

Understanding the Language of Special Education:

Special Education Terms: A Guide for Parents and Educators

A Glossary for Parents and Educators



Introduction

Greetings! Welcome to the world of special education. As with many specialized fields, there are terms used in special education that are unique. This guide is not a legal document and was developed to give parents and educators in Pennsylvania an understanding of the language of special education so they can more easily participate in educational decision-making.

Table of Contents

Agencies, Organizations, and Programs	1	Disabilities and Behaviors	6	Educational
Terms	10	Assessments, Services, and Therapies	16	Government
Regulations and Legalities . . .	20	Index	21	



Agencies, Organizations, and Programs

Advocacy and Resources for Citizens of Pennsylvania (Arc) is the state chapter of the largest advocacy organization in the United States for citizens with cognitive, intellectual, and developmental disabilities and their families. The Arc of Pennsylvania works to promote active citizenship and inclusion of all children and adults with cognitive, intellectual, and developmental disabilities in every community.

The **American Speech-Language-Hearing Association (ASHA)** is a national professional association for speech and language therapists and audiologists.

The **Bureau of Special Education (BSE)** within the Pennsylvania Department of Education is responsible for the education of students with disabilities from ages three through 21.

Child Find is a federal requirement that states must actively locate children, from birth to age 21, who have disabilities or who are at risk for developing disabilities.

ConsultLine (1-800-879-2301) is the toll-free helpline provided by the Pennsylvania Department of Education's Bureau of Special Education to assist parents of children with disabilities who have questions concerning their children's special education programs.

The **Council for Exceptional Children (CEC)** is the largest international professional organization dedicated to improving educational outcomes for individuals with exceptionalities, students with disabilities, and/or individuals who are gifted.

Disability Rights Network of Pennsylvania (DRN) is a statewide, nonprofit corporation designated as the federally-mandated organization to advance and protect the civil rights of adults and children with disabilities. DRN works with people with disabilities and their families, their organizations, and their advocates to ensure their right to live in their communities with the services they need, to receive a full and inclusive education, to live free of discrimination, abuse, and neglect, and to have control and self-determination over their services.

Agencies, Organizations, and Programs *(continued)*

The **Early Intervention Technical Assistance (EITA)** system, which is part of the Pennsylvania Training and Technical Assistance Network, supports Early Intervention programs through staff professional development and family informational services.

Head Start is a federal program aimed at providing comprehensive preschool education programs for children ages three to five from low-income families. Planned activities are designed to address individual needs and to help children attain their potential in mental and physical development before starting school. Ten percent of enrollment is reserved for children with disabilities.

Hispanics United for Exceptional Children (HUNE) is one of two Community Parent Resource Centers in Pennsylvania. HUNE empowers parents of children with exceptionalities to obtain a free and appropriate quality education for their children and other children with disabilities. HUNE provides training programs on all aspects of special education and support, including transition services. HUNE serves but is not limited to Hispanic parents in Philadelphia.

An **Intermediate Unit (IU)** is a regional educational agency that provides services to local educational agencies, including curriculum, special education, technology and information services, human resources, instruction, and professional development.

A **Local Educational Agency (LEA)** is a school district, charter school, or other educational entity responsible for providing free, appropriate, public education in accordance with Pennsylvania Department of Education statutes, regulations, and policies with or without support from other agencies.

The **Medical Assistance Program (MA)** assures access to quality healthcare for Pennsylvanians eligible for services. Sometimes referred to as Medicaid, it provides payment for health care services on behalf of children with limited income and children with disabilities.

The **Mentor Parent Program** is one of two Community Parent Resource Centers in Pennsylvania. The program was created by parents of children with special needs to support parents of children with disabilities in the rural Appalachian region of Pennsylvania.

The **National Association of State Directors of Special Education (NASDSE)** offers support in the delivery of quality education to children and youth with disabilities throughout the country. Its activities include targeted training to address current issues, technical assistance, policy analysis, research, publications, specialized websites, national initiatives, and collaborative partnerships to enhance problem-solving at the local, state, and national levels.

The **Office for Dispute Resolution (ODR)** coordinates and manages Pennsylvania's special education mediation and due process systems. ODR provides help concerning procedural safeguards to parents, advocates, school districts, charter schools, intermediate units, and approved private schools.

The **Office of Child Development and Early Learning (OCDEL)**, through the Pennsylvania Departments of Education and Public Welfare, promotes opportunities for all Pennsylvania children and families by building systems and providing support that helps ensure access to high-quality child and family services. Early Intervention supports and services (infants, toddlers, and preschool-age children) are administered by OCDEL.

The **Office of Special Education Programs (OSEP)** within the U.S. Department of Education is dedicated to improving results for infants, toddlers, children, and youths with disabilities from birth through age 21 by providing oversight, leadership, and financial support to assist states and local districts. OSEP administers the Individuals with Disabilities Education Act (IDEA).

Agencies, Organizations, and Programs *(continued)*

The **Parent Education and Advocacy Leadership (PEAL) Center** are one of two Parent Training and

Information Centers (PTIs) in Pennsylvania funded by the U.S. Department of Education. The PEAL Center is an organization of parents of children with disabilities reaching out to assist other parents and professionals. It provides workshops, training, and information about early intervention, special education, and inclusive education. Parent advisors are available to provide families with information about the special education process and problem-solving strategies.

The **Parent Education Network (PEN)** is one of two Parent Training and Information Centers (PTIs) in Pennsylvania funded by the U.S. Department of Education. PEN is a coalition of parents of students representing a range of disabilities and ages. Its parent training projects promote mutual respect between parents and professionals for the knowledge, skills, and abilities each contributes to delivering education and other services to students and adults with disabilities.

The **Pennsylvania Department of Education (PDE)** is the state agency that holds the ultimate responsibility for the state supervision of all schools and educational programs in the commonwealth. PDE's mission is to lead and service the educational community to enable each individual to grow into an inspired, productive, fulfilled, lifelong learner.



The **Pennsylvania Department of Health (DOH)** is the state agency whose mission is to promote health and sound health policy, prevent disease and disability, improve health services systems, and ensure that essential public health functions and safety net services are available.

The **Pennsylvania Department of Public Welfare (DPW)** is the state agency in charge of promoting, improving, and sustaining the quality of family life. This includes child development; children, youth, and families; developmental programs; income maintenance; medical assistance; mental health and substance abuse services.

The **Pennsylvania State Board of Education** is the administrative regulatory body for elementary, secondary, and higher education in the commonwealth. It consists of 21 members.

The **Pennsylvania Training and Technical Assistance Network (PaTTAN)** is an initiative of the Pennsylvania Department of Education's Bureau of Special Education, working in partnership with families and local educational agencies to support programs and services to improve student learning and achievement.

The **Special Education Advisory Panel (SEAP)** is a state advisory panel required by federal law to provide policy guidance with respect to special education and related

services for children with disabilities. Pennsylvania's panel is established by the governor and consists of 21 members.

The **State Interagency Coordinating Council (SICC)** is an advisory group, made up of parents and professionals, whose purpose is to advise the Governor and the Departments about Early Intervention issues in Pennsylvania.

Disabilities and Behaviors

Aphasia is a communication disorder characterized by difficulty understanding and/or producing language.

Attention Deficit Disorder/Attention Deficit Hyperactivity Disorder (ADD/ADHD) is a neurological disorder in which individuals display developmentally-inappropriate behavior including poor attention skills and impulsivity. These characteristics arise in early childhood, typically before age seven, and have durations of at least six months. Children with ADD/ADHD may experience difficulty in the areas of social skills and self esteem. They may be eligible for special education services under the other health impairment (OHI) disability category.

Autism is a developmental disability generally evident before age three that significantly affects verbal and nonverbal communication, social interaction, and educational performance. Other characteristics often associated with autism include engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

Cerebral Palsy (CP) is a disorder of movement and posture control resulting from injury or lack of development in the brain during fetal life, the newborn period, or early childhood. Both genetic and acquired factors may be involved. The extent and location of the brain damage determine the type of cerebral palsy and the associated symptoms.

Cognitive Delay is a disability in which a child's intellectual and adaptive behaviors are below average, which impacts upon the child's education.

Deafblindness (DB) combines hearing and visual impairments, which cause such severe communication and other developmental and educational needs that the child cannot be accommodated in special education programs solely for children with deafness or children with blindness.

Deafness and Hearing Loss are terms used to describe the inability to process some or all information through the auditory channel. In audiological terms, a child who is deaf has a hearing loss of 90 decibels or greater. Culturally, the individual may have any degree of hearing loss and still consider himself/herself to be deaf.

Developmental Apraxia of Speech (DAS) is a muscular disorder present at birth in which a child has trouble producing what he/she wants to say correctly and consistently. It appears to affect more boys than girls. This speech disorder goes by several other names, including developmental verbal apraxia, developmental verbal dyspraxia, articulatory apraxia, and childhood apraxia of speech. DAS is different from what is known as a developmental speech delay in which a child follows the typical path of speech development but does so more slowly than do typically-developing peers.

A **Developmental Disability (DD)** is any physical or mental condition that begins before the age of 18 years, causes the child to acquire skills at a slower rate than his/her peers, continues indefinitely, and impairs the child's ability to function in society.

The **Diagnostic and Statistical Manual of Mental Disorders IV (DSM-IV)** is the American Psychiatric Association's classification and description of mental disorders.

A **Disability** is a substantially limiting physical or mental impairment that affects such basic life activities as

hearing, seeing, speaking, walking, learning, working, or caring for oneself.

Dysfluency is a rhythm disorder characterized by the repetition of a sound, word, or phrase. Stuttering is perhaps the most serious dysfluency.

Dyslexia is a neurologically-based, often familial, disorder that interferes with the acquisition and processing of language. Varying in degrees of severity, it is manifested by difficulties in receptive and expressive language, including phonological processing in reading, writing, spelling, handwriting, and sometimes in arithmetic. Dyslexia is not the result of lack of motivation, sensory impairment, inadequate instructional or environmental opportunities, or other limiting conditions, but may occur together with these conditions.

Dyspraxia is an impairment of the ability to perform coordinated physical movements.

Disabilities and Behaviors *(continued)*

Emotional Disturbance (ED) is a condition in which a child exhibits one or more of the following characteristics over a long period of time and to a marked degree, adversely affecting 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 behaviors or feelings under normal circumstances; d) a tendency to develop a generally pervasive mood of unhappiness or depression; or e) a tendency to develop physical symptoms or fears associated with personal or school problems.

Functional Behaviors are basic behaviors (e.g., mealtime skills) a child has mastered or needs to master to get along as independently as possible in society.

A **Learning Disability (LD)** is a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or perform mathematical calculations.

Mental Retardation (MR) refers to a pattern of persistently slow learning of basic motor and language skills during childhood, along with deficits in adaptive behavior and a significantly below-normal global intellectual capacity during adulthood. Individuals with MR may be described as having developmental delays, global developmental delays, or learning difficulties.

Multiple Disabilities are simultaneous impairments (e.g., mental retardation and blindness, mental retardation and orthopedic impairment), the combination of which causes such severe educational needs that the child cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities do not include deafblindness.

