

# CONNELLSVILLE AREA SCHOOL DISTRICT

## Special Education Procedure Manual 2009

### TABLE OF CONTENTS

[Introduction](#)

[Education ABCs: Acronyms](#)

[Record of Inspection of Pupil Records](#)

[Confidentiality](#)

[Independent Evaluation](#)

[Least Restrictive Environment](#)

[State Performance Plan and Twenty Indicators](#)

[Child Find](#)

[Screenings](#)

[IST Process](#)

[Pre Referrals](#)

[Referrals for Special Education](#)

[Disability Categories](#)

[Children with a Disability: Definition](#)

[Preschool Early Intervention Services](#)

[Early Intervening Services](#)

[Agencies Providing Therapeutic Intervention](#)

[IEP Process](#)

[IEP Additions for Students with Autism Spectrum Disorder](#)

[Pennsylvania Guidelines for SLD Determination](#)

[Age Range Restrictions](#)

[Procedural Safeguards](#)

[Timelines](#)

[PA Medical Assistance Consent Form](#)

[Special Education Enrollment Procedure](#)

[Purchases of Equipment in IEP](#)

[Personal Student Aides in IEP](#)

[Communication Plan in IEP](#)  
[Educational Interpreters](#)  
[Assistive Technology in the IEP](#)  
[Positive Behavior Support Plan in IEP](#)  
[Functional Behavioral Assessment](#)  
[Supplemental Aids and Services in the IEP](#)  
[Revisions of IEP](#)  
[Failing at Nine Weeks and IEP](#)  
[Evaluations and Reevaluations](#)  
[Waive Reevaluation](#)  
[CIP Codes In the IEP](#)  
[Description of Special Education Program at CACTC](#)  
[Homeless Children and Youth](#)  
[School Discipline](#)  
[Out of District Placement](#)  
[Speech - Record Keeping](#)  
[Progress Monitoring](#)  
[Special Education and Gifted Services](#)  
[Chapter 14 Questions and Answers - 2009](#)  
[Extended School Year \(ESY\)](#)  
[PASA](#)  
[Parent Advocates](#)  
[Crossovers](#)  
[NOREP](#)  
[Surrogate Parents](#)  
[Transition](#)  
[Work Experience - CHECK](#)  
[Child Labor Laws](#)  
[Graduation Requirements](#)  
[Summary of Academic Achievement and Functional Performance](#)  
[Medication in School](#)  
[The Use of Restraints](#)  
[FERPA](#)

[Gaskin Settlement Agreement- Supplementary Aids and Services](#)

[Access to Instructional Materials](#)

[Parental Visitation in Classrooms](#)

[Termination of Services by Parent](#)

[Caseloads](#)

[Additional District Procedures](#)

## **INTRODUCTION**

The purpose of the Connellsville Area Special Education Procedure Manual is to provide a comprehensive reference for teachers, paraprofessionals, administrators, ancillary staff and others who are responsible for providing special education services in accordance with federal and state special education regulations. Upon receipt, all staff members are to read the manual in its entirety and to comply with all *required* procedures. Additionally, staff members bear the responsibility of reviewing the contents and applying it as deemed appropriate in their day-to-day instructional and/or administrative practice. Some of the information in the manual reflects mandated procedures, while other information serves as resource material and suggested guidelines for practice. Connellsville Area School District utilizes and adheres to the policies mandated by the State of Pennsylvania Bureau of Special Education, but is required to establish specific procedures pertinent to this district. Whereas the manual is comprehensive, it is not inclusive of all procedures and forms used in the various programs. Staff members are to consult their respective administrators for any forms, procedures or guidelines that are program specific (e.g., specific procedures for conducting a speech/language evaluation).

The manual is divided into four sections:

1. Child Find and Screening
2. The Referral/ Evaluation/ Reevaluation Process
3. The IEP Process
4. District specific procedures

A Table of Contents is included. It is recommended that staff members have this manual readily available (saved on their desktop computers) when procedural questions arise regarding the services to students. Annotated forms [developed by the Pennsylvania Department of Education (PDE)] and examples of completed forms have been included to serve as a guide. The varied needs of students are such that there is no one "model report" that works best in all situations. However, there are basic components and considerations that must be included in completing mandated forms and executing specific procedures.

The No Child Left Behind Act (NCLB), signed into law by President Bush on January 8, 2002, is the reauthorization of the Elementary and Secondary Education Act of 1965 and other statutes. The primary goal of NCLB is to have all students reach proficient or advanced levels of achievement in mathematics and reading by the year 2014 as measured by a system of state assessments. In addition, the act requires states to develop a plan that ensures all teachers are highly qualified by the end of the 2005-2006 school year. The Individuals with Disabilities Education Improvement Act of 2004 (P.L. 108-144), was signed into law by President George Bush on December 3, 2004. The Highly Qualified Teacher status is the only provision of the law that went into effect on December 3, 2004. The remaining provisions went into effect on July 1, 2005. Final regulations from the Office of Special Education Programs (OSEP) were developed and published in August of 2006 with an effective date of October 13, 2006. Pennsylvania then revised the current Chapter 14 and 16 regulations with full implementation on July 1, 2008. It is important to note that this is an evolving document and has to be updated as the courts, OSEP, and the PDE finalize the regulations and interpretations. Pertinent additions and updates will be emailed to district educators and administrators as they become effective. It is advised that additions and corrections to this manual be saved to the desktop and utilized as appropriate.

[Top of the Document](#)

## The Education ABCs: Acronyms

ABA	Applied Behavior Analysis
ADA	Americans with Disabilities Act
ADD	Attention Deficit Disorder
ADHD	Attention Deficit Hyperactivity Disorder
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	Average Yearly Progress
BEC	Basic Education Circular
BICS	Basic Interpersonal Communication Skills
BIP	Behavior Intervention Plan
BSE	Bureau of Special Education
CACTC	Connellsville Area Career and Technical Center
CALP	Cognitive Academic Language Proficiency
CAO	Chief Administrative Officer
CART	Computer Aided Real-time 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
CTC	Career & Technical 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 Learner
EPSDT	Early Periodic Screening, Diagnosis, and Treatment
ER	Evaluation Report
ESL	English as a Second Language
ESOL	English for Speakers of Other Languages
ESY	Extended School Year
FAPE	Free and 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 Educational Evaluation

IEP	Individualized Educational Program
IFSP	Individualized Family Service Plan
IGDI	Individual Growth and Development Indicators
IST	Instructional Support Team
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
MD	Multiple Disabilities
MDT	Multidisciplinary Team
MOU	Memorandum of Understanding
MR	Mental Retardation
NCLB	No Child Left Behind
NIMAC	National Instructional Materials Accessibility Center
NOREP	Notice of Recommended Educational Placement
O & M	Orientation & Mobility
OCD	Obsessive Compulsive Disorder
OCDEL	Office of Child Development & Early Learning
OCR	Office for Civil Rights
ODD	Oppositional Defiant Disorder
ODR	Office for Dispute Resolution
OHI	Other Health Impairments
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
PBS	Positive Behavior Support
PBSP	Positive Behavior Support Plan
PDD	Pervasive Developmental Disorder
PDD-NOS	Pervasive Developmental Disorder-Not Otherwise Specified
PDE	Pennsylvania Department of Education
PSSA	Pennsylvania System of School Assessment
PT	Physical Therapy
PVAAS	Pennsylvania Value Added Assessment System
RAST	Regional Assessment & Support Team
RR	Re-evaluation
RtI	Response to Intervention
SAAFP	Summary of Academic Achievement & Functional Performance
SAS	Supplementary Aids and Services
SBBH	School Based Behavioral Health
SDI	Specially Designed Instruction
SLD	Specific Learning Disability
SLP	Speech & Language Pathologist

STL	Short-term Loan
SWPBIS	School Wide Positive Behavior Intervention & Support
TBI	Traumatic Brain Injury
TDD	Telecommunication Device for the Deaf
TSS	Therapeutic Support Staff
TTY	Teletypewriter
UDL	Universal Design for Learning
VI	Visual Impairment

[Top of the Document](#)

### **Record of Inspection of Pupil Records**

The form titled Record of Inspection of Pupil Records is to be located on the inside cover of IEP folders. It must be located in the permanent records for all district exceptional students. This form must be signed by anyone examining student records. All districts in PA must have procedures that allow parents of special education students to examine records relating to their children. FERPA 20 U.S.C. §1415(b)(1), 34 C.F.R. §501(a).

Non-custodial parents have the same rights as the custodial parent regarding major educational decisions, attendance at IEP meetings, and access to student records unless formally terminated by court order. 23 PA. C.S.A. §5302, 34 C.F.R. §99.4.

[Top of the Document](#)

## **Confidentiality-§300.127**

As professionals with knowledge of various personal and educational facts regarding students and their families, it is of utmost importance to protect the privacy of those individuals and family units by never discussing student information in public with anyone or in private with others who are not primarily involved with the issues. The right to privacy extends to public displays of names or other identifiable information on computer screens, interschool envelopes, note pads, or printed materials left unattended on teacher's desks. The LEA protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. The LEA must maintain for public inspection, a current listing of the names and positions of those employees within the LEA who may have access to personally identifiable information. Connellsville Area utilizes the record of inspection of pupil records form to compile this data.

[Top of the Document](#)

## **Independent Evaluations**

A parent may indicate a request for an independent evaluation of their child at public expense, when they disagree with the evaluation for their child by the school district, subject to certain limitations 20 U.S.C § 1415(b)(1) & (d) (2) (A), 34 C.F.R. §300.502(b). If this request would indeed include a request for the school district to pay for the independent evaluation, it must be made in writing prior to having the outside evaluation conducted. The school district will provide the parent with a list of possible independent locations where the evaluation could occur. The results obtained from the independent evaluator would be considered in determining if the child has a disability and needs special education services in the public schools.

If the school district refuses or believes that the independent evaluation is inappropriate, it may initiate a special education due process hearing to show that the district's evaluation is appropriate 34 C.F.R. §300.502(b)(2)(i)(ii).

[Top of the Document](#)

## Least Restrictive Environment-§14.145

### Least Restrictive Environment

The Individuals with Disabilities Education Act, 2004 (also known as the Individuals with Disabilities Education Improvement Act), requires ... (1) *That to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are non-disabled; and (2) That special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.* [20 USC 1412 Section 612 (a) (5), and its implementing regulation found at 34 C.F.R. §300.114(a)].

This requirement has been part of disability education law for over thirty years and is often referred to as the “Least Restrictive Environment (LRE) mandate.” By law, it is the IEP team that decides on the educational placement for an individual student. The law and PDE policy require that each local education agency and IEP team make educational placement decisions based on the general principles outlined below. IEP teams are required to adhere to the following when making educational placement decisions:

1. A Free and Appropriate Public Education (FAPE) must be provided to every student with an IEP; moreover, FAPE must be delivered in the LRE as per the IEP team.
2. Students will not be removed from regular education classrooms merely because of the severity of their disabilities;
3. When students with disabilities, including students with significant cognitive disabilities, need specially designed instruction or other supplementary aids and services to benefit from participating in regular education classrooms, as required in their IEP, local education agencies are obliged to ensure that those services are provided;
4. IEP teams must determine whether the goals in the student’s IEP can be implemented in regular education classrooms with supplementary aids and services before considering removal from the regular education classroom;
5. School districts will consider the full range of supplementary aids and services in regular education classrooms, based on peer-reviewed research to the extent practicable, including modification of curriculum content, before contemplating placement in a more restrictive setting.

To determine whether a child with disabilities can be educated satisfactorily in a regular education classroom with supplementary aids and services, the following factors must be considered and addressed in the IEP:

1. What efforts have been made to accommodate the child in the regular classroom and with what outcome(s);
2. What additional efforts (i.e. supplementary aids and services) in the regular classroom are possible;
3. What are the educational benefits available to the child in the regular classroom, with the use of appropriate supplementary aids and services;

4. Are there possible significant and negative effects of the child's inclusion on the other students in the class?

The presumption is that IEP teams begin placement discussions with a consideration of the regular education classroom and the supplementary aids and services that are needed to enable a student with a disability to benefit from educational services. Benefit from educational services is measured by progress toward the goals and objectives of the student's IEP, not by mastery of the general education curriculum, and is not limited to academic progress alone; therefore, special education placement in a more restrictive environment cannot be justified solely on the basis that the child might make greater academic progress outside the regular education environment.

The law and PDE policy favor education with non-disabled peers; however, inclusion or education with non-disabled peers is not a foregone conclusion; such a decision remains exclusively with the IEP team as they consider FAPE. For some students, the IEP team may conclude that a more specialized setting is necessary for the delivery of FAPE. For example, the IEP team for a student who is deaf may decide that the least restrictive environment and appropriate placement for that student is a "school for the deaf" or an IEP team for a student with autism may decide that an autistic support classroom where specific interventions may be provided is the least restrictive environment and is necessary to implement the IEP. An IEP team may choose a more specialized setting if:

1. The student will receive greater benefit from education in a specialized setting than in a regular class.
2. He or she is so disruptive as to significantly impair the education of other students in the class; or
3. The cost of implementing a given student's IEP in the regular classroom will significantly affect other children in the LEA.

If, after considering these factors, an IEP team determines that the student needs to be educated in a more specialized setting; the school is required to include the child in school programs with non-disabled children to the maximum extent appropriate. These may include but are not limited to extra curricular activities, assembly programs, recess, lunch, homeroom, etc. Note that a student is not required to "try out" each level of LRE and "fail" before the student moves to a more specialized setting.

Additionally, PDE policy on educational placement requires that special education students who are also entitled to gifted support under Chapter 16, Special Education for Gifted Students, have a single individualized education plan, (i.e. single plan), incorporating all specially designed instruction, accommodations or other support identified by the IEP team. Likewise, if a student has a Service Agreement under 22 Pa. Code (Chapter 15) and also needs gifted support, such accommodations and support will be written in a single plan.

#### *Implications for School Personnel*

Experience proves that contact with non-disabled peers can have positive social effects both on children with disabilities and their non-disabled classmates. Additionally, education with non-disabled peers can increase learning for students with IEPs. For many, the result is that

children with disabilities learn more in inclusive environments than in segregated or more specialized settings.

Terminology surrounding education in the least restrictive environment has evolved over time. Terms such as mainstreaming, integration and inclusion have been used. The term inclusion implies more than physical proximity to non-disabled peers; it encompasses full participation and equality within a group, leading to a sense of belonging within the community at large.

IEP Section VII: *Educational Placement* on the IEP pertains to LRE.

- ✓ Part A contains the 4 questions regarding LRE that the IEP team must review and discuss
  
- ✓ Part B requires documentation of:
  - the amount or *level* of special education supports (itinerant-less than 20% of day, supplemental-20% to 80% of day, full time-more than 80% of day)
  - the *type* of special education supports (Autistic support, supplemental learning support) but regardless of the label, any type of support can be designed for the individual student according to his/her need
  - and the *location* of the child's program, including the name of the school building and name of the district where the IEP is being implemented starting with the neighborhood school first moving to other options based on the need of the student
  
- ✓ Formula for chart calculation for PennData:
  - Hours inside a regular classroom divided by the total hours in a school day.

[Top of the Document](#)

## State Performance Plan and Twenty Indicators

The following is a list of priorities as defined in the State Performance Plan (SPP) which is a six year Special Education cyclical district performance report required by PDE:

1. Improve graduation rates for students with disabilities
2. Decrease dropout rate for students with disabilities
3. Ensure all students with disabilities participate in statewide or alternate assessments
4. Reduce suspension and expulsion rates for students with disabilities
5. Provide services for school-age students with disabilities in the least restrictive environment
6. Provide preschool children with disabilities services in the least restrictive environment
7. Improve cognitive and social outcomes for preschool children with disabilities
8. Improve parent involvement in their child's special education program
9. Reduce disproportionality of cultural groups in special education
10. Reduce the number of students from other cultures in certain disability categories
11. Improve efforts to locate and serve students with disabilities
12. Ensure a smoother transition from pre-school programs to school-based programs
13. Improve transition services for student with disabilities at age 14 and above
14. Improve the outcomes for students moving from secondary to postsecondary goals
15. Make sure school districts correct noncompliance areas in special education programs
16. Ensure complaints filed by parents and other agencies are completed in a 60 day period
17. Ensure due process hearings are completed in a 45 day period
18. Increase the use of resolution sessions to resolve due process hearings
19. Increase the use of mediation to resolve differences with the school
20. Make sure the data used by Pennsylvania is valid, reliable, and accurate

[Top of the Document](#)

## **Child Find-§14.121**

The Child Find procedures are relevant to pre-school aged children for whom services may be necessary for adequate development prior to entrance into the public school system. The referrals or requests for evaluations may be made to the following individual or office that is responsible for services including assessment, intervention, and evaluation of the Child Find program.

Contact: Candace Dunn, Director of Special Education Services  
Intermediate Unit 1  
1 Intermediate Unit One Drive  
Coal Center, PA 15423  
Phone: 724-938-3241 ext 260  
1-800-328-6481  
Fax: 724-938-8722

The required listing of potential signs of developmental delay and other risk factors that could indicate a disability are included in this document under the heading of Disability Categories. The school district cannot ignore clear indicators that a child might need special education services, merely because the child's parents have not requested such an evaluation. 20 U.S.C. § 1415 (k)(5)(A).

[Top of the Document](#)

## SCREENINGS-§14.152

### Purposes

The purpose of screening is to fulfill the school district's duty under federal law to establish and implement policies and procedures to ensure that all children with disabilities residing in the State, including children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services are identified and evaluated.

Pennsylvania's Regulations and Standards require each school district to adopt and use a system to locate and identify students residing in the district's jurisdiction who are thought to be exceptional. As part of this system, each school district shall determine a student's needs through a screening and evaluation process. Screening must be continuous and comprehensive, beginning with kindergarten, for all students suspected of having a disability.

### Screening Procedures

Throughout all of the grades from elementary through secondary; parents, teachers, ancillary personnel, administrators or the child him or herself may first indicate that a student is experiencing difficulty or may be at risk of failing. Most students who are considered as possible candidates for special education are initially identified by their teachers and/or parents. The implementation of this procedure is the responsibility of the building principal. The designation for consideration by the instructional support teams (IST) for grades K through 6 rests with the building principal. The guidance/SAP teams operating at the secondary level at the two junior highs and high school are responsible for the IST process. Indicators such as poor progress reports, deficiency reports, conferences, report cards, test (informal and formal) results, performance on daily assignments, and inability to perform grade level assignments with ease are often part of the identification process for those students having difficulty in the general education curriculum. These poor performance indicators are considered with further investigation into whether some physical or medical circumstance may be influencing the performance of the student.

Pennsylvania regulations outline procedures for identification of students for referral to the instructional support team (IST) for grades K through 6. As a safeguard for students who may be in need of special education, but who are not identified for IST, the regulations also provide for Level I and Level II screening. Level I screening consists of group-based procedures in which critical indicators of student signs of difficulty. Level II procedures include screening for sensory (hearing and vision), motor, and speech and language difficulties.

Level I Screening: Group based data such as cumulative records, enrollment records, health records and report cards are used at this level of screening. This early screening can lead to pre referral intervention/s or suggestions by the IST or guidance recommendations to the regular education staff at the secondary level to increase student success and help students who are at risk for failure.

Level II Screening: Hearing, vision, motor, speech and language. Screenings are conducted to determine if sensory (hearing or vision) or physical (motor or speech and language) impairments may be detrimentally affecting student performance.

## Sensory Screenings

### Hearing

At the elementary level Hearing Screening is conducted by the school nurse in grades (K-primary & 7-11 secondary) and others as needed. A student is considered by the IST when the student's hearing screening indicates a suspected hearing problem that is not resolved by medical referral. Initial failures are screened again in 4 to 6 weeks. Second failures are referred to the Intermediate Unit 1 hearing therapist for further testing who may then refer them to an appropriate doctor.

### Vision

Vision Screenings are done by the school nurse annually. A student is considered by the IST when the student's vision problem that is not resolved by the medical referral. Referrals are made to the student's family eye doctor and/or a vision clinician for further testing.

### Motor

Motor Screenings are conducted for any student about whom there is a concern regarding motor skill development at any grade level. Screening of motor skills and referral are made by the regular and/or physical education teacher and are based upon observations of the student in multiple settings. A child will be considered by the IST when motor screening indicates suspected impairments in motor skills. Further evaluation by the IST is necessary when a student exhibits motor function problems in one or more of the following areas:

1. Lack of strength, endurance or flexibility
2. Difficulty with balance activities
3. Failure to show opposition of limbs in walking, sitting or throwing
4. Difficulty in crossing the vertical midline
5. Poor sense of body awareness
6. Difficulty in remembering motor sequencing

Note: (Physicals are conducted in kindergarten, 6<sup>th</sup> – primary and 9<sup>th</sup> and 11<sup>th</sup> grades secondary). If a problem is detected, the child is referred to the family physician.

### Speech and Language

Speech and language screening is done for each child about whom there is a concern about speech and language. The IST will consider any student referral when a speech and language screening indicates suspected speech and language impairment. Speech and language screening is done by a speech clinician. These screenings may help in the possible detection of a disability (sensory or physical) which may impact student performance. Note: Screenings are done in kindergarten and anytime a referral is made at the secondary level.

### Level III Screening

Students in grades K-6, who are identified by their teachers or parents or through Level I or Level II screening, are referred to Level III screening, which consists of the provision of instructional support prior to multidisciplinary evaluation. It should be noted that IST intervention is not required in certain situations, as when there are indications that the student has a severe disability. In such situation, students suspected of being exceptional are directly referred for a multidisciplinary evaluation.

The IST is designed to provide team-based collaborative approaches which assist teachers with interventions to address the needs of students identified as being at-risk for school failure.

The goal of instructional support is to assure that students are taught at their instructional level and that they are reinforced at their independent level throughout the intervention period. The IST process incorporates an instructional assessment, in which the student's reaction to carefully designed instructional strategies is analyzed and the extent to which the regular classroom environment can be modified or adapted to sustain his/her progress is appraised. Whenever student progress is sufficiently maintained in the regular classroom, through instructional support, the student is not referred for MDE because the student does not display a need for special education to achieve success.

