

PENNSYLVANIA DISTANCE LEARNING CHARTER SCHOOL

Book: Policy Manual

Section: Programs

Title: Child Find and Special Education Policy

Reference: State Board of Education Regulations 22 PA Code Sec 12.1, 12.4, 12.41, 14.101
14.121, 14.122, 14.123, 14.125, 14.131, 14.125, 14.131, 14.132, 14.145, 711.41
Individuals with Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.
Rehabilitation Act of 1973, Sec. 504-29 U.S.C. 794
Americans with Disabilities Act 42 U.S.C. Sec 794
Individuals with Disabilities Education Act, Title 34, Code of Federal
Regulations Part 300

Adopted: December 3, 2102

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PURPOSE: This policy is to ensure Pennsylvania Distance Learning Charter School (PDLCS) is communicating to current and prospective families the availability of special education for students.

SCOPE: This policy applies to all staff members, educators, and Administrators of PDLCS.

POLICY AUTHORITY: Policy draft is reviewed by the CEO of PDLCS; then (1) sent to the Board of Trustees, and (2) presented at the next formal, public Board Meeting for review, public comments and approval.

DETAILED POLICY STATEMENT:

CHILD FIND: All children with disabilities, including those attending private schools, who are in need of special education and related services are identified, located and evaluated (34 CFR 300.125). A practical method shall be developed and implemented to determine which children are currently receiving needed special education and related services. (34 CFR 300.125)

This policy applies to highly mobile children with disabilities and children that are suspected of being a child with a disability under 34 CFR 300.7 and in need of special education, even though they are advancing from grade to grade. (34 CFR 300.125)

The Superintendent, or designee, shall ensure that the district annually conducts awareness and outreach programs and activities designed to reach district residents including parents/guardians of

students with disabilities who are enrolled in the district, preschool-aged children, students who attend private school, homeless children, children who are wards of the state homeless children and highly mobile children, including migrant children.

PDLCs's public awareness activities include: annual publication of a written notice on the main screen of the home webpage visible "above the crease"; monthly family network notification; and trifold publication outlining child identification activities available at all public outreach events as well as on the website.

PDLCs's public awareness activities shall include content addressing: available special education services and programs and how to request them; procedures used to ensure confidentiality of student information; potential signs of developmental delays and other risk factors that could indicate disabilities.

The Intermediate Units shall be responsible for conducting child find activities necessary to provide equitable participation services to students with disabilities who are enrolled by their parents/guardians in private schools.

It is the policy of PDLCs that all students with disabilities, regardless of the severity of their disability, 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 Improvement Act of 2004 (IDEIA 2004). Chapter 711 of Title 22 of the Pennsylvania Code requires the publication of a notice to parents sufficient to inform parents of children applying to or already enrolled in the charter school of (1) available special education services and programs, (2) how to request those services and programs, and of (3) systematic screening activities that lead to the identification, location and evaluation of children with disabilities enrolled in the charter school. The purpose of this Annual Notice is to comply with the school's obligations under Chapter 711 of Title 22 of the Pennsylvania Code. This Annual Notice is made available both in the school's Parent-Student Handbook and on the school's website: www.padistance.org.

QUALIFYING FOR SPECIAL EDUCATION AND RELATED SERVICES: Under the Federal IDEIA 2004, there are two steps for a student to qualify for Special Education and related services. The first step is a finding that the student has one or more of the following disabilities that interfere with his or her educational performance: (1) autism, (2) deaf-blindness, (3) deafness, (4) emotional disturbance, (5) hearing impairment, (6) intellectually disabled, (7) multiple disabilities, (8) orthopedic impairment, (9) other health impairment (includes ADD, ADHD, epilepsy, etc.), (10) specific learning disability, (11) speech or language impairment, (12) traumatic brain injury, and/or (13) visual impairment including blindness. (IDEIA 2004 provides legal definitions of the above-listed disabilities, which may differ from those terms used in medical or clinical practice or daily language.) The second step in determining eligibility for Special Education and related services is a finding by the school's multi-disciplinary team (MDT) that the student with one or more of these disabilities is in need of specially-designed instructions.