Oppositional Defiant Disorder (ODD) is a recurrent pattern of negative, defiant, disobedient, and hostile behavior toward authority figures, which persists for at least six months.

An **Orthopedic Impairment (OI)** is any musculoskeletal condition that adversely affects a child's educational performance.

An **Other Health Impairment (OHI)** is an educational classification that describes children who have acute or chronic health problems that cause limited strength, vitality, or alertness, and that adversely affect a child's educational performance.

Pervasive Developmental Disorders (PDD) is an overall category of developmental disorders that includes autism, Rett syndrome, Asperger's syndrome, pervasive developmental disorders not otherwise specified, and childhood disintegrative disorder.

Self-Stimulation, also known as stereotypical behavior, is repetitive body movement or object movement, such as hand flapping, watching the fingers wiggle, or rocking side to side, that may interfere with the child's ability to "sit still" and pay attention or participate in meaningful activities. This behavior is common in many individuals with developmental disabilities; however, it appears to be most common in autism.

A **Specific Learning Disability (SLD)** is a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to perform mathematical calculations.

Speech / Language Impairment refers to problems in communication that affect a child's ability to talk, understand, read, and write. Disorders may range from a few speech sound errors to a total loss of ability to understand and use language.

Tactile Defensiveness is an abnormal sensitivity to touch indicated by avoidance or rejection of touching and handling. The child who has tactile defensiveness may resist something of an unusual texture, temperature, pressure, or wetness.

Traumatic Brain Injury (TBI) is damage to the brain that results in physical, behavioral, or mental changes depending on which area of the brain is injured. TBI could impact upon a child's education in that special education services may be needed.

A **Visual Impairment (VI)** is impairment in vision that, even with correction, adversely affects a child's educational performance.

Educational Terms

An **Accommodation** is a change that gives a child with a disability an alternate method of demonstrating knowledge. It can relate to classroom instruction or to district/state administered assessments that measure achievement. An accommodation does not change the content of an assignment or alter what a test or quiz measures. It should be agreed upon by the educational team and listed in the child's Individualized Education Program (IEP).

Adapted Physical Education (APE) is a component of the educational curriculum in which physical, recreational, and other therapists work with children who exhibit delays in motor development and perceptual motor skills. APE is a related service some children need in addition to, or in place of, physical education.

Adequate Yearly Progress (AYP) is the degree of progress expected of children in academic areas annually established by the Pennsylvania Department of Education.

The **Annual Performance Report (APR)** is the report submitted by the Pennsylvania Departments of Education and Public Welfare to the U.S. Department of Education that provides compliance data and the results of special education for children with disabilities. Results may be found on PaTTAN's website, www.pattan.net.

An **Approved Private School (APS)** is a private school, licensed by the State Board of Private Academic Schools or Pennsylvania Charter Schools. APSs are eligible to receive funds from school districts and/or the commonwealth for the education of students with severe disabilities.

A **Basic Education Circular (BEC)** is an official document used by the Pennsylvania Department of Education to communicate with school districts regarding policy. Unless adopted and published in the Pennsylvania Bulletin, BECs are only informational and advisory and are not binding on local school districts. BECs can be accessed online at www.education.state.pa.us.

Career and Technical Education Centers (CTC) are public schools that provide career and technical education to secondary school students, youth out of school, and adults in a geographical area composed of and operated by one or more school districts. CTCs offer courses that are directly related to the preparation of individuals for paid employment in such areas as carpentry, auto mechanics, child care, and cosmetology. Currently there are over 80 CTCs in Pennsylvania.

A **Charter School** is an independent public school established and operated under a charter from the local board of school directors. A charter school must be organized as a public, nonprofit corporation and may not be granted to any for-profit entity.

A **Cyber Charter School** is an independent public school established and operated under a charter from the Department of Education. Cyber charter schools deliver a significant portion of instruction to their students

through the Internet or other electronic means. A cyber charter school must be organized as a public, nonprofit corporation and may not be granted to any for-profit entity.

Due Process is a process for resolving a dispute between a family and an early intervention program or a local educational agency related to the identification, evaluation, placement, or program of a child with disabilities.

A **Due Process Hearing** is a legal proceeding similar to a court proceeding wherein a hearing officer is presented with evidence by disagreeing parties and writes a decision.

A **Due Process Hearing Officer** is a trained and neutral individual who conducts a due process hearing.

Early Intervention (EI) refers to specialized services and supports designed to help families with children born to age five who have developmental delays.

Extended School Year (ESY) refers to the delivery of special education and related services during summer vacation or other extended periods when school is not in session. Not all students who receive special education require extended school year services. The Individualized Education Program (IEP) team must consider the need for ESY at each meeting and must describe those services specifically with goals and objectives. ESY services must be individually crafted.

Free Appropriate Public Education (FAPE) is a federal mandate that all children with disabilities must receive appropriate educational programs, tailored to their unique needs, from which they receive educational benefits at no cost to families.

Gifted and Talented students have intellectual abilities significantly above average.

Educational Terms *(continued)*

An **Individualized Education Program (IEP)** is a written statement of a child's current level of educational performance and of the child's individualized plan of instruction, including the goals, specific services to be received, the staff members who will carry out the services, the standards and timelines for evaluating progress, and the amount and degree to which the child will participate with typically-developing peers (see Least Restrictive Environment). The IEP is developed by the child's parents and the professionals who evaluated the child and/or who are providing the services. It is required by the Individuals with Disabilities Education Act (IDEA) for all children who are in need of special education services.

An **Individualized Family Service Plan (IFSP)** is a written document that defines the Early Intervention services provided to a child and the child's family based upon family-identified priorities.

An **Intelligence Quotient (IQ)** is a score derived from a standardized intelligence test that estimates a child's capacity to learn.

An **Interagency Agreement** is a document signed by the authorized representatives of at least two agencies, outlining mutually agreed-upon responsibilities to perform certain duties under specified conditions.

Least Restrictive Environment (LRE) is an IDEA requirement indicating that children with disabilities, including children in public or private institutions or other care facilities, must be educated with children who are not disabled, to the maximum extent possible. Removal of children with disabilities from the general education environment occurs only when the nature and/or severity of their disabilities are such that education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Limited English Proficiency (LEP) refers to children whose primary language is not English.

Mediation is a process in which parents and school personnel try to settle disagreements with the assistance of a specially-trained impartial mediator provided by the Pennsylvania Department of Education.

National Instructional Materials Accessibility Standards (NIMAS) is the standard file format established

by IDEA 2004 for producing and distributing digital versions of textbooks and other instructional materials so they can be easily converted to accessible formats, including Braille, large print, audio, and e-text versions.

A **Natural Environment** is a place, including the home and community settings, where a child would be if he/she did not have a disability.

A **Neighborhood School** is the school closest to a child's home or one designated by a school district where a child would receive his/her education.

A **Notice of Recommended Educational Placement (NOREP)** The purpose of the Notice of Recommended Assignment/Prior Written Notice is to summarize for the parents the recommendations of the local education agency (LEA) for the child's educational program and other actions taken by the LEA.

The **Pennsylvania Alternate System of Assessment (PASA)** is designed for students with severe disabilities who are unable to participate meaningfully in the Pennsylvania System of School Assessment (PSSA) or PSSA-Modified, even with accommodations. The PASA consists of a series of on-demand performance items that require the use of reading and math skills.

The **Pennsylvania System of School Assessment (PSSA)** is a standards-based criterion-referenced assessment used to measure student attainment of Pennsylvania's academic standards while also determining the degree to which school programs enable students to attain proficiency of the standards.

The **Pennsylvania System of School Assessment–Modified (PSSA-M)** is a grade level state test that has been developed as an alternate assessment option. Students with Individualized Education Programs whose disabilities preclude grade level proficiency despite intensive intervention/instruction, and who meet specific other criteria, may be recommended for participation in the PSSA-M.

The **Pennsylvania Value-Added Assessment System (PVAAS)** is a statistical analysis used to measure the influence of a district and school on the academic progress rates of individual children and groups of children from year-to-year.

A **Preschool Early Intervention** program is one designed to meet the unique developmental needs of an individual child with a disability who is three, four, or five years of age. It is a child-focused educational effort sometimes referred to as Section 619 of the law.

Educational Terms *(continued)*

Present Levels of Academic Achievement and Functional Performance are statements written into an IEP that describe a child's current functioning including strengths, weaknesses, and learning styles.

The **Procedural Safeguards Notice** is a summary of parents' rights and procedures that safeguard their rights under state and federal special education law.

Recoupment refers to a child's ability to recover, in a reasonable time, critical skills that are lost following an extended break in the school year (e.g., summer vacation). Recoupment is a critical factor in determining the need for extended school year services.

Regression refers to the loss of critical skills within an extended break in the school year (e.g., summer vacation). Regression is a critical factor in determining the need for extended school year services.

Response to Instruction and Intervention (RtII) is a comprehensive, multi-tiered, and standards-aligned approach that enables early identification and intervention for children at academic or behavior risk.

A **School-Based Behavioral Health (SBBH)** partnership is one established between a school entity and a behavioral health provider to deliver behavioral health services within the school environment to children needing assistance.

School Wide Positive Behavior Supports (SWPBS) are services that function as components of a proactive approach to discipline that promotes appropriate student behavior and increased learning.

Short-Term Objectives break down annual IEP goals into small, measurable steps. These may not be included in all IEPs but must be included in IEPs of students who take the PASA.

Special Education is specialized instruction tailored to fit the unique learning strengths and needs of students with disabilities. A major goal of special education is to teach the skills and knowledge a child needs to be as independent as possible. Special education programs focus on academics, therapy, and other related services to help the child overcome difficulties in all areas of development. These services may be provided in a variety of educational settings but are required by IDEA to be delivered in the least restrictive environment.

Standards refer to the state academic standards, which are benchmark measures that define what students should know and be able to do at specified grade levels beginning in grade three. The standards are state regulations and must be used as the basis for curriculum and instruction in Pennsylvania's public schools.

Supplementary Aids and Services are aids, services, and other supports provided in general education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.

Universal Design for Learning (UDL) is an approach to creating instructional materials and activities that are accessible to all, rather than simply adapting existing curricula and materials to provide access for persons with disabilities. UDL allows for multiple means of representation, expression, and engagement.



Assessments, Services, and Therapies

An **Advocate** is an individual who represents or speaks on behalf of another person's interests, as in a parent for his/her child.

American Sign Language (ASL) is a form of communication that uses the face, hands, and body to convey meaning in a grammatical structure very different from English. ASL is the native language of the deaf community of the United States.

Applied Behavior Analysis (ABA) is the scientific use of the principles of behavior (i.e., what we know about behavior) to increase desired behaviors or decrease problem behaviors in children.

Assessment is the gathering of information by qualified personnel about a child's development and the needs and priorities of his/her family. This information is used in planning the child's Individualized Education Program (IEP).

An **Assistive Listening Device (ALD)** is a device that amplifies sound for a child who is deaf or hard of hearing.