When the instructional assessment of the student experiencing academic difficulties indicates a performance level and rate of progress which is not sufficient to demonstrate success in the regular class without the addition of supplementary aids and services, referral for further MDE is indicated. For these students, the results of the instructional assessment that is conducted by the IST are later considered by the MDE and IEP teams. Information such as instructional level, the student's rate of learning, and which strategies were and were not effective during instructional support are considered by the MDE.

Elementary Level: IST teams of parents and educators work together to plan interventions designed to address academic learning, or behavioral problems. Data is tracked to determine if the interventions have been successful. Modifications are made as necessary based upon feedback and data review.

- The IST reviews a student within 5 calendar days after a concern about the student has been made.
- Within 10 calendar days of a student review, a modification of the student's instruction shall be implemented.
- If IST activities have produced little or no improvement within 30 calendar days, the MDE team will review the circumstances and may recommend an additional intervention period of 30 calendar days with modified adaptations or the principal shall refer the student for additional evaluation which may include an evaluation for special education services and take the form of an Evaluation Report (ER).
- If after 60 calendar days, if the IST activities have produced little or no improvement, the student shall be formally referred for an MDT.

The Parent can request an MDE at any time during the process. If done orally, they are asked to make a request in writing and may use a form provided. The principal will issue a Permission to Evaluate to the parent after consultation with the MDE team to determine the extent of the evaluation within 10 calendar days.

Upon receipt of the signed parental permission form (for initial evaluations and reevaluations):

- The date of receipt is entered in the appropriate box on the form.
- The evaluation process is completed within 60 calendar days excluding the summer break.
- The evaluation report is given to the parent 10 school days prior to the IEP meeting but the parent may waive this time.
- Entire process from permission to completion is a 60 calendar day process.

If any team member dissents to the conclusions or recommendations of the MDT, he/she has 5 school days to complete a dissenting report which will then be attached to the ER to be considered by the IEP team.

Our school district is continuing to conduct reevaluations on a 2-year cycle for students identified as MR and on a 3-year cycle for all other exceptionalities as mandated by our current state standards and regulations.

In the district elementary programs for new referrals, the principal gathers and compiles the evaluation information and the school psychologist assigned to their building writes the ER. At the secondary level, the guidance personnel perform the task of gathering and compiling information and the school psychologist writes the ER. The school psychologist types the initial ER.

Secondary Level: Guidance counselors collect information from a student's cumulative records, enrollment records, health records attendance reports teacher input and report card grades as a part of the process of investigating factors which may affect or impact a student's current performance or when problems impact his or her school performance. This information is never used solely to identify screening device for many children experiencing difficulty in the educational arena. Guidance counselors coordinate and help site based teams design and implement interventions by those teachers who instruct the student. Further testing might be conducted, as needed, by various team members including guidance personnel.

Additional relevant information is collected by the Student Assistant Program. The SAP team reviews existing and immediately available data sources such as group based data which can give early indicators of problems with health, attendance, learning, and performance.

Referrals may be made to agencies which may assist the student and their family (e.g. Drug and Alcohol, MH/MR, etc.)

Students who continue to experience difficulty after either IST or SAP/guidance assistance using interventions within the regular education program (often multiple interventions), may be referred for additional educational evaluation based on their need as determined by their IST or guidance/SAP teams.

\*If a referral did not come through a team based process in our school (e.g. parent initiated), our MDE team with the counseling staff conducts an instructional assessment prior to starting an evaluation. Questions we address include:

- *What assessments have been conducted?* We review records and past assessments to determine strengths, weaknesses and progress while noting academic problems areas. An educational profile of performance over time and consistency of performance are important factors to consider when planning interventions and helps teams to set realistic goals.
- *What problem areas have been identified and analyzed?* Records may indicate that over the course of the student's school years he/she has had difficulty with specific academic, learning or behavioral areas and IST, SAP or guidance have documented various interventions and noted their success.
- *What data on student progress has been collected?* In addition to deficiency reports, report card grades, conferencing with teachers, reviewing projects, homework, testing, and work samples are a part of the process of determining a student's progress in the current program. Attendance reports are also considered.
- *What progress has the student made in response to the intervention?* Data collected prior and during the use of intervention/s is reviewed by the team. Discussions regarding progress in relation to the use of interventions are ongoing with modifications made on a periodic basis.
- *Can the student's difficulties be attributed to a lack of effective instruction or to limited English proficiency?* Teams review the student's instructional level and the presentation level of the material in the present placement. Teams consider past performance in similar educational situations attendance (here to profit from instruction), and whether the student's primary language is English.

[Top of the Document](#)

## IST PROCESS

At the elementary level, the IST process follows the following procedure. The principal is responsible for implementing the IST screening process which includes but is not limited to:

1. Communication with parents concerning their child's needs and abilities and encouraging them to participate in finding ways to meet those specified needs.
2. Assessing the degree of need for students for whom IST assistance is requested. Recommending specific instructional support services to meet the needs of students.
3. Providing specific instructional support services as recommended.
4. Monitoring the effectiveness of the specific instructional support services recommended and implemented and suggesting further instructional support services as needed.
5. Reviewing, within the required timelines, the student's progress to ensure that the instructional support services provided meet performance criteria.
6. Determine whether instructional support services are sufficient to meet the student's needs.

At the junior high or high school level, our guidance counselors/SAP are alerted to at risk, potential school failures, or students who may have disabilities from various sources such as any of the teaching staff involved with a student, review of deficiency reports and report card grades, review of district wide assessment scores or other testing, SAP teams, student referrals, information from social workers, attendance officer, parents, or students who express concern over the performance of any student. Such concerns trigger an informal investigation of the concerns regarding the individual which would include the counselor reviewing any data available through records, curriculum based assessments or from teachers and parents. Tutoring courses, peer assistance, teacher assistance, and guidance counselor involvement with the student occurs as warranted.

SAP teams are convened and plans of action with the student's teachers/parents are suggested for the remediation of the problem. Progress using the intervention is reviewed; modifications are made based on need. Involvement of social service agencies, drug and alcohol, or other agencies is made based upon need. The team reconvenes and modifies the plan until the team agrees and a multidisciplinary team evaluation is warranted based on a lack of progress.

If the instructional assessment, IST or SAP process has not met the child's needs (even with multiple interventions), then a referral to a MDE will be made.

[Top of the Document](#)

## **Pre-referral for Special Education Services:**

The IST Process section above contains the procedure to follow for a student prior to being referred for an evaluation for special education services. This step is a legal requirement. The principal is responsible for implementation of the instructional support team (IST) process at the elementary level and the guidance counselors/SAP at the secondary level. The IST process must be utilized for a period of time up to 60 school days prior to a referral. Interventions must be attempted and documented for at least 30 school days. The multidisciplinary team (MDT) meets again to determine the effectiveness of the interventions and determine that the current measures are effective and no further interventions are needed; additional intervention time is needed; or the student should be referred for an evaluation for special education services.

When a teacher or other school employee indicates that a student is having difficulty, the IST process is initiated. When a parent states that their child is having difficulty, attempt to guide them to the IST process. However, if a parent insists on testing, the LEA may conduct an evaluation. This does not mean that we counsel the parent to make a request for an evaluation. In *all* cases, the local team, including the psychologist, must determine the extent of the evaluation. When a student has academic or behavioral difficulties, teachers are to encourage the parent to request that the principal or guidance counselor/SAP initiate the IST process.

[Top of the Document](#)

## **Referral for Special Education**

### **Referral for Initial Evaluation**

A student may be referred for an evaluation by a parent or any person in a care giving or professional position concerned with the student's development.

All interventions, instructional practices and accommodations should be documented in the pre-referral process if the referral for special education has been put forward by the school district.

[Top of the Document](#)

## Disability Categories

**Autism** - A developmental disability significantly affecting verbal and nonverbal communication and social interaction. The term shall have the meaning given it in federal law at §34 CFR 300.7:

(i) Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3 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. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (b) (4) of this section.

(ii) A child who manifests the characteristics of "autism" after age 3 could be diagnosed as having "autism" if the criteria in paragraph (c) (1) (i) of this section are satisfied.

**Developmental Delay** - The learning capacity of a young child (3-9 year old) is significantly limited, impaired or delayed and is exhibited by difficulties in one or more of the following areas: receptive and/or expressive language; cognitive abilities; physical functioning; social, emotional, or adaptive functioning; and/or self-help skills.

**Intellectual Impairment** - The permanent capacity for performing cognitive tasks, functions, or problem solving is significantly limited or impaired and is exhibited by more than one of the following: a slower rate of learning; disorganized patterns of learning; difficulty with adaptive behavior; and/or difficulty understanding abstract concepts. Such term shall include students with *mental retardation*.

**Sensory Impairment** - The term shall include the following:

1. **Hearing** - The capacity to hear, with amplification, is limited, impaired, or absent and results in one or more of the following: reduced performance in hearing acuity tasks; difficulty with oral communication; and/or difficulty in understanding auditorally-presented information in the education environment. The term includes students who are *deaf* and students who are *hard-of-hearing*.
2. **Vision** - The capacity to see, after correction, is limited, impaired, or absent and results in one or more of the following: reduced performance in visual acuity tasks; difficulty with written communication; and/or difficulty with understanding information presented visually in the education environment. The term includes students who are *blind* and students *with limited vision*.
3. **Deaf-Blind** - Concomitant hearing and visual impairments, the combination of which causes severe communication and other developmental and educational needs.

**Neurological Impairment** - The capacity of the nervous system is limited or impaired with difficulties exhibited in one or more of the following areas: the use of memory, the control, and use of cognitive functioning, sensory and motor skills, speech, language, organizational skills, information processing, affect, social skills, or basic life functions. The term includes students who have received a *traumatic brain injury*.

**Emotional Impairment** - As defined under federal law at 34 CFR §300.7, the student exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance. The determination of disability shall not be made solely because the student's behavior violates the school's discipline code, because the student is involved with a state court or social service agency, or because the student is socially maladjusted, unless the TEAM determines that the student has a serious emotional disturbance.

Emotional disturbance is defined as follows:

1. The term means 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.
2. The term includes *schizophrenia*. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

**Communication Impairment** - The capacity to use expressive and/or receptive language is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: speech, such as *articulation* and/or *voice*; conveying understanding, or using spoken, written, or symbolic language. The term may include a student with impaired *articulation, stuttering, language impairment, or voice* impairment if such impairment adversely affects the student's educational performance.

**Physical Impairment** - The physical capacity to move, coordinate actions, or perform physical activities is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: physical and motor tasks; independent movement; performing basic life functions. The term shall include *severe orthopedic* impairments or impairments caused by *congenital anomaly, cerebral palsy, amputations, and fractures* if such impairment adversely affects a student's educational performance.

**Health Impairment** - A chronic or acute health problem such that the physiological capacity to function is significantly limited or impaired and results in one or more of the following: limited strength, vitality or alertness including a heightened alertness to environmental stimuli resulting in limited alertness with respect to the educational environment. The term shall include health impairments due to *asthma, attention deficit disorder or attention deficit with hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia*, if such health impairment adversely affects a student's educational performance.

[Top of the Document](#)

## **Child with a Disability: Definition-§§300.304 through 300.311**

Under Part B of IDEA, a child is considered to be a “child with a disability” if the child is evaluated in accordance with 34 CFR §§300.304 through 300.311 as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf blindness, or multiple disabilities, and who, by reason of that impairment, needs special education and related services. 34 CFR §300.8(a)(1). Children with disabilities under Part B also may include children aged three through nine experiencing developmental delays. 34. CFR §300.8(b).

[Top of the Document](#)

## **Preschool Early Intervention Services-§14.155(b)(c)**

The placement options for Early Intervention Services may include one or more of the following:

1. Early childhood environment-services provided in a typical preschool program with non-eligible young children
2. Early childhood special education program-services provided in a special education preschool program funded by the Early Intervention Agency
3. Home- services provided in the home
4. Services outside the home environment
5. Specialized environment-services provided in a specialized setting including approved private schools, residential schools, residential facilities, State school or hospitals, or special secure settings
6. Approved out-of-State programs

The duration of services in terms of program days and years, must accommodate the individual needs of eligible young children. Some eligible young children may lose skills over breaks and have difficulty regaining those skills as evidenced through the child's performance data. In those cases, the IEP team must consider whether services should be provided during break period to maintain skills.

### **EARLY INTERVENTION**

Early Intervention Systems Act (Act 212 of 1990)

- Established early intervention services in Pennsylvania for eligible children age three to the "age of beginners"
- Mandated services beginning in the Fiscal Year (FY) 1991-92
- Section 304 of Act 212 of 1990 designates PDE as the responsible entity for providing services to eligible preschool children.
- The vehicle the law uses to provide services locally is the mutually agreed upon written arrangement (MAWA).
- The MAWA is the Act's terminology for a contract between PDE and a local intermediate unit, school district, or provider agency to provide early intervention services locally to eligible young children on behalf of PDE.

Early Intervention Definitions

- Age of beginners - minimum age established by each school district for admission to first grade
- Eligible young child - child younger than the age of beginners and at least 3 years of age who meets either of the following criteria:
  - Determined to have a mental or physical disability described under 34 CFR 300.8 (IDEA)

- Needs special education and related services
- Developmental Delay (§14.101)
  - Child’s score, on a developmental assessment device, on an assessment instrument which yields a score in months, indicates child is delayed by 25% of the child’s chronological age in one or more developmental areas
  - 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
- Registration - the process of a parent(s) or guardian(s) presenting their child to a school district for the purpose of recording their intent to enroll the child in the district for the ensuing school year

#### Basic Education Circular

- 20 U.S.C. Section 1419 and PA’s State Special Education Plan require:
  - Transition without interruption in program, and
  - Transition with appropriate procedural protections
- 22 Pa. Code Chapter 14 sets out the goals and objectives relating to transition that must be in the IEPs of children in early intervention who are within one year of transition to a school age program, and also requires that the child’s IEP include the steps to be taken in supporting the transition of the child from one agency to another. The early intervention records of children who have attained developmentally appropriate levels cannot be shared with districts without parental consent (§301(14) of Act 212 of 1990).

#### Transition to School-Aged Programs

- MAWA agency (IU) annually responsible to:
  - Identify all children approaching age of Kindergarten or 1st grade - by FEBRUARY 1st
  - Notify family that child is approaching kindergarten age and that their child may remain in Early Intervention for another year
  - Inform family about transition process
  - Convene transition meetings which must be attended by the LEA of school district of residence (unless parents agrees otherwise)
  - Ascertain whether family intends to register child with school district for next school year
  - Inform parents that child ceases to be eligible for EI services when he/she reaches age for 1st grade - regardless if enrolled in district

### Transition Process

- MAWA agency (IU) sends a letter to parents of students approaching the age for kindergarten or first grade stating a transition meeting will be held by the end of February
- Letter is sent to LEA regarding Transition procedures in January that describes the process
- Requests LEA to bring certain documents to the meeting
- Information on Kindergarten registration
- Permission to Reevaluate
- Procedural Safeguards Notice
- NOREP
- Blank Invitations to the IEP Team Meeting
- Releases
- Request for Psychological Services
- Referral for Support Services

### Early Intervention Transition Meeting

- Transition meeting not necessarily IEP meeting but may serve as such if necessary participants are present
- If IEP Team has already decided child remaining in EI - parents and MAWA agency can agree Transition meeting not necessary
- Parents must be given Intent to Register and Permission to Reevaluate form
- Parents indicate whether they intend to register child with the school district
- Informs parents that EI records will be shared with the school district

### Reevaluation from EI to School Age

- School District's responsibility for evaluating child and developing IEP begins with receipt of the parents' "Permission to Reevaluate" form
- School District should issue a school age "Permission to Reevaluate" form
- District and parent may agree to adopt and implement Early Intervention IEP for next school year with revisions
- Present NOREP for parent to sign

- Not required to conduct a new Evaluation (start process after child begins school age program)
- District and parent may agree to adopt and implement Early Intervention IEP for next school year with revisions
  - Present NOREP for parent to sign
  - Not required to conduct a new Evaluation (start process after child begins school age program)
- If agreement not reached, district MUST
  - Conduct Reevaluation and write Reevaluation Report within 60 school days of receipt of signed Intent to Register / Permission to Reevaluate form
  - Develop IEP within 30 calendar days of issuance of Reevaluation Report
- Permission to Reevaluate
  - Signed by March 2009
  - 60 calendar days = May 2009
- IEP
  - May or June 2009
  - Implementation (10 days) is for the next school year

#### Transition Meeting Forms

- Support Staff Transition Input form
- Transition Summary / Plan
- Information for Parents form
- Nonpublic School Memo
- IEP Implementation Agreement Form

#### Transition to School-Aged Programs

- IF parent disagrees with IEP offered by district
  - Child MUST continue to receive services described in preschool IEP pending completion of hearings and appeals
  - School district of residence responsible to insure “status quo”

### Status Quo

- District may meet this obligation by providing services comparable to those described in preschool IEP.

or

- District may contract with MAWA agency for child's attendance in last agreed-upon placement & program (provided the contracted program, or that program supplemented by the district) provides the same amount of instructional time given to other children of the same age in the district (2.5 hrs. Kindergarten and 5 hrs. Elementary)
- School district's "status quo" responsibility begins on the first day of school for kindergarten or first grade.

### Transition to School-Aged Programs

- Registered in district by MAY 15th
  - The MAWA agency shall share the child's education records with the school district
  - School District required to treat child as eligible for special education and related services
  - Required to provide services described in EI IEP as of beginning of new school year
- Parents afforded transition process but Child NOT registered by MAY 15th
- Child treated as a new district enrollee and is placed in a regular district class (unless parents and district agree otherwise)
- To insure parents are aware of consequences of failure to register - MAWA agency must send written notice by May 1st

### Transition Purposes

- Smoother transition to school age program
- All children receive services in timely manner
- Less confusion about Responsibility

[Top of the Document](#)

## Early Intervening Services- §14.122 (c)

Required Early intervening services must include:

- 1) Verification that the student was provided with appropriate instruction in reading and math
- 2) For the students with academic concerns, assessments of the student's performance in relation to State-approved grade level standards
- 3) For students with behavioral concerns, a systematic observation of the student's behavior in the school environment where the student is displaying difficulty.
- 4) Research based intervention to increase the student's rate of learning or behavior change
- 5) Repeated assessments of achievement or behavior, or both, conducted at reasonable intervals reflecting formal monitoring of student progress
- 6) Determination as to whether the student's assessed difficulties are the result of lack of instruction or limited English proficiency
- 7) Determination as to whether the student's needs exceed the functional ability of the regular education program to maintain the appropriate instructional level of the student
- 8) Documentation that information about the student's progress was periodically provided to the parent

EIS are preventive components of NCLB and IDEA. The LEA will provide training to enable teachers to teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs, and students with limited English proficiency in order to improve student behavior in the classroom and identify early and appropriate interventions to help these students (NCLB).

The LEA may use up to 15% of its IDEA Part B funds in any fiscal year, less any funds reduced from its local fiscal effort, to develop and implement coordinated and early intervening services. Coordinated early intervening services may include interagency financing structures who have not been identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment (IDEA). It has been determined that significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of such children, the LEA shall reserve to maximum 15% of IDEA Part B funds to provide comprehensive coordinated early intervening services to serve children in the LEA, particularly children in those groups that were significantly over-identified.

[Top of the Document](#)

# PROCEDURAL GUIDELINES FOR AGENCIES PROVIDING THERAPEUTIC INTERVENTION

## I. Agency Responsibility

All agencies that are requesting to provide therapeutic intervention service (T.S.S mobile therapist, case management, and etc.) to a client/student during school hours in the Connellsville Area School District are required to abide by the following guidelines and submit the following information to the Connellsville Area School District Special Education office.

1. If the therapist is to be working with a student at the school site, the building level representative and Intermediate Unit representative are to be notified of the planning meeting and follow up treatment meetings.
2. If the intervention is to take place during school hours and at the school site, a copy of the treatment plan is to be given to the building level Principal subsequent to any intervention taking place.
3. Maintain communication with the school Principal or designee as to the progress of the child.
4. Social service agencies/organizations are to provide the name of the contact person for the agency, agency license number, and a list of names and vita of personnel working with students in the school setting.

This vita is to contain the following information:

- Original copy of a letter of introduction on agency letterhead signed by the directing supervisor
- Picture Identification-Driver License, Work ID
- Copy of the therapist's Act 151
- Copy of the therapist's Act 34
- Copy of the therapist's professional resume

All agencies must obtain a copy of the District's Release of Information, signed by the parent or legal guardian of the child. This release may be obtained from the office of the Principal or at the Special Education office at the Connellsville Area School District Central office. An additional release will be required for students receiving services in an Intermediate Unit 1 program. A copy of the IU1 release and policy may be obtained by contacting the program Supervisor at Intermediate Unit One (1-800-328-6481) located in Coal Center.

## II. Therapist Responsibility

1. To maintain professionalism, at all times
2. To collaborate in a cooperative manner with the professional and supportive staff of the Connellsville Area School District/Intermediate Unit One.
3. To comply with the established rules of the District including and maintaining confidentiality of both student and the professional staff
4. Report directly to the school building office, signing in and out of the building and following the District's visitation policy

## III. School Authority

The Connellsville Area School District reserves its option to refuse admittance to any school building or classroom any persons or agency that:

- Have not fulfilled the established requirements
- Have not conducted themselves/itself in a professional manner
- Have acted in a manner contrary to the policies of the Connellsville Area School District
- Has not gained consent of the Administration and Teaching Staff

## IV. Procedures

No therapist will be admitted to any school building without following these procedures:

1. The Principal and teacher will be notified at least two days prior to the expected visitation day and duration of the visitation. The therapist may wish to establish a schedule with the teacher and Principal once permission is granted by the administration and teacher.
2. Visitation will be conducted in a designated area of the school. No therapist will be permitted to enter any classroom to conduct therapeutic sessions, classroom observation, etc. without prior permission of the building level Principal and/or classroom teacher. A regular schedule may be established for TSS services when interventions are needed in the classroom and permission has been granted by the administration and teacher.