WHAT PARENTS CAN DO IF THEY THINK THEIR CHILD MAY QUALIFY FOR SPECIAL EDUCATION? Some potential signs of a student having a qualifying disability include experiencing years of difficulty in reading, writing or solving math problems, difficulties focusing and concentrating on schoolwork, difficulties sitting still in the classroom, and difficulties controlling emotions (such as anxiety and depression) and behaviors. If parents believe that their child has had difficulties in school over the years and may have one or more of these conditions, they should contact the school's Director of Special Education.

Parents who think their child is eligible for special education may request, at any time, that the school conduct a Multi-Disciplinary Evaluation. Requests for a Multi-Disciplinary Evaluation must be made in writing to the school's Director of Special Education. If a parent makes an oral request for a Multi-Disciplinary Evaluation, the school shall provide the parent with a form for that purpose. If the school denies the parents' request for an evaluation, the parents have the right to challenge the denial through an impartial hearing or through voluntary alternative dispute resolution such as mediation.

SYSTEMATIC SCREENING AND REFERRAL PROCESSES: Through our systematic screening and referral processes, PDLCS identifies and refers for evaluation students who are thought to be eligible for special education services. These screening and referral processes include the initial admissions academic placement tests, classroom performance, vision and hearing screenings, response to intervention (RTI) and the student assistance program known as SAP.

PDLCS regularly assesses the current achievement and performance of the child, designs school-based interventions, and assesses the effectiveness of interventions. (The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not to be considered an evaluation for eligibility for special education and related services.) If a concern can be addressed without special education services, or if the concern is the result of limited English proficiency or the lack of appropriate instruction, a recommendation may be made for interventions other than a multidisciplinary team evaluation.

Parents have the right to request a multidisciplinary team evaluation at any time, regardless of the outcome of the screening process. Moreover, screening or pre-referral intervention activities may not serve as a bar to the right of the parent to request an evaluation, at any time, including prior to or during the conduct of screening or pre-referral intervention activities.

Whenever a student is referred for an evaluation, PDLCS must obtain written permission from a parent before the evaluation can be conducted. A surrogate parent must be appointed when no parent can be identified; a public agency, after reasonable efforts, cannot locate a parent; the child is a ward of the State under the laws of Pennsylvania, or the child is an unaccompanied homeless youth. The surrogate parent may represent the child in all matters relating to the identification, evaluation, and educational placement of the child. Reasonable efforts must be made to ensure the assignment of surrogate parent not more than 30 days after it is determined that the child needs a surrogate parent.

If parents need additional information regarding the purpose, time, and location of screening activities, they should call or write the school's Director of Special Education.

EVALUATION: An evaluation involves the use of a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent that may assist in determining whether the child is a child with a disability and the content of the child's IEP. The Charter School does not use any single measure or assessment as a sole criterion for determining an appropriate educational program for the child. Technically sound instruments are used to assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors.

Parental consent must be obtained by the Charter School prior to conducting an initial evaluation to determine if the child qualifies as a child with a disability, and before providing special education and related services to the child. Parental consent for an evaluation shall not be construed as consent for their child to receive special education and related services. The screening of a child by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not considered to be an evaluation for eligibility for special education and related services; therefore, parental consent is not required in this instance.

The Multidisciplinary Evaluation (MDE) process is conducted by the Multidisciplinary Team (MDT), which includes a teacher, other qualified professionals who work with the child, the parents and other members as required by law. The MDE 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 Multidisciplinary Evaluation may not be racially or culturally biased.

The MDE process results in a written report called an Evaluation Report (ER). This report makes recommendations about a student's eligibility for special education based on the presence of a disability and the need for specially designed instruction. If the student's Multidisciplinary Team determines that the student is eligible for special education and related services, then the student's IEP Team writes a detailed plan for supporting the student in his/her area(s) of need over the coming year so that the student can be successful in school – and then later in life.