Assistive Technology (AT) refers to any item, piece of equipment, product, or system (whether acquired commercially, modified, or customized) that is used to increase, maintain, or improve functional capabilities of children with disabilities. All public schools, including charter schools, are required to consider the assistive technology needs of children with disabilities.

A **Behavior Intervention Plan (BIP)** is a plan that is put in place to teach a child proper behavior and social skills. It should be positive in nature, not punitive.

A **Behavior Specialist Consultant (BSC)** is an individual who assists in the development of a treatment plan and works collaboratively with a team to closely monitor a child's progress and make any necessary adjustments or changes to the treatment plan.

A **Certified Occupational Therapist Assistant (COTA)** is an individual who has received specialized training in the area of occupational therapy and can implement treatment plans created by an occupational therapist under the supervision of the occupational therapist.

An **Educational Interpreter** is an individual who provides interpreting or transliterating services, in an educational setting, to students who are deaf and hard of hearing.

An **Evaluation** is a series of tests and observations performed by a multidisciplinary team to find out if a child has a disability and requires special education services. A parent may share with the team any assessment information provided by a qualified individual who is not employed by the local educational agency (LEA). The LEA is required to discuss the results of the evaluation with the child's parents.

A **Functional Behavioral Assessment (FBA)** is an assessment used to identify the reason for, or purpose of, a child's problem behavior(s); to develop and implement a plan to change the things that maintain the behavior; and to teach the child appropriate replacement behaviors.

A **Mobile Therapist (MT)** is a member of a behavior support team who provides intensive therapeutic services to a child and family in settings other than a provider agency or office (e.g., in the child's home). Services can include assessment of strengths and therapeutic needs of child and family; inclusion of child, parents, or other caretakers as members of the treatment team and as partners in treatment; formulation, development, implementation, and monitoring of treatment efforts; and determination, with a family and a case manager, of necessary family support services.

Occupational Therapy (OT) is a related service that provides therapy based on engagement in meaningful activities of daily life (e.g., self-care skills, education, work, social interaction) especially to enable or encourage participation in such activities despite impairments or limitations in physical or mental functioning.

Orientation and Mobility (O & M) is a related service provided to children who are blind or visually impaired by qualified personnel to enable them to move safely in school and other environments.

A **Paraprofessional** is a special education professional who works side-by-side with a special education teacher to provide appropriate and meaningful educational programs to students with special needs. A paraprofessional might be called a paraeducator, an educational aide, an instructional aide, an instructional assistant, or a teacher's aide depending on the school district, charter school, or intermediate unit where he/she works.

Assessments, Services, and Therapies *(continued)*

A **Physical Therapist (PT)** is a professional who improves a child's physical abilities through activities that strengthen muscular control and motor coordination.

Positive Behavior Support (PBS) refers to a comprehensive set of strategies meant to redesign environments in such a way that problem behaviors are prevented or inconsequential, and to teach students new skills, making problem behaviors unnecessary.

A **Reevaluation** is a series of tests and observations performed by a multidisciplinary team to find out if a child with a disability continues to require special education and related services. Reevaluations for children not diagnosed with mental retardation (MR) are performed every three years and may be waived by parents. Reevaluations for children with MR diagnoses are performed every two years and cannot be waived.

Related Services are support services needed by a child in order to benefit from special education services. These may include transportation; speech/language, physical, occupational therapies; social work; or other services deemed necessary by the IEP team.

Screening is the process of looking at a child's development to determine if there are any areas of concern. It is used to recommend more in-depth evaluation of the child.



Sensory Integration (SI) is a technique of occupational therapy that provides playful, meaningful activities to enhance a child's sensory intake and lead to more adaptive functioning in daily life.

A **Speech Language Pathologist (SLP)** provides treatment to help a child develop or improve the production of speech and language skills.

A **Telecommunication Device for the Deaf (TDD/TTY)** is a small keyboard that attaches to a telephone to enable an individual who is deaf or hard of hearing to communicate with another person by typing messages that get transmitted across telephone networks in real time.

Therapeutic Staff Support (TSS) providers establish one-on-one relationships with youth within their own communities; and help youth to explore and enjoy recreational activities, identify career options, and evaluate educational alternatives.

Therapy in early intervention and special education programs refers to treatment provided by specialized service providers, most commonly in the form of occupational therapy, physical therapy, and speech language therapy.

Transition refers to the movement from one service, location, or program to another. Young children with disabilities transition at age three from early intervention to preschool in special education or other community settings. At age five they transition to school-aged services. In adolescence they transition from school to adult services.

Vocational Rehabilitation (VR) is a service that assists individuals with disabilities in training for employment, maintaining employment, and living independently. In Pennsylvania students are eligible to register with the Office of Vocational Rehabilitation at age sixteen.

Wraparound Services are community mental health services that are prescribed by physicians to be provided in home and school settings. Services are based on medical necessity criteria (MNC) and funded through Medical Assistance. Three components can be provided in almost any combination – behavior specialist consultation (BSC), mobile therapy (MT), and therapeutic staff support (TSS).

Government Regulations and Legalities

The **Americans with Disabilities Act (ADA)** of 1992 (Public Law 101-336) defines the term *disability* and prohibits discrimination by employers, by facilities open to the general public, and by state and local public agencies that provide such services as transportation.

Chapter 14 is the section of Pennsylvania State Education Law that provides special education regulations in compliance with Federal education law, namely IDEA 2004.

Chapter 711 is the section of Pennsylvania State Education Law that provides special education regulations in compliance with Federal education law, and specifically pertains to students with disabilities who are enrolled in charter, cyber charter, or regional charter schools.

The **Family Education Rights and Privacy Act (FERPA)** protects the privacy and transfer of student education records.

The **Health Insurance Portability Accountability Act (HIPAA)** outlines the confidentiality and protection of medical records.

The **Individuals with Disabilities Education Act (IDEA)** provides the legal authority for early intervention and special education services for children from birth to age 21. Part B outlines services for children ages three to 21. Part C outlines services for children from birth to age three.

No Child Left Behind (NCLB) is the primary federal education legislation addressing kindergarten through high school for children at risk.

Section 504 of the Rehabilitation Act protects the civil rights of individuals with disabilities. This law is closely intertwined with IDEA. Children with disabilities who are not eligible for special education may qualify for accommodations under Section 504.

A **State Performance Plan (SPP)** is a six-year plan built around 20 federally-required indicators of compliance and performance. It contains measurable goals, rigorous targets for each year of the plan, and improvement activities to meet the targets, all of which are reported in an annual performance report (APR).

Index

	Page
Accommodation	10
Adapted Physical Education (APE)	10
Adequate Yearly Progress (AYP)	10
Advocacy and Resources for Citizens	

of Pennsylvania (ARC)	1 Advocate	16 American Sign Language (ASL)	16
American Speech-Language-Hearing Association (ASHA)	1 Americans with Disabilities Act (ADA)	20 Annual Performance Report (APR)	10 Aphasia
Analysis (ABA)	16 Approved Private School (APS)	10 Assessment	16 Assistive Listening Device (ALD)
16 Assistive Technology (AT)	16		
Attention Deficit Disorder/Attention Deficit Hyperactivity Disorder (ADD/ADHD)	6 Autism	6 Basic Education Circular (BEC)	10 Behavior Intervention Plan (BIP)
Consultant (BSC)	16 Bureau of Special Education (BSE)	1 Career and Technical Education Centers (CTC)	10 Cerebral Palsy (CP)
(COTA)	16 Chapter 14	20 Chapter 711	20 Charter School
11 Child Find	1 Cognitive Delay	6 ConsultLine	1 Council for Exceptional Children (CEC)
1 Cyber Charter School	11 Deafblindness (DB)	6 Deafness and Hearing Loss	6 Developmental Apraxia of Speech (DAS)
7 Developmental Disability (DD)	7		

Index *(continued)*

			<i>Page</i>
Diagnostic and Statistical Manual of Mental Disorders IV (DSM-IV)	7 Disability	7 Disability Rights Network of Pennsylvania (DRN)	1 Due Process
11 Due Process Hearing Officer	11 Dysfluency	7 Dyslexia	7 Dyspraxia
7 Early Intervention (EI)	11 Early Intervention Technical Assistance (EITA)	2 Educational Interpreter	17 Emotional Disturbance (ED)
8 Evaluation	17 Extended School Year (ESY)	11 Family Education Rights and Privacy Act (FERPA)	20 Free Appropriate Public Education (FAPE)
11 Functional Behaviors	8 Gifted and Talented	11 Head Start	2 Hearing Loss
6 Health Insurance Portability Accountability Act (HIPAA)	20 Hispanics United for Exceptional Children (HUNE)	2 Individualized Education Program (IEP)	12 Individualized Family Service Plan (IFSP)
12 Individuals with Disabilities Education Act (IDEA)	20 Intelligence Quotient (IQ)	12 Interagency Agreement	12 Intermediate Unit (IU)
2 Learning Disability (LD)	8 Least Restrictive Environment (LRE)	12 Limited English Proficiency (LEP)	12 Local Educational Agency (LEA)
2 Mediation	12 Medical Assistance Program (MA)	2	

	<i>Page</i>
Mental Retardation (MR)	8
Mentor Parent Program.....	3
Mobile Therapist (MT).....	17
Multiple Disabilities	8
National Association of State Directors of	
Special Education (NASDSE)	3
National Instructional Materials Accessibility	
Standards (NIMAS)	13
Natural Environment	13
Neighborhood School	13
No Child Left Behind (NCLB)	20
Notice of Recommended Educational	
Placement (NOREP)	13
Occupational Therapy (OT)	17
Office for Dispute Resolution (ODR)	3
Office of Child Development and	
Early Learning (OCDEL)	3
Office of Special Education Programs (OSEP)	3
Oppositional Defiant Disorder (ODD)	8
Orientation and Mobility (O & M)	17
Orthopedic Impairment (OI)	8
Other Health Impairment (OHI)	9
Paraprofessional	17
Parent Education and Advocacy Leadership	
(PEAL) Center	4
Parent Education Network (PEN)	4
Pennsylvania Alternate System of Assessment (PASA)	13
Pennsylvania Department of Education (PDE)	5
Pennsylvania Department of Health (DOH)	5
Pennsylvania Department of Public Welfare (DPW)	5
Pennsylvania State Board of Education	5
Pennsylvania System of School Assessment (PSSA)	13
Pennsylvania System of School Assessment–Modified (PSSA-M).....	13
Pennsylvania Training and Technical Assistance Network (PaTTAN)	5
Pennsylvania Value-Added Assessment System (PVAAS)	13
Pervasive Developmental Disorders (PDD)	9
Physical Therapist (PT)	18
Positive Behavior Support (PBS)	18
Preschool Early Intervention	13

Index *(continued)*

	<i>Page</i>
Present Levels of Academic Achievement	
and Functional Performance	14
Procedural Safeguards Notice	14
Recoupment	14
Reevaluation	18
Regression	18
Related Services	14
Response to Instruction and Intervention (RtII)	14
School-Based Behavioral Health (SBBH)	14
Schoolwide Positive Behavior Supports (SWPBS)	14
Screening	18
Section 504 of the Rehabilitation Act	20
Self-Stimulation	9
Sensory Integration (SI)	19
Short-Term Objectives	14
Special Education	14
Special Education Advisory Panel (SEAP)	5
Specific Learning Disability (SLD)	9
Speech / Language Impairment	9
Speech Language Pathologist (SLP)	19
Standards	15
State Interagency Coordinating Council (SICC)	5
State Performance Plan (SPP)	20
Supplementary Aids and Services	15
Tactile Defensiveness	9
Telecommunication Device for the Deaf (TDD/TTY)	19
Therapeutic Staff Support (TSS)	19
Therapy	19
Transition	19
Traumatic Brain Injury (TBI)	19

..... 9 Universal Design for Learning (UDL)	15 Visual Impairment (VI)
..... 9 Vocational Rehabilitation (VR)	19 Wraparound Services
	19

Additional Information

For a comprehensive list of special education terms, acronyms, abbreviations, and definitions go to www.pattan.net, click Resources, and then click Glossary.