[Top of the Document](#)

## IEP PROCESS-§14.131

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### Overview of the IEP Process

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#### Definition

The Individualized Education Program (IEP) is a written plan for the appropriate education of students with disabilities. It is a document which assures a Free and Appropriate Public Education (FAPE) for eligible students and is based on the educational needs of that student in the general education curriculum. As such, it is a management tool, not a detailed instructional plan. The completed IEP will clearly reflect the student's needs in relationship to his/her interests, abilities, and aptitudes.

The IEP is a product of team effort and must be based upon the ER and/or the evaluation of on-going instruction. For initial IEPs and IEPs preceded by an ER, the IEP team reviews the recommendations of the Multidisciplinary Team (MDT) or the IEP team as to whether or not the student is or continues to be exceptional. If the student is found to be a child with a disability, and in need of specially designed instruction, an IEP is developed by the team. If the MDT finds the student is not a child with a disability and/or not in need of specially designed instruction, then the public agency will issue a NOREP for regular education and will not develop an IEP.

The IEP is the basis of the student's instructional program and should be used in conjunction with the district/program curriculum. Components of the IEP are as follows:

- IEP Implementation Date and Anticipated Duration of Services Programs.
- Demographics
- IEP Team Signatures.
- Special Considerations.
- Present Levels of Educational Performance.
- Goals and Objectives, Evaluation Procedures and Progress Reporting.
- Special Education, Related Services and Supplementary Aides and Services.
- Participation in State and District-wide assessments.
- Least Restrictive Environment
- Transition Planning

The goals/objectives should be reflected in the daily lesson plans and student activities and should relate to the appropriate Pennsylvania Academic Standards. All components must be implemented and documented, including specially-designed instruction, evaluation/progress monitoring procedures and related services, as reflected in the IEP. For students who are 14 years of age and older, the IEP will provide the necessary instruction and support to prepare the student for post-secondary education and training as indicated in the transition component.

## IEP Team

The IEP team must consist of a minimum of three people.

- 1) One or both of the student's parents. Consistent with previous requirements, a single member of the IEP team may meet two or more of the qualifications but the IEP team may not consist of fewer than two people in addition to the parent(s).
- 2) The current teacher(s) – special education and general. (At least one general education teacher must attend if the student does or may participate in the general education environment and preferably is a teacher of that student)
- 3) LEA Representative who
  - a. Is qualified to provide or supervise the provision of special education
  - b. Can ensure that services specified in the IEP can be provided
  - c. Will serve as chairperson of the IEP team

The student: (If the student does not attend, the school district shall take steps to ensure the student's preferences and interests are considered.)

- 4) The student must be invited to the meeting when transition services are discussed.

### Additional IEP team members may include:

- 1) The person(s) who initiated the screening/identification process
- 2) A person who is familiar with placement options of the district
- 3) A member of the IST (if appropriate)
- 4) One or more members of the MDT
- 5) A person qualified to conduct a diagnostic examination, if student is suspected of having a specific learning disability
- 6) Other individuals at the discretion of the parent/guardian
- 7) Agency representatives, guidance counselors, outside counselors
- 8) Career and Technical Center representative if considering CACTC

## Parent Participation

The school district shall establish and implement procedures designed to ensure that the parents of each student with a disability are present at the IEP Team Meeting. All efforts must be documented and include as many of the following as necessary to ensure parent participation:

- 1) Phone calls
- 2) Letters
- 3) Certified letters with return receipts
- 4) Home visits
- 5) Visits to place of employment

Unless otherwise directed by the school district, initial contact with the parent may be made prior to sending home the mandated "Invitation to Participate in the IEP Team Meeting or Other Meeting". The purpose of this procedure is to determine the parents' intent/preference regarding attendance at the conference. This initial contact can be made by either:

- 1) Phone call or
- 2) Invitation to Participate in the IEP Meeting.

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## **TIMELINES**

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The following timelines govern the development and implementation of an IEP:

- 1) An IEP shall be developed within 30 calendar days after the completion of an MDT's Evaluation Report (ER).
- 2) The IEP shall be implemented as soon as possible after the NOREP is signed, but no later than 10 school days after it is written.
- 3) The IEP team meeting shall be convened at least annually or more frequently if warranted, and following an evaluation or reevaluation. An IEP team meeting shall also be convened at the request of any member of the team.
- 4) Anticipated duration of services should be a year, less one day, from the Implementation date

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## **PURPOSE OF THE IEP**

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There are two main parts of the IEP requirement, as described in the IDEA '97 regulations:

- (1) The IEP meeting(s), where parents and school personnel jointly make decisions about an educational program for a child with a disability
  - (2) The IEP document itself, that is, a written record of the decisions reached at the meeting.
- The overall IEP requirement comprised of these two parts has a number of purposes and functions.

- a) The IEP meeting serves as a communication vehicle between parents and school personnel, and enables them, as equal participants, to jointly decide what the child's needs are, what services will be provided to meet those needs, and what the anticipated outcomes may be.
- b) The IEP process provides an opportunity for resolving any differences between the parents and the agency concerning the special education needs of a child with a disability; first, through the IEP meeting, and second, if necessary, through the Procedural Safeguards that are available to the parents.
- c) The IEP sets forth in writing a commitment of resources necessary to enable a child with a disability to receive needed special education and related services.
- d) The IEP is a management tool that is used to ensure that each child with a disability is provided special education and related services appropriate to the child's special learning needs.
- e) The IEP is a compliance/monitoring tool that may be used by authorized monitoring personnel from each governmental level to determine

- whether a child with a disability is actually receiving the FAPE agreed to be the parents and the school
- f) The IEP serves as an evaluation device for use in determining the extent of the child's progress toward meeting the projected outcomes.

NOTE: IDEA '97 does not require that the teacher or other school personnel be held accountable if a child with a disability does not achieve the goals and objectives set forth in the IEP.

See 300.350, Individualized Education Program-Accountability.

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## DEVELOPING THE IEP

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The IDEA '97 maintains essentially the same process for developing the IEP – namely, the document is developed by a team, including the parents and, when appropriate, the child.

The new legislation increases the role of the general educator on the IEP team to include, when appropriate, helping to determine (a) positive behavioral strategies and interventions and (b) supplementary aides and services, program modifications and support for school personnel. The supplementary aides and support for school personnel are to be provided so that the child can advance appropriately toward attaining the annual goals, be involved in and progress in the general curriculum and other activities, and be educated and participate with other children with and/or without disabilities.

Related services personnel are also specifically mentioned in the IDEA '97 as being part of the IEP team, as appropriate, and at the discretion of the parent or the school. The *Report* clarifies that these personnel should be included on the team “when a particular related service will be discussed at the request of a child's parents or the school”. In cases where the school has assumed responsibility for health-care costs connected to a child's participation in school, the Committee encourages, “to the greatest extent practical and when appropriate, the participation of a licensed registered school nurse on the IEP team to help define and make decisions about how to safely address a child's educationally related health needs”.

While the process for developing the IEP remains essentially the same as in prior legislation, some new language has been added to the law.

Specifically, in developing the IEP, the IEP team is charged to consider:

- The strengths of the child and the concerns of the parents for enhancing the education of their child
- The results of the initial evaluation or most recent evaluation of the child

Also added to the process of developing the IEP are “special factors” that the IEP team must consider. These factors include:

- A. Providing for instruction in Braille and the use of Braille (unless not appropriate), if a child is blind or visually impaired
- B. The communication needs of the child, with a list of specific factors to be considered if a child is deaf or hard of hearing
- C. Communication Needs (Speech/Language)
- D. Whether the child requires assistive technology devices and services
- E. The child’s language needs (as they relate to the IEP) if the child has limited English proficiency
- F. Behavior strategies and supports, if the child’s behavior impedes his or her hearing or that of others
- G. Transition
- H. Other (such as voter registration).

Requirements resulting from the federal Office of Special Education Programs (OSEP) in Corrective action plan of April 2003 include the following:

- *Anticipated Duration of Services and Programs*  
Indicate the last day that the student will receive services and programs of this IEP and should be a year, less one day, from the implementation date.
- *Program Modifications and Specially Designed Instruction*  
For each program modification and/or specially designed instruction (SDI), the team must indicate the location and the frequency of the service to be provided. Location refers to where the student will be receiving the service. Frequency refers to how often the student will be receiving the program modification and/or specially designed instruction. The projected beginning date and the anticipated duration of the service must be listed if they are different from the beginning date and the anticipated duration of the service must be listed if they are different from the beginning and duration dates on page 1 of the IEP. Duration refers to the anticipated ending date for service.
- *Related Services (included supplementary aids and services)*  
If the IEP team determines that a student has an educational need for a service in order to benefit from education, then it must be provided. For each service, the team must list the location and the frequency of the service to be provided. Location refers to where the student will be receiving the service. Frequency refers to how often the student will be receiving the related service.  
The projected beginning date and the anticipated duration of the service must be listed if they are different from the beginning and duration dates on page 1 of the IEP.
- *Support for the Child Provided for School Personnel*  
For each support, the team must list the location and the frequency of the support to be provided. Location refers to where the student will be receiving the support. Frequency refers to how often the student will be receiving the support.

The projected beginning date and the anticipate duration of the support must be listed if they are different from the beginning and duration dates on page 1 of the IEP. Duration refers to the anticipated ending date for support.

- *Extended School Year (ESY)*

The IEP team must indicate whether the student is eligible or is not eligible for ESY and the basis for the determination. This determination must be made even if the child's parents have not specifically requested that their child be evaluated for ESY programming.

When ESY services are offered, the IEP must contain a description of the type and amount of ESY service, the projected beginning dates and anticipated duration of service and the frequency and location of the service. Location refers to where the student will be receiving the service. Frequency refers to how often the student will be receiving the service.

- *Educational Placement*

Type of Service: The type of service refers to the amount of special education instruction received by the student. The number of hours per week that the student receives special education services must be specified.

- *Desired Post-School Outcomes*

As the IEP team determines the needed services to meet the outcomes, it must indicate where those services will be provided. Also, the team must specify the frequency, duration and location of the services if they differ from those listed on page 1 of this IEP\*. Possible responses include helping the student arrange visits to selected colleges and completing applications. The team must also indicate the projected beginning date and anticipated duration if they differ from the dates on page 1 of the IEP.

However, the single point of contact from the PA Department of Special Education has mandated that beginning and duration dates be included for all services provided.

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## **THE INVITATION TO PARTICIPATE IN THE IEP TEAM MEETING OR OTHER MEETING**

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The Invitation to Participate in the IEP Team Meeting or Other Meeting is mandated and must be issued when a meeting is to be held for the purposes of developing the student's IEP, to review existing data for the reevaluation process or to meet for the purpose of gathering information. The teacher or public agency must inform the parent within a reasonable amount of time to provide the parent ample opportunity to schedule and attend the meeting. It should not be issued at the IEP team meeting unless an emergency meeting has been called or the parent has waived the ten (10) day waiting period following the review of existing data for the reevaluation.

Each member of the proposed IEP team should be listed on the invitation and each should receive a copy of the invitation in sufficient time to schedule the meeting. It is mandatory that the student be invited to the meeting when transition services are to be discussed. The parent has the right to invite the student at any time. Agency representatives, vocational technical school teachers and others needed to complete the transition component of the IEP must be invited also. A copy of the invitation is to be kept in the student's record as the parent may not return a signed copy.

When paperwork is signed by the parent, be sure to put the date of receipt in the box before sending a copy to the Special Education office. The box is new for 2009 paperwork and is located on several forms. The box is located in the upper right hand corner of the forms. Neglecting to date the box is a possible justification for the district to be cited audited.

<i>For LEA Use Only:</i> Date of Receipt of Request Form
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(This is the box to look for)  
Place the date here

[Top of the Document](#)

## IEP Additions for Students with Autism Spectrum Disorder

The July 1, 2008 Chapter 14 regulations require the following components to be included, if applicable, in the IEP of every student with autism.

- A. Verbal and nonverbal communication needs including a description of how the child communicates (verbal, pictures, gestures, sign, AT, eye gaze)
- B. Social interaction skills and proficiencies including ability to initiate, maintain, and end communication attempts, preoccupations, peer engagement
- C. Response to sensory experiences and changes in environment including hyposensitivity/hypersensitivity to stimuli
- D. Daily routines/schedules needed
- E. Need for positive behavior supports and behavior interventions

[Top of the Document](#)

## Pennsylvania Guidelines for Identifying Students with Specific Learning Disabilities (SLD) August 2008-§14.125(a)

The following guidelines provide direction and assistance to schools, specifically MD evaluation teams, conducting comprehensive evaluations for students who are suspected to have specific learning disabilities. The 2008 Chapter 14 Special Education regulations of the State Board of Education will be used throughout these guidelines as the critical source document of reference. The PA regulations are based on and in some references, go beyond the requirements of the federal Individuals with Disabilities Education Improvement Act (IDEA) 2006 regulations. Consequently, the IDEA regulations are also referenced to provide additional context for these guidelines.

§14.125 of the PA Special Education Regulations outline the criteria for the determination of SLD. These criteria are derived from the federal IDEA regulations (§300.309). There are **four factors** to consider when identifying a student as eligible for SLD. An assessment of each of these components is required to ensure that the evaluation is comprehensive, as required by federal and state rules. An evaluation team must determine if the student meets the inclusionary criteria of the SLD definition and rule out exclusionary factors of this disability category.

The **first** factor is inclusionary and requires school districts to determine adequate achievement including whether the student “does not achieve adequately for the child’s age or meet state-approved grade-level standards” in eight areas of functioning. These eight areas include: *oral expression, listening comprehension, written expression, basic reading skill, reading fluency skill, reading comprehension, mathematics calculation, mathematics problem solving* (§14.125[a][1]).

The **second** factor is inclusionary and provides districts with the option of choosing either Response to Intervention (RtI) or traditional ability-achievement discrepancy approach for SLD determination. At this time, Connellsville Area School District uses the discrepancy approach.

The **third** factor is exclusionary and is used to determine whether a student qualifies for Special Education under the SLD designation when the evaluation team has determined that *“findings are not primarily a result of a visual, hearing or orthopedic disability, mental retardation, emotional disturbance, cultural factors, environmental or economic disadvantage, or limited English proficiency.”* (§14.125 [a]) The evaluation team must determine that the student’s academic deficiencies are not the result of these factors which are considered contra-indicators of SLD.

The **fourth** factor is exclusionary and regards lack of instruction. PA regulations require that evaluation teams *“ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or mathematics by considering documentation that: prior to or as part of the referral process, the child was provided scientifically-based instruction in general education settings, delivered by qualified personnel, as indicated by observations of routine classroom instruction.”* (§14.125 [a] [4] [i])

In regard to exclusionary factors, both the federal and state regulations require districts to document that the student’s presenting academic and/or performance problems are not the result of a lack of instruction or of other disabilities or conditions. These exclusionary requirements pertain to all evaluations regardless of the option (RtI or discrepancy model) used by the district. A student must meet the criteria under each factor of the SLD definition in order to qualify as a student with specific learning disabilities. Each of these factors will be reviewed in detail.

### **Factor One: Adequate Achievement**

The regulation limits the construct of SLD to 8 functional academic domains as listed above which include *oral expression, listening comprehension, written expression, basic reading skill, reading fluency skill, reading comprehension, mathematics calculation, mathematics problem solving* (§14.125[a][1]). A multidisciplinary team evaluation is required to determine if the student is not achieving adequately in one or more of these 8 areas by evaluating all areas of presumed need (i.e., those domains that have been identified as of concern as a result of the screening process). Sources of data to document lack of achievement may include results of the benchmark assessments conducted as part of the screening process, progress monitoring data collected during the provision of early intervening services (cf. §14.122[a]), the student’s performance on district-wide assessments (e.g., DIBELS, AIMSweb, 4Sight) or statewide tests of achievement (e.g., PSSA, PVAAS) and norm-referenced tests of academic achievement. The evaluation team must determine whether RtI data from early intervening services are sufficient to make the initial eligibility determination, or whether additional assessments are needed.

Multi sources of data indexed or referenced to national norms and/or state standards as well as the student’s educational progress across years in school should be documented.

Multi disciplinary evaluation teams shall consider the extent to which a student is achieving adequately in one or more of the aforementioned areas. A student must be significantly below the performance level considered acceptable for the student's age or grade. No one benchmark or measure is sufficient under this criterion; the student should evidence inadequacy on multiple measures to qualify as a student with SLD. Local performance standards are not the standard against which the student should be judged for this criterion; rather state or national standards are the appropriate benchmarks. The student's academic inadequacy under this criterion is not referenced to the student's level of intelligence. That is, the student's IQ level is not considered the single criterion against which the student's academic performance is compared.

Neither federal nor state regulations specifically indicate the extent to which a student must demonstrate inadequate performance. Consequently, it is the responsibility of individual school districts to establish or define appropriate assessment parameters. CASD defines SLD utilizing the discrepancy model.

Students with intelligence levels in the "slow learner" range may not be excluded from having SLD if they display significantly inadequate achievement and if they meet the other criteria. Conversely, students with high levels of intelligence must display inadequacies in relation to their age or the state standards for their grade in order to qualify for SLD.

#### **Factor Two:** Discrepancy Model or Rtl

PA regulations provide districts a choice between these two options to determine SLD qualification.

#### Discrepancy Model

PA regulations include the analysis of strengths and weaknesses, or discrepancy, as "a process that examines whether a child exhibits a pattern of strengths and weaknesses, relative to intellectual ability as defined by a severe discrepancy between intellectual ability and achievement, or relative to age or grade." (§ 14.125[a][2][ii])

Evaluation teams using assessment of patterns of strengths and weaknesses to determine the discrepancy between ability and achievement continue to administer tests of intelligence to determine IQ as well as norm-referenced tests of academic achievement so that the discrepancy between scores from the two measures can be appraised. The existence of an ability-achievement discrepancy is not alone sufficient to determine eligibility as SLD. Rather, to be identified with SLD, a student's must not only display an ability-achievement discrepancy but must also be achieving significantly below age or grade level standards. The analysis of a severe discrepancy will identify whether the student has a severe discrepancy relative to age/grade or whether the severe discrepancy exists between intellectual ability and achievement level.

Evaluation teams using assessment of patterns of strengths and weaknesses to determine the discrepancy relative to age or grade must examine and document the extent to which the student's achievement is discrepant from grade or age. A possible criterion might be that the

confidence intervals of the lower scores do not overlap the confidence intervals of the higher scores, thus indicating a significant difference in achievement.

### Response to Intervention

At this time, Connellsville Area School District does not utilize the Rtl approach. Training for the introduction of Rtl is currently under way. Briefly, this approach involves a rigorous early intervening program and establishment of procedures for documenting student progress using on-going assessment conducted during the early intervening period. This program guarantees the provision of various scientifically based interventions delivered with fidelity as well as a system of ongoing assessment that is valid and reliable to be used for eligibility decision making. In PA, the implementation of assessment and intervention in an Rtl model had been conceptualized within a tiered framework including:

- Standards aligned instruction
- Universal screening
- Shared ownership
- Data-based decision making

### **Factor three:** Ruling out Exclusionary Factors

The third criterion for determining whether a student qualifies for special education under the SLD designation is that the evaluation team has determined that “its findings are not primarily the result of a visual, hearing or orthopedic disability, mental retardation, emotional disturbance, cultural factors, environmental or economic disadvantage, or limited English proficiency” (§ 14.125[a]). To rule out these factors, evaluation teams should document in the evaluation report, evidence that each of these factors have been excluded from consideration in the screening process, or conduct a more extensive evaluation to eliminate them from consideration.

### **Factor four:** Ruling out Lack of Instruction

Since 1997, the IDEA has included a provision that requires evaluation teams to determine whether academic inadequacies are the effect of a cumulative lack of instruction rather than SLD. The sentiment behind this provision has been the widespread concern that students who have not been effectively taught have been increasingly identified as SLD. IDEA 2004 was much more specific, especially in regards to reading:

“a child shall not be determined to be a child with a disability if the determinant factor for such determination is...lack of appropriate instruction in reading, including the essential components of reading instruction as defined in section 1208 (3) of the ESEA..” (§300.306[b] [1][i])

In §1208 (3) of ESEA the essential components of reading instruction are defined as phonemic awareness; phonics; vocabulary development; reading fluency including oral reading skills; and reading comprehension strategies.

PA Special Education regulations require that evaluation teams ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or mathematics by considering documentation that: prior to or as part of the referral process, the child was provided scientifically-based instruction in general education settings, delivered by qualified personnel, as indicated by observations of routine classroom instruction. (§14.125[a][4][i]).

Also, in the section on screening (§14.122), the PA regulations indicate that school districts must provide a program of Early Intervening services that include:

- (1) Verification that the student was provided appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208 (3) of the Elementary and Secondary Education Act of 1965 (ESEA) (20 U.S. C.A. §6368(3)), and appropriate instruction in math.
- (2) For students with academic concerns, an assessment of the student's performance in relation to State-approved grade level standards.
- (3) For students with behavior concerns, a systematic observation of the student's behavior in the school environment or *natural learning environment* where the student is displaying difficulty.
- (4) A research based intervention to increase the student's rate of learning or behavior change based on the results of the assessments outlined under paragraph (2) or (3).
- (5) Repeated assessments of achievement or behavior, or both, conducted at reasonable intervals reflecting formal monitoring of student progress during the interventions.
- (6) A determination as to whether the student's assessed difficulties are the result of a lack of instruction or limited English proficiency.
- (7) A determination as to whether the student's needs exceed the functional ability of the regular educational program to maintain the student at an appropriate instructional level.
- (8) Documentation that information about the student's progress as identified in paragraph (5) was periodically provided to the student's parents.

Considering the Federal and State regulation together, evaluation teams considering students for SLD eligibility must document the school's efforts to provide the student with scientifically based instruction in mathematics as well as reading. Procedures that districts may consider to assess the provision of appropriate instruction include:

- A principal's observation of teacher performance through classroom visits and observation conducted during the instructional period for the targeted content/subject area on a regular basis
- Checklists of integrity of instruction completed by teachers as self-check measures
- Checklists of integrity of instruction completed among teachers as peer-check measures

- Completion of checklist by content specialists or curriculum supervisors working with classroom teachers

It should be noted that these requirements pertain to *all* districts for *all* students being considered for SLD designation. In addition, although students who have a history of transience or school absence are especially at risk for gaps in their instruction, the assessment of lack of instruction applies to all students being considered for SLD.

