

The Ephrata Special Services Department works with staff from each school building in designing programs to meet the academic, personal/social, and career development needs of all students. These services include special education, gifted education, guidance services, student assistance program, psychological services, and child study team. Information found on the Special Services web page is intended to provide general information regarding our services and programs. More detailed information can be found on each school's web page, highlighting programs and activities specific to that particular grade level.

## **ANNUAL PUBLIC NOTICE OF SPECIAL EDUCATION SERVICES AND PROGRAMS, SERVICES FOR GIFTED STUDENTS, AND SERVICES FOR PROTECTED HANDICAPPED STUDENTS**

State and federal special education regulations require each school district to provide notice to the community by publishing an annual public notice to parents, in newspapers or by other media, regarding the school district's identification and screening activities, the location and time of the activities, and also any evaluation activity which takes place in the Ephrata School District.

The district is required to provide a free appropriate public education (FAPE) to children with disabilities who are determined, through the evaluation process, to need special education and related services under IDEA and 22 Pa. School Code §14. A school age child with a disability, who is determined to be in need of special education and related services, is identified as a child with a disability eligible for special education in need of specially designed instruction. The following are disability categories under IDEA:

- Autism
- Deafness
- Deaf / Blindness
- Emotional disturbance
- Traumatic Brain Injury
- Hearing Impairment
- Specific Learning disability
- Mental retardation
- Multiple disabilities
- Other health impairment
- Speech and language impairment
- Orthopedic Impairment
- Visual Impairment including Blindness

### Gifted Education

Parents who suspect that their child is in need of specially designed instruction beyond that required in 22 Pa. School Code §4 (relating to academic standards and assessments) may request in writing that their child be evaluated under the criteria of 22 Pa. School Code §16.22.

### Early Intervention

In Pennsylvania, any child between three years of age and the school district's age of beginners who has a developmental delay or one or more of the physical or mental conditions listed above is identified as an "eligible young child." Children who are less than the age of beginners and at least three years of age are considered to have a developmental delay when one of the following exists: (i) the child's score, on a developmental assessment device, on an assessment instrument which yields a score in months, indicates that the child is delayed by 25% of the child's chronological age in one or more developmental areas, as documented by test performance of 1.5 standard deviations below the mean on standardized tests. Developmental areas include cognitive, communicative, physical, social/emotional and self-help. For more information please contact the Lancaster-Lebanon Intermediate Unit 13.

Eligible young children are afforded the same rights under IDEA and 22 Pa. School Code §14 as school age children, in order to determine if they are eligible to receive special education services through the screening and evaluation process. Once a child is determined to be eligible to receive special education, an individualized education program will be developed for the child.

The Pennsylvania Department of Education is responsible for providing programs and services to eligible young children under Act 212 of 1990, the Early Intervention System Act. Screening for preschool children is available through the Lancaster-Lebanon Intermediate Unit. For additional information please contact the Lancaster-Lebanon Intermediate Unit 13 at 717-606-1601.

### Screening

Screening activities are conducted on an on-going basis throughout the school year. Screening is conducted in the student's home school unless other arrangements are necessary. Parents can request

screening in writing for their children by contacting the school that their child attends. When screening indicates that a student may be a child with a disability eligible for special education, the school district will seek parental consent to conduct an evaluation.

Screening activities cannot block the rights of a parent to request, at any time, including prior to or during instructional support activities, an evaluation for the purpose of determining if the student is a child with a disability and eligible for special education services.

#### Evaluation

"Evaluation" is the procedure used to determine whether a child has a disability and if the child's disability is of the nature and extent that the child would be eligible for special education and related services. Evaluation procedures used are determined on an individual basis by a Multi-disciplinary Evaluation team, which includes the parents. Parents are asked to provide permission to conduct the evaluation via a *Permission to Evaluate* form. The evaluation team takes into consideration cultural issues as they determine the assessment tools that will be administered for the student. A single test or procedure cannot be the sole factor in determining that a child is eligible for special education services. The initial evaluation shall be completed and a copy of the evaluation report shall be presented to the parents no later than 60 days after the agency receives written parental consent. Evaluation for the purpose of determining if a child is a child with a disability eligible for special education does not include the procedures or basic tests that are administered to all children.

Parents who think their child is a child with a disability may request, at any time, that the school district conduct an evaluation to determine if the child is eligible to receive special education and related services. This request must be made in writing to the Special Education Supervisor. If a parent makes an oral request for an evaluation, the school district shall provide the parent with a *Permission to Evaluate - Evaluation Request Form* to complete.

#### Independent Educational Evaluation

The parents of a child with a disability have the right to obtain an independent educational evaluation of the child, subject to the provisions outlined below. The district shall provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and criteria applicable for independent educational evaluations as set forth below. For the purposes of this part, "independent educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by the district and "public expense" means that the district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the district. If a parent requests an independent educational evaluation at public expense, the district, without unnecessary delay, either initiates a hearing under procedures described below to show that its evaluation is appropriate or shall ensure that an independent educational evaluation is provided at public expense. If the district initiates a hearing and the final decision is that the district's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at district expense.

If a parent requests an independent educational evaluation, the district may ask for the parent's reason why he or she objects to the district's evaluation. However, the explanation by the parent is not required and the district may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the district's evaluation.

#### Parent-initiated evaluations

If the parent obtains an independent educational evaluation at private expense, the results of the evaluation must be considered by the district, if it meets the district's criteria, in any decision made with respect to the provision of FAPE to the child. In addition the independent educational evaluation may be presented as evidence at a Due Process hearing.