PROGRAMS AND SERVICES FOR CHILDREN WITH DISABILITIES: The IEP Team (which includes the parent) 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. This program is called an Individualized Education Plan – the IEP – and is different for each student. An IEP Team consisting of educators, parents and other persons with special expertise or familiarity with the child. The participants in the IEP Team are dictated by IDEIA 2004.

The parents of the child have the right to be notified of and to be offered participation in all meetings of their child's IEP Team. The IEP is revised as often as circumstances warrant but reviewed 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 benefit to the student. In accordance with IDEIA 2004, there may be situations in which the school may hold an IEP meeting if the parents refuse or fail to attend the IEP team meeting.

THE INDIVIDUALIZED EDUCATION PLAN (IEP): IEPs generally contain: (1) a statement of present levels of academic achievement and functional performance; (2) a statement of measurable annual goals established for the child; (3) a statement of how the child's progress toward meeting the annual goals will be measured and when periodic reports will be provided; (4) a statement of the special education and related services and supplementary aids and services and a statement of the program modifications or supports for school personnel that will be provided, if any; (5) an explanation of the extent, if any, to which the child will not participate with non-disable children in the regular class and in activities; (6) a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and school assessments; and (7) the projected date for the beginning of the services and modifications and the anticipated frequency, location and duration of those services or modifications.

TYPES OF SERVICES AVAILABLE: Special education services are provided according to the educational needs of the child, not the category of disability. Types of service that may be available, depending upon the child's disability and needs include, but are not limited to: (1) learning support; (2) life skills support; (3) emotional support; (4) deaf or hearing impaired support; (5) blind or visually impaired support; (6) physical support; (7) autistic support; (8) multiple disabilities support; and (9) speech and language support.

RELATED SERVICES: Related services are designed to enable the child to participate in our access his or her program of special education. Examples of related services that a child may require include but are not limited to: speech and language therapy, transportation, occupational therapy, physical therapy, school nursing services, audiologist services, counseling, or training.

LEAST RESTRICTIVE ENVIRONMENT: PDLCS ensures that children with disabilities are education to the maximum extent possible in the regular education environment or "least restrictive environment". To the maximum extent appropriate, students with disabilities 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 the general education classes, even with the use of supplementary aids and services, cannot be achieved satisfactorily. Programs and services available to students with disabilities might include: (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, such as an approved private school or other private facility licensed to serve children with disabilities.

EXTENDED SCHOOL YEAR: Some students may also be eligible for extended school year services if determined needed by their IEP teams in accordance with Chapter 711 regulations contained in Title 22 of the PA Code.

TRANSITION PLANS: Beginning not later than the first IEP to be in effect when the child turns 14, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include appropriate measurable postsecondary goals and transition services needed to assist in reaching those goals. The Charter School must invite the child to the IEP team meeting at which the transition plan is developed.

Beginning not later than one year before the child reaches the age of 21, which is the age of majority for education purposes under Pennsylvania law, the IEP must include a statement that the student has been informed of the student's rights, if any, that will transfer to the student on reaching the age of 21.

SECTION 504 PLANS: Services for Protected Handicapped Students, Other than Special Education Services Under Section 504 of the Federal Rehabilitation Act of 1973, 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 and otherwise qualify under applicable laws.

The Charter School must ensure that the qualified handicapped students have equal opportunity to participate in the school program and activities to the maximum extent appropriate for each individual student. In compliance with applicable state and federal laws, the Charter School provides to each qualifying protected handicapped student without discrimination or cost to the student or family, those related aids, services or accommodations which are needed to provide equal opportunity to participate in and obtain the benefits of the school program and extracurricular activities to the maximum extent appropriate to the student's abilities and to the extent required by the laws.

These services and protections for "protected handicapped students" may be distinct from those applicable to eligible or thought-to-be eligible students. The Charter School 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 school's Director of Special Education.