School districts are now required to conduct universal screening for any students (K-12) who might be eventually referred for determination of Special Education eligibility. The three levels of the screening process are individually addressed in the section titled IST Process. Further, for any student referred for evaluation for SLD, the results of these screenings must be provided to the child's parents. Districts should ensure that the screening instruments have the following characteristics:

1. acceptable psychometric characteristics (reliability and validity)
2. a number of alternate forms
3. sensitivity to the improvements in skill acquisitions
4. ability to create linkages to instructional design
5. efficient administration
6. useful summary documents for parents and teachers

A critical decision for teams working with students who display inadequate academic performance and low rates of improvement is when to refer these students for a comprehensive evaluation. A general parameter is that students should be referred for evaluation for eligibility under the SLD category when their academic performance is significantly inadequate (below grade level) and their rate of improvement is so poor that they are unlikely to reach the acceptable level of proficiency within a pre-established time frame. The time frame may vary based upon student and situational variables.

Further information, including self-assessment checklists, can be found at the PaTTAN website at [www.pattan.net](http://www.pattan.net) or at the PDE website at [www.pde.edu](http://www.pde.edu) under the PA SLD Guidelines 08/05/08.

[Top of the Document](#)

## **AGE RANGE RESTRICTIONS-§14.146**

The maximum age range in specialized settings shall be 3 years in elementary school (grades K-6) and 4 years in secondary school (grades 7-12).

A student with a disability may not be placed in a class in which the chronological age from the youngest to the oldest student exceeds these limits unless an exception is determined to be appropriate by the IEP team of that student and it is justified in the IEP.

[Top of the Document](#)

## **PROCEDURAL SAFEGUARDS-§14.162**

The Procedural Safeguard parent letter and the Safeguard Notice itself are included in the forms at the end of this manual. This letter and notice are to be printed and distributed to the parent/guardian/surrogate at each annual IEP meeting who must then sign the IEP on the second page to verify having received the documents. The only exception is if the parent/guardian/surrogate refuses to accept the information at which time note should be written of such in the signature section.

The impartial due process hearing and expedited due process hearing aspects include:

- If the parent fails to respond to consent to the initial provision of special education services, neither due process nor mediation may be used to obtain agreement or a ruling that the services may be provided . §14.162 (c)
- The decision of the hearing officer regarding a child with a disability or thought to be a child with a disability may be appealed to a court of competent jurisdiction. In notifying the parties of the decision, the hearing officer must indicate the courts to which an appeal may be taken. §14.162 (o)
- A hearing must be held after the conclusion of the resolution session or after one of the parties withdraws from mediation or the parties agree to waive or end. §14.162 (q)
- Timeline: The hearing officer's decision must be issued within 45 calendar days after the resolution or mediation session ends without resolution or agreement date. §14.162 (q) and if an expedited hearing is conducted in the case of an appeal, the hearing officer decision must be mailed within 30 school days of the public agency's receipt of the request. §14.162 (q)
- During pendency of any mediation proceeding, the child is to remain in the current education placement until the mediation process is concluded. §14.162 (s)

Resolution Session:

The resolution session will be available to parents of both school age and eligible young children with disabilities. Parent advocates may attend the session. §14.163

[Top of the Document](#)

## **TIMELINES-§14.123**

- When an oral request is made to any school professional to evaluate or reevaluate, the LEA must provide the Permission to Evaluate-Evaluation Request Form to the parents within 10 calendar days
- After informed consent is received from the parent, there are 60 calendar days to conduct the evaluation and complete report (Except summer break)
- ER report is to be issued to parent at least 10 school days prior to IEP meeting (parents can waive waiting period)
- Time following ER to develop the IEP is within 30 calendar days
- Time from development of IEP to implementation is within 10 school days or ASAP
- Review of IEP must occur at least annually
- All students with MR disability must be evaluated once every 2 years and this cannot be waived
- All students with other disabilities must be evaluated once every three years which can be waived if team agrees, unless transition information is needed

[Top of the Document](#)

## **PA MEDICAL ASSISTANCE CONSENT FORM in IEP**

Possible script teachers may use to guide verbal explanation:

“In order to help meet the increased costs of providing special education services to students, the state of PA participates in the school-based ACCESS program. This program enables your child’s school district to receive Medicaid reimbursement for certain medically necessary health-related services that are provided in accordance with your child’s IEP. Services which can be reimbursed through Medicaid include: assistive devices, audiological services, IEP development, nurse services, occupational therapy, physical therapy, orientation and mobility, personal care assistant, psychiatry, psychology, social work, hearing services, speech/language services, and special transportation.

CASD is required to obtain your written consent in order to bill Medical Assistance for these services. Your permission does not affect any services your child may receive outside of school nor will it affect any other benefits you or your family receives such as cash assistance.

You will be asked to give permission yearly or any time your child’s IEP health related services increase or new services are added. You may withdraw your consent at any time. Your refusal to give consent will in no way affect the IEP services your child is entitled to receive. Yet, we hope that you give consent since these funds are vitally important in helping your school district pay for many special education services.”

### **ACCESS PAPERWORK PROCEDURE**

The PA Medical Assistance parental consent form is signed by the parent. Make sure the box for consent is checked yes or no

1. A current IEP only must accompany the form when sending it to the Special Education office for Access.
2. The Access IEP and MA form are placed in a separate envelope marked ACCESS on the front of the envelope.
3. As always, a copy of all paperwork must be sent for the Special Education office files. (IN A SEPARATE ENVELOPE)
4. Do not put Access Paperwork for the IU in with the paperwork sent to the Special Education office files.

## Parental Consent

### Frequently Asked Questions About Medical Assistance Forms

Since 1992, Pennsylvania has participated in the School-Based ACCESS Program (SBAP), a federal program that assists local education agencies (LEAs) across the Commonwealth by providing partial reimbursement for medically necessary health-related services as defined in a student's Individualized Education Program (IEP). This reimbursement assists LEAs in meeting the increased costs of providing special education services.

IDEA regulations that became effective Oct. 13, 2006, require LEAs to obtain written parental consent prior to billing Medical Assistance (MA). Based on a recent survey to determine the impact this regulation has had on LEAs, Leader Services has compiled the following list of parents' most frequently asked questions regarding the parental consent requirement.

1. **If I give consent for the school to bill MA, will it affect the services my child receives outside of school?**

No, MA will continue to pay for medically necessary health-related services your child receives outside of school.

2. **Will allowing the school to bill affects other benefits my child or family receives, such as cash assistance?**

No, allowing the school to bill will not affect a child's or family's MA services, funds, or limits in any way.

3. **If I consent, who else will see my child's information?**

In order to bill, the Pennsylvania Department of Welfare (DPW) requires that a medical practitioner review your child's IEP to determine that the services are medically necessary.

4. **Am I required to give my child's Social Security Number?**

No, your child's Social Security Number is not required to bill MA.

5. **I signed this form at the last IEP meeting. Why am I being asked to sign it again?**

Regulations require LEAs to obtain parental consent every year, or each time your child's medically necessary health-related IEP services increase or new services are added.

6. **If I do not consent, will my child continue to receive IEP services?**

Yes. Whether or not you consent, your child will continue to receive all services as defined in his/her IEP. Your refusal will not have any negative impact on your child's services. However, we hope that you give consent since these funds are important in helping LEAs pay for many special education services.

7. **Will my child benefit from the funds the school receives?**

PDE has strict guidelines that require the reimbursement only be spent within the special education program. Because your child is in the special education program, he/she will benefit from this reimbursement.

8. **How can schools use these funds?**

LEAs can use the funds for many expenses within the special education program. These include, but are not limited to: hiring and training staff, purchasing equipment and materials such as computers, textbooks, and assistive technology devices.

**9. Will I have to pay a monthly premium if my child receives MA? I recall receiving a notice to that effect?**

No, the state has chosen not to charge a premium for children who qualify for MA under PH Category 95 (disability category).

**10. Will I have to make any co-payments?**

No, there are no co-payments for school-based services.

**11. How does the school know my child is eligible for MA?**

Just like any physician or clinic, LEAs must enroll with the Pennsylvania Department of Public Welfare (DPW) as an MA provider. This allows the LEA to access MA eligibility information. LEAs are required by law to keep personal information confidential.

**12. If I consent, but later change my mind, does the school have to return the MA funds it received on behalf of my child?**

No, the LEA is not required to return the MA funds it received after you gave consent. However, the LEA will stop billing MA as of the date you revoke consent.

**13. Can I request a copy of my child's MA billing records?**

Yes, upon request, a billing history report will be provided.

**14. What are the MA-eligible school-based services?**

Assistive Devices	Personal Care Assistant	Social Work
Audiology	Physical Therapy	Speech
IEP Development	Physician	Hearing Impaired
Nursing (RN and LPN)	Psychiatry	Special Transportation
Occupational Therapy	Psychology	Vision (limited)
Orientation and Mobility		

[Top of the Document](#)

## Special Education Student Enrollment Procedure

22 Pa Code 11.11(b) "A child should be permitted to attend school on the next school day after the day on which the child is presented for enrollment and in all cases within five (5) business days of the school district's receipt of the required documentation."

Transferred from another Connellsville school (elementary or secondary):

- Parent enrolls student and verifies residence. Program begins the next day.
- Review the IEP.
- Schedule classes according to IEP information.
- Plan for an IEP meeting as soon as possible & issue an invitation (student should also be invited if aged 14 or older).
- Reopen and/or revise IEP: including cover page demographics and other additional changes if necessary.
- NOREP must be reviewed, and, if needed, a new NOREP issued to any reflect changes.
- Penn Data must be completed once the student is added to the teacher roster.

Moved into the district from another PA school district:

- ✓ Parent enrolls student and verifies residence.
- ✓ If residing with anyone other than parent: need Educational Rights Transfer Affidavit.
- ✓ Review the IEP, ER/RR and NOREP.
- ✓ If the ER/RR is within timelines, a copy must be included in the teacher file, district file, and sent to the Central Office.
- ✓ If the ER/RR must be addressed, according to timelines, use the data received from the sending school along with parent input. If additional information is needed, issue a permission to reevaluate at the IEP conference and follow the reevaluation procedure guidelines. The RR needs to be completed within 60 calendar days. Remember to use the invitation to a meeting to invite parent/guardians to review the ER/RR.
- ✓ Schedule classes according to the IEP information.
- ✓ An invitation to an IEP meeting must be issued when an IEP is reopened or a new IEP is developed.
- ✓ An IEP must be completed to address all necessary changes: such as demographics, school name change information, changes in SDI's, percentage of time in regular and/or special education, special class goal sheets, etc.
- ✓ A NOREP must be issued to reflect the special education for the new student.
- ✓ Penn Data must be completed once the student is added to the teacher roster.
- ✓ When a sending school district or parent provides needed documentation (IEP, ER/RR) to verify special education and/or related services, we must place and deliver services ASAP. Delay of services is a denial of their right to a free and APPROPRIATE education.

Moved into the district from another state: (special circumstance)

- Review the records and confer with the supervisor of special education/support teacher to review the records prior to proceeding.
- Note: We do not have to place an out of state student into special education immediately but we do have to enroll them within five business days in school. Not all states perform the same kind of an evaluation every 2 years, for the mentally retarded students, or every 3 years, for all other exceptionalities, so there may not be any report forwarded to us. Even the IEP may not be explicit in identifying the disability or need.

Some states have various types of reports, but eligibility for special education varies from state to state. Unless the student has apparent multiple disabilities or a severe emotional disturbance concern, we may as a team decide to place the student in regular education and conduct an (initial) evaluation to determine if they are eligible and in need of special education services according to our state and federal standards.

- Review the out-of-state IEP, and report, if provided.
- Schedule for regular education or other placement as per recommendation of the team above.
- A Permission to Evaluate Consent form, for an initial evaluation, should be issued to address all areas of concern.

[Top of the Document](#)

## **Purchases, Equipment, and Installations in IEP**

All equipment and materials needed for a special education student must be contained in the individual student's IEP and justified by detailed data in the current levels section of the IEP. Many times this equipment will be the recommendation of an assistive technology evaluation. The data must be written in the current level section of the IEP. Consideration for staff training will also be indicated in the appropriate section of the IEP.

All purchases under \$1,000 will be handled at the building level with the purchase order (PO) cut and processed there. The principal will approve these purchases. For purchases over \$1,000, the ordering information will be completed at the building level and forwarded to the District Special Education Office for processing.

Installation of equipment and any improvements to conform to ADA will be handled at the building level through the Building and Grounds office. The principal will complete a work order and submit it to the Building and Grounds office.

[Top of the Document](#)

## **Personal Student Aides in the IEP-§14.105 (a)**

Personal students aides must be justified in the IEP and based upon medical, personal or safety (i.e. flight) needs. Data must be provided in the IEP to demonstrate the need. The type of data would be a medical recommended for a health procedure, a documented need for personal care (like changing diapers), or a graph that shows a significant improvement in attending when an aide is present. Frequently, we get requests for personal aides for hyperactive students. All other measures should be exhausted prior to a meeting to assign a personal aide to these students. In many cases the aide hinders the growth of a student rather helping them. When it is possible, cluster students with one aide who can provide the students with needed services. Personal student aides are assignable to other duties when they are not needed by their assigned student.

Personal student's aides are to complete ACCESS forms and daily logs so that the district may bill back to the Department of Welfare for a portion of the aide's expenses. The personal aides will be trained each year for 20 hours as per the state Chapter 14 regulations. Part of the training involves first aid and CPR.

[Top of the Document](#)

## **Communication Plan in IEP-§14.131**

Hearing - The capacity to hear, with amplification, is limited, impaired, or absent and results in one or more of the following: reduced performance in hearing acuity tasks; difficulty with oral communication; and/or difficulty in understanding auditorally-presented information in the education environment. The term includes students who are deaf and students who are hard-of-hearing.

A student with a hearing disability will have the impairment indicated on page 3 of the IEP Section I. Special Considerations the IEP Team Must Consider, item #2 "Is the student deaf or hard of hearing?" The Communication Plan must be written and must follow the directives offered on the IEP form.

[Top of the Document](#)

## **EDUCATIONAL INTERPRETERS-§14.105**

An Educational Interpreter is an individual who provides students who are deaf or hard of hearing with interpreting or transliterating services in an educational setting. The interpreter must meet qualifications I or II and III listed below.

- I. Achieve and provide evidence of a score of 3.5 on the Educational Interpreter Performance Assessment (EIPA) for the appropriate grade level to which the person has been assigned
- OR
- II. Be a qualified educational interpreter or qualified transliterator under the Sign Language Interpreter and Transliterator Registration Act and its implementing regulations
- AND
- III. Provide evidence of minimum of 20 hours of staff development activities relating to interpreting or transliterating services annually.

[Top of the Document](#)

## **Assistive Technology in the IEP-§14.131**

If a student is in need of Assistive Technology and/or services, it must be indicated on the IEP. A student with a disability that requires assistive technology will have the impairment indicated on page 3 of the IEP Section I. Special Considerations the IEP Team Must Consider, item #4 "Does the student need assistive technology devices and/or services?" The need must be documented and the directives offered on the IEP form should be addressed.

IDEA regulations guarantee that eligible children and youth with disabilities have a free and appropriate public education available to them, designed to meet their unique educational needs. The ADA Public Law 101-336[42 USC 12101] prohibits discrimination on the basis of disability. Assistive Technology Act of 1998 Public Law 105-394 [29 USC 2201] may be accessed at <http://www.ataporg.org> for additional information.

[Top of the Document](#)

## **Positive Behavior Support Plan in IEP-§14.133**

If a student exhibits behaviors that negatively affect his learning, a Positive Behavior Support Plan must be written based upon a functional behavioral assessment. The behavior need must be indicated on page 3 of the IEP Section I. Special Considerations the IEP Team Must Consider, item #6 “Does the student exhibit behaviors that impede his/her learning or that of others?” The Positive Behavior Support Plan must be written and must follow the directives offered on the IEP form. There is a Positive Behavior Support Plan tab on LogicHouse. It is listed as B Plan and is yellow highlighted located as a page after page 8 on the IEP page choices.

[Top of the Document](#)

## **Functional Behavioral Assessment (FBA)**

Chapter 14 regulatory requirements in PA specify a disciplinary change in placement occurs when a student with a disability is removed for:

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

When this action occurs resulting in a change of placement, the LEA must conduct a functional behavioral assessment and develop a Positive Behavior Support Plan *OR* review and modify the existing Positive Behavior Support Plan to prevent recurrence of the behavior.

The steps to follow to conduct an FBA include:

- 1) Interview persons who have observed the behavior in a variety of settings asking questions regarding antecedents, behaviors, consequences
- 2) Direct observation resulting in data collection of the behavior in the student's natural environment
- 3) Summary of the data is used to build a Positive Behavior Support Plan

[Top of the Document](#)

## **Supplemental Aids and Services in the IEP**

The Special Education department has received a directive from PDE in which we are to add the guiding questions to the IEP about supplemental aids and services as outlined below. All IEPs that are written effective 2/1/08 must contain the IEP team's response to each question.

### **QUESTIONS FOR IEP TEAM:**

- What supplementary aids and services were considered? What supplementary aids and services were rejected? Explain why the supplementary aids and services will or will not enable the student to make progress on the goals and objectives (if applicable) in this IEP in the general education class.
- What benefits are provided in the regular education class with supplementary aids and services versus the benefits provided in the special education class?
- What potentially beneficial effects and/or harmful effects might be expected on the student with disabilities or the other students in the class, even with supplementary aids and services?
- To what extent, if any, will the student participate with non-disabled peers in extracurricular activities or other nonacademic activities?

[Top of the Document](#)

## **REVISIONS OF IEP**

When completing a revision of an IEP, please follow the following format.

1. Consider all data relevant to the student's progress to verify the revision as opposed to a full IEP meeting
2. Contact the parent/surrogate/advocate and student by phone or in person and describe the need for the revision and the process
3. Add justifying information to the Present Levels of Academic Function section and the exact pertinent information to the goal section or SDI page, or wherever the change is made as needed. (For example, a student may no longer receive van transportation to

and from school, but may now ride the school bus with peers. This would justify a revision, not an IEP meeting. However, it is vital that the information be changed in the IEP and Penn Data).

4. On the cover page of the IEP, under the demographic data, there are boxes for the revision notations. The names, dates, and topic of the revision must be stated as well as the PAGE number where the revisions are written in that IEP.
5. Signatures are not required on the cover page and no Procedural Safeguards are needed.
6. Make copies to send to parent, Special Education office, student's home school office, your file, ACCESS if appropriate, and any ancillary support providers such as speech or occupational therapist.
7. If the changes effect a change in educational placement of any kind, an IEP meeting is to be held and new NOREP is required also.

[Top of the Document](#)

## **Failing at Nine Weeks and IEP**

For any special needs student that is failing any class, at the conclusion of each nine week grading period or sooner if needed, the Special Education teacher will need to arrange an IEP team meeting to review the current IEP. The team needs to determine the reason for failure and to alter the IEP (as needed) so that the student will get the support to address his/her needs to be successful if the reason is related to the student's disability. The problems may be addresses in the SDI or as goals and objectives. Perhaps even a behavior goal will need to be incorporated. If there are attendance issues and the student is of compulsory age, then citations should be filed. Failures cannot be ignored.

One example, a LD student "shuts down" and refuses to complete his work. The team meets to determine the reason for the behavior and then addresses the behavior in the SDI or with goals in the IEP. IF the reason is that the assignments are at too high of a reading level (above the student's instructional level) for the student, then the team may decide to adjust the curriculum with materials at the student's reading level or arrange for audio materials because the student's listening level is high enough for instruction. If there is a change effecting educational placement, a new NOREP must be written indicating that change.

[Top of the Document](#)

## **Evaluations and Re-evaluations-§14.124(b)(c)(d)**

The oral request for evaluation must be made to any professional employee or administrator of the school entity.

The school entity must provide a Permission to Evaluate form to parents within 10 calendar days of the oral request for evaluation

If the LEA/school refuses to conduct the evaluation, it must give the parent written notice of the refusal within a reasonable time

### Reevaluations

In PA, reevaluations must occur every 3 years, unless the parent and the school agree that a reevaluation is unnecessary.

However, students with mental retardation must be reevaluated every 2 years. This cannot be waived.

Reevaluation timeline will be 60 calendar days, not counting the calendar days from the day after the last day of spring term to the day before the first day of subsequent fall term 34CFR300.303.

### Reevaluation Process

- At least 60 days prior to the reevaluation anniversary date.
- LEA reviews the student's data and determines whether or not they recommend conducting a reevaluation
- LEA proposes the reevaluation is unnecessary or LEA proposes the reevaluation is necessary
- LEA proposes the reevaluation is unnecessary...Issue to parent: Agreement to Waive the Reevaluation

### Agreement to Waive the Reevaluation

Must indicate on the form why and or how the determination to waive the reevaluation was made.

LEA proposes the reevaluation is unnecessary: Agreement to Waive the Reevaluation and the parent may agree or disagree.

If the parent agrees:

- No Reevaluation Report is written
- No Permission to reevaluate is executed.
- The signed Agreement to Waive the Reevaluation is included in the student's record.
- A reevaluation is not required for another 3 years.

- There is no requirement to revise the IEP unless the IEP is due for its annual review when there has been an agreement to Waive the Reevaluation

If the parent disagrees:

- The reevaluation process begins with the review of records.
- For all students, including those with MR, the reevaluation process begins with a review of existing data by the IEP team.
  - ✓ This review does not require permission from the parent.
  - ✓ This review does not have to be a meeting.
  - ✓ The parent must be included in the review.

#### Reevaluation Decision

- IEP Team including parents reviews existing data: “Review of Records”
- IEP Team determines additional data is needed.
- IEP Team determines additional data is not needed.

