

Karns City Parental Guide Special Education for School Age Children

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 to be successful in school. To ensure the rights of children with a disability, additional laws have been made. In this guide we will also be using the term rules. Sometimes these rules can be confusing to parents. They may be written in a language that is hard to understand. This booklet has been written to explain these rules so that parents will feel comfortable and can better participate in the educational decision making process for their child.

Chapter 1:

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 to receive special education if your child:

- 1) Has a physical, sensory, mental, or emotional disability (these include an intellectual disability, emotional disturbance, an orthopedic impairment, a hearing impairment, deafness, other health impairment, a speech or language impairment, a visual impairment including blindness, 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.

Children who have disabilities which 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 regulations. The rules called--Chapter 15--that apply is different from those for students needing special education who qualify by meeting the two-fold criteria listed above.

Indications of Physical, Sensory, Speech/Language Disability, Emotional Disability, or Learning Disability: Some indicators 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 time period which affects your child's ability to learn,
- Consistent problems in getting along with others,
- Difficulty in communicating,
- Lack of interest or ability in age-appropriate activities,
- Resistance to change,
- Difficulty in seeing or hearing that interferes with the ability to communicate,
- Health problems that affect educational performance including attention problems,
- Difficulty in performing tasks that require reading, writing, or mathematics.

Your child may need specially designed instruction that isn't normally needed by other children in the general education classroom 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.

Screening:

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

- A review of the student's records, including health records
- An assessment of the student's functioning in the curriculum, including curriculum based and performance assessments for students with academic concerns,
- A systematic observation of the student's behavior in the classroom or area in which the student is displaying difficulty.

For students with academic or behavior concerns, an intervention must be developed based on the results of the screening. The student's response to the intervention is looked at closely and if screening activities have produced little or no improvement, the student will be formally referred for evaluation for special education. You may request that the evaluation take place without going through the screening activities.

The Evaluation:

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 include input from a therapist if certain related services, such as physical or occupational therapy, may be needed.

A child may be referred for the 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 at your child's school. A "Permission to Evaluate" form will be sent to you.
- The school may also contact you and must ask for permission to have your child evaluated. 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 the evaluation is necessary, they may ask for a due process hearing and get approval from a hearing officer to evaluate your child. More information about due process hearings will be discussed later in Chapter 4 of this booklet.

A reevaluation is conducted at least every three years unless your child is disabled due to an intellectual disability, in which case reevaluations are conducted at least every two years. When additional data is needed to complete a reevaluation to determine whether your child continues to be a child with a disability and needs to continue to receive special education, then the school must seek your permission to perform the additional evaluation. 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 consist of:

- Telephone calls,
- Registered letters with return receipts required,
- Visits to the home or parent's 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. This is not an option if your child has an intellectual disability.

All evaluations needed to determine your child's need for special education will be provided by your child's school district at no charge. Results of the evaluation will be made available for your review. You may also get evaluation reports from other professionals outside of the school system and send them to your child's school. The results of these outside evaluations will be considered in making the determination as to whether your child has a disability and needs special education. If you wish for the school district to pay for these outside evaluations, you must make that request in writing. 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 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 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 take into account the child's disability to be sure that the evaluations are reliable. For example, a child with a severe visual impairment should not be given a written test with small print.

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 will be given several tests to help to find strengths and needs. Someone other than your child's general education 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 behavior, learning problems, 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 Individual 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 may recommend the type of programs and services your child needs. The ER may state that your child is not eligible and/or does not need special education services. You will receive a written notice of this determination and have the right to dispute it at a hearing.

The entire evaluation process must be completed within 60 calendar days from the date the district receives your permission through the signing of the "Permission 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 days before the IEP Meeting. A parent may waive this 10-day provision.

If your child is being evaluated for a learning disability, parents (as members of the evaluation team) will be given the opportunity to sign the report. Next to your signature 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 be a part of the final ER. A copy of the final ER must be given to the parents.

