

Annual Public Notice of Special Education Services and Programs Services for Gifted Students and Services for Protected Handicapped Students

It is the responsibility of the Pennsylvania Department of Education to ensure that all children with disabilities residing in the Commonwealth, including children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated. This responsibility is required by a federal law called the Individuals with Disabilities Education Act Amendments of 2004 (IDEA '04).

The IDEA '04 requires each state educational agency to publish a notice to parents, in newspapers or other media, before any major identification, location, or evaluation activity. The IDEA '04 requires this notice to contain certain information. Another federal law, the Family Educational Rights and Privacy Act of 1974 (FERPA), which protects confidentiality, requires educational agencies to notify parents annually of the confidentiality rights (FERPA regulations have been amended 9 times). Pennsylvania special education regulations require each school district to fulfill the IDEA '04 notice requirement by providing an annual public notice. To comply with the above requirements, following is the annual public notice for the school districts in the accompanying list.

The school districts in the accompanying list are required by the IDEA '04 to provide a free appropriate public education to children with disabilities who need special education and related services. (Note: The duty to identify, locate, evaluate and provide special education services to school-age individuals incarcerated in local correctional institutions rests with the school district within whose boundaries such an institution is located.) School age children who need special education and related services are identified as children with disabilities. These students have been identified as being in need of specially designed instruction and have one or more of the following physical or intellectual disabilities:

- *Autism**
- *Emotional disturbance**
- *Deafness**
- *Hearing impairment**
- *Specific learning disability**
- *Intellectual disability**
- *Multiple Disabilities**
- *Other health impairment**
- *Orthopedic Impairment due to chronic or acute health problems**
- *Speech and language impairment**
- *Visual impairment including blindness**
- *Deaf-blindness**
- *Traumatic Brain Injury**
- *Developmental Delay**

Early Intervention

The IDEA '04 requires the provision of a free appropriate public education to children with disabilities between 3 years of age and the school district's age of beginners. In Pennsylvania, a child between 3 years of age and the school district's age of beginners who has a developmental delay or one or more of the physical or intellectual disabilities listed above may be identified as an "eligible young child."

Eligible young children are afforded the rights of school age children with disabilities, including screening, evaluation, individualized education program planning, and provision of appropriate programs and services.

Potential signs of developmental delay and other risk factors that could indicate disabilities and the possibility that a child is an eligible young child could include: **By the age of 3:** not saying many words; not using 2 or 3 word phrases and sentences; not walking; awkward gait (walking); drooling; not able to answer "who" or "what" questions; not using utensil to feed self; **By the age of 4 (all of the above included):** not toilet trained; difficulty with directional words (in, on, under, out); not playing with other children; not able to draw a circle, cross or imitate a vertical line; not able to understand the child's speech most of the time; difficulty following simple two-step directions (pick up the paper and put it in the garbage); **By the age of 5 (all of the above included):** unable to answer "where" questions; unable to recall details from a story; not drawing a person with at least 6 parts; immature speech patterns (me instead of I); not able to hop forward with one foot without support; **Other warning signs-at any age:** Little or no eye contact; over/under sensitivities to pain, light, noise; hand flapping; no awareness of space-always bumping into other people or things; awkward hand or foot positioning; won't touch or eat certain textures; child no longer can do things he/she used to do; developed normally, then stopped; echoes what is said; plays with toys inappropriately (watches wheels spin on the car but doesn't play with the car).

The Pennsylvania Department of Education is responsible for providing programs and services to eligible young children under Act 212 of 1990, the Early Intervention Services System Act. The Berlin Brothersvalley School District provides programs and services to eligible young children on behalf of the Pennsylvania Department of Education. For more information, contact the District Office at (814) 635-3670.

Screening

The Berlin Brothersvalley School District and Intermediate Unit 8 has established and implemented procedures to locate, identify, and evaluate students and young children suspected of being exceptional. These procedures include screening activities which include but are not limited to: review of group-based data (cumulative records, enrollment records, health records, and report cards); hearing screening (at a minimum of kindergarten, special ungraded classes, first, second, third, seventh, and eleventh grades); vision screening (every grade level); motor screening; and speech and language screening. In schools which have a Pre-Referral, Child-Study, Early Intervening or Instructional Support Team, the above screening activities may lead to consideration by the teams to move the next level of screening activities. The Tussey Mountain School District and Intermediate Unit 8 has an established an annual schedule to conduct screening activities. The screenings are

conducted at specific times during the school year in designated school buildings and community sites. Screening may also be conducted in the student's home school unless other arrangements are necessary.