If the IEP Team determines additional data *is* needed:

1. Issue to the parent the Permission to Reevaluate
2. The reevaluation must be completed by its anniversary date and within 60 calendar days of the issuance of the permission to reevaluate.
3. After the additional data are collected and analyzed, the findings are written in the Reevaluation Report.
4. Conclusions regarding eligibility are made.
5. A copy of the RR is given to the parent.
6. The RR becomes part of the student’s educational record.
7. The form, *Permission to Reevaluate*, is also part of the educational record.
8. The student’s IEP shall be reviewed and revised within 30 calendar days of the reevaluation if due and implemented within 10 calendar days after the revised IEP.
9. Reevaluation is not required for another 2 years for students with MR and 3 years for all other students with disabilities.

If the IEP team determines additional data *is not* needed:

1. Findings from the review of records are summarized.
2. Conclusions regarding eligibility are made.
3. A written Reevaluation Report is completed.
4. A copy of the RR is given to the parent and is part of the educational record.
5. The student’s IEP must be revised within 30 calendar days of the reevaluation.
6. The student’s IEP shall be reviewed and revised within 30 calendar days of the reevaluation if due and implemented within 10 calendar days after the revised IEP.

Please keep in mind that all timelines have to be followed. If you are in the reevaluation process, but not finished, and the IEP comes due, you must complete the IEP then complete the evaluation process and update the IEP after the evaluation as well.

[Top of the Document](#)

## **Waive Reevaluation-§14.124**

Please review all of your paperwork to ensure it is completed correctly. Transition information must be added if the student is going to be age 14 during the period of time covered by the RR, and if transition information is to be added, the RR may not be waived. Transition information is considered an assessment and should be treated as such.

Following an RR, an IEP must follow within 30 calendar days. However, *an IEP is not required following a waived RR until the annual due date for the IEP*. Please add a statement that the reevaluation was waived in the current levels section of the IEP.

### Waive Reevaluation Additional Information

If a student has MENTAL RETARDATION as any part of their diagnosis, you must complete the initial seven items found on the Reevaluation Report Form, even if you are not requesting additional testing information.

If you address each of these, even though you are waiving the need for further reevaluation, a more complete and accurate description of the student and his or her needs will be provided to the reader of the document.

Example to use:

The student's current grades are \*\*\*\*. He/she receives instruction in \*\*\*\* in the regular classroom. The parent indicates that he/she participates in \*\*\*\* at home. He/she gets along well with peers and adults by demonstrating no significant social or behavioral concerns.

His/her strengths are \*\*\*\* and his/her needs are\*\*\*\*. Results of the WISC IV, administered on (date) (by whom) indicate ability levels of\*\*\*\*. Results of the WIAT, administered on (date) (by whom) indicate achievement levels of \*\*\*\*.

If the student will be 14 within the life of the RR, you must include a statement regarding transition. This could include: Results of the Student Transition Survey Form II-1c, administered on (date) (by whom) indicates that \*\*\*\* is interested in \*\*\*\* for post secondary training. He/she is interested in \*\*\*\* as a future career choice for possible employment. He/she is or is not planning to live independently after graduation. Current interests and hobbies include \*\*\*\*.

(Student's name) continues to be eligible for Special Education services as a student with a disability under Chapter 14 requirements. The disability is \*\*\*\*. (Student's name) is making adequate progress toward IEP goals and current placement is considered appropriate for meeting his/her educational needs. The team agrees that a reevaluation is unnecessary at this time.

The IEP team consisted of \*\*\*\*\*, Principal (LEA); \*\*\*\*\*, School Psychologist; \*\*\*\*\*, Special Education Teacher; \*\*\*\*\*, Regular Education Teacher(s); and as needed \*\*\*\*\*, School Nurse; \*\*\*\*\*, Related Services Providers (OT, PT, Speech, etc.).Add the names and positions of the team members to the end of the reevaluation Waiver statement. This will document that the decision was made by the team and not by one individual.

The IEP meeting may follow within 30 calendar days and a statement should be placed on the IEP in the Present Levels of Functional Performance section indicating that the RR was waived including the date of the waiver. *There is no requirement to revise the IEP unless it is due for its annual review.* Parents may agree to waive the RR on consecutive 3 year spans.

[Top of the Document](#)

## CIP Codes in the IEP

Below is the 2009 listing of the CIP Codes, one of which is to be recorded on the IEP for any student who attends or is planning to attend CACTC during 10-12 grades. The corresponding code for each shop class is listed below. The appropriate number or code should be placed on page three (the page containing the transition information) of the IEP in the long box labeled "For Students in Career and Technology Centers, CIP CODE:" that is directly above the Post Secondary Goal box. The CIP Codes are:

Agriculture	010301
Auto Collision	470603
Auto Mechanics	460604
Carpentry	460201
Cosmetology	120401
Culinary	120508
Electric	150399
Health Sciences	510899
Marketing	521801
Masonry	460101
Protective Services	439999
Welding	480508
HVAC	470201
Electronic Tech	150399
Computer Network	110901

[Top of the Document](#)

## **Description of Special Education Programs for the Connellsville Area Career and Technical Center (CACTC)**

The special education programs for the Connellsville Area Career and Technical Center consists of the Building Trades Program (BTP), co-teaching in the 11<sup>th</sup> and 12<sup>th</sup> grade academic programs, and the Home Management Program. Special education students who have mastered the basic competencies in a technical area may have the opportunity to participate in a cooperative education program or the special education work experience program at the high school as determined by the IEP team.

The Building Trades Program (BTP) at the CACTC is designed for learning support and life skills support students of high school age. Students aged 16 years old and older may be placed in the program as determined by their IEP team. Many students start out in the regular vocational programs and are then assigned to the building trades program by the IEP team if their educational needs exceed the resources available in the regular vocational-technical programs.

Participation in the BTP enables students to gain basic skills in the construction career cluster. The program has been an excellent setting for our students. The construction cluster is defined as the current agriculture, carpentry, electrical and masonry programs. Special education students complete the basic competencies in each field. The number of competencies completed is contingent upon each individual student's ability and skill level. Currently, an equal distribution of special education students is attempted in each construction cluster shop.

Special education staffing for the construction cluster consists of a special education teacher co-teaching with the shop teachers and a job coach paraprofessional aide. The special education teacher and aide collaborate with the CACTC staff and rotate through the cluster to ensure that curricular adaptations and delivery modifications are made for each special education student as determined by the student's IEP team.

Academic programming for the building trades special education student is provided in a self-contained classroom (operated by Intermediate Unit 1) or in the regular co-teaching academic classrooms at the CACTC. Placement in these programs is individually determined by the IEP teams. The self-contained classroom may also be utilized as a resource setting for support of all special education students at the CACTC. Staffing of this academic component of the BTP consists of a special education teacher and a classroom paraprofessional. The placement of special education students in the BTP occurs through the IEP process. A vocational school representative must be present at all IEP meetings in which the BTP is a consideration for delivery of services. Prior to the IEP meeting, the BTP teacher will be contacted and a student survey will be conducted to determine student qualifications for consideration of placement into the program.

The special education staffing for the academic component for 11<sup>th</sup> and 12<sup>th</sup> graders at the CACTC includes four special education teachers for delivery of services to special education students. One regular education teacher and one special education teacher is assigned to

each academic area of English, social studies, mathematics and science, creating a co-teaching framework. The special education teachers ensure that the appropriate components of the IEP are delivered in the CACTC academic classrooms. Resource and collaboration periods are built into the academic teachers' assignment schedule. Resource periods are utilized to customize instruction and ensure completion of study guides and/or preparation for testing. The resource time is utilized for additional drill and practice in the academic aspects of the shop programs. Additionally, accommodations such as reading tests to the students are delivered in the resource setting, if needed.

The Home Management Program is designed for life skills support for students 18 to 21 years of age. The program mimics life situations and develops skills for independent and supervised living arrangements. Students plan, shop for, cook, and eat their lunch meal in their classroom. They clean their simulated room areas, complete laundry tasks, set their dining tables and clean up after their meals. Occasionally, students are scheduled to eat in the cafeteria with the regular student population and some are scheduled to participate in various shops at the CACTC as decided by their IEP team. Students also participate in various Community-based employment assignments arranged each year specifically designed to increase the level and type of skills needed to become employed in the future. The program is staffed by a special education teacher and two job coaches (paraprofessionals).

[Top of the Document](#)

## **Homeless Children and Youth- §42 U.S.C. 11434a (2).**

McKinney-Vento Homeless Assistance, as amended, 42 U.S.C. 11431 et seq. and the Individuals with Disabilities Education Act, Part B, 20 U.S. C. 1401, 1411-1419 and 34 CFR Part 300, Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S. C. 794 and 34 CFR Part 104 and Title II of the Americans With Disabilities Act, 42 U.S.C. 12131 et seq. and 28 CFR Part 35 including the reauthorization by the No Child Left Behind Act of 2001 address the educational needs of homeless children and youth with disabilities. Its major provisions include the following:

1. Definition of Homelessness- The McKinney-Vento Act covers all children and youth who meet its definition which means those children who “lack a fixed, regular, and adequate nighttime residence” §42 U.S.C. 11434a (2). Examples in the law include children who:
  - Share the housing of other persons due to loss of housing, economic hardship, or a similar reason
  - Live in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations
  - Live in emergency or transitional shelters
  - Are awaiting foster care placement
  - Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings
  - Live in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
  - Are migratory children who otherwise fit the definition of homelessness
2. Immediate Enrollment- Children experiencing homelessness must be able to enroll in school immediately, even if they are unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation. If the child needs to obtain immunizations, or medical or immunization records, the enrolling school must immediately refer the parent/guardian/surrogate of the child or youth to the designated local educational agency (LEA) liaison, who must assist in obtaining necessary immunizations, or immunization or medical records.
3. Comparable Services- Homeless children must have services available that are comparable to those offered to non-homeless children. Homeless children with disabilities must have equal access to FAPE under Part B as would be provided to other children with disabilities. Their ability to participate in special education programs cannot be hindered by homelessness or such related factors as frequent school transfers.
4. Supplemental Services- School districts may receive McKinney-Vento sub-grants that can be used to provide supplemental services such as tutoring, expedited evaluations for special education or other services, school supplies, or referrals for health services. 42 U.S.C. §11433(d).

Specifically, children and youth who are homeless have the same IDEA protections and requirements as children with disabilities who are not homeless. These requirements include the parental consent, evaluation, eligibility requirements in 34 CFR §300.300 through §300.311, the IEP requirements in 34 CFR §300.320 through §300.324, the least restrictive environment and placement considerations in 34 CFR §300.114 through §300.117, and the procedural safeguards and due process rights, including the discipline procedures in 34 CFR §300.500 through §300.536. Generally, students eligible for services under Part B also are covered by Section 504 and Title II. One way to meet the free appropriate public education requirements of Section 504 and Title II is by implementing an IEP developed in accordance with Part B of IDEA 34 CFR §104.33 (b) (2).

[Top of the Document](#)

# SCHOOL DISCIPLINE

## *SPECIAL ED*

### **45-day special education exception rule only applies for specific serious infractions**

The district can remove a misbehaving student with disabilities from school for more than 10 days without changing his placement under certain circumstances. In fact, special education law says a student may be removed for up to 45 school days for infractions involving weapons, drugs and serious injury. Special education law defines those terms to avoid misapplying this exception.

Melinda Baird, a Tennessee special education attorney, says some administrators believe they have discretion to remove a student for up to 45 school days for infractions such as dress code violations and using obscenities. But Congress never intended the Individuals with Disabilities Education Improvement Act of 2004 to allow administrators to issue lengthy removals for such minor infractions, Baird said.

The exception only covers "particularly heinous actions." Even pushing or slapping may not apply.

Administrators may place a student with an Individualized Education Program in an Interim Alternative Educational Setting for 45 school days or less for three types of infractions that occur on campus or at a school function without parental approval on the NOREP:

1. Possessing a weapon
2. Knowingly possessing, using, selling or soliciting the sale of illegal drugs.
3. Inflicting a serious bodily injury on someone.

Serious bodily injury means a serious risk of death or significant injuries, such as broken bones. If the parent does not approve the placement on a NOREP, the placement will occur and the district will request an expedited due process proceeding. Even if a special education student injures a classmate by stabbing him with a knife, the exception might not apply if the injury isn't life threatening. Further, the weapons exception doesn't apply if the blade is less than 21/2 inches long.

There are three steps to follow when the exception doesn't apply:

1. Hold a hearing to determine whether the student's disability caused his misbehavior. Generally, if his misbehavior is a manifestation of his disability, the discipline must be according to special education guidelines and work within the student's IEP plan. If his disability did not cause the misbehavior, he can be disciplined the same as a general education student.

2. The district cannot remove the special education student from school for more than 10 days without changing his placement, except for a student with mental retardation. An MR

student may not be removed without the change in placement proceedings (IEP and NOREP). Educational services must be provided.

3. The district remains obligated to provide a Free Appropriate Public Education. A special education student removed from school will generally go to an alternative placement.

Refer to the chart below to get an idea of when you can and cannot remove a misbehaving special education student for up to 45 school days. This applies on campus or off campus at school-sanctioned events.

To obtain a copy of the complete audio conference visit: [www.shoplrp.com/product/p-3801.113006.html](http://www.shoplrp.com/product/p-3801.113006.html).

## MANIFESTATION DETERMINATION

A manifestation determination is required by IDEA when considering the exclusion of a student with a disability from school that constitutes a change of placement.

A change of placement consists of:

- ❑ more than 10 school days consecutively;
- ❑ more than 15 school days cumulatively in one school year;
- ❑ when days 11-15 constitute a pattern;
- ❑ an exclusion of even one school day for a student with mental retardation.

The manifestation determination shall take place as soon as possible but not later than 10 school days after the date on which the decision to take the disciplinary action was made. The IEP team and other qualified personnel must determine if the behavior was a manifestation of the child's disability.

## GUIDING QUESTIONS FOR IEP TEAM DECISION-MAKING (DISCIPLINARY)

*1. Determine if the student was deriving reasonable educational benefit from his/her program. Determine if the student's needs were being addressed through the IEP (i.e., communication, instructional strategies and levels, behavioral, etc.). Determine if a Behavior Intervention Plan is present and is appropriate. Review progress monitoring data (academic and behavioral); evaluations and diagnostic information; classroom/student observations, and teacher/staff/parent/student interview information. **The current IEP and placement are appropriate for the student.***

*2. Was the IEP (including the Behavior Intervention Plan) implemented as designed? Review academic and behavioral progress monitoring data. Assess by reviewing IEP sections of specially designed instruction, related services, and supports for school personnel. Were the necessary resources available as part of the student's program? **The specially designed***

**instruction, related services and supplementary aids and services were delivered consistent with the IEP.**

*3. Has the student, prior to this behavioral incident, demonstrated an understanding of the consequences of his/her behavior to him/herself and others? Does the student demonstrate an understanding that the behavioral incident under review was inappropriate? **The student's disability did not impair his/her ability to understand the impact and consequences of his/her behavior.***

*4. Has the student demonstrated adequate self-control in the past? Has the student demonstrated (review prior behavior) socially acceptable behavioral choices when faced with similar circumstances? **The student's disability did not impair his/her ability to control his/her behavior.***

#### TEAM CONCLUSIONS

If all answers above are "T" (True), the IEP team has determined that the behavioral incident is not a manifestation of the student's disability. Therefore, relevant disciplinary procedures applicable to children without disabilities may be applied except for the provision that the LEA must continue to provide a Free Appropriate Public Education.

If any answer (one or more) above is "F" (False), the IEP team has determined that the behavioral incident is a manifestation of the student's disability. Punishment for a manifestation of a student's disability is an aversive technique that may not be implemented; thus avoiding the proposed disciplinary procedure. Therefore, the team must immediately take steps to remedy any and all deficiencies found in the student's IEP or its implementation.

\* Note: If agreement cannot be reached, an expedited due process hearing may be requested by parents or the school district

## 45-Day Exception Rule

Applies

Doesn't apply

### **Weapons possession:**

- Obvious weapon.
- Common items readily capable of causing death or serious injury.
- Unloaded guns.
- Unloaded bullets

### **Inflicts serious injury:**

- Life threatening injuries.
- Loss of use of a body part, for example, a broken bone.
- Disfigurement.
- Loss of mental faculty.

### **Possession of illegal drugs:**

- Knowingly possesses or uses illegal drugs, sells or solicits sale of a controlled substance.

### **Weapons possession:**

- A pocketknife with a blade under 2 1/2 inches long.

### **Inflicts serious injury:**

- When a victim is hospitalized but there are no life threatening injuries, loss of the use of a body part, disfigurement, or diminished mental capacity

### **Other:**

- Threats, pushing, slapping, dress code violations and using obscenities.

[Top of the Document](#)

## Out of District Placements

Please notify the central office via email of any consideration for out of district placements of our special needs students. We must ensure that a continuum of services have been considered for all students, especially out of district, more restrictive placements. The lack of a notice has impact on rosters, Penn data, placement records and tracking of students.

[Top of the Document](#)

## **SPEECH-Record Keeping**

**For speech only students:** You must notify your building secretary if any student has been dismissed from speech services using the Speech Dismissal form.

The secretary will then enter the information in Logic House under their curriculum code on the student edit page.

If they are speech only and are dismissed from speech, the secretary must be informed so their status can be changed in the computer.

Make sure you have a copy of all speech paperwork in the permanent file.

We do not keep the speech dismissal paperwork in our special education office files any more. Therefore, therapists are responsible for the dismissal paperwork to be placed in the permanent student record in the main office of the buildings.

The Special Education office must be informed of the student's speech dismissal.

We also need the date the student was dismissed. We have an electronic list of all speech dismissals so make sure you get the information to the Special Education Office.

When a student is dismissed from SPEECH ONLY services, please email or contact the special education secretary. She will send you the speech folder to be combined with yours and condensed for the permanent folder in your building office.

The Speech folders are to contain:

1. Initial Placement Papers
2. The last two ER's (RR) and or Waiver
3. NOREP'S
4. The current Paperwork/current Penn Data form
5. The last 4 years of Special Education Paperwork / which would include the transition and parent survey if you are a secondary teacher.

[Top of the Document](#)

## **PROGRESS MONITORING**

Progress monitoring needs to occur every quarter on all currently effective goals found in the student's IEP. The data results should reflect daily, weekly, monthly, or semester measures of performance. This data is to be recorded in the corresponding box on the IEP goal page in the box labeled 'Report of Progress' and saved. This information will automatically be transferred to the Progress Report tab on the LogicHouse page where you choose what document to enter into and is entitled PR. A Progress Report may be accessed and printed for easy distribution to parents or caregivers.

[Top of the Document](#)

## **Special Education and Gifted Services-§16.7**

New requirements stipulating the development of a single IEP for students who are both gifted and who also have a disability under Chapter 14 relates to special education services and programs. This is not intended to reduce the protections afforded to students who are eligible for special education as provided under Chapter 14 (relating to special education services and programs) and sections 601-609 of the Individuals with Disabilities Education Act (20 U.S.C.A. §§1400-1419). If a student is determined to be both gifted and eligible for special education, the procedures in Chapter 14 take precedence. For these students with dual exceptionalities, the needs established under gifted status shall be fully addressed in the procedures required in Chapter 14. For students who are gifted and eligible for special education, it is not necessary for school districts to conduct separate screening and evaluations or use separate procedural safeguards processes to provide for a student's needs as both a gifted and an eligible student. A single IEP shall be developed and implemented, revised and modified in accordance with Chapter 14, for students who are thus eligible.

Additional information may be found at the following locations in the 22 PA Code Chapter 16 [38 Pa.B. 5953]:

- screening information may be found at §16.21.
- multidisciplinary evaluation information may be found at §16.61 and §16.62.
- re-evaluation information may be found at §16.23
- GIEP information may be found at §16.31 and §16.32
- General placement information may be found at §16.41

[Top of the Document](#)

## **CHAPTER 14 Q & A (VOLUME 3)**

**January 30, 2009**

### Special Education Plans – Sec. 14.104

#### 1. What are “equitable services?”

Equitable services are those services provided to children with disabilities enrolled by their parents in private schools. Eligible children enrolled in private schools by their parents have no individual IDEA entitlement to receive some or all of the special education related services they would receive if enrolled in the public schools. In Pennsylvania, the intermediate unit (IU) is the local educational agency (LEA) responsible for providing equitable services. Equitable services are determined after consultation between the representatives of the IU and private schools within each region. Equitable services are less than a free appropriate public education (FAPE).

### Personnel – Sec. 14.105

#### 1. If a teacher assistant functions both as a paraprofessional and a personal care assistant, is CPR and first aid training required?

No. Personal care assistants are required to provide evidence of 20 hours of staff development activities related to their assignment each school year. The 20 hours of training may include training required by the school-based access program, such as CPR and first aid training.

#### 2. Does Chapter 14 allow the demotion of an educational interpreter who has not achieved a 3.5 score to an Instructional Assistant position?

The decision to demote a staff member is left to local discretion. It is the school entity’s responsibility to comply with the requirements in Chapter 14, including the qualifications for an educational interpreter. To serve as an educational interpreter, the following qualifications shall be met:

Achieve and provide evidence of a score of 3.5 on the Educational Interpreter Performance Assessment (EIPA) for the appropriate grade level to which the person has been assigned; or

Be a qualified sign language interpreter or qualified transliterator under the Sign Language Interpreter and Transliterator Registration Act (63 P.S. §§ 1725.1—1725.12) and its implementing regulations; and

Provide evidence of a minimum of 20 hours of staff development activities relating to interpreting or transliterating services annually.

#### 3. If a district has a collective bargaining agreement that states Paraprofessionals are to receive only 6 hours of training outside of the school day, can the District mandate the 20 hours?

Yes. Paraprofessionals are still required to document the evidence of 20 hours of staff development activities related to their assignment annually effective July 1, 2008. See 22 Pa. Code § 14.105. Unless the collective bargaining agreement specifically establishes a school entity’s obligation to provide all twenty hours of training, it remains the obligation of the paraprofessionals to provide evidence of the required amount of staff development activities related to their assignments. If they fail to provide evidence of this training, they are no longer

qualified for an instructional paraprofessional position. The six hours of training might, of course, be applied to this requirement, so long as the training is related to the paraprofessional's assignment. The paraprofessional would, however, still need to provide evidence of fourteen additional hours. The school entity may wish to review its options to provide training during the work day in order to assure that the paraprofessionals obtain staff development activities closely tailored to their assignment.

