



WEST SHORE SCHOOL DISTRICT

507 Fishing Creek Road ■ P.O. Box 803 ■ New Cumberland, Pennsylvania 17070-0803

www.wssd.k12.pa.us

Special Education Services • Annual Notice to Parents

It is the responsibility of the Pennsylvania Department of Education to ensure all children with disabilities residing in the Commonwealth, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated. This responsibility is required by a federal law named the Individuals with Disabilities Education Act (IDEA).

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

The West Shore School District is required by IDEA to provide a free appropriate public education to children with disabilities who need special education and related services. Pennsylvania has adopted a state law, Chapter 14, which conforms to IDEA and which school districts must follow. In Pennsylvania, a school aged child with a disability who needs special education and related services is identified as a child with a disability. Students are identified if they need specially designed instruction and have one or more of the following physical or mental disabilities:

- Autism
- Deaf-blindness
- Emotional disturbance
- Hearing impairment/Deafness
- Intellectual disability
- Multiple disabilities
- Orthopedic impairment
- Visual impairment including blindness
- Specific learning disability
- Traumatic brain injuries
- Speech or language impairment
- Other health impairment

- Developmental Delay (In Pennsylvania, a child who is at least three years of age but less than school-age is considered to have a developmental delay when one of the following exists: the child's score, on a developmental assessment device, on an assessment instrument which yields a score in months, indicates that the child is delayed by 25% of the child's chronological age in one or more developmental areas; or the child is delayed in one or more of the developmental areas, as documented by test performance of 1.5 standard deviations below the mean on standardized tests.)

IDEA requires the provision of a free appropriate public education to children with disabilities between three years of age and the school district's age of beginners. In Pennsylvania, a child between three years of age and the school district's age of beginners who has a developmental delay or one or more of the physical or mental disabilities listed above is identified as 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. 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. For more information, contact Tim Dorsey, Coordinator of Special Education, at (717) 938-9577. West Shore School District, in conjunction with the Capital Area Intermediate Unit, provides a range of programs and services to meet the developmental and educational needs of pre-school children and school-age students.

Early Intervention for Pre-school Children

Through a state law (ACT 212), Early Intervention programs and services are available for pre-school children beginning at three years through the age established by the school district for beginning first grade (6 years by September 30). Early Intervention is concerned with pre-school children who are thought to have problems in learning, communication, behavior, sensory functions (vision and hearing), and other areas of development such as play and socialization.

To determine if a child is eligible for Early Intervention programs and services, a referral may be made to the District or Capital Area Intermediate Unit (CAIU). A team of professionals, with the parents' participation, will evaluate the child to determine if special needs exist. These services are available at no cost to parents.

To find out more about Early Intervention or to make a referral, please contact:
Pre-school Program, CAIU, 55 Miller Street, Enola, PA 17025-1640

Capital Area Head Start programs are available to pre-school children and are federally funded programs for children and their families. Head Start programs focus on all areas of the child's development: educational, emotional, nutritional, and physical. For more information, please call (717) 938-9577.

Services for School-Aged Students

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

In all schools the above screening activities may lead to consideration by the Child Study Team. Except as indicated above or otherwise announced publicly, screening activities take place in an on-going fashion throughout the school year. Screening is conducted in the student's home school unless other arrangements are necessary.

Multidisciplinary Evaluation

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

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

The MDE process results in a written evaluation called an Evaluation Report (ER). This report makes recommendations about a student's eligibility for special education based on the presence of a disability or mental giftedness and the need for specially designed instruction. The evaluation report also makes recommendations for educational programming, regardless of whether or not the team recommends that the student is exceptional. Once parental consent for evaluation is obtained, the school district has time lines and procedures specified by law, which it must follow.

Parents who think their child is child with a disability or an exceptional child may request, at any time, that the school district conduct a multidisciplinary evaluation. This request should be made in writing to Tim Dorsey, Coordinator of Special Education at 938-9577. If a parent makes a verbal request for a multidisciplinary evaluation, the school district shall provide the parent with a form for that purpose.

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 determination of whether or not a student is child with a disability or an exceptional child is made by the multidisciplinary team (MDT). A single test or procedure may not be the sole factor in determining that a child is child with a disability. If the student is determined to be child with a disability, the MDT team develops a written educational plan called the IEP. The IEP team must include a district representative, the student's teacher, and the parents. The IEP should be based on the results of the multidisciplinary evaluation.

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

Children are assigned to a type of support according to their learning needs and age. This support may differ from the disability category used for the determination of eligibility. There are nine possible types of support:

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

These services are provided by the school district, through the Capital Area Intermediate Unit, or through private placements.

Types of Service

The type of service refers to the amount of special education instruction received by the child. The types of service are:

- **Full-time:** Special education supports and services provided by special education personnel for 80% or more of the school day.
- **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.

Location of Service

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.