Also available from PaTTAN is *Education ABCs*, a list of the most commonly used special education acronyms. To order, go to www.pattan.net or call 800-441-3215.



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To Special Education For School Age Children

New
July 2008
Chapter 14
Regulations
INTRODUCTION

Parents are very important participants in the special education process.

They know their child better than anyone else and have valuable information to contribute about the kinds of programs and services that are needed for their child's success in school. To ensure the rights of children with a disability, additional laws have been made. In this guide we also use the term "rules." Sometimes these rules can be confusing to parents. They may be written in language that is difficult to understand. This booklet has been written to explain these rules so parents will feel comfortable and can better participate in the educational decision-making process for their child. The chapters that follow address questions that parents may have about special education as it relates to their child who is thought to have, or may have, a disability.

Chapter One focuses on how a child's need for special education is determined. In this chapter, the evaluation and decision-making processes are discussed, as well as the members of the team who conduct the assessments and make the decisions regarding eligibility for special education programs and services.

Chapter Two explains how a special education program plan is developed and the kinds of information it must include. This chapter describes how appropriate services are determined as well as the notice that a school district must give to parents summarizing a child's special education program. Planning for the transition from school to adult living is also discussed.

Chapter Three deals with the responsibilities that a school district has to a child who is eligible for special education services and the child's parents. The school district has specific responsibilities related to confidentiality of school records, equality of materials and classrooms, and discipline procedures.

Chapter Four outlines the actions that parents can take if they disagree with school officials about their child's education program. These actions include team meetings with school officials, mediation, resolutions sessions, special education hearings, and seeking the intervention of the Pennsylvania Department of Education.

At the end of this booklet is a list of resources where parents can go for help or to have their questions answered. Sample letters that parents may use as models when writing to school district officials about their child are also included.

CHAPTER 1

Does my child need special education? . . .1

CHAPTER 2

How is my child's special education program determined?6

CHAPTER 3

What are the school's responsibilities to my child and me? 13

CHAPTER 4

What if I disagree with school officials about my child's education program or think my child's rights are being denied?18

CONCLUSION22

APPENDIX

Sample Letters.23 Resources.28 Glossary . . .
. 29

Does My Child Need Special Education?

Determining Eligibility

As a parent, you are uniquely qualified to know your child's learning strengths and weaknesses. School professionals will utilize your knowledge in designing a special education program for your child's benefit. Your child may be eligible for special education if your child:

- 1) Has mental retardation, emotional disturbance, an orthopedic impairment, a hearing impairment, deafness, a speech or language impairment, a visual impairment including blindness, autism, traumatic brain injury, other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities and
- 2) Needs special education as determined by an evaluation team.

Your child must meet both qualifications in order to be eligible for special education. In Pennsylvania, all children eligible for special education have the right to a free appropriate public education.

NOTE: Children who have disabilities that substantially limit their participation in or access to school programs, but who do not need special education, may qualify for reasonable accommodations in the regular classroom under Section 504 of the Rehabilitation Act of 1973 and other Pennsylvania education regulations. The rules – called Chapter 15 – that apply are different from those for students needing special education who qualify by meeting the two-part criteria listed above.

Indications of Physical, Sensory, Mental, or Emotional Disability

Some indications that your child may be a child with a disability in order to meet the first part of the two-part definition are:

- Exhibition of an emotional disturbance over a long period of time that affects your child's ability to learn,
- Consistent problems in getting along with others, • Difficulty communicating,
- Lack of interest or ability in age-appropriate activities,
- Resistance to change,
- Difficulty seeing or hearing that interferes with the ability to communicate,
- Health problems that affect educational performance including attention problems, • Difficulty performing tasks that require reading, writing, or mathematics.

Your child may need specially-designed instruction that other children in the general education classroom may not need to make progress in school. This need for special education is the second part of the two-part decision to qualify a child for special education services.

Screening

Your child's school has a screening process in place that identifies students who **may** need special education. This process should include:

- A review of the student's records including attendance and report cards,
- A review of the student's vision and hearing, • Assessments at reasonable intervals to determine a student's performance based on grade-appropriate standards in core academic subjects,
- A systematic observation of the student's behavior in the classroom or area in which the student is displaying difficulty.

You may request that the evaluation take place without going through these screening activities.

The Evaluation Process

The evaluation process gathers the information that will be used to determine if your child needs special

education and, if so, the types of programs and services needed. Your child may be evaluated by a school psychologist. Other evaluations may include tests by a hearing specialist for a child with a hearing

problem, or an evaluation from a doctor for a child with a health concern. The evaluation must also include input from a therapist if certain related services, such as speech or occupational therapy, may be needed.

A child may be referred for the first evaluation in several ways:

- You may ask your school to evaluate your child for special education at any time. This can be done by sending a letter to the principal of your child's school or by asking a school professional employee. A "Permission to Evaluate—Evaluation Request" form will be sent to you within 10 calendar days after the receipt of your oral request.
- The school may also contact you and must ask permission to have your child evaluated using a "Permission to Evaluate—Consent" form. You must consent in writing to your child's evaluation. School officials cannot proceed without your written permission. If permission is not received and the school continues to find that an evaluation is necessary, they may ask for a due process hearing and get approval from an impartial hearing officer to evaluate your child. More information about due process hearings is found in Chapter 4.

The types of tests that are used in the evaluation process depend upon the educational challenges your child is experiencing. In most cases, your child may be given several tests to help find strengths and needs. Someone other than your child's general classroom teacher may also observe your child in class. Information that you share must also be included in the evaluation.

What the Evaluation Will Tell You

The evaluation will include information about your child's skills, social-emotional status, behavior strengths and needs, learning strengths, and educational needs.

All evaluations and reevaluations must include a review of the testing and assessments that were conducted, information from the parents, classroom observations, and the observations of teachers and related service personnel.

The evaluation or reevaluation must also tell you what additions or changes are needed to help your child meet goals which will be described in your child's Individualized Education Program (IEP), and to take part in and progress in the general curriculum (the skills and knowledge taught in a specific school district).

An evaluation team reviews all materials and writes a report called an Evaluation Report (ER) that tells if your child has one or more disabilities and if your child needs special education. It makes recommendations about the types of services your child needs. The ER may state that your child is not eligible and does not need special education services. You will receive a written notice of this determination and have the right to disagree and may request an independent educational evaluation or request a due process hearing.

The entire evaluation process must be completed within 60 calendar days (not including summer vacation) from the date you give permission by signing the "Consent to Evaluate" form given to you by your school district. A copy of the ER must be given to you and a summary of the report will be communicated to you at least 10 school days before the IEP meeting. A parent may waive this 10-day provision in writing.

If your child is being evaluated for a learning disability, parents (as members of the evaluation team) will be given an opportunity to agree or disagree with the results of the report. Next to your name you will indicate whether or not you agree with the report. If you do not, you may submit a statement of your own conclusions. This is sometimes called a dissenting opinion, which will become part of the final ER. A copy of the final ER

must be given to the parents.

Independent Evaluations

You may also get evaluation reports from professionals outside the school system and send them to your child's school. The results of these outside evaluations will be considered in determining if your child has a disability and needs special education. If you wish for the school district to pay for an independent educational evaluation, you must make that request in writing prior to having the evaluation conducted. The school district will provide you with information about where an independent evaluation can be obtained. If the school district refuses, they must initiate a special education due process hearing.

Allowing for Differences in English Language Skills and Ethnic Background

Evaluations and reevaluations must take into account the child's English language skills and ethnic background so that the testing and evaluation will not be unfair for a child of a different race or

4

culture. Tests must be given in the language or form that is most likely to give accurate information, unless it is clearly not feasible to do so. Evaluations must also take into account the child's disability to be sure the results are reliable. For example, a child with a severe visual impairment should not be given a written test with small print.

The Reevaluation Process

A reevaluation is conducted at least every three years unless your child is disabled due to mental retardation, in which case reevaluations are conducted at least every two years. A reevaluation is conducted to determine whether your child continues to be a child with a disability and needs to continue receiving special education. When additional data is needed to complete a reevaluation, the school must seek your permission to perform the additional evaluation using the "Permission to Reevaluate-Consent" form.

If the school district has made what it believes are "reasonable attempts" but failed to receive your permission, it may proceed with the reevaluation. Each school district decides what "reasonable attempts" are. Such attempts may consist of:

- Telephone calls,
- Registered letters with return receipts required,
- Visits to the home or parents' place of business.

Also, if the school determines that no additional data is needed, they will notify you of this determination.

You and your school district may agree in writing that the three-year reevaluation is not necessary. If the school district proposes to waive the reevaluation, they will issue you an "Agreement to Waive Reevaluation" form. This is not an option if your child has mental retardation.

How Is My Child's Special Education Program Determined?

Special Education

Under Pennsylvania and federal law, a child with a disability has a right to special education and related services that are provided:

- At public expense (no cost to you).
- Under public supervision and direction.
- Without charge to preschool (ages 3-5), elementary, or secondary school students.
- In the Least Restrictive Environment (LRE). This means that children with disabilities are educated to the maximum extent appropriate with children who are not disabled.
- In conformity with an Individualized Education Program (IEP). This means that students with disabilities who need special education must receive a free appropriate public education (FAPE).

FAPE includes related services that help your child get to school and benefit from the special education program. These may include:

- Special transportation,
- Speech, physical, or occupational therapy,
- Psychological counseling,
- Other services which help or support your child as your child grows and learns.

Your Child's Individualized Education Program (IEP)

The IEP team (made up of your child's teachers, administrators, related service providers, and YOU) writes the IEP. This plan will be written at a meeting and will include a description of all the programs and services necessary to help your child be successful. The IEP team uses information that is contained in the ER to write the IEP.

As a parent, you are an IEP team member. It is important that you attend these meetings. Meetings will be scheduled to fit in with your schedule and school officials' schedules. You will get a written notice of when, where, and why the meeting will be held and a list of the

6

other people who are invited to attend. The IEP meeting is to be scheduled at a time and place that is mutually agreed upon by you and your school district. If the date or time is not convenient, you may ask for a change. Parents may also be included by telephone if it is impossible for them to attend the meeting in person.