Chapter 2

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
- Under public supervision and direction
- Without charge to pre-school (ages 3-5), elementary, or secondary school students
- In conformity with an Individual Education Program (IEP); the student with an IEP must receive a free appropriate public education

- (FAPE)
In the least restrictive environment

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

- Special Transportation
- Physical or Occupational Therapy
- Psychological Counseling
- Other services which help or support your child as your child grows and learns

Your Child's Individual Education Program (IEP):

The IEP Team writes the Individual Education Program, (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 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 other people who are invited to attend. The IEP meeting is 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 IEP Teams:

- The child's parent(s)
- At least one of your child's general education teachers (if your child is, or might become, part of the general education classes)
- At least one special education teacher
- A representative of the school district who: a) is qualified to provide or supervise special education programs, b) knows about the general education

program, and c) knows about the availability of the resources the local education 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 if you want your child to be present and it is appropriate.
- A representative from a vocational-technical school if vocational technical programming is being considered for your child.

One person may fill more than one of these roles. The minimum number of people at the IEP Conference should be four in most circumstances: you, the local education 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 time of the meeting 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 not to 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. Additional evaluations (reevaluations) are conducted at least every three years but parents and school

districts may agree in writing that a reevaluation is not necessary, or every two years if your child has an intellectual disability..

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 and short term learning objectives (for students with disabilities who take the alternative state wide assessment aligned to alternative standards) that can be measured and are designed to meet the needs of your child.

- Annual goals will describe what your child can be expected to learn during the year.
- Short term objectives or benchmarks are sequential steps your child must take in order to reach these goals.

The IEP Team will determine:

- The special education services and programs to be provided to your child which 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, “individual speech therapy, 30-minute periods, three times per week for twenty weeks, in the speech room”. Special transportation which is different from the mode of transportation utilized by other children in the neighborhood, also fall under this category. For example the IEP Team 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 learning objectives 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 a general class or in the general education curriculum; when your child will be in settings with other special education students only, when your child in special education will not be studying skills or knowledge that are directly linked to the skills and knowledge studied by the children in general education.
- The adjustments and supplemental aids and services in the general child’s skills. Participation in this alternative assessment will be documented in the IEP.
- Supports that school personnel may need to implement the IEP such as resource materials or equipment.

- In developing the IEP the team must consider:

Your Concerns

- Whether your child exhibits behaviors that interfere with the child’s learning or that 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

Information on the following must be provided in the IEP if appropriate for your child:

- Extended School Year: In some cases, interruptions in the school schedule, such as summer breaks, 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. Extended School Year

(ESY) services are to be provided during breaks in the educational schedule to prevent this lost as a part of FAPE (free appropriate public education).

- By the time your child is 14 or sooner if the IEP Team agrees, the IEP Team must decide what kinds of courses your child will take. For example art courses, vocational courses, and courses that prepare your child for higher education, which may include college.

Planning for transition from school to adult living must begin when your child turns 14 or sooner if the IEP Team thinks that early planning would be appropriate. The IEP Team including your child will discuss what you and your child want for the child to be doing when high school is completed. These plans must include the kind of education and training your child will receive, the kind of job your child might have, where your child may live, and how your child will spend time in the community.

Educational Setting:

The special education program will be completely developed before the IEP Team decides where the program will be provided. The IEP Team will look at the different classes or schools to see where that program can be delivered. The first place it will consider will be the general education classroom in the neighborhood school your child would attend if your child would not be eligible for special education.

The law requires that children with disabilities be placed in situations that will give them as many opportunities as appropriate to be with students that are not disabled. This is called placing the student into the Least Restrictive Environment (LRE). The LRE is the general class in the neighborhood school unless the IEP Team determines that the special needs of the student cannot be met even with supplementary aids and services.

The Appropriate Class:

The classroom chosen for your child will depend upon the amount and kind of special instruction or services your child needs. A special education teacher may be able to give instruction in the general classroom.

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

School districts in Pennsylvania must make available the following types of classes for the placement of their children with special needs if an IEP Team decides that a particular type of class is necessary. These classes are formed around the learning needs of the children that are assigned to them:

- Learning Support Class is for a child whose greatest need is for help in academic areas such as reading, written language, and mathematics.
- Emotional Support Class is designed for a child whose greatest need is found in the areas of social, emotional, and/or behavioral help.
- Life Skills Class is for the child whose greatest need is to learn skills that will allow them to live and work independent of their families.
- Sensory Support Skills Class is for children who require help in dealing with disabilities resulting from limited vision and/or hearing.
- Speech and Language Support Class is for those children who have difficulty in speaking and communicating.
- Physical Support Class provides for children who need programs that consider their physical disabilities.
- Autistic Support Class provides for children with autism.
- Multiple Disabilities Support Class is for children with more than one disability, the combination of which results in needs requiring many services and much support.