Evaluation and Re-evaluation – Sec. 14.123-14.124

1. Are evaluation team members' signatures required on the evaluation and reevaluation reports for a student with a specific learning disability (SLD)?

Yes. The federal special education regulations require each member of the evaluation team to certify in writing, including a signature or initials, whether they are in agreement or disagreement with a SLD determination only. If a member of the team disagrees with the eligibility determination regarding SLD, then a separate statement must be submitted by the dissenting team member. If the school entity uses software with pre-printed names, each team member will place initials or signature next to the pre-printed name.

2. If parents do not return a signed waiver regarding reevaluations in a timely manner, do reasonable efforts apply?

No. If the parents do not agree to waive the reevaluation, the district must conduct the reevaluation in a timely manner.

3. If a foster parent is considered a parent, may the foster parent provide consent for an evaluation or initial provision of service?

State law does not prohibit a foster parent from being considered a "parent" under the IDEA, so unless a contractual obligation with a State or local entity prohibits it, a foster parent - who has been given legal authority to make educational decisions for the student – may act as a student's parent under the IDEA. She or he would therefore have the authority to provide consent for an evaluation or for the initial provision of service. When more than one party is qualified to act as a parent under the IDEA, however, the biological or adoptive parent must be presumed to be the parent unless the biological or adoptive parent does not maintain legal authority to make educational decisions for the child.

4. If a student is referred for a special education evaluation two years after the child was evaluated for special education services and found not to be a child with a disability or in need of special education, should the school entity use the Permission to Evaluate (Consent) or Permission to Reevaluate (Consent) form?

A Permission to Evaluate Consent Form must be used for informed parental written consent prior to the determination of eligibility and need for special education and related services.

5. If a child with an IEP transfers from an out of state LEA, does the new LEA use the Permission to Evaluate Consent Form or the Permission to Reevaluate Consent Form to initiate the evaluation process in PA?

The United States Department of Education, Office of Special Education Programs (OSEP), has determined that this would be an initial evaluation. The LEA should issue a Permission to Evaluate Consent Form.

6. If a child is transitioning from Early Intervention to school age, should a Permission to Evaluate or Permission to Reevaluate be used?

A Permission to Reevaluate Consent Form will be used, if a parent or LEA determines additional data is necessary.

7. Can a waiver be used, even if the Reevaluation Report is not done first?

Yes. The waiver is used prior to the reevaluation process. A representative of the LEA and parent must agree in writing that a reevaluation is not necessary.

8. If the student is not SLD, can the two pages of "Determination of SLD" be deleted from the ER/RR forms?

No. Each LEA may add information to the forms, but may not delete information or sections of the forms.

9. Can a student have a secondary disability of SLD?

Yes. The group of qualified professionals and parents determine if the student with a disability has a secondary disability, including a specific learning disability. If the team determines the student is eligible under the SLD category, the SLD section of the evaluation/reevaluation report must be completed.

#### IEP – Sec.14.131

1. Are special education personnel and supplementary aids and supports synonymous?

No. Supplementary aids and supports 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 students with disabilities to be educated with non-disabled students to the maximum extent appropriate in the least restrictive environment. Special education personnel are staff members that provide special education supports and services.

2. Are PA Academic Standards required to be noted on the IEP next to the goals?

No. The PA Academic Standards are not required to be noted on the IEP; however, IDEA Part B regulations clarified that the general education curriculum means the same curriculum as all other children. An IEP must focus on ensuring that the child is involved in the general education curriculum that is aligned with the State's content standards. Information is available on the PaTTAN website regarding the alignment of IEP goals with academic standards, [www.pattan.net](http://www.pattan.net).

3. Can a teacher be listed as LS and ES on the special education plan?

Yes. School districts and intermediate units may prorate a professional special education staff on the special education plan. For example, a special education teacher may be 50% itinerant learning support and 50% supplemental emotional support.

4. Does a change in eligibility require a Reevaluation and that the NOREP/PWN be issued?

Yes. A change in eligibility requires a Reevaluation Report and NOREP/PWN to be issued to the parent. An exception to the Reevaluation Report is if the parent notifies the district in writing that he/she no longer wants the child in special education, the student graduates with regular diploma, or the student ages out of the special education program. In this case, the child is removed from special education without a reevaluation.

5. When are communication plans required to be incorporated into IEPs?

The communication plan requirement is effective now and must be included in all IEPs completed after July 1, 2008.

6. Is a communication plan required for students who have a hearing loss?

If the IEP team has identified the student as requiring Deaf or Hard of Hearing support and checked "Deaf or Hard of Hearing" in the special consideration section of the IEP, then a Communication Plan must be developed for those 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.

7. If a student with a documented hearing loss is determined eligible for special education service as speech/language impaired student must a communication plan be developed as part of the IEP?

If the IEP team has documented the student as requiring Deaf or Hard of Hearing support and checked "Deaf or Hard of Hearing" in the special consideration section of the IEP, then a communication plan must be developed for those 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. A communication plan may, however, be necessary to provide FAPE for an IDEA-eligible student with a hearing loss who has not been identified as Deaf or Hard of Hearing if the hearing loss is preventing the student from making meaningful educational progress.

8. Does the communication plan requirement apply to children in pre-school programs?

No. The requirement for a communication plan applies only to school age children.

9. Does the communication plan requirement apply to children with disabilities enrolled in Charter Schools?

No. Charter Schools are covered under Chapter 711, which does not include a requirement for the use of the communication plan.

10. Is educational placement based on the amount of service or location of special education services?

Educational placement is based on the total amount of special education support and services a student receives during the school day. LRE is based on location of the student in regular education class.

#### Positive Behavior Support – Sec.14.133

1. Is all school staff required to be trained in positive behavior supports?

No. A school entity's primary responsibility is to ensure that positive behavior support programs are in accordance with Chapter 14. This includes the training of personnel for the use of specific procedures and methods and techniques; having a written policy and procedures related to the use of positive behavior support techniques; and obtaining parental consent prior to the use of restraints or intrusive procedures. Staff should receive such training as is necessary to fulfill the LEA's responsibility to provide positive behavior support programs.

2. What is the definition of a restraint?

Chapter 14 defines restraint as: *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 or eligible young child's body. The term does not include briefly holding, without force, a student or eligible young child to calm or comfort him, guiding a student or eligible young child to an appropriate activity, or holding a student's or eligible young child's hand to safely escort her from one area to another. Nor does the term 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 or eligible young child's parents and specified in the IEP. Additionally, devices used for physical or occupational therapy, seatbelts 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 the definition of restraint.* 22 Pa. Code § 14.133(b)(i-iii)

3. When is written parental consent required for a Functional Behavior Assessment (FBA)?

Whether consent is required to conduct the FBA depends on the purpose and scope of the FBA. If the purpose and scope of the FBA is to address the effectiveness of the behavioral interventions in a school-wide positive behavior support program or if data is routinely collected and utilized for all students, parental consent is not required. If the purpose and scope of the FBA is to determine nature and extent of special education and related services for a specific student or to develop or revise an individual student's behavioral intervention plan, written parental consent is required.

[Top of the Document](#)

## Extended School Year (ESY) - §14.132

The federal court decision in *Armstrong v. Kline*, 476 F. Supp 583 (E.D.D. Pa. 1979), established the mandate for ESY programming for children with any type or severity of disability who meet the court's eligibility standard. LEAs, IEP teams and hearing officers should refer to the Armstrong Remedial Order No. 2 Guidelines, 22 Pa. Code Chapters 14 (§14.102 (a)(2)(ix), 14.132) to determine whether a student qualifies for ESY.

"Extended school year services must be provided only if a child's IEP team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child" 34 CFR. §300.309 (a)(2).

Each year for students in the target group (autism/PDD, serious emotional disturbance, severe mental retardation, degenerative impairments with mental involvement, severe multiple disabilities §14.132 (d)), ESY must be decided before February 28 of each year through an IEP meeting. If the student is eligible, a new ESY NOREP is issued listing specific dates and location of services. This determination must be made even if the child's parents have not specifically requested that their child be evaluated for ESY programming. A new ESY NOREP is issued each year for eligible students. This is the *only time* when *two current NOREPs* are written. One would be for the student in Logic House as usual, and one for the ESY program which is written on a special form sent to the teacher specifically for ESY purposes. This meeting may act as the annual review date for the IEP as well so that there is no need to conduct an ESY IEP meeting and another meeting for the annual review.

NOTE: Each child within the target group who is in your room should have a NOREP placing them in your room and an ESY NOREP, denoting eligibility.

NOREPs for ESY only have to be issued for the following reasons:

1. Proposing to add ESY services for that summer session.
2. Initially deleting ESY services that existed the prior year.
3. Refusing ESY services that parents requested.
4. Change in ESY delivery of services (which occurs each year for those students eligible).

If the student is ineligible, an ESY NOREP is issued stating that the student is ineligible. Once the student is declared ineligible and a NOREP is issued stating ineligibility, no new NOREPs need to be issued. So if a student has a NOREP that states ineligible for ESY that NOREP stands until one of the four above situations occurs. You do not have to issue another NOREP.

As in the past, the teacher will collect baseline data for ESY determinations. This action will allow it to be compared with data collection in December to determine rate of acquisition. After the return from Christmas break, again collect the same data to determine baseline for retention. Finally, after reviewing the skills and objectives, test again. That information will give the recoupment information for determining ESY eligibility.

At mid year of the IEP year for each student, check the goals and objectives to determine if the student will complete the goals on his/her IEP. Revise the IEP if needed to set one-year goals.

For related services such as Speech, OT and PT the determination must also be made. Do not assume that a student automatically gets (for example) speech services if they qualify for academic ESY support. It is also possible for a student to qualify for ESY speech but not qualify for ESY academic support. Each related service must be determined on its own.

Please email a list of your students, annually in February, who you think will qualify for ESY services to the Special Education office.

When sending paperwork to the Special Ed Office includes:

- Entire IEP (not original) with ESY goals highlighted
- ESY NOREP (not original) Revise it according to student need.
- Documentation of Needs (original)
- Copy of emergency card

Please be aware that if a student transfers into the district after the above dates of February 28 and March 31, the determination and program content must be decided at an IEP meeting convened for that purpose. §14.132 (d). However, if the student has an ESY program listed on his/her IEP from another PA school that determination of eligibility and program content constitute the student's "status quo" and must continue to be provided until the parent agrees to a change, or a change is authorized through the special education hearing and appeal system. For a late enrolling student for whom an ESY determination has not been made, the decision as to ESY service eligibility or non-eligibility and program content must be determined at an IEP meeting.

Also, if a parent disagrees with the LEA's recommendation on ESY, the parents will be afforded an expedited due process hearing. §14.132 (e)

Be sure to notify any providers of related services (speech, OT, PT, etc.) at least 30 days in advance of an IEP meeting and 70 days in advance for an RR so that they can prepare the information that is required for the student.

The related services information must be given to the special education teacher at least 5 days prior to a mandated IEP meeting. Related service providers must be invited to all meetings and their attendance is expected. Teachers are required to report to the Special Education Supervisor any difficulties and concerns about input and IEP meeting attendance. Please use the email system to track the contacts as well as sending information, as then it is a simple task of getting receipts and cutting and pasting data on the required forms.

[Top of the Document](#)

## PASA

The Pennsylvania Alternate System of Assessment (PASA) is a statewide alternate assessment designed for students with severe disabilities. Specifically, it is intended for those who are unable to participate meaningfully in the Pennsylvania System of School Assessment (PSSA) even with accommodations. By administering the PASA to students with severe disabilities, schools achieve compliance with federal laws and the Pennsylvania School Code that require that all students participate in the statewide accountability system.

Like the PSSA, the PASA is designed to take a snapshot of students' typical performance on a small sample of academic skills from the PA Alternate Standards, which were derived from the PA Academic Standards. The PA Alternate Standards were developed by the PASA Project Team in collaboration with content area experts, and were validated through field tests. If an IEP team determines that an alternative assessment such as the PASA is required for a student with disabilities, the assessment must yield results for the grade in which the student is enrolled 34 C.F.R. §200.6(a)(2)(ii)(A). However, there is a limited exception to this requirement, allowing students with the “most significant cognitive disabilities” to be assessed under “alternate academic achievement standards” defined by the states.

The PASA consists of a series of on-demand performance items that require the use of reading and math skills. The assessment is administered in the spring by the student's teacher or another professional. The performance recorded via videotape or narrative notes is then evaluated on the basis of accuracy of responding and level of independence. Teams of scorers (comprised of practicing teachers, administrative school personnel, and/or college/university faculty) are trained to score students' performance at the annual scoring conference.

This test should be given to students with significant disabilities in the equivalent of grades 3, 4, 5, 6, 7, 8, and 11 who meet the criteria that have been established and disseminated by the Bureau of Special Education, Pennsylvania Department of Education. The following questions should guide decision-making in regards to eligibility:

1. By September 1 of the school year in which the IEP will be operative, will the student be in grade 3, 4, 5, 6, 7, 8, or 11? Yes or No
2. Does the student have significant cognitive disabilities? Yes or No
3. Does the student require intensive instruction to learn? Yes or No
4. Does the student require extensive adaptation and support in order to perform and/or participate meaningfully and productively in the everyday life activities of integrated school, home, community, and work environments? Yes or No
5. Does the student require substantial modifications of the general education curriculum? Yes or No
6. Does the student's participation in the general education curriculum differ substantially in form and/or substance from that of most other students (i.e., different objectives, materials, or activities)? Yes or No

If the answer was “Yes” to all of these questions, it would be appropriate for the IEP team to consider assigning the student to the PASA. If the answer was “No” to any of

the above questions, the PASA is not the appropriate statewide assessment for the student.

Each IEP team needs to review the criteria listed above.

Students must be enrolled on an annual basis-even students who took the PASA last year must be re-enrolled.

All enrollment materials must be returned to the Special Education Office by the due date specified.

Skills Checklists-For students who took the PASA last spring and will be taking the PASA again this spring, no Skills Checklists are required. Instead, we will use the Checklists and PASA scores on file from last year to assign a test level. However, a Skills Checklist is required for all newly enrolled students, which means ALL students in grades 3 and 11, and any newly enrolled student in grades 4 through 8. For all students in grades 3 and 11, teachers should complete the Scantron Bubble Sheet. This must be an original form obtained by our office and completed using a #2 pencil. For newly enrolled students in grades 4-8, the teacher may complete a photocopied Skills Checklist.

Grades 3 and 11 must use the Blue Reading and Math Scantron Checklists. Grades 4-8 and new to your school or a new IEP, please use the colored Reading and Math Skills Checklists provided.

Student enrollment form instructions and skills checklist (bubble sheet) directions will be sent to you through inner-school mail.

There is no PASA alternate writing assessment. Teachers must create a valid writing prompt for those enrolled in the reading and math PASA assessment for grades 5, 8 and 11. The writing sample is not scored, not sent anywhere, but should be documented in the student's record.

#### PASA Materials:

PASA enrollment materials are sent to each principal in all of the district schools. Teachers need to stop by the office at their respective school and get the instructions/materials that might possibly be needed to enroll their students. Use the six question guide to help determine eligibility status of students. Please make sure that the necessary enrollment materials are sent back to the special education office at Connellsville Twp., by the yearly deadline date, and they will then be sent on to PASA.

No Skills checklists are required for students who took the PASA last spring and will be taking it again this spring. A Skills checklist is required for all newly enrolled students, meaning ALL students in grade 3 and 11, and any newly enrolled student in grades 4-8. If in grade 3, please complete the Scantron Bubble Sheet. This must be an original form that was sent to your school, using a #2 pencil. For newly enrolled students in grades 4-8, you may complete a photocopied Skills Checklist.

Grades 3 and 11 must use the Blue Reading and Math Scantron Checklists.

Grades 4-8 and new to your school or a new IEP, please use the colored Reading and Math Skills Checklists provided.

[Top of the Document](#)

## **Parent Advocates**

The Department has received concerns expressed by parents that some PA local education agencies are not allowing parent advocates to speak at or participate in IEP team meetings. It is the Department's position that it is not permissible for school districts or charter schools to prohibit parent advocates from participating fully at IEP team meetings if the parents have chosen to include parent advocates as members of their child's IEP team.

The IDEA allows the IEP team to include, at the discretion of the parent or the school, "other individuals who have knowledge or special expertise regarding the child". 34 CFR 300.321(a)(6). The IDEA states the determination of "knowledge or special expertise of any individual described in paragraph (a)(6) of this section must be made by the party (parents or the public agency) who invited the individual to be a member of the IEP." 34 C.F.R. Sec. 300.321 (c) (emphasis added). In addition, the IDEA states that the IEP team is responsible for developing, reviewing, and revising the child's IEP.

The Department interprets these provisions in the IDEA to mean that whomever the parent chooses to include as a member of the IEP team must be allowed to participate actively in the development, review, and revision of the IEP. School districts or charter schools should not prohibit parent advocates from speaking at or participating in IEP team meetings.

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[Top of the Document](#)

## Crossover Procedure

The “crossover” procedure the staff is to follow will enable a smooth transition from one school level to another. The procedures to be used for scheduling IEP meetings and conducting crossover meetings between elementary and junior high as well as between junior high and senior high are listed below. Parental attendance at IEP meetings is a major concern of the state and of our district. Every effort to involve the parents in this process is to be made. Parental involvement is to include input for the IEP, attendance at IEP meetings, or other accommodations such as phone contacts to explain the content of the results of the IEP meeting if the parent chooses not to attend the meeting. Schedule the crossover meetings at least **30** days in advance so that all involved may plan their time and attendance.

### **Scheduling:**

- Schedule meetings on Tuesday, Wednesday or Thursday only (due to the difficulty getting subs) please phone the “call off secretary”, currently Nancy Shultz, at 724-626-4065 one week in advance of your meeting so she can schedule a sub for you.
- Within a building, only one special education teacher is to schedule IEP meetings on any one given day due to the lack of available substitutes.
- Please coordinate your own IEP meetings with meetings held at the receiving school. Make sure your principal knows the days and times of your scheduled meetings. Please group the meetings in one day increments so that the cost of coverage is minimized.
- The current roster teacher is responsible for sending the invitation to the parent.
- CC The district special education secretary at the Special Ed Office with your dates.

### **Attendance:**

- Crossover meetings require mandatory attendance by both sending and receiving special education teachers.
- Parent contact attempts need to be documented particularly if the parent is not in attendance. In addition to an IEP invitation, a minimum of three attempts by phone, letter or email is required.
- A Regular Education teacher must be in attendance if the student is involved in regular education or might be involved in a regular education class.
  
- **Principal or LEA must be in attendance.** Make sure that you schedule meetings when principals are available for at least a portion of the meeting.
- Notify the professionals providing related services (speech, OT, PT, etc.) They may submit information in writing if the parent agrees to excuse them.
- Complete these contacts about 30 days in advance of the meetings so that all concerned may complete their portions of the paperwork and adjust their schedules.

### **Paperwork:**

- The IEP should be a new IEP not a revision whenever possible. The current roster teacher completes the IEP with current information including goals to finish the school year in their program.
- Once the meeting is scheduled, the receiving teacher will have two weeks to access the special education documents program (LogicHouse) to add their goals to the IEPs. Section 6 SDI, Section 7 Placement and Section 8 LRE should be reviewed by the receiving teacher to make sure the information fits within their program. Dating differences for each school year is acceptable. Example: Write (09-09) and (09-10) when specifying particular items that apply to only one building or placement.
- Check NOREPs at the meetings. The receiving teacher will be responsible to ensure that a NOREP that correctly reflects next year's program is issued at the start of the new school year.
- Distribute copies to parents, teachers and Special Ed Office as per the distribution procedure. Remember the Access IEP and the MA form are to be placed in a separate envelope marked 'ACCESS' and sent to the Special Ed Office.

[Top of the Document](#)

## **NOREP and Amount of Special Education Support**

As a result of the change in 22 PA Code §14.105(c), the type and amount of special education support and service has been changed to itinerant (less than 20% of the school day), supplemental (more than 20% and less than 80% of the school day) and full time (more than 80% of the school day). All IEP teams must update and calculate the amount and type of special education support based on the amount of special education service being provided to the student as the IEP teams develop new IEPs for the student subsequent to July 1, 2008. This change in regulation will require the issuance of a NOREP/Prior Written Notice (PWN) at that time. Two apparent examples that represent a change in the amount of special education service and require the local education agency to issue a NOREP/PWN are:

- Initial alignment with the new regulations in Chapter 14 that describes type of service as either itinerant, supplemental, or full time.
- A significant change (+/-20%) in the amount of Special Education service is a change in the provision of FAPE, therefore, requires notice be provided to the parent.

The **IEP placement questions** have to correspond to the NOREP. These questions are only answered in the new NOREP. You must issue a new NOREP for every new IEP this year even if the old NOREP already indicates Itinerant Speech.

[Top of the Document](#)

## **Surrogate Parents-300.519**

300.519 Surrogate parents-the current list of possible surrogate parents may be obtained by contacting the Special Education office

300.520

*General*-Each public agency must ensure that the rights of a child are protected when:

- 1) No parent (as defined in 300.30) can be identified
- 2) The public agency, after reasonable efforts, cannot locate a parent
- 3) The child is a Ward of the State under the laws of that state
- 4) The child is an unaccompanied homeless youth as defined in section 725 (6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (6)).

*Duties of a Public Agency:* The duties of a public agency under paragraph (a) of this section include the assignment of an individual to act as a surrogate for the parents. This must include a method addressing the following:

- 1) For determining whether a child needs a surrogate parent
- 2) For assigning a surrogate parent to the child

*Wards of the State:* In the case of a child who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the child's case, provided that the surrogate meets the requirements in paragraphs (d) (2) (i) and (e) of this section.

*Criteria for selection of surrogate parents:*

- 1) The public agency may select a surrogate parent in any way permitted under State law.
- 2) Public agencies must ensure that a person selected as a surrogate parent is not an employee of the SEA/ LEA, or any other agency that is involved in the education or care of the child
- 3) Public agencies must ensure that a person selected as a surrogate parent has knowledge and skills that ensure adequate representation of the child

*Non-employee requirement; Compensation:*

A person otherwise qualified to be a surrogate parent under paragraph (d) of this section is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.