Required members of each IEP team are:

- The child's parent(s).
- At least one of your child's general education teachers (if your child attends, or might attend, general education classes).
- At least one special education teacher.
- A representative of the school district who:
 - Is qualified to provide or supervise special education programs.
 - Knows about the general curriculum.
 - Knows about the availability of the resources the local educational agency (LEA) can offer.
- Someone who can interpret the evaluation results, who may already be a member of the team.
 - At your request or that of the school district, other people who know your child well or who have

worked with your child. You may bring an advocate to advise you or anyone else who will be able to add information about your child's educational experience.

- Your child at age 14 when planning will be done for life after graduation, or any time before that age when you want your child to be present, and it is appropriate.
- A representative from a vocational technical school if a vocational-technical program is being considered for your child.

One person may fill more than one of the above roles. In most cases there will be four people at the IEP meeting: you, the local educational agency (LEA) representative, a special education teacher, and a general education teacher (if your child will participate at all in general education). The general education teacher may not attend all meetings or stay for the entire meeting time, but must be a team member. Mandated members of the IEP team may be excused from the meeting if you and the school district agree in writing. If a member is excused and his/her area of expertise is being discussed, he/she must provide written input before the meeting.

If you choose to not attend the IEP meeting, it may be held without you.

IEP Timelines

The IEP must be completed within 30 calendar days after the evaluation team issues its Evaluation Report. The IEP plan must be put into action as soon as possible, but no later than 10 school days after the IEP is completed.

Your child's program is reviewed every year at an IEP meeting or more often if requested by you or any other IEP team member. Whenever there are concerns about or changes to the IEP, a meeting may be requested by you or any other member of the IEP team.

IEP Contents

The IEP team will review all the evaluation material and will determine how your child is performing in school now. The IEP team will write annual goals that can be measured and are designed to meet the needs of your child.

The IEP team will determine:

- The types of special education supports and services to be provided to your child that will be used to meet the individual needs of your child.
- Where, what kind, how much, and how often special education and related services will be provided. For example, the IEP may say "individual speech therapy, 30-minute periods, three times per week, in the speech room." Special transportation, which is different from the mode of transportation utilized by other children in the neighborhood, also falls under this category. For example, the IEP may say "a bus that will lift a wheelchair from the curb taking Jimmy from his home to school with a ride no longer than 30 minutes."
- The date services and programs will begin and how long they will last.
- The tests or other methods of evaluation that will be used to decide if the student is meeting the annual goals and how and when this progress will be reported to you. Progress on meeting annual goals must be reported periodically, such as through the use of quarterly reports.
- How much, if any, the student will NOT participate in the general class or in the general education

curriculum, and the amount of time your child will spend inside the regular classroom.

- The adjustments and supplementary aids and services in the general education setting, if any, for your child to succeed in a general education class. This could include, for example, giving the

child untimed tests or having someone help the child take class notes.

- The adjustments needed, if any, for the child to participate in statewide or districtwide tests. If the child is not able to participate, even with adjustments, another assessment will be done that will show the child's skills. Participation in this alternate assessment will be documented in the IEP.
- Supports that school personnel may need to implement the IEP, such as resource materials, training, or equipment.

In developing the IEP, the team must consider:

- Your concerns.

- Whether a child exhibits behavior that interferes with the child's learning or the learning of others and therefore needs a behavior management plan.
- The needs of children with limited English language skills.
- The use of Braille for children with visual problems.
- The communication needs of students, including students who are deaf or hard of hearing.
 - Whether the child needs assistive technology devices or services to communicate or participate in the activities which are going on around the child.

At each IEP meeting, the team will determine if the student is eligible for Extended School Year (ESY). If found eligible, a description of ESY services will be included in the IEP. In some cases, interruptions in the school schedule, such as summer break, will result in children with disabilities losing many of their basic skills and taking a long time to get those skills back once school begins again. Extended School Year (ESY) services are to be provided during breaks in the educational schedule to prevent this loss as part of a free appropriate public education.

Planning for Life After Graduation

As your child gets older, the IEP team will design a program to help your child prepare for life when your child is finished with school. This is called transition planning because planning is done through the IEP to facilitate the transition from school to the world of work or other activities in which the young adult may be involved. Your child will learn the skills needed in the future while he or she is still in school.

Planning for the transition from school to adult living must begin when your child turns 14, or sooner if the IEP team thinks early planning would be appropriate. The IEP team (including your child, if possible) must discuss what you and your child want your child to

be doing when high school is completed. These plans must include the kind of education or training your child will receive, the kind of job your child might have, where your child will live, and how your child will spend time in the community.

Educational Setting

The law requires that children with disabilities be placed in situations that will give them as many opportunities as appropriate to be with students who are not disabled. This is called placing the student in the Least

Restrictive Environment (LRE).

The special education program will be completely developed before the IEP team decides where the child's program will be provided. The IEP team will consider supports and services to determine how the program can be delivered in the LRE. The first place it will consider will be the general classroom in the neighborhood school your child would attend if your child were not eligible for special education.

The Appropriate Services

The services chosen for your child will depend upon the amount and kind of special instruction or support your child needs. A special education teacher may be able to give instruction in the general classroom. This may be referred to as "co-teaching."

For some children, placement outside of a general education class for some of the day is necessary. Students who receive most of their instruction in basic academic subjects outside of general education will still have opportunities to participate in other activities in school with general education students. These opportunities might include participation in elective subjects such as art or music, belonging to a general homeroom, socializing in the lunchroom, and attending assemblies and other enrichment programs with general education students.

Each IEP must include a description of the types of support the child needs. Your child may receive more than one type of support and the type should not be based on the child's disability alone.

- Learning support – for children whose greatest need of support is in the areas of reading, writing, math, or speaking or listening related to academics.
- Emotional support – for children whose greatest need is for social, emotional, and behavioral help.
- Life skills support – for children whose greatest need is to learn academic, functional, or vocational skills that will allow them to live and work independently.
- Blind and visually impaired support – for children who require services related to visual impairment or blindness. The IEP for these students must address the extent to which Braille will be taught and used.
 - Deaf and hard of hearing support – for children who require services related to deafness or hearing impairment. The

IEP for these students must include a communication plan to address language and communication needs.

- Speech and language support – for children who have speech and language impairments and require services to develop communication skills.
- Physical support – for children who have a physical disability and require services in functional motor skill development.
- Autistic support – for children with autism who require services in the areas of communication, social skills, or behavior.
- Multiple disabilities support – for children with more than one disability, the combination of which results in

severe impairment, and who require services in academic, functional, or vocational skills necessary for independent living.

The law requires that students receiving special education be placed in classes with students of the same age range. At the elementary level (grades K–6), a class cannot have children who vary in age by more than three years. At the secondary level (grades 7–12), an age range of no more than four years is allowed. An exception can be made by the IEP team for an individual child based on the child's needs. It must be explained in writing in the IEP.

Notice of Recommended Educational Placement/Prior Written Notice

Once you have developed the Individualized Education Program (IEP) with the IEP team, you will receive a Notice of Recommended Educational Placement (NOREP)/Prior Written Notice (PWN). The NOREP/PWN explains the educational placement or class recommended for your child and explains your rights. You must approve the IEP and educational placement in writing for your child's first special education placement before

the school is allowed to begin implementation. For subsequent IEPs, services will continue without your signature on the NOREP/PWN.

11

What Are the School's Responsibilities to My Child and Me?

Basic Rights for Parents

As a parent you have a right to be notified of the safeguards that serve to protect the rights of your child who is a child with a disability or thought to be a child with a disability. This is sometimes called procedural safeguards. The school has the duty to inform parents of these procedural safeguards once each school year.

In addition, the law requires parents to be informed:

- When the school proposes to change the identification, evaluation, educational placement, and the provision of a free appropriate public education.

- When the school refuses your request to change the identification, evaluation, educational placement, or the provision of a free appropriate public education.
- About your child's progress toward annual IEP goals on a periodic basis. This could be quarterly, such as when the report cards are issued, or more often if the IEP team determines that it is appropriate.
- Of the procedures to maintain the privacy of your child's education records. Your child's record will be seen only by those who need to work with your child. Your school district must show you its policy about student records and confidentiality if requested. Detailed information on confidentiality will be described in the notice given to you on those instances listed above.

Your Child's School Records

All parents are guaranteed the right to see their child's public school records within 45 calendar days after asking for them, before any meeting regarding an IEP, or before a due process hearing. You may be charged

for the copying of these records. Parents are also guaranteed the right to ask for and receive an explanation of any information in the records.

The law guarantees that your child's school records be kept confidential. No one should see them who does not have an educational interest in your child.

Someone has an educational interest in your child if that person teaches your child or otherwise is responsible for some aspect of your child's education. Records cannot be given to anyone outside the school system without your permission unless there is a legal reason for doing so. Your district must have a procedure for you to follow to correct the records that you feel are wrong or misleading.

13

Materials, Classrooms, and School Buildings

Equipment and materials may be different for children with disabilities because of their individual needs, but they should be of the same quality as the equipment and materials that are purchased for students in general education classes. Each special education class must be as close as appropriate to the ebb and flow of usual school activities, and located where noise will not interfere with instruction. It should be located only in a space that is designed for purposes of instruction, be readily accessible, and be composed of at least 28 square feet per student.

High School Graduation

All students receiving special education services in Pennsylvania are guaranteed the right to an opportunity to earn a high school diploma. A high school diploma will be awarded to a student who successfully completes the same courses and earns the same credits as a general education student, or who completes the special education program developed by the IEP team. School districts will permit students with disabilities to participate in graduation ceremonies with their graduating class, even though they will not be awarded a diploma and will continue to receive educational services.

Notwithstanding any other provision of law to the contrary, a child who attains the age of twenty-one (21) years during the school term and who has not graduated from high school may continue to attend the public schools in his district, free of charge, until the end of the school term. If school officials believe your child's IEP has been completed and your child is eligible for graduation, or if your child is approaching the end of the term in which your child reached the age of 21, you will receive written notice of the termination. If you disagree with the notice, you may request an informal meeting with school officials, mediation, or a special education due process hearing.

14

Discipline for the Student Receiving Special Education Services

Behavior problems sometimes are the result of a child's disability. When behavior caused by the disability results in the violation of school rules, inappropriate discipline by school officials is not permitted.

When the IEP team determines that a student's behavior is likely to disrupt learning, it must be addressed in the IEP. Programs to manage or change behavior must be designed using positive approaches to help children correct or manage their behavior. Positive approaches

include recognizing and rewarding appropriate behaviors so that they will replace those behaviors that are inappropriate. They do not include punishing, embarrassing, or isolating your child.

Discipline must not include use of restraints except in an emergency situation where there is a danger that the child will be harmed or will harm someone else. The use of restraints in those situations will trigger an IEP team meeting within 10 school days of the incident to review the current IEP to ensure it is appropriate and remains effective. Mechanical restraints may be employed only when specified by an IEP and as determined by a qualified medical professional to control involuntary movement or lack of muscular control.