Children with different disabilities can be placed together into one class if their learning needs are similar and they can all benefit from the same level and manner of instruction.

The law requires that special education students be placed in classes with 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 four years is allowed. An exception can be made by the IEP Team for an individual child based upon the child's needs. It must be explained in writing in the IEP.

Notice of Recommended Educational Placement (NOREP):

Once you have developed the Individual Educational Program (IEP) for the child with the IEP Team you will receive a Notice of Recommended Educational Placement (NOREP). The NOREP 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 IEP's services will continue without your signature on the NOREP.

If you are placing your child in a private school and are asking the school district to pay for this private school because you believe your child is not receiving a free appropriate public education, you must give advanced notice to school officials. This notice can be given in writing at the IEP conference 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 that 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 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.

Chapter 3

What are My School's Responsibilities to My Child and Me?

High School Graduation:

All students receiving Special Education services in Pennsylvania are guaranteed the right to an opportunity to earn a high school diploma. The 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.

Notwithstanding any other provision of the 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/her 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 twenty-one (21) you will receive a notice of termination. If you disagree with the notice you may request an informal meeting with school officials, mediation, or a special education due process hearing.

Your Child's School Records:

All parents are guaranteed the right to see their child's public school records without delay within 45 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 of 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.

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 the 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.

Discipline for the Student Receiving Special Education Services:

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

Programs to control or change behavior must be designed using positive approaches to help children correct or control 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 the use of mechanical restraints or physically restraining a child, except in an emergency situation where there is 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 to review the current IEP to ensure that it is appropriate and remains effective. Certain mechanical

restraints, such as seat belts can be used to help children control their movements if the parents agree and their use is made clear in the IEP.

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
- Suspensions 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, the IEP Team must meet and a Notice of Recommended Educational Placement (NOREP) must be signed, because such exclusions are considered to be changes in placement. The exclusion of a child with an intellectual disability for any amount of time is considered a change in placement and requires all of the steps mentioned above. When a child is subjected to a series of removals that accumulates to more than 10 days but less than 15 days, 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 may be 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" must be done and a behavior 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 Improvement Act 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 services in the IEP and continue to demonstrate progress in the general curriculum. The new placement must also offer 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. During the hearing and in any appeals your child remains in the current placement unless the incident involved drugs, weapons, serious bodily injury, or behavior that is a danger to your child or others, in which case, the child remains in the disciplinary placement for up to 45 school days or to the end of the due process, whichever comes 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 cases, the hearing officer must issue a decision within 30 school days.

Any time a child is given a disciplinary removal that is a change in placement, or any time a placement is changed for possession of weapons or drugs or serious bodily injury, school officials must still provide a free appropriate public education (FAPE), including all services identified on the child's IEP, and any others necessary for the child to reach the 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 by 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 a children who already have been identified as being disabled and needing special education services.

Basic Rights for Parents:

As a parent you have the 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:

- Upon initial referral or parental request for evaluation;
- With notice of a disciplinary change in placement;
- Upon the first occurrence of filing for a due process hearing;

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 or refuses your request to change the identification, evaluation, educational placement, or the provision of a free appropriate public education.
- Of your child's progress toward annual IEP goals on a periodic basis, such as quarterly.
- Of procedures to maintain the privacy of your child's educational 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.

Chapter 4 What if I Disagree With School Officials About My Child's Education Program?

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 classroom to observe your child's program, you must follow the school's 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 contacted in writing and given the opportunity to agree or disagree. You may request an IEP Team meeting, a mediation session, a prehearing conference, or a due process hearing in order to resolve differences that you may have with the school officials regarding your child's education.

Once you request a due process hearing your child's current educational placement cannot be changed by the school district, unless you agree to a change. This is called the "stay put" rule.

The Bureau of Special Education has established a 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 disability, special education, 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.

The State Complaint Process:

If you believe your child's rights are being denied or his/her education program is not being implemented or written, or timelines are not being met, the law provides a way for you to file a complaint. You may file a complaint with the Pennsylvania Department of Education's Bureau of Special Education, Division of Compliance, Monitoring, and Planning, 333 Market Street, Harrisburg, PA 17126-0333. An employee from the Division will investigate the complaint and send a written decision to you and school officials within 60 calendar days of receiving your complaint, except if unusual circumstances exist.