Parents, guardians or surrogate parents may contact the Berlin Brothersvalley School District or Intermediate Unit 8 contact person if they wish to learn more, have questions, believe their child may need to be identified or to obtain specific information about the times and locations of screening activities. The contact person for each school district and their phone number is listed at the end of this notice.

Except as indicated above or otherwise announced publicly, screening activities take place in an ongoing fashion throughout the school year. Each educational agency has a system for annually evaluating the effectiveness of its screening process.

Evaluation

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

This evaluation is conducted by a multidisciplinary team (MDT) that includes the parent and a group of qualified professionals. The process must be conducted in accordance with specific timelines and must include protection-in-evaluation procedures. For example, tests and procedures used as part of the evaluation may not be racially or culturally biased. The evaluation process results in a written evaluation report. This report specifies a student's eligibility for special education based on the presence of a disability and the need for specially designed instruction. The evaluation report also makes recommendations for educational programming. Once parental consent for evaluation is obtained, the school district has timelines and procedures specified by law, which it must follow.

Parents who think their child is exceptional may request that the school district conduct an evaluation. This request should be made in writing to the contact person in the accompanying listing. If a parent makes an oral request for an evaluation, the school district shall provide the parent with a form for that purpose. Pre-Referral, Child-Study, Early Intervening, or Instructional Support Team activities do not serve as a bar to the right of a parent to request, (at any time, including prior to or during the conduct of instructional support activities, an evaluation.)

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

Educational Placement

The IEP team develops a written education plan called an IEP. The IEP is based on the results of the evaluation. Required members include at least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment), at

least one special education teacher, or where appropriate, at least one special education provider, a local educational agency, the child, whenever appropriate, or beginning at age 14. Parents may agree, in writing, to excuse a team member or members.

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

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

Level of support options include:

- * Itinerant – Special Education supports and services provided by special education personnel for 20% or less of the school day.
- * Supplemental – Special Education supports and services provided by Special Education personnel for more than 20% but less than 80% of the school day.
- * Full-time - Special Education supports and services provided by Special Education personnel for 80% or more of the school day.

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

Services for Protected Handicapped Students

Students who are not eligible to receive special education programs and services may qualify as “protected handicapped” students and therefore be protected by other federal and state laws intended to prevent discrimination. The school district must ensure that “protected handicapped” students have equal opportunity to participate in the school program and extracurricular activities to the maximum extent appropriate for each individual student. In compliance with state and federal law, the school district will provide to each protected handicapped student without discrimination or cost to the student or family, those related aids, services or accommodations needed to provide equal opportunity to participate in and obtain the benefits of the school program and extracurricular activities to the maximum extent appropriate to the student's abilities. In order to qualify as a protected handicapped student the child must be of school age with a physical or intellectual disability that substantially limits or prohibits participation in or access to an aspect of the school program.

These services and protections for “protected handicapped” students may be distinct from those applicable to exceptional or thought-to-be exceptional students. The school district or the parent may initiate an evaluation if they believe a student is a protected handicapped

student. For further information on the evaluation procedures and provision of services to protected handicapped students, parents should contact the Special Education Contact in the accompanying listing.

Confidentiality

Each school district protects the confidentiality of personally identifiable information in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA) and other applicable federal and state laws, policies, and regulations.

Education records means those records that are directly related to the student, including computer media and videotape, which are maintained by an educational agency or by a party acting for the agency. Educational agency, for purposes of this notice, means the local school district and/or the Intermediate Unit 8. For all students, the educational agency maintains education records that include but are not limited to:

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

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age certain rights with respect to the student's education records. They are:

1. Parents have the right to inspect and review a child's education record. The educational agency will comply with a request to inspect and review education records without unnecessary delay and before any meeting regarding an IEP or any due process hearing, but in no case more than 45 days after the request has been made. Requests should be submitted in writing, indicating the records the parents wish to inspect, to the school principal or other appropriate school official. Parents have the right to a response from the educational agency to reasonable requests for explanations and interpretations of the records. Parents have the right to request copies of the records. While the educational agency cannot charge a fee to search for or to retrieve information, it may charge a copying fee as long as it does not effectively prevent the parents from exercising their right to inspect and review the records. Parents have the right to appoint a representative to inspect and review their child's records. If any education record contains information on more than one child, parents have the right only to inspect and review the information relating to their child.
2. If parents think information in an education record is inaccurate, misleading, or violates the privacy or other rights of their child, they may request amendment of the record. Requests should be in writing and clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. The educational agency will decide whether or not to amend the record and will notify the parents in writing of its decision. If the

educational agency refuses to amend a record, it will notify the parents of their right to a hearing to challenge the disputed information. Additional information regarding the hearing procedures will be provided to the parents or student when notified of the right to a hearing.

3. "Destruction" of information means physical destruction or removal of personal identifiers so the information is no longer personally identifiable.

Whenever information is no longer needed to provide educational services to a child or six (6) years after graduation, the information in their education record will be destroyed by the educational agency, if there is not a current request to inspect and review or a request for copies. However, a permanent record of a former student's name, telephone number, grades, achievement, attendance, classes attended, grade level completed, year completed, Evaluation/Re-evaluation Reports, last three (3) IEP's, and last Notice of Recommended Educational Placement may be maintained in an electronic form without time limitation.

Information no longer needed to provide educational services must be destroyed if requested by a parent. However, a permanent record of a student's name, address, phone number, grades, attendance, classes attended, grade level completed, year completed may be maintained in an electronic form without time limitation.

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

5. Parents have the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. "Consent" means: the parent(s) have been fully informed regarding the activity requiring consent, in their native language or other mode of communication; they understand and agree in writing to the activity; and they understand that consent is voluntary and may be revoked at any time. Information may be disclosed without consent to school officials with legitimate educational interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); person or company with whom the educational agency has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Directory information may be released without parent consent unless the parent has exercised their right to opt out of disclosure of directory information. Parents have the right to refuse to let an agency designate any or all of the above information as directory information.

Upon request, the educational agency discloses education records (including disciplinary records) without consent to officials of another school district in which a student seeks or intends to enroll.

6. Parents have a right to file a complaint with the U.S. Department of Education concerning alleged failures by an educational agency to comply with the requirements of FERPA. Complaints may be filed with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605.

7. NDAA of 2002 also requires districts to give military recruiters the same access to secondary school students as provided to postsecondary institutions or to prospective employers; and provide students' names, addresses, and telephone listings to military recruiters, when requested, unless a parent has opted out of providing such information.

Mode of Communication

The content of this notice has been written in straightforward, simple language. If a person does not understand any of this notice, he or she should contact the Berlin Brothersvalley School District or Intermediate Unit 8 and request an explanation.

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

Rights Under the Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to: *Consent* before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)—

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income other than as required by law to determine program eligibility.

Receive notice and an opportunity to opt a student out of—

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Inspect, upon request and before administration or use—

1. Protected information surveys of students;

2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and

3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who has graduated from high school, or is 18 years old, or an emancipated minor under State law, or has reached the age of majority in Pennsylvania. The educational agency will develop and adopt policies regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The educational agency will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. The educational agency will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation in the specific activity or survey. The educational agency will make this notification to parents at the beginning of the school year if the educational agency has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

Collection, disclosure, or use of personal information for marketing, sales or other distribution.

Administration of any protected information survey not funded in whole or in part by ED.
Any non-emergency, invasive physical examination or screening as described above.

A parent may file a written complaint alleging that the rights described in this notice were not provided:

Pennsylvania Department of Education
Bureau of Special Education
Division of Compliance
333 Market Street
Harrisburg, PA 17126-0333

Berlin Brothersvalley School District
Maria Tuthill Murphy, Director of Special Education
1025 Main Street
Berlin, PA 15530

Appalachia Intermediate Unit 8
Amy Woomer, Contact Person
4500 Sixth Avenue
Altoona, PA 16602
1-800-228-7900 ext. 1320