None of the following methods of punishment may be used with children:

- Corporal punishment
- Punishment for behavior that is caused by the student's disability
 - Locked rooms, locked boxes, or other locked structures or spaces from which the student cannot readily exit
- Noxious substances
- Deprivation of basic rights, such as withholding meals, water, or fresh air
- Treatment of a demeaning nature
- Electric shock
- Prone restraints when the student is held face down on the floor
- Suspension or removals from classes for disciplinary reasons that form a pattern.
(The following provides additional information with regard to those removals.)

There are special rules in Pennsylvania for excluding children receiving special education services for disciplinary reasons. Before a student is excluded from school for more than 10 school days in a row or 15 total school days in any one school year for disciplinary reasons, the IEP team must meet. A Notice of Recommended Educational Placement (NOREP)/Prior Written Notice must be signed,¹⁵ because such exclusions are considered changes in placement. The exclusion of a child with mental retardation for any amount of time is considered a change in placement and requires all of the steps mentioned above. When a student is subjected to a series of removals that accumulates to more than 10 days in a year, but less than 15, these removals may be a change in placement, and if so require prior notice to the parents for approval. This determination of whether or not the series of removals is a change in placement is done on a case-by-case basis. Factors such as the length of time of each removal, the total amount of time the child is removed, and the proximity of the removals to one another are used to determine if the series of removals is a change in placement. If you do not agree with the change in placement on the NOREP, your child remains in the existing placement until due process is complete. School officials may seek a court order to exclude your child from school to "override" your disapproval.

When a child's placement is changed for disciplinary reasons, the IEP team (including the parents) must meet to review the IEP to decide if it is appropriate and if it contains an appropriate plan that addresses the child's problem behaviors. If no plan is included in the IEP, a functional behavioral assessment (FBA) must be done and a behavioral plan developed. A functional behavioral assessment reviews the child's behavior in the setting where the problems are occurring and analyzes what is happening to trigger and reinforce the inappropriate behaviors. The IEP team then outlines steps to take to reduce problem behaviors and replace them with appropriate ones. If a plan already exists, it must be reviewed and, if necessary, changed.

In addition, a “manifestation determination” must be conducted by the IEP team to decide if your child’s behavior was caused by your child’s disability or is a “manifestation” of the disability. In order to determine that a behavior was a manifestation of the disability, the team must decide that the conduct in question was caused by, or had a direct relationship to your child’s disability; or the conduct in question was the direct result of failure to implement your child’s IEP. Children with disabilities cannot be disciplined for behaviors that are related to or are manifestations of their disabilities.

The Individuals with Disabilities Education Act (IDEA 2004) allows school officials to change your child’s placement for no more than 45 school days, without your permission, in school situations involving possession of a weapon, possession or use of illegal drugs, the sale of a controlled substance, or serious bodily injury. In the new 45-day education placement (called an interim alternative educational setting), your child must be able to receive the services in the IEP and continue to demonstrate progress in the general curriculum. The new placement must also offer

16

services to deal with your child’s problem behavior so it does not occur again.

Due Process to Challenge Disciplinary Exclusion

If the IEP team decides that your child’s behavior was NOT related to the disability, your child’s placement may be changed for disciplinary reasons. You have the right to ask for a due process hearing to challenge this decision (see Chapter 4). During the hearing and any appeals, your child stays in the current placement unless the incident involved drugs, weapons, serious bodily injury, or behavior that is a danger to your child or to others, in which case the child stays in the disciplinary placement for up to 45 school days or to the end of due process, whichever occurs first.

School officials may ask for an expedited hearing if they believe that the child is a danger to self or others in the current placement. In such case, the hearing officer must issue a decision within 30 school days.

Anytime a child is given a disciplinary removal that is a change in placement, or anytime a placement is changed for possession of weapons or drugs or serious bodily injury, school officials must still provide a free appropriate public education, including all services identified on the child’s IEP, and any others necessary for the student to reach IEP goals.

The law contains certain protections for children yet to be identified as a “child with a disability” who face disciplinary procedures. If school officials “knew or should have known” that a child was disabled, because of written requests from the parents for an evaluation or written expressions of concern to supervisory or administrative personnel, or because teachers or other school personnel have expressed concerns about the child to the special education director or other supervisory personnel about a pattern of behavior or performance, the child is entitled to the protections given to children who already have been identified as being disabled and needing special education services.

What if I Disagree With School Officials About My Child’s Education Program or Think My Child’s Rights Are Being Denied?

The “Due Process” Rights of Parents

If you do not believe your child's special education program is working, you should first talk to your child's teacher. If you wish to visit your child's class room to observe your child's program, you must follow the school's visitation policy. You can check with your school's administration office to learn more about the visitation policy. You can also request an IEP meeting to discuss changing your child's program if you think a change is necessary. The IEP team may then decide that a reevaluation is needed to gather more information about your child. Anytime school officials suggest a reevaluation of your child or your child's program, you will be informed in writing and given the opportunity to agree or disagree. You may request an IEP team meeting, a mediation session, or a due process hearing in order to resolve differences that you may have with school officials regarding your child's education.

If you are placing your child in a private school and are asking the school district to pay tuition for this private school because you believe your child is not receiving a free appropriate public education, you must give advance notice to school officials. This notice can be given at the IEP meeting or in writing 10 business days before you remove your child from public school. If you do not give this notice, the reimbursement to you may be reduced or denied. If the school district gave notice of their intent to evaluate your child for special education prior to your removal of your child, reimbursement may be reduced or denied if you did not make your child available for the evaluation. Reimbursement may be reduced or denied for the private placement if a court thinks your actions have been "unreasonable."

An exception to the reduction or denial of reimbursement will be made if you are unable to read or write in English, physical or serious emotional harm to the child may result if the parent adhered to the prior

18

notice requirements, the school prevented the parent from providing the notice to the school, or the school failed to give the parent notice of these rights and procedures.

A parent has the right to withdraw a student with a disability from special education programs and related services. A parent must do this in writing. The school district or intermediate unit must issue a NOREP before services are discontinued. The NOREP must be issued to the parent within 10 calendar days. A school district or intermediate unit may not continue to provide special education and related services or use due process to challenge a parental decision to withdraw a student from special education programs. When a child is withdrawn from special education, the school district or intermediate unit is not required to remove references to special education services from the child's records.

The Bureau of Special Education has established ConsultLine, a toll-free information line for your questions and concerns: 1-800-879-2301. ConsultLine is designed to assist parents and advocates of children with disabilities or children thought to be disabled. If you have questions concerning your child's special education program or the laws relating to the provision of services in your child's IEP, the special education specialists at ConsultLine may be able to assist you.

Mediation

Even when parents and school officials try their best to develop and carry out an appropriate program for a child, disagreements can occur. An alternative to a due process hearing is mediation. Mediation is a free, voluntary, confidential procedure designed to help parents and school officials resolve the dispute. Both you and the school must be willing to participate in a mediation session in order for it to occur. Mediation may take place at any time during or before the due process cycle. However, mediation cannot be a required process and may not serve to delay or deny a parent the right to a due process hearing.

If you and school officials agree to try mediation, the Office for Dispute Resolution will arrange for a neutral, specially trained mediator to hold a mediation session. During mediation, the mediator will meet with both sides to hear both points of view regarding the disagreement. The mediator may meet with both sides together

and separately, to better understand each position. Neither school officials nor parents may include a lawyer at a mediation session.

The mediator will not make a decision on the disagreement. Rather, the mediator will help both parties to reach an agreement. The agreement will be put into writing and, if appropriate, it will be incorporated into the student's IEP. The mediation

agreement is a legally binding document and is enforceable in a court.

You may discuss using mediation with your school administrator or by calling the Office for Dispute Resolution at 1-800-222-3353. Both the procedural safeguards notice and the Office for Dispute Resolution website (odr.pattan.net) contain a form for this purpose.

The Special Education Hearing

You may request a special education due process hearing anytime you have concerns about your child's program, placement, or evaluation and the provision of a free appropriate public education. When requesting a due process hearing, you or your lawyer must make a written request to school officials and the Office for Dispute Resolution (ODR). This request must include the following information:

- The name and address of the child and the name of the school the child attends.
- A description of the problem.
- A proposed solution to the problem. The Commonwealth has developed a form for school districts to provide to parents for this purpose. This form is called a Due Process Complaint Notice. It is available through your school district's administrative office, the Office for Dispute Resolution website (odr.pattan.net), and your procedural safeguards notice.

Within 15 days of receiving notice of your complaint and before a hearing is held, the school district must hold a resolution session for you and school officials to provide an opportunity to resolve your complaint, unless both you and the school agree in writing to waive this meeting or agree to use mediation.

If your complaint has not been resolved to your satisfaction within 30 days of the school receiving the due process complaint notice, a hearing may occur before an impartial hearing officer. The hearing officer cannot work for the school district or local intermediate unit. You may be represented by legal counsel or you may represent yourself. You may also be accompanied and advised by any individuals whom you believe would be knowledgeable or helpful to you during the hearing.

Each side may have witnesses and may ask questions of the other side's witnesses. Prior to the hearing date, you may ask the hearing officer to subpoena anyone from the school district whom you believe has information important to your case. Witnesses testify under oath.

20

Both sides may give the hearing officer written material to consider. A list of material to be used at a hearing must be given to the other side at least five business days before the hearing. Any information given to the hearing officer to consider must also be given to the school district.

The hearing must be held at a reasonably convenient time and place for you. The hearing will be closed to the

public unless you ask the hearing officer to open the hearing to the public. A transcript of what was said during the hearing will be made available upon your request.

The hearing officer will listen to both sides and then make a written decision. The decision will be mailed to you and to school officials within 45 calendar days after the receipt of your request for the hearing, unless an extension has been granted by the hearing officer.

Except in limited circumstances (see page 17 “Due Process to Challenge Disciplinary Exclusion”), when a parent requests a due process hearing, the child must remain in the child’s current educational placement unless the parent and school district agree otherwise. This is called the “stay put” rule. If the parent’s request is made at a time when there is a dispute in regard to initial admission to public schools, the child must be placed in the public school, with the parent’s consent, until due process is complete.

If you prevail in a due process hearing, it can be decided by the courts that your attorney’s fees will be paid by the school district. Parents may be ordered to pay the district’s costs if it is found they pursued a complaint to harass, cause unnecessary delay, or needlessly increase costs to the district.

The Court Process

If you disagree with the decision of the hearing officer, you may file an appeal in court. You must file your case in commonwealth or federal court within 90 calendar days after the hearing officer’s decision.

The concept of special education is simple. If a child has unique needs that require special education as a result of a disability, those needs are to be determined and a program to meet those needs designed and carried out. However, the procedures and processes involved in designing this special program and carrying it out are complex and may seem cumbersome.

Everyone involved must remain focused on meeting each child’s individual needs. When parents and school officials successfully keep this objective in mind, the likelihood of providing quality educational programming dramatically increases.