The State Complaint Process cannot resolve disputes regarding the inappropriateness of programs. When a parent and school district are in disagreement regarding appropriateness, this type of issue must be addressed through a pre-hearing conference, mediation, or a special education hearing.

Prehearing Conference:

When the parent disagrees with anything regarding a child's special education program and wishes to make changes, Pennsylvania law offers the parent the opportunity to do something about the disagreement. The first step may be a prehearing conference where the school agrees to try to resolve the matter by meeting with the parent. This conference however cannot delay or deny a parent's request to go to a due process hearing.

The prehearing conference will be held within 10 calendar days of your request, unless school officials wish to go directly to a hearing and not hold the prehearing conference. You have the right to bring a friend, independent evaluator, advocate, or lawyer to the conference. At the prehearing conference you and your school officials will try to work out the differences you have about your child's identification, evaluation, provision of program, or educational placement. Ideally you will reach a solution that will satisfy both sides. If you cannot reach agreement at the conference you have the right to ask for mediation or a due process hearing.

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. 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 of Dispute Resolution will arrange for a neutral, specially trained mediator to meet with both sides to hear both points of view regarding the disagreement, separately and together, and 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 incorporated into the child's IEP after an IEP meeting.

You may request help in mediation from your school administrator or by calling the Office for Dispute Resolution at: 1-800-992-4334.

The Special Education Hearing:

You may request a special education hearing anytime you have concerns about your child's program, placement, or evaluation and the provision of a free appropriate public education (FAPE). Whenever requesting a due process hearing, you or your lawyer must give the following information to school officials in writing:

- The name and address of the child and the name and address 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 is available in your school district's administrative office.

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 receipt of your complaint, the due process hearing may occur before an impartial hearing officer. The officer cannot work for the school district or local intermediate unit. You may be represented by legal counsel and accompanied and advised by individuals with special knowledge or training in the problems with children with disabilities. 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.

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 5 business days before the hearing. Any information given to the hearing officer 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 and a copy will be given to the parent.

The hearing officer will listen to both sides and then make a written decision. The decision will be mailed to you and 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. If you are not satisfied with all or part of the hearing officer's decision, you may file an appeal to a three-member appeal panel. You will be sent the procedures and timeline for filing the appeal with the hearing officer's decision.

Except in limited circumstances (i.e. Due Process to Challenge Disciplinary Exclusion) when the parent requests a due process hearing, the child must remain in the child's current educational placement unless the parent and the school district agree otherwise. If the parent's request is made at a time when there is a dispute in regard to initial admission to public school, the child must be placed in the public school, with the parent's consent, until due process is complete.

You may have your attorney's fees paid by the district if you ultimately prevail. Parents may also be ordered to pay the district's costs if it is found that they pursued a complaint to harass, cause unnecessary delay, or needlessly increase the cost to the district.

The Court Process:

If you disagree with the decision of the three-member appeal panel, you may file an appeal in court. You may file your case in commonwealth or federal court. Commonwealth court cases must be filed within 30 calendar days after the appeal decision.

Conclusion:

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.

Throughout this document reference to letters/forms that the parent should send to the district to request a variety of services including evaluation, reevaluation, mediation, conferences, etc. are mentioned. Sample letters are available by contacting the District Office for Special Education at **724756-7510-1022**.

Questions regarding special educational programming, services, and additional qualifications, or simply to answer a parent concern about their child and their progress in the school setting can be addressed by contacting the Director of Special Education and/or Building Principal in the school their child attends at this same number.

Names, addresses, and phone numbers:

Director of Special Education

Mrs. Jennifer Jamison
1446 Kittanning Pike
Karns City, PA 16041
724-756-7510

School District Psychologist

Mrs. April Christy
1446 Kittanning Pike
Karns City, PA 16041
7240756-7510

Karns City Area Junior Senior High School

Mrs. Brenda Knoll, 10-12 Principal
Mr. Michael Stimac 7-9 Principal
1446 Kittanning Pike
Karns City, PA 16041
724-756-2030

Chicora Elementary School

Mr. Shane Spack, Principal
205 Kittanning Street
Chicora, PA 16025
724-445-3680

Sugarcreek Elementary School

Mr. Jeff Wagner, Principal
1290 State Route 268
Cowansville, PA 16218
724-545-2409