Procedural Safeguards

The rights of parents and students are protected by procedural safeguards. These safeguards include the following:

- Parent consent is always required prior to: conducting an initial (for the first time) evaluation; initially placing a child with a disability in a special education program; and disclosing to unauthorized persons personally identifiable information. Parent consent may be revoked at any time.
- Generally, the school district must notify parents in writing whenever it wants to begin, change, or discontinue special education and related services. Along with this notification, the school district will provide parents with a comprehensive, written description of their rights. Specifically, parents must be notified in writing if the school district proposes or refuses to: conduct an evaluation or reevaluation, or initiate or change the identification or placement of a student. Also, parents must be notified in writing if the school district refuses to provide an independent educational evaluation at public expense, or make changes to an IEP requested by parents.
- Parents who disagree with such actions proposed or refused by the school district have the right to request a hearing by an impartial third party using a procedure called due process. School districts also have the right to initiate due process in certain situations. During a due process procedure, a student must remain in the last agreed upon educational placement (a status called pendency). Due process procedures are governed by time lines and procedures in Pennsylvania law.
- Due process usually begins with a pre-hearing conference between the school district and the parents, although either party may waive the right to a pre-hearing conference. Throughout due process, parents may be represented by an attorney. If a pre-hearing conference does not resolve the dispute, the parent may request an impartial due process hearing with an independent hearing officer.
- Due process meetings are oral and personal hearings open to the public unless the parents request a closed hearing. The decision of the hearing officer shall include findings of fact, a discussion, and conclusions of law. The decision of the hearing officer may be appealed to a three-member panel of hearing officers. The panel's discussion may be appealed to the appropriate court.
- Pennsylvania law has also made mediation services available throughout the Commonwealth at Commonwealth expense. Mediation services help parents and agencies involved in a dispute over special education to attempt to reach a mutually agreeable

settlement with the assistance of an impartial mediator. Mediation does not deny or delay a party's right to a due process hearing.

- Each school district must make available, upon request, printed information regarding special education programs and services and parental due process rights. This printed information is available from each building principal as well as Tim Dorsey, Coordinator of Special Education.

Services for Protected Students with Disabilities

Students who are not eligible to receive special education programs and services may qualify as protected students with disabilities and therefore be protected by other federal and state laws (Section 504 of the Rehabilitation Act of 1973) intended to protect discrimination. The school district must ensure that protected students with disabilities have equal opportunity to participate in the school program and extracurricular activities to the maximum extent appropriate for that individual student.

School districts are required to provide protected students with disabilities with aids, services, and accommodations that are designed to meet their educational needs as adequately as the needs of students without disabilities are met. The school district or parent may initiate an evaluation of a student under the laws protecting students with disabilities. Parents who wish to have a child evaluated should contact Tim Dorsey, Coordinator of Special Education, at 938-9577.

Gifted Support

Chapter 16 regulations and standards apply to students who are termed "mentally gifted." For students to be considered for gifted education, a comprehensive Gifted Multidisciplinary Evaluation (GMDE) must be conducted. Chapter 16 defines Mentally Gifted as "outstanding intellectual and creative ability, the development of which requires special services and programs not ordinarily provided in the regular education program." This term includes a person who has an I.Q. of 130 or higher when multiple criteria is set forth in Department of Education Guidelines indicate gifted ability. Determination of gifted ability cannot be based upon an I.Q. score alone. A person with an I.Q. score lower than 130 may be admitted to the gifted program when other educational criteria of the profile of the person strongly indicates gifted ability.

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

To find out more about special education services and services provided under Section 504 of the Rehabilitation Act, please contact Tim Dorsey, Coordinator of Special Education at 938-9577.

Local Task Force

The Local Task Force is a group of parents and professionals working together to ensure the right to education for persons receiving special education. The Local Task Force is comprised of parents, representatives from the CAIU, school districts, county mental health/mental retardation services, agency representatives, and the Association for Retarded Citizens. All Local Task Force Meetings are held at the Capital Area Intermediate Unit in Summerdale at 5:30 p.m. If you would like to learn more about the Local Task Force, please contact Tim Dorsey, Coordinator of Special Education at 938-9577.

Confidentiality and Student Records**Notification of Rights Under Family Educational Rights and Privacy Act of 1974 (FERPA)**

Each school district protects the confidentiality of personally identifiable information regarding all students in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA) and other applicable federal and state laws. The Family Educational Rights and Privacy Act (FERPA), a federal law, affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

- The right to inspect and review the student's education records within 45 days of the day the school receives a request for access. Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. "Education records" means those records that are directly related to the student which are maintained by an educational agency or by a party acting for the agency. "Education agency," for purposes of this notice, means the local school district. For all students, the school district maintains education records. Personally identifiable information is 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.
- The right to request the amendment of the student's education records that the parent or eligible student believe are inaccurate or misleading. Parents or eligible students may ask the school to amend a record they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Such records hearings will be held within a reasonable time after a parent request and the parent shall be notified of the date, time, and place a reasonable time in advance. Any individual, including a school district official, who does not have a direct interest in the outcome of the hearing, may conduct the hearing. The parent will have a full and fair opportunity to present evidence at the hearing and may be assisted by or represented by one or more individuals including an attorney. The school district

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

- The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff); a person serving on the school board; a person or company with whom the school has contracted to perform a special task (such as attorney, auditor, medical consultant, or therapist); the designated law enforcement unit of West Shore School District, or a parent or student serving on an official 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. Upon request, the school discloses education records without consent to officials of another public or private school in which a student seeks or intends to enroll.

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

The school district will provide, upon request, a listing of the types and locations of educational records maintained, the school officials responsible for these records, and the school personnel authorized to see personally identifiable information. Such personnel receive training and instruction regarding confidentiality. The school district keeps a record of 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. The school district will provide a copy of its confidentiality policy upon request. Complaints may be filed with the Family and Educational Rights and Privacy Act Office, US Department of Education, 400 Maryland Avenue, SW, Washington, DC 20201.