Sample Letters

The following sample letters may give parents ideas about how to compose letters requesting evaluations, reevaluations, due process hearings, or reimbursement for independent evaluations. Parents should always keep the welfare of their child in clear focus whenever they communicate with school district officials.

Requesting Evaluation

Your address

Your phone number at home

Your phone number at work

Date

Principal’s name

School name

School address

Dear principal’s name:

I am the parent of your child's full name whose date of birth is month/day/year. Your child's first name is in the number grade in room number. My child is not doing well in school, and I am requesting that an evaluation be carried out to determine what the problems are and how they can be addressed. I understand that I am a member of my child's evaluation team and I wish to give input to the team. Please let me know how I can participate in this process.

I look forward to the school district providing me with a notice of my parental rights and a "Consent to Evaluate" form for me to sign. I understand that the evaluation must be completed and a report issued within 60 calendar days after the school district receives my signed "Consent to Evaluate" form.

Please contact me if you require any further information.

Thank you.

Sincerely,

Your name

Requesting Reevaluation

Your address

Your phone number at home

Your phone number at work

Date

Principal's name

School name

School address

Dear principal's name:

I am the parent of your child's full name whose date of birth is month/day/year. Your child's first name is in the number grade in room number. My child is not doing well in school. I am particularly concerned about: list specific worries you may have about your child's progress, IEP goals, behavior, and so forth.

In order to better find out what changes may need to be made in my child's special education program or services, I am requesting that a reevaluation be carried out. I understand that I am a member of my child's evaluation team which conducts the reevaluation and I wish to give input to the team. Please let me know how I can participate in this process.

Please send me the "Permission to Reevaluate - Consent" form. Please contact me as soon as possible to let me know when the reevaluation will take place.

Thank you.

Sincerely,

Your name

Requesting Reimbursement for an Independent Evaluation

Your address

Your phone number at home

Your phone number at work

Date

Principal's name

School name

School address

Dear principal's name:

I am the parent of your child's full name whose date of birth is month/day/year. Your child's first name is in the number grade in room number.

I am requesting that the school district agree to pay for an independent evaluation of my child. I believe that this evaluation is necessary because the district's evaluation did not list reasons why you believe the district's evaluation was not sufficient or appropriate to be used to develop an appropriate program for your child.

I understand that if the school district turns down my request, it must arrange for a special education hearing. Please contact me to let me know whether the independent evaluation will be provided or when the hearing will be scheduled.

Thank you.

Sincerely,

Your name

Requesting a Due Process Hearing

The following form must be filled out to request a due process hearing.

"Due Process Hearing Request: Request for a Due Process Hearing" must be forwarded to the Office for Dispute Resolution immediately after receipt of the request from the parents. It is important that both sides of this form be fully completed. Maintain a copy of this form for your records.

Student's Name:

Date of Birth:

Student's Exceptionality:

School District:

School District Contact Person:

Title:
Address:
Phone:
Fax:

School District Attorney/Representative:

Title:
Address:
Phone:
Fax:

Parent(s):

Address:
Phone:
Mother (work)
Father (work)
Fax: (if available)

Parents' Attorney/Representative:

Title:
Address:
Phone:
Fax:

Information About This Hearing

The following information is needed in order to facilitate the scheduling of the hearing:

Parent Position:

Parent Resolution:

School District Position:

School District Resolution:

The hearing will be held at a time and place reasonably convenient for the parents.

Is a language other than English the dominant language of the parents? Yes No

If yes, identify language:

The school district is to provide a convenient location for the hearing. Please consider the needs of all individuals involved in the hearing, including accessibility for individuals with disabilities. This hearing will be held at the following address:

(Please enclose a map and/or directions for the Hearing Officer.)

Date form completed:

Send this form to:

*Office for Dispute Resolution
6340 Flank Drive
Harrisburg, PA 17112*

27

Resources

- **Special Education ConsultLine,
Office for Dispute Resolution**
(800-879-2301 V/TTY)

ConsultLine is a statewide service funded by the Pennsylvania Department of Education, Bureau of Special Education that provides assistance to parents and advocates of eligible or thought-to-be eligible children with school related concerns, special education regulations, and the special education complaint process.

- **Parent Education Network (PEN)** (800-522-5827 V/TTY)
(800-441-5028 Spanish)

PEN is a coalition of parents and professionals providing technical assistance, on-site parent training workshops, and literature regarding early intervention, special education, and transition to stakeholders in the eastern and south central regions of Pennsylvania.

- **Parent Education and Advocacy Leadership (PEAL) Center** (412-281-4404 V) (412-281-4409 TTY) (866-950-1040 V toll free)

The PEAL Center is a coalition of parents and professionals providing technical assistance, on-site parent training workshops, and literature regarding early intervention, special education, and transition to stakeholders in the central and western regions of Pennsylvania.

- **Intermediate Units (IUs)**
(See local telephone directory blue page listings in the “schools” section)

IUs are regional service agencies that provide consultative, advisory, and educational program services to school districts within their geographic area.

Glossary of Special Education Terms

ASSISTIVE TECHNOLOGY DEVICE: A piece of equipment or product that is used to increase, maintain, or improve the way a child with a disability interacts and communicates with the world around them. This does not include a medical device that is surgically implanted or the replacement of such a device.

ASSISTIVE TECHNOLOGY SERVICES: Services to help a child with a disability use an assistive technology device. These services include evaluating the needs of the child; providing the device; and then training the child, the child’s family, and the professionals who work with that child in the use of the device.

CHAPTER 14: The state law pertaining to the delivery of special education services and programs. It is called regulations or is sometimes called rules.

CHILD WITH A DISABILITY: A child evaluated as having mental retardation, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who as a result of the disability needs special education and related services.

DUE PROCESS: The procedures that parents can use to disagree with the decisions of school district officials concerning special education. The parent is informed of this right by written notice, which describes the options of a preliminary resolution session, a formal hearing, and appeals.

EVALUATION: The process used to determine if a child has a disability and if special education is needed. The evaluation looks at how the child learns, the kinds of instruction that would be successful, and the kinds of instruction that have been tried and have not resulted in success.

EVALUATION REPORT (ER): The report that is compiled and written by the evaluation team (which includes parents) following an evaluation. It describes all of the information gathered from the team members, including the results of assessment. From the report, the evaluation team determines the student’s eligibility and need for special education programs.

EVALUATION TEAM: A team of educators, other professional individuals, and the child's parents that reviews all formal testing of a child and all other evaluation material. The evaluation team must issue a written report stating if the child is a child with a disability who needs special education and making suggestions about the programs and services needed.

29

FREE APPROPRIATE PUBLIC EDUCATION (FAPE): A program of education and related services for a child with a disability that is designed to meet the child's special education needs. Appropriate services are those which allow the child to make meaningful progress in the educational setting. FAPE is provided without charge to parents.

INDIVIDUALIZED EDUCATION PROGRAM (IEP): The plan written by the IEP team (including parents) that specifically describes the programs and services necessary for a free appropriate public education for the child with a disability.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA 2004): The federal law that governs the provision of special education services and the rights of parents of a child with a disability.

LEAST RESTRICTIVE ENVIRONMENT (LRE): Students eligible for special education will be educated to the maximum extent appropriate with students who are not disabled.

NOTICE OF RECOMMENDED EDUCATIONAL PLACEMENT (NOREP)/PRIOR WRITTEN NOTICE: The form issued to parents to inform them of the placement recommended by the IEP team.

PARENT: A birth parent, adoptive parent, surrogate parent, or foster parent who has been assigned educational decision-making rights. The term may also apply to an individual acting in the place of a birth or adoptive parent (including grandparent or other relative) with whom the child lives and who has educational decision-making rights, or an individual who is legally responsible for the child.

RELATED SERVICES: Services necessary to provide specially designed instruction to ensure the child benefits from the special education programs. Examples are special transportation, counseling, school health services, and physical therapy.

SPECIAL EDUCATION: An educational program individually designed to meet the unique education needs for a child with a disability. A special education professional is directly involved as either a consultant or a provider of services.

SPECIALLY DESIGNED INSTRUCTION: Adapting the content, methods, or delivery of the instruction as is appropriate based on the unique needs of the child with a disability.

TRANSITION SERVICES: Specific planning in school that helps to prepare students with disabilities to participate more effectively in higher education or job training, community participation, independent living, continuing and adult education, and employment when they leave school.

30

COMMONWEALTH OF PENNSYLVANIA

Edward G. Rendell
Governor

DEPARTMENT OF EDUCATION

Gerald L. Zahorchak
Secretary

Diane Castelbuono

Deputy Secretary, Office for Elementary and Secondary Education **John J. Tommasini**

Director, Bureau of Special Education
Patricia Hozella
Assistant Director, Bureau of Special Education

The Pennsylvania Department of Education (PDE) does not discriminate in its educational programs, activities, or employment practices, based on race, color, religious creed, ancestry, union membership, age, gender, sexual orientation, gender identity or expression, national origin, AIDS or HIV status, disability, or any other legally protected category. Announcement of this policy is in accordance with State law including the Pennsylvania Human Relations Act and with Federal law, including Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, and the Americans with Disabilities Act of 1990.

If you have any questions about this publication, or for additional copies, contact: Pennsylvania Training and Technical Assistance Network (PaTTAN), 200 Anderson Road, King of Prussia, PA 19406. Voice Telephone: 800-441-3215.

The following offices have been designated to handle inquiries regarding the nondiscrimination policies:

Complaints regarding discrimination in schools:
Human Relations Representative, Intake Division
Pennsylvania Human Relations Commission
www.phrc.state.pa.us

Harrisburg Regional Office: Voice (717) 787-9784, Text (717) 787-7279 Pittsburgh Regional Office: Voice (412) 565-5395, Text (412) 565-5711
Philadelphia Regional Office: Voice (215) 560-2496, Text (215) 560-3599

Complaints against a Pennsylvania Department of Education employee: Pennsylvania Department of Education
Equal Employment Opportunity Representative
Bureau of Human Resources
11th Floor, 333 Market Street, Harrisburg, PA 17126-0333 Voice Telephone: (717) 787-4417, Fax: (717) 783-9348
Text Telephone TTY: (717) 783-8445

Information on accommodations within the Department of Education for persons with disabilities:
Pennsylvania Department of Education
Americans with Disabilities Act Coordinator
Bureau of Human Resources
11th Floor, 333 Market Street, Harrisburg, PA 17126-0333 Voice Telephone: (717) 787-4417, Fax: (717) 783-9348
Text Telephone TTY: (717) 783-8445

Title IX and general questions regarding educational law or issues: Pennsylvania Department of Education
School Services Unit Director
5th Floor, 333 Market Street, Harrisburg, PA 17126-0333 Voice Telephone: (717) 783-3750, Fax: (717) 783-6802
Text Telephone TTY: (717) 783-8445

SPECIAL EDUCATION PROCESS TIMELINES



Child Find	Public notice describing special education programs and how to request evaluation	Annually
Oral Request for Evaluation by Parent	When an oral request is made to any school professional or administrator, the school entity must provide the Permission to Evaluate-Evaluation Request Form to the parents.	Within 10 calendar days
Evaluation	Time to conduct evaluation and complete report after informed consent received from parent Time prior to IEP meeting for evaluation report to be issued	60 calendar days * Exception-summer break At least 10 school days (can be waived if parent agrees)
Individualized Education Program (IEP)	Time following evaluation report to develop IEP Time from development of IEP to implementation Review of IEP	Within 30 calendar days ASAP or within 10 school days At least annually Note: If the LEA knows or should know that a child has an inappropriate IEP then it must be corrected immediately.
Oral Request for Reevaluation by Parent	When an oral request is made to any school professional or administrator, the school entity must provide the Permission to Reevaluate-Reevaluation Request Form to the parents.	Within 10 calendar days
Reevaluation	All students except those with mental retardation (MR) Students with MR	Must be reevaluated at least once every 3 years (can be waived if parent and LEA agree) Must be reevaluated at least once every 2 years (cannot be waived) Note: Summer due dates of a Reevaluation Report are not excused from 2- or 3-year required timeline.