*Unaccompanied homeless youth:* In the case of a child who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living

programs, and street outreach programs may be appointed as temporary surrogate parents without regard to paragraph (d) (2) (i) of this section, until a surrogate parent can be appointed that meets all of the requirements of paragraph (d) of this section.

*Surrogate Parent responsibilities:* The surrogate parent may represent the child in all manners relating to:

- 1) The identification, evaluation, and educational placement of the child
- 2) The provision of FAPE to the child

*SEA/LEA responsibility:* The SEA/LEA must make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 day after a public agency determines that the child needs a surrogate parent.

Authority: 20 U.S.C. 1415 (b) (2)

A surrogate parent is a volunteer appointed by a school district, including a private charter school, intermediate unit, or early intervention agency to help children with disabilities that do not have birth parents or family members to represent them in the special education process. A surrogate parent is most often needed for children in foster care, although the child's birth parent does not lose the right to make special education decisions for the child just because the child is in placement.

The surrogate parent has all of the rights, and can make all of the special education or early intervention decisions, that are usually made by the parents. Surrogate parents can review educational records, request and consent to evaluations and reevaluations; and challenge the recommendations of the education or early intervention agency by requesting informal and formal dispute resolution procedures. A surrogate parent does not have any rights outside of the special education process.

The surrogate parent mandate applies only to children eligible for special education or early intervention services, and those who need an evaluation to determine if they have a disability.

For a child in foster care, a surrogate parent must be appointed when no birth parent can be found, or parental rights have been terminated. For a child who is not in placement, if the birth parent cannot be found, an adult or family member who is caring for the child can act as the parent in the special education system, and no surrogate parent need be appointed. If the child has been living with a foster parent for a long time, and the birth parent's right to make educational decisions had been ended by a court decision, the foster parent can also act for the child, and no surrogate parent need be appointed.

School districts and charter schools are responsible for securing surrogate parents for school-aged youngsters with disabilities. If you believe a child is in need of a surrogate parent, contact the child's school principal or director of special education and request, in writing, that one be appointed. For children under the age of 3 in an early intervention program, the county must assign the surrogate parent. For pre-school children ages 3-5, the intermediate unit or other agency that is responsible for providing early intervention services to the child must make the appointment.

A surrogate parent *cannot be appointed* simply because a parent does not agree with the education system's proposal, or because the education or early intervention agency believes that the family is not cooperating. In these situations, the district must make and document

every effort to involve the child's parents, and, when appropriate, can convene a special education impartial hearing to challenge a parent's refusal to cooperate or agree. If the birth parent's unavailability or refusal to cooperate is having serious negative effect on the child, the Dependency Court can be notified. It is up to the Judge of that court to decide further actions.

The Department of Education has recommended that the surrogate parent be at least 18 years old, be a person of good Character, be able to attend conferences to discuss the child's educational program, and be committed to acquainting him or herself with the student's educational needs and the special education system.

Anyone who believes that a child with a disability is in need of a surrogate parent can request that one be appointed for the child. If the education or early intervention agency refuses, anyone may file a complaint with the State to ensure that a surrogate is appointed. A birth parent may request that a surrogate parent be appointed for their child. Since there is no law that requires this procedure, it is then up to the agency to decide whether it will grant the request. This may be helpful when the parent lives a great distance away, is incarcerated, or otherwise unable to participate in educational decisions of the child.

The parent must request in writing and may change his/her mind at any time to revoke the surrogate's involvement. When a surrogate is appointed by the request of the parent, the birth parent should still receive copies of appropriate notices and educational paperwork. (IDEA 2004)

[Top of the Document](#)

## Transition-300.18

### I. Introduction

The transition from school to adult life has traditionally left some students who have disabilities, especially students with more severe disabilities, ill prepared for post-secondary educational success, independent living, and/or secure and long-term employment. Studies of students with disabilities graduating from high school, including the Pennsylvania Post-School Outcomes Data System Survey, indicate that the majority was under or unemployed, socially inactive, perceived fewer viable employment options, and were living at home with their parents as opposed to managing independent living arrangements. This lack of knowledge, resources, and skills demonstrated by graduates often results in continued dependence upon society as well as the loss of potential human resources and possible contributions. Improvements in transition planning and community based services communication are opening up new possibilities for vocational and community participation for all persons with disabilities.

Current philosophies and technologies are challenging our past “best practices” as we re-evaluate the potential contributions of all citizens with disabilities. As the possibilities unfold, the educational service structures must change and be modified so that students and their families are better served through greater opportunities and increased knowledge of the transition phase of the educational process.

Connellsville Area School District has accepted the challenge to implement the necessary changes for transitioning youth and young adults. The following information presents a policy and conceptual framework for addressing transition planning at the school and district level, thus ensuring that youth with disabilities have access to the services and resources needed to enter adult life and meaningful employment with success. As well, cooperating entities in our community will benefit from maximum coordination of services and more efficient utilization of available resources, service options, and improved communication in the services arranged for our students.

### II. Definitions

#### Special Education Definitions

1. Transition Services- Transition services are defined in the Individuals with Disabilities Education Act (IDEA) (Section 300.18) as:

“a coordinated set of activities for a student, designed within an outcome-oriented process that promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.” The coordinated set of activities must be

- (a) based upon the individual student’s needs, taking into account the student’s preferences and interests
- (b) include instruction, community experiences, development of employment and other post-school adult living objectives
- (c) if appropriate, the acquisition of daily living skills and functional vocational evaluation
- (d) must begin at age 14, but may begin at an earlier age if deemed appropriate

2. Transition Services- Transition services as defined by the Pennsylvania Department of Education, Bureau of Special Education, and July 1, 2008 Chapter 14 State Regulations: “a coordinated set of activities for a student with a disability that is designed to be within a results oriented process, that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student’s movement from school to post school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation that is based on the individual student’s needs taking into account the student’s strengths, preferences, and interests.” Transition is required to be addressed for students age 14 and older, or younger if determined appropriate by the Individualized Education Plan (IEP) team.
3. Post School Goal- An objectively written goal, based upon age appropriate assessment, that defines and projects the appropriate measurable postsecondary outcome that addresses education and training, employment, and as needed, independent living.
4. Post-secondary education- Include community colleges, public and private universities, technical institutes, and adult education.
5. Transition Assessment- Identification of interests, aptitudes, personal skills, and personality for the purpose of planning, goal setting, and identification of transition service needs
6. Career Exploration- The process of researching careers and sampling the aspects of various jobs to better understand the characteristics of an array of vocations.
7. Self Advocacy/Self Determination- 1990 U S Office of Special Education- “choosing and enacting choices to control one’s own life to the maximum extent possible, based on knowing oneself, and in pursuit of one’s own needs, interests, and values.”
8. Community Participation- Recreation and leisure activities that are personal to each student, recognizing that use of leisure time is a critical factor in the long-term success for persons with disabilities in adulthood. Community involvement is dependent upon interest, mobility, transportation availability, monetary resources, and willingness to access the community events.

### III. Transition Statement

Connellsville Area School District endorses and supports the following statements.

1. Connellsville Area School District students, including youth with disabilities, will have opportunities to be exposed to the components of successful involvement in adult work and community participation.
2. Connellsville Area School District employees involved in transition and engaged collaborating outside agency participants will assist youth with disabilities to maximize awareness of available opportunities to achieve independence and self sufficiency and promote self-advocacy/self-determination skills.

3. Connellsville Area School District will recognize organized constituent groups of persons with disabilities as a primary source of pertinent information for future transitional program development.
4. Connellsville Area School District will participate, as much as reasonable and appropriate, with community transition related agencies at the local, state, and federal level to secure required transition coordination of services for the benefit of all students with disabilities of secondary transition age.

#### IV. Transition Outcomes

1. Connellsville Area School District students with disabilities will receive transition information and be offered appropriate support services in order to be better prepared to enter and succeed in post-secondary education training with potential access to necessary support services at the selected institute of higher learning.
2. Employment linkages, job shadowing, and training opportunities will be geared to employer/industry needs and students who plan to enter the workforce will receive transition information and be offered appropriate support services in order to be better prepared to enter that workforce.
3. All work and learning opportunities offered will be commensurate with the student's level of ability, interest, and informed choice and should be expected to change over time. Natural changes in career interests will be accommodated and documented by way of annual transition assessment/interview.
4. Students with severe disabilities, which limit their ability to participate in the "regular school curriculum", will have access to a "functional" life skills curriculum that includes supportive or independent living services designed to prepare them to transition into adult life and to function in domestic, recreational, social, and community vocational environments.

#### V. Agency Coordination

In order to operationalize Connellsville Area School District's transition process, services must be coordinated to best serve the needs of the students and his/her family. Coordination of existing resources avoids duplication and promotes continuity of services provision.

The IEP team, including the student, parent/guardian/surrogate, regular educator, special educator, school transition personnel, community human services agency representative, and other relevant individuals will develop the IEP transition section based upon the student's career interests, ability, and goals promoting the sharing of pertinent information to the benefit of all participants. Meaningful data on student needs and service outcomes will be available to members of the team to facilitate effective planning and implementation of transition services.

Community human services agency representative(s) will be invited to attend the IEP meeting in accordance with the requirements stipulated in the Individuals with Disabilities Education Improvement Act of 2004 (P.L. 108-446) Part B, the No Child Left Behind Act of

2001 (NCLB), the Americans with Disabilities Act of 1990 (ADA), and Section 504 of the Rehabilitation Act of 1973 (and 1998 Amendments).

Transition information will include student input and voluntary input by parent/guardian/surrogate which will be gained by the special educator including any and all parties who hold legal guardianship of a student under the age of 21, if possible and appropriate.

## VI. Services

Appropriate staff members, including the members of the IEP team, shall be accountable to assure each youth with a disability receives:

1. Necessary assessments
2. Transition planning and development with appropriate implementation
3. Monitoring of transition services and goals
4. Advocacy services, if requested
5. Coordinated adult services

Types of assessments include formal and informal measures.

1. Formal- the use of standardized instruments to obtain necessary information.
2. Informal- information gathered from a wide variety of sources including situational assessment and interviews with the student, parents/guardians/surrogates, related service providers, vocational educators, and other individuals working with the student.

## Transition Reminders

### PARENT INVITATION TO IEP MEETING:

- At age 14, add the student's name with the parent's name on the Invitation as the student must be invited but may choose not to attend
- Include agency names on the invitation which may include OVR, Goodwill, MH/MR
- Have the parent sign the invitation allowing agencies to be invited

### TRANSITION ON THE IEP:

- On the cover or signature page, the student needs to sign, if he/she attends
- Present Levels of Academic Achievement and Functional Performance must contain the name of the instrument/survey, date, and a summary of the transition information explaining interests, preferences, and plans. This is also the place to record information gained from the parents' survey regarding their input.
- If the student is 17-18 years old, the OVR or other agency connections should be address including the date of the sent invitation to the representative.

+If the student is 14-16 years old, and the team decides to postpone inviting an agency representative due to the young age, the following paragraph must be included in the present levels section. The OVR information and contact sheet must still be given to the parent at each IEP meeting until that child is 17-18 years old.

Transition Agency Collaboration: (You may insert this paragraph under Present Levels)

(Name) and her family have been given written information on the services provided by OVR including a toll free number. At this time, (name) does not require, nor is she eligible for, OVR services due to her young age: therefore, the IEP team has agreed that it will be the parent's responsibility to personally contact the OVR agent for any additional questions, information, or an appointment regarding services until (name) is at least 17 years old. At that time, (name) and her family will be placed in contact with the local representative, allowing them to make use of this free service.

- o The Transition Grid has three main sections.
  - ✓ Postsecondary Education
  - ✓ Employment
  - ✓ Independent Living

The sections are to be completed stating a future goal. If the student is not sure, the goal should state that, but the rest of the grid still needs completed. The horizontal "Courses of Study" box must be completed with the students current course work. The vertical Service/Activity boxes will contain bulleted programs, events or activities that will be scheduled and helpful for that student to reach his future goal (College fair, OVR presentation, work experience, senior project, and extracurricular related activities).

The Independent Living goal should be addressed for each student, as well as either the Postsecondary Goal or Employment Goal, at minimum. It is possible to address all three areas for certain students who may be planning to work and attend college at the same time.

One measurable annual goal is needed for the IEP relating to Transition. There is a Yes/No category for Measurable Annual Goal at the end (extreme right) of each of the three main sections on the grid. Only one yes is required per IEP. Place that measurable annual transition goal in Section V of the IEP. Progress monitoring is completed on that goal during the IEP year.

- o Possibly the SDI section may contain transition information if the IEP team has determined a need for supplemental aids and services regarding transition
- o Possibly the ESY section may contain transition information if special circumstances establish that there is a need (summer job arrangement)

## TRANSITION ON THE EVALUATION REPORT/RE-EVAL:

- If the student is 14 years old, or going to turn 14 *within the life of the document*, it must contain transition information (information is to be included at age 11 or 12 if the student will turn 14 before the next evaluation report is due including at least interests and preferences)
- Summarize Information Reviewed: (number 2) is the appropriate place for the information gained from surveys and interviews with the parent in paragraph form under as it requests any information by the parent.
- Determination of Need for Additional Data: (section ii) is the correct place to insert the student information gained from survey, interviews, or assessment tools or it can be placed under Section 1 #4 Current Classroom Based Assessments.
- If transition is not in the current report due to young age and you want to do a waiver for the next cycle and if student will turn 14 in that next cycle, you CANNOT waive the report. The correct procedure for this situation is to:
  1. Issue a permission to re-evaluate
  2. Collect transition information from the parent and student
  3. Correctly place transition information in the report
  4. Invite parents and review information
  5. Conduct IEP within appropriate timeline if due

[Top of the Document](#)

## **Work Experience Program C.H.E.C.K.**

(Connellsville Helps Employ Connellsville's Kids)

The C.H.E.C.K. Program is a Work Experience Program for students at Connellsville Area High School. It is an opportunity to teach skills through a partnership between the school and employers. The program benefits students, school and employers.

### Students:

Attend school half the day and work the other half of the day.

Receive coaching and advice regarding basic work skills.

Learn money management skills.

Can be provided transportation to and from the school and job.

If successful in the program receive credit toward graduation.

### School:

Student progress is constantly monitored and documented through a weekly report that includes input from both student and employer.

### Employers:

Have a direct link to a pool of interested, motivated employees.

Evaluate students and get help to train students in necessary skills.

Begin the training of a young person who may become a future full-time employee.

For more information about the program please contact:

Teacher for the Work Experience Program  
Connellsville Area Sr. High School  
724-628-1350

[Top of the Document](#)

## Child Labor Laws

### Pennsylvania Child Labor Law

#### General Information

The Pennsylvania Child Labor Law (CLL) was enacted to “provide for the health, safety, and welfare of minors by forbidding their employment or work in certain establishments and occupations, and under certain specified ages.” The CLL requires minors to obtain work permits prior to beginning work. This law, with the exception of farm work or domestic service in a private home, covers work in any establishment other than the minor’s residence.

A copy of the Pennsylvania Child Labor is available online at:

<http://www.dli.state.pa.us/landi/CWP/view.asp?a=185&Q=58124>

A summary of the Pennsylvania law is available on the Pennsylvania Department of Labor and Industry’s Abstract of the Child Labor law. All employers must have a copy of the abstract posted if they employ minors.

The Abstract (*pdf*) is online at:

<http://www.dli.state.pa.us/landi/lib/landi/pdf/dept/posters/llc-5.pdf>

#### Frequently Asked Questions

##### **Q: Where do I get a work permit?**

A: Each school district is responsible for issuing work permits to all minors who reside in the district including those who attend non-public schools or are participating in a home education program. Contact your school district to find out which building you should go to and what hours the work permit-issuing officer is available.

##### **Q: What is the procedure for getting a work permit?**

A: An application for a work permit can be obtained at your local school district. The prospective employer must indicate on the application what type of work the student will be doing and what hours the student will be working. The student then gets a physical and the doctor signs the application. The application is then returned to the school. A parent or guardian must appear before the issuing officer. If this is not possible, then an Attestation Document must be obtained from the school district and the parent must sign the document and have it notarized. The issuing officer must also be presented with a document that verifies the age of the student. The Child Labor Law prohibits the use of educational records to be used to verify age, so you will need a birth certificate, baptismal certificate, passport, or photo driver’s license as proof of age.

##### **Q: Is there information on the Internet about the federal child labor law standards?**

A: Yes. There is an overview at:

<http://www.dol.gov/esa/regs/compliance/whd/whdfs43.htm>

The complete set of regulations (*pdf*) is at:

<http://www.dol.gov/esa/regs/compliance/whd/childlabor101.pdf>

**Q: The federal law states that 14 and 15 year old students can work 3 hours after school, but the state law says they can work 4 hours after school. How many hours can they work?**

A: Those students can only work 3 hours. When there is a conflict between the state and federal law, the stricter standard is enforced. In this case it is the federal law. As is listed on the back of the Vacation Work Certificate for 14 and 15 year olds, they can work 3 hours after school. Also under the federal law, 14 and 15 year old students cannot work past 7 PM during the school year. Even though the state law sets the deadline at 10 PM, the 7 PM limit must be observed.

**Q: Can a parent sign a waiver to allow a student to work more hours, or later hours, than is permitted by law?**

A: No. The Child Labor law does not have any waiver provisions.

**Q: What are the different kinds of work permits?**

A: Students who are 14 and 15 are issued Vacation Work Certificates. This allows them to work during the time school is not in session – after school, weekends and vacations. This certificate is good for one employer only. If the student gets a second job, then another Certificate is needed. The Vacation Certificate is good until the student turns 18, so if the student does not change employers, then no other certificate will be needed. Students who are 16 and 17 are issued Transferable Work Permits. Once this is issued, the student will not need another permit. Each employer is to make a copy of the Transferable Permit and return the original to the student.

**Q: If a student is 18 and still attending high school, does he or she need a work permit?**

A: No. Even though a minor is still in high school, once they turn 18, the Child Labor Law no longer covers them.

**Q: Can a school district refuse to issue a work permit, or revoke one, on the grounds of the student's poor attendance, grades or behavior?**

A: No. The law has no provision to revoke a permit and a permit MUST be issued if a student meets the criteria in the law to have a permit issued.

**Q: What are the restrictions on minors working where alcohol is served?**

A: Minors who are 16 years old and over may work in establishments which serve alcohol as long as they are employed to serve food, clear tables and other duties not including the dispensing or serving alcohol.

There is an exception to this rule under Pennsylvania's Act 47 of 1999 (47 P.S. §4-493(13)). The Act states that it shall be lawful for any ski resort, golf course or amusement park licensee to employ minors fourteen and fifteen years of age to perform duties only in rooms

or areas where alcoholic beverages are not dispensed, served or stored during the time the minor is working.

**Q: If an employer is violating the Child Labor Law, whom do I contact?**

A: The Pa. Department of Labor and Industry should be given information concerning violations of the law. You can call 1-800-932-0665.

**For more information contact:**  
[Steve Fisher](#), School Services Advisor  
Pennsylvania Department of Education  
333 Market Street  
Harrisburg, PA 17126-0333  
717-787-6016

[Top of the Document](#)

## **Graduation Requirements**

Information printed by the Disability Rights Network of Pennsylvania (DRN) with the website: [www.drnpa.org](http://www.drnpa.org), pursuant to the Developmentally Disabled Assistance and Bill of Rights Act, P.L. 101-496, and the P & A for Mentally Ill Individuals Act, P.L. 99-319 indicates that students with disabilities in PA are entitled to graduate with a regular high school diploma if they complete the same graduation requirements as regular education students. In addition, if a student is unable to meet the district's graduation requirements due to his or her disability and requires special education services and/or modifications to the general curriculum, the student can graduate and receive a regular diploma if the student's IEP team determines that the student has satisfied the IEP goals to the extent necessary for graduation.

Students with disabilities must participate in the PA System of School Assessment (PSSA) or PA Alternate System of Assessment (PASA). Although a student's IEP team cannot exempt a student with a disability from participating in one of these statewide assessments, the team must determine what, if any, accommodations or modifications in the administration of the test are necessary to permit the student to participate effectively.

Children with disabilities have the right to stay in a public school setting until they turn 21 years old, or until they graduate, whichever comes first. If a student accepts a high school

diploma prior to age 21, the student cannot continue to receive free special education services. If a student does not graduate but turns 21 during the school term, the student can continue to receive educational services until the end of that school term.

A student with a disability, who has completed four years of high school but is not graduating but is continuing to receive special education and related services from the school district, must be permitted to participate in the graduation ceremony with his/her classmates. The student is entitled to a certificate of completion as part of the graduation ceremony, but must receive a regular high school diploma when formal schooling ends.

Graduation from high school is a change in placement for a special education student. School districts must provide written notice to the parents of their intent to graduate the student. If a parent does not agree with a district's decision to graduate his or her child, the parent can object and invoke protections under the PA Special Education Procedural Safeguard System. The parent may request a pre-hearing conference with school officials and/or a formal hearing before an impartial hearing officer. An appeal and court action may also be an option.

School districts do not have to re-evaluate a student before recommending graduation. However, nothing prevents a parent from requesting a re-evaluation to determine whether or not a student has met his or her IEP goals and is ready to graduate.

School districts cannot discriminate against a student based on his/her disability. Therefore, a school district must make reasonable accommodations to enable students with disabilities, including student with physical or cognitive impairments, to participate fully and on equal terms in graduation ceremonies. Such accommodations must be provided according to a student's individual needs.

[Top of the Document](#)

## **Summary of Academic Achievement and Functional Performance**

This form was previously entitled Summary of Performance. The title was changed to accurately reflect IDEA language. The format follows and is to be completed by the IEP teacher before the student graduates. SAAFP should:

Provide an explanation of the contents of four components of the form

- Part 1 consists of student demographic information
- Part 2 consists of the academic and functional areas in which the student participated, accommodations provided, and recommendations
- Part 3 consists of information to assist the student in meeting his/her postsecondary goals
- Part 4 (optional) provides an opportunity for the student to give his/her perspective by answering questions based on high school experiences (e.g., supports that have helped him/her succeed in school)

[Top of the Document](#)

## Medication in School

Under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, a child cannot be discriminated against due to a disability or perceived disability. School personnel cannot require, suggest or imply that a student take medication as a condition of attending school.

The PA Dept of Ed is responding to specific concerns about teachers and other school personnel “recommending” that parents consider placing their children on medication. In some circumstances, it may be appropriate for educational personnel to suggest to parents that they may wish to consult their family physician for a medical opinion regarding the difficulties their child may be experiencing in school. If school personnel believe a student has a disability, they may request that an initial evaluation of the student be performed.

There may be discussions in the Multidisciplinary Evaluation (MDE) meeting or in the IEP meeting about behavior and medication. In these discussions, consideration is given to various strategies that may help control a student’s behavioral problem and this may include school personnel advising or recommending that medication be considered as an option. This message has to be delivered carefully. A parent could construe such a suggestion to mean that it is the opinion of the school staff that their child is in need of medication or is suffering from a specific medical disorder. Educators should refrain from engaging in specific medical recommendations for speculating as to what medical problems the student may be experiencing. A licensed medical professional must make the decision whether medication is necessary or appropriate.

The Connellsville Area School District is opposed to, and discourages, the use of medication during school hours. The administration of medication to a student during school hours will be permitted in accordance with the directions of a physician. This doctor order must be in the form of a written order from the child’s physician, and must include the following information: date, full name of school administrator involved, full name of student, name of medication, prescribed strength and dosage, time schedule for administration, length of time to be administered, diagnosis, reason for administration, possible side effects, signature of the physician, and signatures of the parents or guardians. It is the responsibility of the parents or guardians to provide the school with this written order. The building administrator and school nurse will review the physician’s written order and make the necessary arrangements for dispensing the medication. Under no circumstances will Connellsville Area School District teachers dispense medication. This includes not giving students permission to take medication on their own.

[Top of the Document](#)

## The Use of Restraints-§14.133

In August of 2006, the U.S. Department of Education (USDOE) issued the final regulations for Part B of the Individuals with Disabilities Education Act (Part B of IDEA), to implement statutory changes made by the Individuals with Disabilities Education Improvement Act of 2004. On June 28, 2008, Pennsylvania published the final Chapter 14 regulations which ensure compliance with Federal Part B regulations effective July 1, 2008.

As defined in 22 PA Code Section §14.133, 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. 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, have been utilized. Prone restraint shall not be used under any conditions as indicated under 22 Pa. Code Section §14.133[(c) (3)].

The use of restraints to control the aggressive behavior of an individual student or eligible young child shall cause the school entity to *notify the parent* of the use of the restraint and shall cause a *meeting of the IEP team within 10 school days* of the inappropriate behavior causing the use of the restraint, unless the parent, after written notification, agrees to waive the meeting. At this meeting, the IEP team shall consider whether the student or eligible young child needs a functional behavior assessment re-evaluation, a new or revised positive behavior support plan or a change of placement to address the inappropriate behavior.

Section §14.133 (c) (5) requires school entities to maintain and report data on the use of restraints as prescribed by the Secretary of Education. The report shall be reviewed during cyclical compliance monitoring conducted by the Department of Education. Data must be collected on an on-going basis and made available during any compliance monitoring visits being conducted. Provisions to supply school districts with an electronic web-based system for data reporting regarding the use of restraints have been implemented. The building principals are responsible to report the use of restraints to the district Special Education office.

### Connellsville Area School District Procedure Special Education Restraint Reporting Procedure 5/1/09

Details about the PDE guidelines may be found in “Guidelines for De-escalation and Use of Restraints in Educational Programs” dated March 24, 2009.

All restraints of a special education student are to be reported immediately to the building principal. The building principal will complete the initial information of the “Restraint Report” form and forward it the special education teacher unless the special education teacher was involved in the restraint. If the special education teacher was involved in the restraint, that teacher will complete the initial report. The special education teacher that carries the student on their roster is responsible for reporting restraints to the district office by emailing the

restraint report to the Supervisor of Special Education. The Supervisor of Special Education will enter the restraints in the RISC system.

The principal will notify the parent or designate the special education teacher to notify the parent within one school day of a restraint unless other procedures are written in the student's IEP. The special education teacher will forward the "restraint letter" to the parent and schedule an IEP meeting if requested by the parent or if the district feels a need to convene an IEP meeting within 10 school days.

The District will report any restraint that results in injury to a student and/or a staff member via an email to the Bureau of Special Education. The school principal will email the injury information to the Supervisor of Special Education within two school days of the occurrence and the Supervisor will email PDE within three school days of the occurrence when possible. The email notifications to PDE will be sent to [ezeisloft@state.pa.us](mailto:ezeisloft@state.pa.us) and a copy to [tseben@state.pa.us](mailto:tseben@state.pa.us) within three school days of the occurrence.

[Top of the Document](#)

## **FERPA-§99.37**

Statute: 20 U.S.C. §1232g. Regulations: CFR Part 99.

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

1. The right to inspect and review the student's education records (34 CFR §§99.10) within 45 days of the day the school receives a request for that access. Parents or eligible students should submit to the school Principal a written request that identifies the records they wish to inspect. The school official (Principal) will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education records (34 CFR §§99.20, 99.21, 99.22) that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Parents or eligible students who wish to ask the school to amend a record should write to the school Principal clearly identifying the part of the record they want changed specifying why it should be altered. If the school decides not to change the record as requested by the parent or eligible student, the school will notify (34 CFR § 99.7) the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent (34 CFR §§ 99.30 and 99.31).

[Top of the Document](#)

## **Gaskin Settlement Agreement- Supplemental Aids and Services**

The following is an overview of the topic related to obligations in the Gaskin Settlement Agreement. To view the entire Settlement Agreement, go to [www.pde.state.pa.us/special\\_edu/lib/special\\_edu/Settlement\\_Agreement.pdf](http://www.pde.state.pa.us/special_edu/lib/special_edu/Settlement_Agreement.pdf). Families and/or advocates of children with special needs may be referred to The Special Education ConsultLine: 1-800-879-2301 (Voice/TTY/TDD) or go to <http://parent.pattan.net>. This written information is derived from the PDE Fact Sheet from the Bureau of Special Education, December 2006referencing Gaskin v. Pennsylvania, 389F. Supp.2<sup>nd</sup> 628 (E.D. Pa. 2005).

“Supplemental aids and services means 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 non-disabled children to the maximum extent appropriate in accordance with §300.114 through §300.116.” (34CFR 300.42)

The purpose of providing supplementary aids and services is to support students with disabilities as active participants with non-disabled peers as well as to enable their access to the general curriculum. To that end, supplementary aids and services include modification to the general curriculum and [a child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modification in the general curriculum]. (34 CFR 300.116 (e))

34 CFR 300.114 (ii) states that, “Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs ONLY if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.” The full range of supplementary aids and services is to be provided.

Supplemental aids and services must be available to all students who need them, be designed to provide meaningful educational benefit, and be provided in a manner that avoids stigmatizing students (Gaskin Settlement Agreement, 2005).

There are a great number of possible supplementary aids and services to be considered and implemented by IEP teams. Court decisions have required school districts to make a concerted and good faith effort to use supplementary aids and services to address behavioral issues in the regular classroom. The provision of positive behavioral interventions, strategies, and supports is designed to foster increased participation of children with disabilities in regular education environments or other less restrictive environments, not to serve as a basis for placing children with disabilities in more restrictive settings.

It is important that IEP teams contemplate educational placement in the regular education classroom not only as it currently exists, but also as it might be modified through the provision of supplemental aids and services.

The *Oberti* court decision includes reference to four specific supplementary aids and services that LEAs must consider: modified curriculum, teacher training, effective behavior support,

and provision of an aide – if necessary (Oberti v. Board of Education of the Borough of Clementon School District 995 F.2d 1204 (3<sup>rd</sup> cir. 1993)).

One framework that may assist IEP teams in Connellsville Area School District when considering the full range of supplemental aids and services includes four specific categories based on the work of Etscheidt & Bartlett, 1999 which are:

- ✓ Collaborative
- ✓ Instructional
- ✓ Physical
- ✓ Social-Behavioral

Below are examples for each of the four categories.

Collaborative: (Adults working together to support students)

- Scheduled time for co-planning and team meetings
- Instructional arrangements that support collaboration
- Professional development related to collaboration
- Coaching and guided support for team members in the use of assistive technology for students
- Scheduled opportunities for parental collaboration
- All school personnel collaborate in development and delivery of SAS

Instructional: (development/delivery of instruction that addresses diverse need)

- Providing modified curricular goals
- Providing alternate ways for students to demonstrate learning
- Providing test modification
- Providing alternate materials and/or assistive technology (materials on tape, transcribe test into Braille, large print, alternate computer access)
- Providing instruction on functional skills in the context of the typical routines in the regular classroom
- Changing the method of presentation
- Using reader services
- Providing research-based supplementary materials
- Providing instructional adaptations (pre-teaching, repeating directions, extra examples and non-examples)

Physical: (Adaptations and modifications to the physical environment)

- Furniture arrangements in environments
- Specific seating arrangements
- Individualized desk, chair, etc.
- Adaptive equipment
- Adjustments to sensory input (light, sound)

- Environmental Aids (heating, acoustics, ventilation)
- Structural Aids (Wheelchair accessibility, trays)

Social-Behavioral: (Supports and services to increase appropriate behavior and reduce disruptive behavior)

- Social skills instruction
- Counseling supports
- Peer supports (facilitating friendships)
- Individualized behavior support plans
- Modification of rules and expectations
- Cooperative learning strategies

[Top of the Document](#)

### **Access to Instructional Materials-§14.106(a)**

The National Instructional Materials Accessibility Standard (NIMAS) and the state of Pennsylvania coordinate to provide a definition of the ‘timely manner’ for the provision of high quality accessible materials. Agencies act in a timely manner in providing instructional materials if they take all reasonable steps to ensure that children who are blind or other persons with print disabilities have access to their accessible format instructional materials at the same time that students without disabilities have access to the instructional materials.

[Top of the Document](#)

## **Parental Visitation in Classrooms-§14.108**

Parents must have reasonable access to their child's classrooms, within the parameters of local educational agency policy. If parents contact a teacher to request visitation into a classroom, arrangements are to be made via the building principal regarding:

- Reasonable parameters of request
- Date of visit
- Time of visit
- Individuals who shall be admitted

[Top of the Document](#)

## **Termination of Services by Parent**

A parent of a child with a disability, who is being served under IDEA, now has the right to unilaterally terminate all special education services. The mechanism for this is a parent's revocation of their consent for the provision of special education services 34 CFR §300.300 (b)(4) and §300.9(c)(3). The form to use is entitled NOREP Revocation of Consent for Special Education. Below are the stipulations regarding the termination of services.

- 1) The parent's revocation must be in writing.
- 2) The revocation cannot be a "pick and choose" matter; it can only be a complete rejection of special education and related services.
- 3) Upon receiving the revocation, the school district must issue a notice (NOREP) to the parent indicating the discontinuation of services.
- 4) Neither mediation nor a due process hearing is available to the school district, regardless of how the district views the termination of services.
- 5) After the parent's revocation and the district's notice of termination, the district will have no duty to provide FAPE and FAPE rules do no longer apply to the student.
- 6) The parents may change their mind, and request an evaluation process begin.
- 7) Even after the revocation, the parent does not have a right to have the district purge the records of references to the student's special education history.

[Top of the Document](#)

## Caseloads-§14.105(c)

The following terms have the corresponding meanings, unless the context clearly indicates otherwise:

- 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 day

The maximum number of students allowed by law on a teacher’s caseload §14.105(c) are described below:

	Itinerant	Supplemental	Full time
Learning Support	50	20	12
Emotional Support	50	20	12
Like Skills	20	20	K-6 grades 12 7-12 grades 15
Deaf/Hearing Impaired	50	15	8
Blind/Visually Impaired	50	15	12
Speech/Language	65	--	8
Physical support	50	15	12
Autistic Support	12	8	8
Multiple Disabilities Support	12	8	8

[Top of the Document](#)

# Additional District Procedures

## Distribution of Paperwork

A copy of all Current documentation for Special Education students must be in the (student) **Permanent folder**. The student's permanent folder is located in your building office. Student records and documents are distributed through the student's home school, not the Special Education office. There have been several occasions a request for records was sent to the home school or a parent was requesting copies of records only to find the current documentation was not in the student's permanent folder. It is essential that record keeping for our Special Education students be consistent throughout the district. Please follow the procedure below so there is no confusion as to where copies of paperwork can be located.

### The Procedure for Teacher Folders

1. All original special education paperwork is kept in the student's permanent file
2. A copy for your teacher folder
3. A copy for the Special Education office
4. A copy for Access

\*All teacher files must be cleaned out before being sent to the Special Education office when a student moves out of district. Do not forward the file to the new district.

Your TEACHER folder should contain:

- Initial Placement Papers
- The last two ER's (RR) and or Waiver
- NOREP'S
- The current Paperwork/ current Penn Data form

The last 4 years of Special Education Paperwork / which would include the transition and parent survey if you are a secondary teacher.

If you have students that will be going to the Jr. High, CACTC or Sr. High next year, please check your teacher folder before sending it to the receiving building. This is a courtesy to the building and receiving teacher. The folders are becoming extremely large and not all information is needed.

***Please destroy any un-necessary paperwork in the folders***

## Penn Data

If you had a student on your roster that moved to another school district, dropped because of age, quit school or was re-evaluated and is now in regular education

**You must complete their Penn Data.**

Follow these directions:

Select the student and Export to Penn Data THEN:

Open his/her Penn Data record: (Left side of Penn Data Record)

1. Make it the current record click "YES" (*the radio button may already be on Yes*)
2. Click on Dismissed
3. Scroll down to IEP/ER/ NOREP date fill it in
4. Enter the Withdraw Date
5. Exit Date
6. Exit Reason-When providing an exit reason for secondary students who have signed out of the educational system by the parent (dropped out) please *do not use the "withdrawn by parent MAWA" option* on the Penn Data drop down box. This selection pertains ONLY to Early Intervention students in pre-Kindergarten age ranges

On the right side of the form:

Do not take out the Primary or Secondary Exceptionality

Make sure your name is in the Teacher field

Click on SAVE

### Directions:

1. Complete and close all documents before you export
2. Go into each students record and make sure all fields transferred over, especially the *ER/RR/Waiver date*
3. You must fill in your first and last name only (no middle initial or salutation)
4. Any student that moved OUT of district should be exited out and dismissed
5. If you teach in a Jr. High school use only : Jr. High **West** or Jr. High **East**

Use only those three words (Logic House recognizes Jr. High but you must type which one: EAST or WEST

The **Permission to Evaluate** for (any service) must be completed in Logic House. The Penn Data program for the state requires all dates on paperwork.

The Logic House Program exports those dates in to the report. Please complete the Permissions in the Logic House Program.

### Directions:

1. Complete and close all documents before you export
2. Go into each student's record and make sure *all* fields transferred
3. You must fill in your first and last name
4. Any student that moved OUT of district should be exited out and dismissed

## Identifying the Environment:

- ✓ If a student is physically placed within an educational environment where students without disabilities are receiving instruction, it is a *regular education setting*.
- ✓ Instruction that occurs outside the classroom, such as within the school or community where interaction occurs with persons without disabilities and includes non-disabled peers and community members, it is a *regular education setting*.
- ✓ If a student is educated outside a regular school building for more than 50% of the day, is receiving instruction in an Approved Private School, Private, Other Public, Hospital/Homebound, Correctional or Out of State Facility, Or Instruction Conducted in the Home, it is considered an *other setting*.

There are 2 parts to Section VIII of the IEP. Each IEP team must select only ONE Educational Environment for the student, and complete either Section A or Section B. As a reference, approximately 96% of students with disabilities in PA are educated in regular school buildings with non-disabled peers, thus reported in Section A.

## Penn Data Reporting:

To calculate the percentage of time inside the regular classroom, divide the number of hours the student spends inside the regular classroom each day by the total number of hours in the school day (including lunch, recess, and study periods). The result is then multiplied by 100.

## Teacher Folder for Out of District Placement

Please Note: If a student goes to Colonial or New Directions during the school year, please do not send the Teacher Folder to Colonial or New Directions. Send the folder to the Special Education office.

## Request for Psychological Services

When sending in the Referral for Support Services to have a student tested remember to get **all** the signatures.

Request for Psychological Services without the building principal's signature are not acceptable and must be returned for that signature. There are two pages on the request form to be completed.

## Reevaluation Format

There is a new safety feature built into the RR this year. When you are doing the RR on a student you must click on the radio button before you can proceed to the disability category. Look below you must select either 1 or 2

### II. DETERMINATION OF NEED FOR ADDITIONAL DATA, SUMMARY, AND CONCLUSIONS

Based on all evaluation data reviewed, complete item 1 OR 2.

1. The IEP team determined that additional data are not needed.
2. The IEP team determined that there is a need for additional data.  
(One of these two options must be checked before the disability chosen will save)  
The student has a disability AND continues to need specially designed instruction.
  1. Disability Category  
Primary Disability Category:

If you do not follow these steps, your information will not SAVE on the RR.

Re-evaluation and Penn Data:

If you had a student that was RE-EVALUATED and is now a REGULAR EDUCATION student you must update their Penn Data after the ER and NOREP are completed EXPORT to PENN DATA.

Open his/her Penn Data record: (stay to the left side of the record: all work is completed there)

- Open the current record the radio button is clicked on “YES”
- Click the radio button beside Enrollment Status to “DISMISSED”
- (stay to the left side of the record all work is completed there)

Enter the information below

- withdrawal date
- the RR Date in the ER slot
- the Exit date
- the Exit Reason (no longer needs special education)

THEN BE SURE TO SAVE-----DO NOT take out the disability of the student.

## **Determination of LD Paperwork**

Please individualize these statements for your specific students.

The specific learning disability section (1-10 at the end of the RR) must be completed for all initial evaluations and all reevaluations if the student is LD. This section is then summarized and added to section 2 ii Summary of Findings. This section must be completed for all reevaluations of LD students.

### **LogicHouse**

This concerns and is intended for users that copy text from MS-Word Documents and paste into text areas in Logic House, School Control Web Based System.

A teacher who utilizes the copy/paste functions available in most word processing programs may have experienced the appearance of unusual characters after pasting and saving in a web based system. This is due to proprietary formatting in documents created from word processing programs such as MS-Word which do not always conform to, or utilize the American Standard Code for Information Interchange (ASCII).

We are aware of and are working to correct certain issues that are associated with copying and pasting text from a Microsoft Word Document. The situation arises when a user copies text which contains special formatting or extended set characters from a Word document and pastes them into text fields of a web based program. These characters include 'smart quotes' and 'apostrophes'. When the user does a Save Local Data to the form, these will be replaced with a series of strange, graphic characters and/or question marks (?).

A workaround for this limitation is to make a text-only copy of the Word document. Open the Word document, select 'File' -> 'Save As...' and pick a file name for the copy. In the 'Save as type:' field, select 'Plain Text (\*.txt)'. Finally, click the 'Save' button. You will be able to copy and paste from the new document into a web based program without any issues.

Another workaround is to manually replace all special characters immediately after pasting with their ordinary versions.

## Red Line

Just making sure when you open your roster all of your students should have a red bar underneath their name that is red with their exceptionality listed in it. If there is no red line you must open the students Penn Data record and enter the primary exceptionality and then save.

It should look like this



First Name Last Name

*Connellsville Area Jr. High East*

**Specific Learning Disability**

## Gifted

Just a reminder: all gifted paperwork is to be sent to our office on **YELLOW** paper only. Notify the Special Education office if a special education student withdraws, transfers, or drops.

When a special education student registers in your building, please send a copy of their special education paperwork which you receive from the sending school to the Special Education office. We will then assign them to a teacher's roster.

## Access

Please do not put student names on envelopes when sending in your ACCESS. Just put your Access paperwork in an envelope and label it "ACCESS"

Inter school envelopes are used continuously throughout the district, using student names can become a confidentiality issue.

## **Name on Invitation:**

*Please remember* when sending out an Invite to add *your name* to this part of the invite so the parent may contact *you* if they need to change a time or cancel their appointment.

## **LEA box on forms**

Please be sure to put the date of receipt in the box before sending a copy to the Special Education office. The box is new this year and is located on several forms. The box is located in the upper right hand corner of the forms. This is something the district will get cited for when audited.

<p><i>For LEA Use Only:</i></p> <p>Date of Receipt of Request Form</p>
--

**(This is the box to look for)  
Place the date here**

## **Medical Consent Forms**

Regarding revisions on the IEP and MA medical consent forms:

If the revision does not change the health related service, then a new parent consent letter is not necessary. If the revision will be adding or changing the service, then please have the parent sign a new letter.

## **Paperwork Procedure**

All paperwork is to be sent to the Special Education Office as soon as it is completed. The procedure is as follows:

- ✓ All original special education paperwork is kept in the student's permanent file in the home school office
- ✓ A copy of that paperwork goes in the teacher folder
- ✓ A copy goes to the Special Education office
- ✓ A copy goes to Access
- ✓ A copy goes to the parent

All teacher files must be cleaned out before being sent to the Special Education office when a student moves out of the district. The folders should contain:

- ✓ Initial Placement papers
- ✓ The last two ER's or RR's and/or Waiver
- ✓ NOREP's
- ✓ The current paperwork/current Penn Data form
- ✓ The last 4 years of Special Education paperwork/ including transition student and parent survey, if secondary

Please destroy any un-necessary paperwork in the folders. If any paperwork is missing, it should be accessed via the permanent folder.

## **Open Records Request Procedure**

In 2008 new legislation was passed that required all public employers to revise their Open Record's Policies and to name an Open Record's Officer. In December 2008 the Connellsville Area School District Board of School Directors approved a new Open Record's Policy. This policy went into effect on January 1, 2009. Karen Marko has been named the Open Record's Officer, and as such will be responsible for receiving and responding to all requests for public records. Once a request is received by the District, Mrs. Marko only has five (5) business days to respond to that request, in order to comply with our policy and the new law. The new Open Record's Policy, Fee Schedule, Request Form, and her contact information are all located on our School District website. Upon receiving a request, or an inquiry for public records, please send the request, or refer the individual to Mrs. Marko's office immediately.

[Top of the Document](#)