### Educational Placement

After the evaluation team has determined that the student is eligible for special education, an IEP team develops an educational program, based on the evaluation, which identifies the type of services, the level of intervention, and the location of intervention. The IEP team must include:

- a school district representative (LEA),
- the general education teacher,
- the special education teacher,
- the child's parents and the student when 16 years of age.

An IEP describes a student's current educational levels, goals, and objectives, and the individualized programs and services necessary to provide the student with FAPE. These services may include:

1. Learning support class
2. Life skills support class
3. Emotional support class
4. Sensory support
  - a) Deaf or hard of hearing class
  - b) Blind or vision loss class
5. Speech and language support class
6. Physical support class
7. Autistic support class
8. Multiple disabilities support class

A student's special education placement must be made in the least restrictive environment in which the student's educational needs can be addressed. All students with disabilities must be educated to the maximum extent appropriate with their non-disabled peers. A student's IEP is reviewed on at least an annual basis.

### Services for Protected Handicapped Students

In compliance with state and federal law, and 22 Pa. School Code Chapter 15, the district will provide to each protected handicapped student, without discrimination or cost to the student or family, those related aids, services, or accommodations which are needed to provide an equal opportunity to participate in and obtain the benefits of the school programs and participate in extracurricular activities to the maximum extent appropriate to the student's abilities.

In order to qualify as a protected handicapped student, the child must be of school age with a physical or mental disability which substantially limits one or more major life activities which prohibits participation in, or access to, an aspect of school programs. These services and protections for "protected handicapped students" are different from those applicable to all students eligible or thought to be eligible for special education services and must be designed to meet individual educational needs of the handicapped individual as adequately as the needs of non-handicapped persons are met.

The school district or parent may at any time initiate an evaluation of a student. Parents who wish to have a child evaluated should contact their building principal or guidance counselor for further information on the evaluation procedures and provision of services to protected handicapped students.

### Confidentiality

The district protects the confidentiality of personally identifiable information regarding its students in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974 and other applicable federal and state laws.

Parents have the right to inspect and review their child's educational record. The district will comply with a request to inspect and review educational records without unnecessary delay and before any meeting regarding an IEP or any due process hearing, but no later than 30 days after the written request has been made. Parents have the right to a response from the school district to reasonable requests for explanations and interpretations of the records. Parents have the right to request copies of the records. While the district cannot charge a fee to search for or to retrieve information, it may charge a

copying fee as long as it does not effectively prevent the parent from exercising their right to inspect and review the records. Parents have the right to appoint a representative to inspect and review their child's records. If any educational record contains information on more than one child, parents have the right only to inspect and review the information relating to their child.

### Educational Records

"Educational records" means records, files, documents and other materials that are directly related to the student which are maintained by an educational agency or by a party acting for the agency. "Education agency", for purposes of this notice, means the local school district. For all students, the district maintains educational records, which include but are not limited to personally identifiable and confidential information, as well as, directory information.

1. Personally Identifiable and Confidential Information includes, but is not limited to:
  - The student's name, name of parents and/or other family members;
  - The address of the student and/or the student's family;
  - Personal identifier, such as the student's social security number, student number, or biometric record;
  - Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
  - Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
  - Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.
  
2. Directory information is information contained in an educational record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes, but is not limited to:
  - The student's name, address, telephone number, date and place of birth, major field of study;
  - Participation in officially recognized activities and sports;
  - Weight and height of members of athletic teams;
  - Dates of attendance;
  - Degrees and awards received; and
  - Previous educational agency or institution attended.

Directory information may be released without parental consent to anyone who is entitled to see it under FERPA. Parents have the right to refuse to let an agency designate any or all of the above information directory information. If a parent does not want directory information released the parent should contact the Assistant Superintendent of Schools.

Please take notice that the district may destroy educational records, including electronically stored information, when they are no longer necessary to provide educational services to a student. Records which are destroyed each summer include discipline referrals, bus incident reports, trip approval forms, and kindergarten screening assessments at the conclusion of second grade. Parents may contact the guidance department by the last day of the school year to request copies of such records prior to destruction. Additionally, the school district will inform parents when personally identifiable information is no longer needed to provide educational services to a child. Such information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

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

Records shall not be destroyed when a request for such records is pending. Parents are reminded that copies of records may be needed for the acquisition of Social Security benefits or for other purposes. Parents should contact the district for records prior to destruction or to request destruction of records.

#### Consent

Consent means the parents have been fully informed regarding the activity requiring consent, in their native language or other mode of communication; they understand and agree in writing to the activity; and, they understand that consent is voluntary and may be revoked at any time.

The school district must obtain parental consent before disclosing personally identifiable information to anyone not entitled to see it under law. Student consent takes the place of parent consent if the student is 18 years old or attending a postsecondary institution.)

#### Conflict Regarding Information in the Record

If parents think information in an educational record is inaccurate, misleading, or violates the privacy or other rights of their child, they may request in writing an amendment of the record. The school district will decide whether or not to amend the record and will notify the parent in writing of its decision. If the school district refuses to amend a record, it will notify the parents of their right to a hearing to challenge the disputed information.

Such record hearings will be held within a reasonable time after a written parental request and the parent shall be notified in advance of the date, time, and place within a reasonable time. Any individual, including a school district official, who does not have a direct interest in the outcome of the hearing, may conduct the hearing. The parent will have a full and fair opportunity to present evidence at the hearing and may be assisted or represented by one or more individuals including an attorney.

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

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

The school district will provide a copy of its confidentiality policy upon request. Complaints may be filed with the Family and Educational Rights and Privacy Act Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20201.