Parents' Rights:

Understanding the Procedural Safeguards Notice

Parents of children who receive or who may be eligible for special education services have rights under a law called the Individuals with Disabilities Education Act (IDEA). This brochure provides a summary of those rights. The *Procedural Safeguards Notice* provides a more detailed explanation of those rights.

Local educational agencies (LEAs), which include school districts, charter schools, early intervention agencies, and intermediate units (IUs), where appropriate, must give parents a copy of the *Procedural Safeguards Notice* at least once each school year. Parents can also obtain a copy from their school at any time. The *Procedural Safeguards Notice* is available from the Pennsylvania Department of Education, Bureau of Special Education.

There are several organizations that can help

parents understand their rights and how to navigate the special education system. For assistance, parents are encouraged to call any of the organizations listed on the back of this brochure.

Parents Have Rights

Some basic rights you have as a parent are:

- To have your child receive a free, appropriate public education (FAPE)
- To be a member of the team that develops your child's education program and to attend meetings about that program
- To understand every document you sign
- To pursue other options if you disagree with your LEA
- To know and understand your rights in the language you understand best

Thank you to PEAL, PEN, the EdLaw Center, DRN, and HUNE for assistance with this publication.

As a Parent, You Have the Right . . .

To Receive Prior Written Notice

You have a right to receive written notice (called

the *Notice of Recommended Educational Placement (NOREP)/Prior Written Notice*) in the language you understand best before the LEA changes (or refuses to change) its decision about:

- Your child's eligibility for special education services
- Determining your child's disability
- What services your child will receive
- Where your child will get services

To a Fair and Accurate Evaluation of Your Child

You have the right to ask your school to evaluate your child to see if your child has a disability and needs special education services in school. Your child must be assessed using tests and procedures that do not reach wrong conclusions because of your child's disability or ethnic background. For example, a test written in English should not be given to a child whose primary language is Spanish.

To Refuse to Consent

Your written permission is required for the LEA to evaluate your child for the first time, unless a special education hearing officer has ordered an evaluation. Even if the evaluation team decides that your child is eligible for special education services, you do not have to accept those services for your child.

To Receive an Independent Educational Evaluation (IEE)

You may want an independent educational evaluation if you think the school's evaluation was not done properly. You can ask the school to pay for an educational evaluation of your child by an approved evaluator who does not work for the LEA. However, if the district believes that an independent evaluation is unnecessary and a hearing officer decides that the school's evaluation is appropriate, you can still pay for your own evaluation.

To Participate

You have the right to participate in

developing an education plan for your child (called an Individualized Education Program or IEP). **You are**

an important part of the team that makes decisions about your child's education. You have the right to share information and express your opinion at any team meeting or anytime you feel it will help your child's education. The team decides the kind and amount of services your child needs and where they will be provided. The team should include your child's teachers and school administrators. If you have concerns or ideas about your child's program, you should first talk to your child's teachers or other people who work with your child. Talking with the members of the team early on can often prevent problems later. Open, mutual communication between you and members of your child's team is encouraged in order to provide an appropriate program for your child.

To Mediate a Dispute

You can also ask for "mediation" to settle a disagreement with the school about your child's special education program. Mediation:

- Is overseen by a neutral party (the mediator)
- Is free
- Is voluntary on the part of the parents and the school
- Can be used without requesting a hearing or can be tried after a hearing is requested
- Can help you and school staff come to agreement

For more information about mediation, call the Office for Dispute Resolution at 800-222-3353 or go to <http://odr.pattan.net>.

To Keep Your Child in the Same Program

While You Are Waiting for Mediation or a Hearing to be Completed

If you or your school have requested mediation or a hearing, your child must “stay put” in his or her current program until the disagreement is resolved. That means that the school can’t change the program until the mediation, hearing, and any court actions have ended.

To make sure your child “stays put,” you **must**:

- Check the box on the *Notice of Recommended Educational Placement (NOREP)/Prior Written Notice* form that indicates that you request either mediation or a hearing; **and**
- Ask your school for a *Due Process Complaint Notice* form. Fill it out and send it to the Office for Dispute Resolution in Harrisburg, and send a copy to your LEA. **Your child does not have “stay put” protection until you have filled out and “filed” your hearing request.**

To Be Given a Hearing if You Disagree with the IEP the LEA has Offered for Your Child

You can ask for a hearing if:

- You believe that the IEP the LEA has offered your child does not meet his or her needs
- You believe that your child should be educated in a different place
- There is any other important point on which you and your LEA disagree (related to evaluation, identification, FAPE, or educational placement)

This hearing is called a due process hearing. You have the right to:

- Bring an attorney to the hearing (Pennsylvania state law does not permit nonattorney representation at a due process hearing)
- Have experts give their opinions or to speak yourself
- Give the hearing officer important

records

- Ask questions of the school’s witnesses

A “hearing officer,” provided at public expense, decides the case. If you disagree with the decision, you can ask a court to reverse it.

To file a request for a due process hearing, call the Office for Dispute Resolution at 800-222-3353 or go to <http://odr.pattan.net> to get a copy of the *Due Process Complaint Notice* form.

To See and Keep Private Your Child’s Education Records

You have a right to see all of your child’s education records. You also have the right to prevent the LEA from sending the records to someone else without your written permission (with some exceptions). The school must give you a free copy of your child’s IEP.

To File a Complaint Against Your LEA

If you believe your child’s school has violated the law, you can file a written request (called a “complaint”) for the Pennsylvania Department of Education to investigate. For example, you can file a complaint if your school fails to provide a service included in your child’s IEP. Within 60 days of receiving the complaint, the Department must investigate and give you a written report with the results of its investigation and how it will fix any problems it has found.

To Special Protections in School Discipline

Your child is expected to follow his or her school’s code of conduct. However, children receiving special education services have certain rights when it comes to school discipline. Some rules a school must follow are:

- The IEP team must decide if the child’s disability caused the misbehavior for which the school wants to discipline the child. This is called a **manifestation determination**.

This decision must be made before the school can:

- ^u Suspend a student with an IEP for more than 10 school days in a row or 15 total school days in a school year
- ^u Transfer the student to an alternative school for more than 10 school days in a row
- ^u Exclude a child with mental retardation for any amount of time
- If the offense involved drugs, weapons, or serious injury to self or others, the school can move the child to a different school for no more than 45 school days without parent permission, even if the behavior was caused by the student's disability. The district must provide an appropriate special education program for your child, although not necessarily in the same school setting.

Rules about the discipline of students with disabilities are complicated. You should talk to your school if you have questions about the process. You can also call one of the organizations listed at the end of this brochure if you want more information about your rights.

To Remove Your Child from Special Education

You can unilaterally decide to withdraw your child with a disability from the receipt of special education and related services at any time.

- You must request this **in writing** to your LEA
 - The request includes every aspect of special education and related services; it is "all or nothing"

In turn, the public agency (LEA):

- May not challenge your decision by taking you to due process
- May not continue to provide special education and related services to your child
- Must provide a *NOREP/Prior Written Notice*

within 10 calendar days after receipt of written revocation before stopping the provision of special education and related services

- Is not required by federal or state regulation to amend your child's education records or to remove any references to receipt of special education and related services

To Know Your Rights if Your Child Attends a Private School

Parents can choose to educate their child at a private school. However, the school district is not required to pay private school tuition for a child with a disability if it is the parents' choice to place the child in the private school.

Some exceptions to this rule are:

- Parents can ask a hearing officer to order a school district to pay for tuition at a private school if the school district did not provide the child with an appropriate special education program, and the private program meets the child's needs.
- Parents can request that the regional intermediate unit (IU) in which the child's school is located conduct an evaluation of the child. If your child is eligible for special education, you can:
 - ^u Enroll your child in your local public school district to get services
 - ^u Keep your child in the private school and he or she may be able to get some limited services (but not an IEP) from the IU, based upon the private school agreement regarding the use and availability of equitable participation (EP) funds. When EP funds are depleted, services are no longer required or provided under EP.

Additional Information

The Bureau of Special Education publishes the *Pennsylvania Parent Guide to Special Education for School Age Children*, which provides an overview of the special

education process. Visit www.pattan.net for the Guide and other useful information, or call 800-441-3215.

To get more information about your rights or how to resolve disputes with your school district, including how to request a hearing, contact the Bureau of Special Education's ConsultLine at 800-879-2301.

You can also contact the following organizations to learn more about your rights, receive training, or receive advocacy services.

The Mentor Parent Program

814-563-3470 (Voice) 888-447-1431 (Voice in PA)
www.mentorparent.org 800-855-1155 (TTY)

7/10

Statewide Organizations

Bureau of Special Education ConsultLine
800-879-2301

The ARC of Pennsylvania
(Advocacy & Resources for Citizens With Cognitive, Intellectual, and Developmental Disabilities)
800-692-7258 www.thearca.org *Disability Rights*

Network of PA (DRN)
800-692-7443 (Toll-Free Voice) www.drnpa.org

Education Law Center
215-238-6970 www.elc-pa.org *Pennsylvania State Task Force on the Right to Education* 800-446-5607 x6830
<http://parent.pattan.net/statetaskforce>

Pennsylvania Training and Technical Assistance Network (PaTTAN)
800-441-3215 (King of Prussia) www.pattan.net
800-360-7282 (Harrisburg)
800-446-5607 (Pittsburgh)

Regional Advocacy Organizations

Eastern and South Central Pennsylvania:

Parent Education Network (PEN)
717-600-0100 (V/TTY) 800-522-5827 (V/TTY) www.parentednet.org
800-441-5028 (Spanish in PA)

Central and Western Pennsylvania:

Parent Education and Advocacy Leadership (PEAL) Center
412-281-4404 (Voice) 866-950-1040 (Voice) www.pealcenter.org

Philadelphia, Pennsylvania:

Hispanics United for Exceptional Children (HUNE, Inc.)
215-425-6203 (Voice) 215-425-5112 (Helpline) www.huneinc.org

Northwestern Pennsylvania: