation of special education services has been properly affected by way of parental written consent and the issuance of a NOREP/PWN, school districts are no longer bound to provide a FAPE to that particular student. The student should be treated as a regular education student from that point forward.

5. Discipline After Revocation of Consent Goes into Effect

Regular discipline rules apply. The district would not be considered to have knowledge that the student is a student with a disability who needs special education and services and not required to determine whether the conduct was a manifestation of the student's disability before implementing regular discipline.

Records of Students When Parent Elects Revocation

Districts will not have to remove references to special education services and eligibility from a withdrawn student's record. Parental withdrawal of a student from special education pursuant to this regulation does not require school districts to remove special education documentation from that student's record. The district should preserve these records. Parents who have realized that their student is not receiving the supports and services that he or she needs may later have second thoughts, opting to bring "child find" claims against the district. It is in those instances where it will be vital for districts to demonstrate that they properly identified and programmed for those students.

Procedure Required for Revocation

The following are the district's requirements when revocation is requested:

1. Parent must submit a signed, dated, written request revoking consent for special education programs and services.
2. The district must issue prior written notice (NOREP/PWN) within a reasonable period of time.
3. Reasonable notice is defined as 10 calendar days.
4. The parents are informed that all special education programs and services will cease on the eleventh day from the receipt of the parents' revocation letter.

When Parents Disagree Regarding Revocation

If both parents have legal custody to make education decisions, either parent may revoke consent. According to Letter to Cox, staff in the Office for Special Education Program (OSEP), United States Department of Education stated that one parent could submit a written revocation of consent to cease special education programs and services even though the other parent disagrees. Even though both parents may have educational rights, one parent can stop education programs and services and the local education agency (LEA) must abide by that parent's wishes. The LEA would issue a notice in accordance with 34 CFR 300.503 and cease providing special education programs and services. If subsequent to the revocation of consent by one parent, any request for an evaluation would be an initial evaluation. The LEA and the dissenting parent cannot use due process to stop the other parent's revocation of consent.

Exiting From Special Education Services

The goal of a special education program should be to support a student appropriately so that the student's weaknesses can be remedied to the point where the student no longer needs special help. Some students with significant disabilities will always require specially designed instruction, but others may, at some point in their education, no longer require special education supports and services.

A student's IEP Team can decide that the student no longer requires special education services. For instance, a student who had been receiving services due to an emotional disability may have improved so much that the student no longer needs special supports in school. A student may be learning at or above grade level, be advanced on all PSSA subtests, and no longer requires special services (although it's important to note that a student is not ineligible for special education just because the student is passing from grade to grade).

A student becomes ineligible for special education if he/she graduates from high school or "ages out" (students with disabilities have the right to attend school and receive special services until the end of the school term in which they turn 21) – whichever comes first.

Before a Student Can Exit Special Education Services

The school must reevaluate the student before deciding that the student is no longer eligible for services. The school must then give the parent a Notice of Recommended Educational Placement/Prior Written Notice (NOREP/PWN) that explains why the student will no longer receive services and on what information the school based this decision. On the NOREP/PWN, the parent must check whether the parent agrees or disagrees with this decision. If the parent disagrees with the school's decision to remove the student from special education, the parent can ask for mediation or a special education hearing to resolve the dispute. If the parent does disagree and asks for mediation or a hearing, the student will remain in special education until the dispute is resolved.

Reevaluation Guidelines for Exiting Students

The IEP team should develop referral questions to be answered to assist the team in determining if a student no longer requires special education supports and services. The following questions are some ideas the team can consider but it does not constitute an exhaustive list of ideas:

- What is the student's academic function compared to district grade level standards?
- Is the student functioning at grade level?
- What is the student's performance on PSSA and benchmark assessment of the school district?
- What do the district-based assessments tell the team about student's academic performance compared to student's peer group?
- Does the student's emotional functioning allow him/her to appropriately cope with emotions in a safe and appropriate manner?

- Is the student able to demonstrate appropriate behaviors in school as outlined by school's code of conduct?
- Does the student manage his/her behaviors in an appropriate manner that does not interfere with other students?
- Does the student need related services supports and services to access the general education curriculum? (Identify related services)
- Does the student attend school on a regular basis and over a prolonged period of time (school year)?

Exiting Procedures from Special Education

1. For a student who no longer needs specially designed instruction, a reevaluation is proposed by the IEP case manager, and a reevaluation is conducted.
2. The Reevaluation Report is prepared by the IEP case manager and/or school psychologist (or by speech/language therapist for those students whose primary disability is Speech/Language Impairment).
3. The Reevaluation Report is provided to the parent/guardian ten days prior to the IEP meeting.
4. The case manager completes the Invitation to participate in the IEP Meeting and mails it to the student's parent/guardian. A copy of the Invitation Letter or e-mail notification is provided to all members of the IEP team (psychologist, counselor, regular education teacher(s), OT, PT, speech therapist, OVR, behavior special, I. U., Tech School, etc.). A copy of the Invitation Letter is made for the student's file to document the effort to invite the parent/guardian to the IEP meeting.
5. The IEP meeting is held, at which time no IEP is prepared but an IEP meeting signature page is used to document attendance. A Chapter 15 Service Agreement (504 plan) or Plan for reasonable accommodations to regular education may be prepared by the IEP team and specifying any regular education accommodations that are proposed for the student if necessary.
6. The parent/guardian is asked to sign a NOREP that includes a statement that the student is returning to regular education as well as the rationale for the return to regular education only.
7. The completed packet, containing all original documents as specified on the Special Education Document Transmittal slip (RR, Invitation to IEP, IEP signature page, and NOREP) is sent by the IEP case manager to the Director of Special Education. A copy of all completed special education documents is retained at the building level.
8. The information is recorded to ensure accurate information for Penn Data Special Education Child Count.

Parents Wants Student Out of Special Education

A parent can decide he/she no longer wants his/her child to receive special education. If this is the case, a parent can request revocation of services. (Refer to Revocation Section of Manual)

McKinney-Vento Homeless Education Program

MCKINNEY-VENTO HOMELESS ASSISTANCE ACT:

The Education for Homeless Children and Youth (EHCY) program is authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) (McKinney-Vento Act). The McKinney-Vento Act was originally authorized in 1987 and most recently reauthorized in December 2015 by the Every Student Succeeds Act (ESSA).¹ The McKinney-Vento Act is designed to address the challenges that homeless children and youth have faced in enrolling, attending, and succeeding in school.

Under the McKinney-Vento Act, educational agencies must ensure that each homeless child and youth has equal access to the same free, appropriate public education, including a public preschool education, as other children and youths. Homeless children and youth must have access to the educational and related services that they need to enable them to meet the same challenging State academic standards to which all students are held. In addition, homeless students may not be separated from the mainstream school environment. Local Educational Agencies are required to review and undertake steps to revise laws, regulations, practices, or policies that may act as barriers to the identification, enrollment, attendance, or success in school of homeless children and youths.

The law indicates that the LEA liaison shall ensure that all homeless children, youth and families are identified through coordinated activities with other entities.

DEFINITION OF HOMELESS (MCKINNEY-VENTO ACT SEC. 725(2); 42 U.S.C 11435(2)): CHILDREN WHO LACK A FIXED, REGULAR, AND ADEQUATE NIGHTTIME RESIDENCE:

"Doubled up" - Sharing the housing of others due to the loss of housing, economic hardship, or similar reasons.

Living in motels, hotels, trailer parks, camping grounds, due to lack of adequate alternative accommodations.

Living in emergency or transitional shelters.

Living in a public or private place not designed for humans to live.

Migratory children living in above circumstances

Living in cars, parks, abandoned buildings, substandard housing, bus or train stations, or similar settings

Unaccompanied Youth - Children or youth who meets the definition of homeless and not in the physical custody of a parent or guardian.

Residency and Educational Rights:

Students who are in temporary, inadequate and homeless living situations have the following rights:

Immediate enrollment in the school they last attended or the school in whose attendance area they are currently staying, even if they do not have all of the documents normally required at the time of enrollment;

Access to free meals and textbooks, Title I and other educational programs and other comparable services including transportation;

Attendance in the same classes and activities that students in other living situations also participate in without fear of being separated or treated differently due to their housing situations.

When a student is identified as being McKinney-Vento eligible, staff will:

Assist with enrollment, monitor school attendance and arrange transportation (preK-8 students)

Provide school supplies and other school related materials as needed

Advocate for and support students and families through school and home visits

Set clear expectations for student behavior, attendance and academic performance

Assist students/families access with community services

Assist students/families with access to tutoring, special education, and English language learner resources

Assist students so they can participate in sports, field trips, and school activities regardless of their ability to pay or to provide their own transportation.

For additional information, contact LEA Homeless Liaison at 570-655-2836 ex 2346

Appendices

Appendix A: Educational Acronyms

AAC	Augmentative/Alternative Communication
ABA	Applied Behavior Analysis
ADA	Americans With Disabilities Act
ADD	Attention Deficit Disorder
ADHD	Attention Deficit Hyperactivity Disorder
AIM	Accessible Instructional Materials
ALD	Assistive Listening Device
APS	Approved Private School
ASD	Autism Spectrum Disorder
ASL	American Sign Language
AT	Assistive Technology
AVTS	Area Vocational Technical School
AYP	Adequate Yearly Progress
BEC	Basic Education Circular
BIP	Behavior Intervention Plan
BSE	Bureau of Special Education
CAO	Chief Administrative Officer
CART	Computer Aided Realtime Translation
CASSP	Child & Adolescent Service System Program
CAVP	Corrective Action Verification Plan
CBA	Curriculum-Based Assessment
CERC	Corrections Education Records Center
CFR	Code of Federal Regulations
CLD	Cultural and Linguistic Diversity
COP	Communities of Practice
CTE	Career and Technical Education
CTC	Career and Technical Education Center
DIBELS	Dynamic Indicators of Basic Early Literacy Skills
DPW	Department of Public Welfare
ED	Emotional Disturbance
EI	Early Intervention
EIPA	Educational Interpreter Performance Assessment
EITA	Early Intervention Technical Assistance
ELL	English Language Learners
EPSDT	Early Periodic Screening, Diagnosis, and Treatment
ER	Evaluation Report

ESEA	Elementary and Secondary Education Act
ESL	English as a Second Language
ESY	Extended School Year
FAPE	Free Appropriate Public Education
FBA	Functional Behavioral Assessment
FERPA	Family Educational Rights and Privacy Act
IAES	Interim Alternative Educational Setting
ICC	Interagency Coordinating Council
IDEA	Individuals With Disabilities Education Act
IEE	Independent Education Evaluation
IEP	Individualized Education Program
IFSP	Individualized Family Service Plan
LEA	Local Educational Agency
LEP	Limited English Proficiency
LICC	Local Interagency Coordinating Council
LRE	Least Restrictive Environment
LTCC	Local Transition Coordinating Council
LTF	Local Task Force
MA	Medical Assistance
MAWA	Mutually Agreed Upon Written Arrangement
MOU	Memorandum of Understanding
NCLB	No Child Left Behind
NOREP	Notice of Recommended Educational Placement
O & M	Orientation & Mobility
OCD	Obsessive Compulsive Disorder
OCDEL	Office of Child Development and Early Learning
OCR	Obsessive Compulsive Disorder
ODD	Oppositional Defiant Disorder
ODHH	Office for the Deaf and Hard of Hearing
ODR	Office for Dispute Resolution
OHI	Other Health Impairment
OI	Orthopedic Impairment
OSEP	Office of Special Education Programs
OT	Occupational Therapy
OVR	Office of Vocational Rehabilitation
PASA	Pennsylvania Alternate System of Assessment
PaTTAN	Pennsylvania Training and Technical Assistance Network
PDD	Pervasive Developmental Disorder
PDD-NOS	Pervasive Developmental Disorder-Not Otherwise Specified
PDE	Pennsylvania Department of Education

PSSA	Pennsylvania System of School Assessment
PSSA-M	Pennsylvania System of School Assessment-Modified
PT	Physical Therapy
PVAAS	Pennsylvania Value Added Assessment System
RAST	Regional Assessment and Support Team
RR	Reevaluation Report
RtII	Response to Instruction and Intervention
SAS	Standards Aligned System
SaS	Supplementary Aids and Services
SBBH	School Based Behavioral Health
SDI	Specially Designed Instruction
SEA	State Educational Agency
SEAP	Special Education Advisory Panel
SICC	State Interagency Coordinating Council
SLD	Specific Learning Disability
SLP	Speech/Language Pathologist
STL	Short-Term Loan
SWPBS	School-wide Positive Behavior Supports
TBI	Traumatic Brain Injury
TDD	Telecommunication Device for the Deaf
TSS	Therapeutic Staff Support
UDL	Universal Design for Learning
VI	Visual Impairment

Appendix B: Additional Resources for Parents

Stephanie Anuszewski
Director of Special Education
Wyoming Area School District
Sanuszewski@wyomingarea.org
570-655-2836 extension 2429

THE ARC OF PENNSYLVANIA
301 Chestnut Street, Suite 403
Harrisburg, PA 17101
800-692-7258
www.thearcpa.org

BUREAU OF SPECIAL EDUCATION CONSULTLINE, A PARENT HELPLINE
800-879-2301

ConsultLine personnel are available to parents and advocates of children with disabilities or children thought to be disabled to explain federal and state laws relating to special education; describe the options that are available to parents; inform the parents of procedural safeguards; identify other agencies and support services; and describe available remedies and how the parents can proceed.

DISABILITIES RIGHTS NETWORK
1414 North Cameron Street
Suite C
Harrisburg, PA 17103
800-692-7443 (Toll-Free Voice)
877-375-7139 (TDD)
717-236-8110 (Voice)
717-346-0293 (TDD)
717-236-0192 (Fax)
www.drnpa.org

HISPANOS UNIDOS PARA NIÑOS EXCEPCIONALES (PHILADELPHIA HUNE, INC.)
2215 North American Street
Philadelphia, PA 19133
215-425-6203
215-425-6204 (Fax)
huneinc@aol.com
www.huneinc.org

MISSION EMPOWER

1611 Peach Street, Suite 120
Erie, PA 16501
814-825-0788
advocate@missionempower.org
www.missionempower.org

OFFICE FOR DISPUTE RESOLUTION

6340 Flank Drive
Harrisburg, PA 17112-2764
717-901-2145 (Phone)
800-222-3353 (Toll free in PA only)
TTY Users: PA Relay 711
717-657-5983 (Fax)
www.odr-pa.org

The Office for Dispute Resolution administers the mediation and due process systems statewide, and provides training and services regarding alternative dispute resolution methods.

PARENT EDUCATION AND ADVOCACY LEADERSHIP CENTER (PEAL)

1119 Penn Avenue, Suite 400
Pittsburgh, PA 15222
412-281-4404
866-950-1040 (Toll Free)
412-281-4409 (TTY)
412-281-4408 (Fax)
www.pealcenter.org

PUBLIC INTEREST LAW CENTER OF PHILADELPHIA

United Way Building
1709 Benjamin Franklin Parkway, Second Floor
Philadelphia, PA 19103
215-627-7100 (Phone)
215-627-3183 (Fax)
www.pilcop.org

PENNSYLVANIA BAR ASSOCIATION

100 South Street
Harrisburg, PA 17101
800-932-0311
www.pabar.org

THE PENNSYLVANIA TRAINING AND TECHNICAL ASSISTANCE NETWORK (PaTTAN)

Harrisburg 800-360-7282
King of Prussia 800-441-3215

Pittsburgh 800-446-5607

www.pattan.net

STATE TASK FORCE ON THE RIGHT TO EDUCATION

3190 William Pitt Way

Pittsburgh, PA 15238

1-800-446-5607 ext. 6828

Wyoming Area School District board policy regarding special education can be viewed under the board of education section on the district webswww.wyomingarea.org