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# **A Resource Guide for Charter Schools and Cyber Charter Schools:**

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## **Managing the Special Education Process**

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Revised October 2016

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## Introduction

In Pennsylvania, each charter school and cyber charter school is considered to be a Local Education Agency (LEA), and as such assumes the duty to ensure that a free appropriate public education (FAPE) is available to each child with a disability in compliance with the Individuals with Disabilities Education Improvement Act (IDEA 2004) and its implementing regulations (relating to assistance to states for the education of children with disabilities), and Section 504 and its implementing regulations (relating to nondiscrimination on the basis of handicap in programs and activities receiving federal financial assistance).

Charter schools and cyber charter schools must comply with Pennsylvania and federal special education laws and federal disability laws (e.g., Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), the Americans with Disabilities Act Amendments Act (ADAAA), and the Family Educational Rights and Privacy Act (FERPA). Chapter 711 of the Pennsylvania School Code, “Charter School and Cyber Charter School Services and Program for Children with Disabilities,” contains regulations specific to individuals with disabilities being educated in charter schools and cyber charter schools. Charter schools and cyber charter schools also must comply with Chapter 4 (relating to academic standards and assessment), Chapter 11 (relating to pupil attendance) and Chapter 12 (relating to students) of the Pennsylvania School Code.

This guide is intended as one resource for charter schools and cyber charter schools in meeting the requirements of IDEA and Chapter 711 for school-age students. Sources of information related to other state regulations and federal laws with which charter and cyber charter schools must comply (e.g., Section 504 of the Rehabilitation Act of 1973, ADA, ADAAA, and FERPA) can be found in Section 7: Resources. Schools should refer to federal and state laws and regulations, as well as guidance from legal representation, in making decisions and setting policy.

This resource guide is divided into seven sections. Each section explains a component of the special education process. Each section includes an overview; supporting documents, including Basic Education Circulars (BECs) containing guidance from the Pennsylvania Department of Education (PDE); required forms; and other resources.

**Section One** focuses on the public awareness, child find requirements, and provision of services for charter schools.

**Section Two** describes how a child’s need for special education is determined. This section reviews screenings, evaluations and reevaluations, as well as the roles of team members who conduct the evaluations and make the decisions regarding eligibility for special education programs and services.

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**Section Three** explains how an Individualized Education Program (IEP) is developed, and lists the required contents. This section includes information on postsecondary transition planning, which assists a student in making the transition to life after high school. In addition, this section describes how appropriate placement is determined. Also discussed is prior written notice, which must be given to parents to inform them of the proposed special education program for their child.

**Section Four** deals with the responsibilities a charter school or cyber charter school has to a child who is eligible for special education and related services. The school has specific responsibilities related to confidentiality of school records, equality and availability of materials and classrooms, and discipline procedures both for eligible students and students who have not yet been determined to be eligible.

**Section Five** outlines the actions that parents and school officials can take if there is disagreement about a child's educational program. These actions include meetings with school officials, mediation, and due process, as well as utilizing the State Complaint Process.

**Section Six** contains regulatory requirements about the allocation of funds to charter schools that are opening for the first time or expanding their enrollment. In addition, this section provides information that charter schools and cyber charter schools will find useful as they prepare for Compliance Monitoring for Continuous Improvement, conducted by the Pennsylvania Department of Education, Bureau of Special Education. Templates for developing school policies are included in this section.

**Section Seven** offers resources for charter schools and cyber charter schools, including legislative documents, special education forms and annotated forms, and publications related to services and programs for students with disabilities.

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## **Section I: How Does a Charter School Identify a Child Who May Need Special Education?**

### ***Child Find and Public Notice***

A common misconception is that charter schools are not required to provide special education. However, charter schools are bound by the requirements of Chapter 711 of the Pennsylvania School Code, “Charter School and Cyber Charter School Services and Programs for Children with Disabilities,” and are not exempt from any of the federal special education laws or regulations. This includes the Individuals with Disabilities Education Improvement Act (IDEA 2004), Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), the Americans with Disabilities Act Adjustment Act (ADAAA), and the Family Educational Rights and Privacy Act (FERPA). According to IDEA, all children with disabilities residing in the State, including children with disabilities who are homeless children or who are wards of the State; children with disabilities attending private schools; children who are suspected of being a child with a disability and in need of special education; and highly mobile children, including migrant children; regardless of the severity of their disabilities, are identified, located, and evaluated.

Each school must establish a written policy and procedures related to child find. This written policy must include public awareness activities sufficient to inform parents of children applying to or enrolled in the charter school or cyber charter school of available special education services and programs and how to request those services and programs. The policy must include systematic screening activities that lead to the identification, location and evaluation of children with disabilities enrolled in the charter school or cyber charter school. The policy must be published in the charter school or cyber charter school handbook and website.

### ***Providing Services***

There are several things that charter schools and cyber charter schools must keep in mind regarding enrolling students with disabilities and providing services.

- Children with disabilities must be enrolled on the same basis as children without disabilities.
  - Upon enrolling a child with a disability, the school must provide special education and related services to address the child’s specific needs. This includes Extended School Year (ESY) services where necessary.
  - When a student with a disability transfers to a charter school or cyber charter school, the school is responsible for ensuring that the student receives all special education and related services that are described in an IEP, either by adopting the existing IEP or developing a new IEP.
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- To meet the requirements of federal and state law, the charter school or cyber charter school may provide the services itself, or contract with another entity, such as an intermediate unit or school district, to provide the services.
- The child's district of residence must provide the special education payments to the charter school when a child with an IEP begins attending the charter school or cyber charter school or when the charter school or cyber charter school has identified an enrolled child as a child with a disability, has developed an IEP for the child, and notifies the district of residence of the identification.
- Charter schools may use Medical Assistance and other public and private sources to fund special education services.

## ***Supporting Documents for Section I:***

[Students with Disabilities Attending Public Charter Schools \(Education Law Center Publication\)](#)

[Teachers' Desk Reference: Extended School Year \(ESY\)](#)

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## Section 2: When Does A Child Need Special Education?

### *Determining Eligibility*

Eligibility for special education is determined through a multidisciplinary evaluation. A child may be eligible for special education if the child:

- 1) Meets the eligibility criteria for mental retardation, emotional disturbance, orthopedic impairment, hearing impairment, deafness, speech or language impairment, visual impairment including blindness, autism, traumatic brain injury, other health impairment, specific learning disability, deaf-blindness, or multiple disabilities **and also**
- 2) Needs special education

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

- emotional distraction over a long period of time that affects the 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 child's ability to communicate
- health problems that affect educational performance
- difficulty performing tasks that require reading, writing, or mathematics

The child must meet both criteria in order to be eligible for special education. In Pennsylvania, all children eligible for special education have the right to a free and appropriate public education (FAPE). This means that special education is provided at public expense, under public supervision and direction, and without charge to eligible preschool, elementary or secondary school students. Each student must have an Individualized Education Program (IEP). The IEP is a document that is written and developed by the IEP team.

In considering programs for students with disabilities, charter schools and cyber charter schools must meet the requirements of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and the Americans with Disabilities Act Amendments Act. Under Section 504, children who have disabilities that substantially limit their participation in or access to school programs, but who do not need specially-designed instruction, also must receive FAPE. FAPE is defined in Section 504 as regular or special education and related aids and services that are designed to meet individual educational needs of persons with disabilities as

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adequately as the needs of persons without disabilities are met. Additional information about these federal laws can be found in Section 7: Resources.

## ***Need for Special Education***

A child may need special help that is not 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 as an eligible child (i.e., has a physical, sensory, mental or emotional disability **and** needs special education as determined by a team of professionals and the parent).

If a child is showing any of the characteristics listed previously or if the parents express a concern about the child's progress in school, the child may be referred for a special education evaluation. An evaluation team gathers the information necessary to determine the need for a special program and then an individualized program is developed to help the child make progress.

## ***Screening***

Each charter school and cyber charter school must have an established system for screening students that **may need** special education services.

This screening process must include:

- a review of the student's hearing and vision screening
- assessment, at reasonable intervals, of the student's performance in relation to State-approved grade level standards in core academic subjects

Charter schools may develop a program of prereferral intervention services that include:

- verification that the student was provided with appropriate instruction in reading and math and that the assessed difficulties are not the result of a lack of instruction or limited English proficiency
- for students with academic concerns, an assessment of the student's performance in relation to State-approved grade-level standards
- for students with behavioral concerns, a systematic observation of the student's behavior in the school environment where the student is displaying difficulty
- a research-based intervention to increase the student's rate of learning or behavior
- repeated assessments of achievement and/or behavior, conducted at reasonable intervals, reflecting formal progress monitoring of progress during the intervention and documentation that information about the student's progress was periodically shared with the parents

Screening and prereferral intervention activities may not serve as a bar to the right of the parent to request an evaluation at any time, including prior to or during the screening or prereferral activities. If the screening leads to a recommendation for

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evaluation, the evaluation team will seek parent permission before conducting an evaluation. Parents are able to request a screening or an evaluation for special education at any time.

## **Initial Evaluation**

The purpose of an initial evaluation is to determine if a general education student is eligible for special education services. The evaluation must gather information about a child's skills, social behavior, learning problems, learning strengths and educational needs. The evaluation is completed by the evaluation team, which includes the parents and a group of qualified professionals. The evaluation team's goal is to answer a two pronged question: Does the student have a disability and does the student need specially-designed instruction. Both questions must be answered yes for the student to qualify for special education services.

A student can be referred for an initial evaluation either by his or her parents or the charter school or cyber charter school. Any request for evaluation must be documented using one or both of the forms available for that purpose. The two forms that address a request for an initial evaluation include *Permission to Evaluate – Request* form (PTE-Request) and *Permission to Evaluate – Consent* form (PTE-Consent). The PTE-Request form is used to document a parent's verbal request for evaluation in writing. The PTE-Consent form indicates the parent's decision to grant or deny permission for the evaluation. Upon a verbal request for evaluation from the parent, the charter school or cyber charter school has the option of issuing the PTE-Request form or immediately issuing the PTE-Consent form, expediting the decision regarding the start of the evaluation. In any case, the evaluation may not begin until the parents grant permission for the initial evaluation.

If the charter school or cyber charter school is proceeding with the evaluation, the evaluation must be completed, and a copy of the report provided to the parents, within 60 calendar days (not including summer break) of the date the school receives the consent form from the parents. An exception to the evaluation timeline is when the evaluation is being conducted to determine the existence of specific learning disability. For this disability category only, the 60 calendar day requirement may be extended mutually, in writing, by the parents and the school. If the parents request an evaluation and the school declines the request, the school states so using a *Notice of Recommended Educational Placement/Prior Written Notice* form. If this occurs, the parents have the right to request mediation or a due process hearing. See Section 5 for more information on mediation and due process hearings.

The PTE-Consent form outlines the reason(s) for referral and the type of assessments that will be used. The reason(s) for referral will drive the evaluation process and will determine who the members of the multidisciplinary team will be. For example, if a student has referral issues surrounding fine motor function, an occupational therapist may be a necessary member of the team. The parents are



always team members, and have the right to contribute to the evaluation through their input and/or information from outside assessments they provide.

The types of tests used in the evaluation process depend upon the difficulties the child is experiencing. In most cases, the child will be given various assessments to identify strengths and needs. The child also must be observed in the classroom. At the end of the evaluation, the reason(s) for referral, and any other issues that may arise, should be addressed sufficiently to allow the evaluation team to answer the two-pronged question. The culmination of the evaluation process is reflected in an *Evaluation Report (ER)*, which will include the team's decision(s) regarding the student's eligibility for special education and recommendations regarding the student's education placement and instruction. If the student is found to be eligible, the student's parents will be invited to participate in an IEP meeting to develop a program for their child. If the student is found not to be eligible, evaluation findings and recommendations may be shared with the general education personnel to guide their implementation of the general education curriculum with the student.

Copies of the *Evaluation Report* must be given to the parents at least 10 school days prior to the IEP meeting. The parents have the option of waiving this requirement in writing.

## **Reevaluation**

Once a student begins receiving special education services, he/she must be reevaluated on a regular basis to determine whether he/she continues to be eligible for and is in need of special education services. Regulations require that a reevaluation is conducted every three years. There are two exceptions to that requirement. The first allows the school to make a recommendation to the parents that a reevaluation is not necessary at this time. The school issues the *Agreement to Waive Reevaluation* form to the parents, listing the reasons for the recommendation to waive the reevaluation. Parents must agree to waive the reevaluation by completing this form. If they do not agree with the recommendation, the reevaluation process continues. If the reevaluation is waived, the next reevaluation is not due for three more years. The second exception involves students that have been identified as having mental retardation/intellectual disability. In Pennsylvania, students identified with mental retardation/intellectual disability must be reevaluated every two years and are not eligible to have reevaluations waived at any time.

If circumstances indicate that a student would benefit from a reevaluation early, it is not necessary to wait for the two or three year time frame to elapse. The school and parent can agree to conduct a reevaluation at any time.

The reevaluation must be completed, and a copy of the report provided to the parents, within 60 calendar days (not including summer break) of the date the school receives consent from the parents to gather additional data. This 60 calendar

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day requirement may be extended mutually in writing by the parents and school, only when determining the existence of specific learning disability. If the parents request reevaluation and the school declines the request, the school documents this decision using a *Notice of Recommended Educational Placement/Prior Written Notice* form. If this occurs, the parents have the right to request mediation or a due process hearing. See Section 5 for more information on mediation and due process hearings.

The reevaluation process begins with the review by the IEP team of existing data available for the student. The IEP team always includes the parents. This review of data does not require parent permission, nor does it require a meeting of the IEP team. The purpose of this review is to determine if the IEP team needs to gather additional data to adequately determine the educational needs of the child and whether the student is still eligible to receive special education services. The results of this review of existing data are summarized in the Summarize Information Reviewed section of the *Reevaluation Report (RR)*.

If the IEP team determines no additional data are needed, the team checks the appropriate box on the RR, documents the reasons no additional data are needed, summarizes findings and states conclusions regarding eligibility. If the student continues to be eligible for and in need of special education services, a new IEP is developed. If the student is determined not to be eligible for, or in need of, special education services, he/she is exited from special education using a *Notice of Recommended Educational Placement/Prior Written Notice (NOREP/PWN)* form. If the parents are in agreement, the student exits special education. If the parents are not in agreement, they have the right to request mediation or a due process hearing.

If the IEP team determines that additional data are needed, the school issues a *Permission to Reevaluate-Consent (PTR-Consent)* form seeking the parent's permission to proceed. The parents can grant permission, request more information, or deny permission and request mediation or a due process hearing. If the parents do not respond to the PTR-Consent form, the school must make reasonable attempts to get a response. Reasonable attempts may consist of documented telephone calls, registered letters with return receipts required, and visits to the home or parents' place of business. If the parents do not respond despite reasonable attempts, the school may proceed to complete the assessment procedures without parental consent. If the parents deny consent, the charter school or cyber charter school may not proceed with the assessment procedures.

If additional data are needed, the IEP team collects information needed to answer all relevant questions related to special education eligibility and recommendations for educational placement and program. The results are collected, analyzed and documented on the RR. Conclusions about eligibility are made, a copy of the RR is made available to the parents, and an IEP team meeting is scheduled.

The types of tests used in the evaluation process depend upon the difficulties the child is experiencing. In most cases, the child will be given various assessments to identify strengths and needs. The child also must be observed in the classroom. Information that parents provide also must be included in the evaluation.

***Allowing for Differences in English Language Skills and Ethnic Background***

Evaluations must take into account the child’s English language skills and ethnic background to ensure that the testing and evaluation will not be unfair for children of any race or culture. Tests must be given in the native language or mode of communication that is most likely to give accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible. Evaluations also must take into account the child’s disability to make certain the test measures what it is supposed to measure. For example, a child with a severe visual impairment should not be given a written test with small print.

***Supporting Documents for Section 2:***

[BEC: Educating Students With Limited English Proficiency \(LEP\) and English Language Learners \(ELL\)](#)

[Questions & Answers for Chapter 14 \(Volume 8\) Regarding Reevaluation Procedures and Process \(April 10, 2010\)](#)

[Reevaluation Process for Students with Disabilities](#)

[The Special Education Evaluation/IEP Process \(Flowchart\)](#)

[The Special Education Reevaluation/IEP Process \(Flowchart\)](#)

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### **Section 3: How is a Child's Special Education Program Determined?**

#### ***Special Education***

Under federal law, all students, between the ages 3 and 21, have a right to a Free Appropriate Public Education (FAPE). This means that students eligible for special education are to receive needed special education and related services at no cost to the parents.

Students with disabilities who receive special education and related services are to have access to the general curriculum and participate in State and local assessments as established and described in Chapter 4 of the Pennsylvania School Code.

Children with disabilities who need special education must receive FAPE, which includes related services that help the child get to school and benefit from his/her special education program. Related services, as listed under IDEA, include, but are not limited to:

- Audiology services
- Counseling services
- Occupational therapy
- Physical therapy
- Speech-language services
- Social work services
- Special transportation
- Other services that help or support the child as the child grows and learns

The above list is not exhaustive. Refer to the Federal Regulations at §300.34 (Related Services) for a more extensive list.

#### ***The Child's Individualized Education Program (IEP)***

If the evaluation team determines that a child 1) has a disability and 2) needs special education and related services, the team must develop an Individualized Education Program (IEP) within 30 days of that determination. This plan will be written at an IEP team meeting with the required IEP team members and will include: a description of all the programs and services necessary to help the child participate and make progress in the general education curriculum; and an explanation of the extent, if any, to which the child will not participate with nondisabled children in the general education classroom. Information regarding the IEP and its contents can be found in the Annotated IEP.

The IEP team uses information contained in the Evaluation Report/Reevaluation Report to write and develop the IEP. The IEP is developed at the IEP meeting with all required persons in attendance. Guidance from the Department of Education

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(DOE) encourages school staff to come to an IEP team meeting prepared to discuss evaluation findings and preliminary recommendations. Parents also have the right to bring questions, concerns and preliminary recommendations to the IEP meeting as part of a full discussion of the child's needs and the services to be provided to meet those needs. The DOE does not encourage schools to prepare a draft IEP prior to the IEP team meeting, particularly if doing so would inhibit a full discussion of the child's needs. If the school develops a draft IEP prior the IEP team meeting, the school should make it clear to the parents that the services proposed by the school are preliminary recommendations for review and discussion with the parents. The school also should provide the parents with a copy of the draft proposal, if the school has developed one, prior to the IEP team meeting so as to give the parents an opportunity to review the recommendations prior to the meeting, and be better able to engage in a full discussion of the proposals for the IEP. It is not permissible for the school to have the final IEP completed before an IEP team meeting begins.

Parents are IEP team members. It is important that they attend IEP meetings. Each school must take steps to ensure that one or both of the child's parents are present at each IEP team meeting or are afforded the opportunity to participate in the development of the IEP. The school must notify the parents of the meeting early enough to ensure that they will have an opportunity to attend. The meeting should be scheduled at a mutually agreed on time and location. Parents must get a written notice of when, where and why the meeting will be held and a list of the other invited attendees. If the date or time is not convenient, parents may ask for a change. Parents may also be included by telephone if it is impossible for them to attend the meeting in person. If parents choose not to attend the IEP meeting or to participate by telephone, the meeting may take place in their absence.

If the child's parents do not respond to the school's invitation to attend the IEP team meeting, the IEP team meeting can be held without the parents in attendance as long as the school has made reasonable attempts to contact the parents to attend.

An IEP is in effect for up to one year from the date of the IEP team meeting. Modifications or changes to a child's IEP can be made after the annual IEP team meeting. If parents agree with the changes, revisions may be made to the IEP without a meeting being held, but this updated information must be documented on the IEP.

Required members of each IEP team are:

1. The child's parent(s)
  2. At least one of the child's general education teachers (if the child attends, or might attend general education classes)
  3. At least one special education teacher
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4. A representative of the school who is qualified to provide or supervise special education programs and is familiar with the general curriculum and with resources offered by the charter school
5. An individual who can interpret the evaluation results, who may already be a member of the team
6. Other individuals, at the parent's or school's request who know the child well or have previously worked with the child. Parents may bring an advocate of their choice to advise them or anyone else who will be able to add information about the child's educational experience.
7. The child at age 14, when post-graduation planning will be done, or any time prior to age 14 when parents choose to have the child present
8. A vocational-technical (Career-Technology Center) school representative (if a vocational-technical program is being considered for the child)

By law, certain individuals must be involved in writing a child's IEP. An IEP team member may fill more than one of the team positions if properly qualified and designated. For example, the school representative may also be the person who can interpret the child's evaluation results. The minimum number of people at the IEP meeting should be four if the child will participate at all in general education: the parent, the charter school (LEA) representative, a special education teacher and a general education teacher. The general education teacher is not required to attend all meetings or stay for the entire meeting, but must be a team member if the child is or may be participating in the general education environment. IEP team members may be excused from meetings if the member's area of the curriculum or related services is not being modified or discussed in the meeting, and if the parent consents that an IEP team member does not need to attend the child's IEP meeting. If a school team member is excused and his/her area of expertise is being discussed, he/she must provide written input to the team prior to the meeting.

Each school must take steps to ensure that one or both of the parents of a student with a disability are present at each IEP team meeting or are afforded the opportunity to participate. The LEA must notify the parents of the meeting early enough to ensure that they will have an opportunity to attend. The IEP Meeting must be scheduled at a mutually agreeable time and place.

### ***IEP Timelines***

The IEP must be developed within 30 calendar days of the date that the *Evaluation Report* (ER) is completed and presented to the parents of a child with a disability, but no sooner than 10 school days unless the parents agree to waive this waiting period.

The child's IEP **must** be reviewed every year at an IEP meeting or more often if warranted. The IEP must be implemented within 10 school days of the IEP team meeting. Additional evaluations (reevaluations) are conducted at least every three years (two years if a child has mental retardation/intellectual disability anywhere in

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the child's diagnosis) or more frequently as needed to determine if the child continues to be an eligible child with a disability and to determine educational need.

An IEP meeting must take place within 30 calendar days of the date that the reevaluation report is completed and presented to the parents of a child with a disability, but no sooner than 10 school days unless the parents agree to waive this waiting period.

When a child with an IEP transfers to a charter school or cyber charter school from another school in Pennsylvania, the charter school or cyber charter school, in consultation with the parents, must provide FAPE, including services comparable to those contained in the student's existing IEP, until the school either adopts the child's existing IEP or develops, adopts, and implements a new IEP.

When a child with an IEP transfers to a charter school or cyber charter school from another state, the charter school or cyber charter school, in consultation with the parents, must provide FAPE, including services comparable to those contained in the student's existing IEP until the school conducts an evaluation, if determined necessary, and develops, adopts, and implements a new IEP, if appropriate. If the child comes from a state with a disability category not recognized in Pennsylvania, an initial evaluation is required. However the charter school or cyber charter school, in consultation with the parents, must provide FAPE, including services comparable to those contained in the student's existing IEP, until the school conducts an evaluation.

## ***IEP Contents***

The IEP team will review all the evaluation material and will determine the student's strengths and needs related to his/her academic and functional performance within the school environment. The IEP team will write measurable annual goals. Measurable annual goals describe what the child can be expected to learn during the calendar year. In addition, for children who take the alternate statewide assessment, descriptions of benchmarks or short-term objectives are required. Short-term objectives are the sequential steps the child must take in order to reach these goals.

The IEP team will determine:

- How the child's disability affects the child's involvement and progress in the general education curriculum
- Special education services and programs necessary to meet the child's individual needs, including their location and frequency.
- Where, when, type and frequency of related services that will be provided. For example, the IEP may include, "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, also falls under this category. For example, the IEP may specify "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.”

- Date services and programs will begin and their duration.
- Tests or other methods of evaluation that will be used to determine if the child is meeting the annual goals and learning objectives and how and when this progress will be reported to parents. Progress must be reported at least as often as progress is reported for general education students.
- Amount of time the child will be educated in and participate in the general education class, extracurricular, and other activities with nondisabled children.
- Accommodations and supplementary aids and services needed in the general education setting, if any, for the child to succeed including, for example, giving untimed tests or assistance with note taking.
- Accommodations needed, if any, for the child to participate in statewide Pennsylvania System of School Assessment (PSSA) or school-wide tests. If the child is unable to take the test, the IEP must indicate the reason(s) why the test is not appropriate for the child and how the child will be assessed.

The handbook of testing accommodations, *Accommodations Guidelines for Students with IEPs and Students with 504 Plans*, is included at the end of this section.

In developing the IEP, the team must consider:

- Strengths and needs of the child
- Parental concerns
- Results of the initial or most recent evaluation of the child
- Academic, developmental, and functional needs of the child
- Whether a child exhibits behavior that interferes with the child’s learning or the learning of others, and therefore needs a behavior management plan which describes strategies for controlling and changing challenging behaviors
- Needs of children with limited English language skills
- Use of Braille for children with visual problems
- Communication needs of children, including children who are deaf or hard of hearing
- Whether the child needs assistive technology devices or services to communicate or participate in school activities
- Whether the child needs modified or adaptive physical education if the child cannot participate in regular physical education because of a disability.

Extended School Year (ESY) - The team must consider whether a child is eligible for ESY services. In some cases, interruptions in the school schedule (e.g., summer breaks, before and after regular school hours or during school vacations), 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. ESY services are provided during breaks in the educational schedule to prevent this loss as part of a free appropriate public education. At each IEP meeting, the charter school or cyber charter school

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will determine whether the student is eligible for ESY services and if so, make determinations about the services to be provided.

## ***Planning for Life after Graduation***

As the child gets older, the IEP team will design, oversee and implement a coordinated set of activities to help the child prepare for life after school. This is called transition planning.

For students who are 14 years of age or older (or younger than age 14, if appropriate), the IEP must not only include measureable annual goals, it also must include appropriate postsecondary goals. These goals help to facilitate the student's movement from school to post-school activities including: post-secondary education, vocational education, or adult education, independent or supported employment and, when appropriate, independent living skills or community participation. The transition services (including courses of study) that the student needs to reach those goals are listed in the transition plan.

Part of this process includes a discussion with the parents and the child about what the child wants to do when high school is completed. This information, along with the results of age-appropriate transition assessments, helps to determine the appropriate measureable annual goals, postsecondary goals and transition services the student will receive.

## ***Enrollment***

A charter school or cyber charter school may not deny enrollment or otherwise discriminate in its admission policies or practices on the basis of a child's disability or the child's need for special education. In addition, a charter school or cyber charter school may not discriminate in its admission policies or practices on the basis of intellectual ability.

## ***The Appropriate Class***

Appropriate educational placement decisions are made by the IEP team, including the parents. This means that the child's educational placement is determined at least annually (during the IEP team meeting), based upon the contents of the child's IEP.

The educational placement determined for the eligible child will depend upon the amount and kind of special instruction or services the child needs. For a few children a more restrictive placement option may be necessary. However, all students with disabilities, regardless of where they receive instruction, must have access to, and make progress in, the general education curriculum.

A child with a disability is not to be removed from the general education class solely because of needed modifications in the general education curriculum. Special

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classes, separate schooling, or other removal of children with disabilities from general educational environments occurs only if the nature or severity of the disability is such that education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Charter schools and cyber charter schools must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services if an IEP team decides that a particular type of environment is necessary. The continuum must include:

- instruction in general classes
- special classes
- special schools
- home instruction (in Pennsylvania this is referred to as instruction conducted in the home)
- instruction in hospitals and institutions

If a child needs a full-time special education program, school officials must still try to place the child in the charter school or cyber charter school, unless the child's needs are so complex that this would not be appropriate. If the IEP team determines that an IEP cannot be implemented in the school, the IEP team must determine an appropriate placement. When the IEP team at a charter school or cyber charter school places a child in another public agency, private school or private agency, and the parents choose to keep their child enrolled in the charter school or cyber charter school, the school is obligated to pay for the placement outside of the charter school or cyber charter school.

### ***Prior Written Notice***

Once the Individualized Education Program (IEP) has been developed by the IEP team, the charter school or cyber charter school must send a notice to the parents that explains whether the school proposes to initiate or change the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child; or whether the school refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

The notice must include:

- a description of the action proposed or refused by the school
  - an explanation of why the school proposes or refuses to take the action
  - a description of each evaluation procedure, assessment, record, or report the school used as a basis for the proposed or refused action
  - a statement that the parents of a child with a disability have protection under the procedural safeguards of the regulations and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained
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- sources for parents to contact to obtain assistance in understanding the provisions of the regulations
- a description of other options that the IEP team considered and the reasons why those options were rejected
- a description of other factors that are relevant to the school's proposal or refusal

The notice must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; and that the parent understands the content of the notice; and that there is written evidence that the requirements have been met.

### ***Services to Incarcerated Students***

If a student from a charter school, who has an IEP, is incarcerated in a county facility, the special education services for that student will be provided by the host district where the county facility is located. However, the services will be paid for by the charter school or cyber charter school. The link to the Basic Education Circular that addresses students who have been incarcerated is included below.

### ***Supporting Documents for Section 3:***

[Accommodations Guidelines for Students with IEPs and Students with 504 Plans](#)

[Annotated Special Education Forms](#)

[Assistive Technology in the IEP: A Guide for IEP Teams](#)

[Basic Education Circular: Early Intervention Transition: Preschool Programs to School-Aged Program](#)

[Basic Education Circular: Education Services for Students Incarcerated](#)

[Basic Education Circular: Extended School Year Eligibility](#)

[Basic Education Circular: Instruction Conducted in the Home](#)

[Basic Education Circular: Least Restrictive Environment \(LRE\) and Educational Placement for Students with Individualized Education Programs \(IEPs\)](#)

[Basic Education Circular: Placement Options for Special Education](#)

[Federal Register-IDEA 2004 Regulations](#)

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[Formative Assessment: Monitoring the Progress of Students with IEPs](#)

[Pennsylvania Parent Guide to Special Education in Charter Schools](#)

[Secondary Transition Resources Folder - 2011-12 - English - Part I](#)

[Secondary Transition Resources Folder – 2011-12 - English – Part II](#)

[Special Education Process Timelines](#)

[Teacher’s Desk Reference: Extended School Year](#)

[Teacher’s Desk Reference: Formative Assessment](#)

[Teacher’s Desk Reference: Inclusive Practices](#)

[Teacher’s Desk Reference: The Shared Responsibility of Educational Team Members](#)

[Understanding the Language of Special Education: A Glossary for Parents and Educators](#)

[Universal Design for Learning](#)

[Writing Standards Aligned IEPs: At a Glance](#)

[Return to Introduction](#)

## **Section 4: What Are the School's Responsibilities to the Child and Parents?**

### ***High School Graduation***

Children with disabilities have the right to stay in school through the school year in which they turn 21, or until they graduate with a high school diploma, whichever comes first. When a student fulfills the requirements of the student's IEP, and gets a high school diploma, that student can no longer receive special education services. Children with disabilities who satisfactorily complete a special education program developed by an IEP team under the Individuals with Disabilities Education Act must be granted and issued a regular high school diploma by the local education agency. The parents or guardian must receive prior written notice. If the parents disagree with the notice, they may begin due process by asking for an informal meeting with school officials, mediation, a special education due process hearing. The child may continue to attend school until due process is complete or the child is 21.

### ***Confidentiality***

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds from the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's educational records. Parents have the right to access their child's educational records, the right to seek to have the records amended, the right to consent to disclosure of personally identifiable information from the records, and the right to file a complaint with the Department of Education (DOE). Parents of a child with a disability have the right to inspect and review all education records with respect to the identification, evaluation, educational placement of their child, and information pertaining to the child's provision of FAPE. Parents also are guaranteed the right to ask for and receive an explanation of any information in the records. Parents have the right to request that the school provide copies of the records. The school must comply with the request without unnecessary delay, within 45 days of the request, and before any meeting regarding an IEP or any hearing. The charter school or cyber charter school may charge a fee for copies of records that are made for the parents. Fees must be reasonable and reflect the actual cost of reproduction. Parents must make a request to see or get copies of these records in writing to their child's principal.

IDEA contains confidentiality requirements that are modeled after those in the FERPA. IDEA requires that a child's school records be kept confidential. Only school staff who has educational interests in the child will be permitted to see the child's educational file. Someone has an educational interest in a child if that person teaches the child or otherwise is responsible for some aspect of the child's

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education. Schools must have written permission from the parent to release any information from a student's educational record. However, FERPA allows school to disclose those records, without consent, to the following parties or under the following conditions:

- School officials with legitimate educational interest
- Other schools to which a student is transferring
- Specified officials in connection with an audit or evaluation of Federal- or State-supported education programs
- Appropriate parties in connection with financial aid to a student
- Accrediting organizations
- To comply with a judicial order or lawfully issued subpoena
- Appropriate officials in case of health and safety emergencies
- State and local authorities, within a juvenile justice system, pursuant to specific State law
- Organizations conducting studies for, or on or behalf of the school, in order to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction

Parents have the right to request that a school correct records that they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent then has the right to a formal hearing.

The charter school or cyber charter school must inform parents when personally identifiable information collected, maintained, or used in educational records is no longer needed to provide educational services to the child. The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

### ***Materials and Classrooms***

According to Chapter 711, the Department of Education has adopted the National Instructional Materials Accessibility Standard (NIMAS) for the purpose of providing print instructional materials in alternate accessible formats or specialized formats to persons who are blind or other persons with print disabilities. To insure the timely provision of high quality, accessible instructional materials to children who are blind or other persons with print disabilities, charter schools and cyber charter schools must adopt the NIMAS.

Charter schools and cyber charter schools must act in a timely manner to provide accessible instructional materials in accessible formats (braille, enlarged print, digital or audio) at the same time nondisabled student receive instructional materials. 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 regular education classes. Classrooms and furniture must be appropriate for the students in the room to insure the

provision of a free, appropriate public education. There is a link at the end of this section (Pennsylvania's Guidelines for the Provision of Accessible Instructional Materials (AIM) that provides additional information).

### **Positive Behavior Support**

The definition of a positive behavior support plan is a plan for students with disabilities who require specific intervention to address behavior that interferes with learning. If this applies to the child then it should be marked under the Special Considerations section of the IEP. A positive behavior support plan is developed by the IEP team, based on a functional behavior assessment and includes research based practices. A positive behavior support plan becomes part of the student's IEP. These plans include methods that utilize positive reinforcement and other positive techniques to shape a student's behavior, ranging from the use of positive verbal statements as a reward for good behavior to specific tangible rewards.

Positive rather than negative measures form the basis of positive behavior support programs to ensure that all students will be free from demeaning treatment, the use of aversive techniques and the unreasonable use of restraints. When an intervention is needed to address problem behavior, the types of intervention chosen for a particular student must be the least intrusive necessary. The use of restraints includes the application of physical force, with or without the use of a device, for the purpose of restraining the free movement of a student's body. The term does not include briefly holding, without force, a student to calm or comfort him or her, guiding a student to an appropriate activity, or holding a student's hand to safely escort the student from one area to another. Also excluded from this definition are the hand-over-hand assistance with feeding or task completion and techniques prescribed by a qualified medical professional for reasons of safety or for therapeutic or medical treatment, as agreed to by the student's parents and specified in the IEP. Devices used for physical or occupational therapy, seatbelts in wheelchairs or on toilets used for balance and safety, safety harnesses in buses, and functional positioning devices are examples of mechanical restraints which are excluded from this definition.

Restraints to control acute or episodic aggressive or self-injurious behavior may be used only when the student is acting in a manner as to be a clear and present danger to him or herself, to other students or to staff, and only when less restrictive measures and techniques have proven to be or are less effective.

If a charter school or cyber charter school staff member uses restraints to control the aggressive behavior, the school must notify the parent of the use of restraint and convene a meeting of the IEP team within 10 school days of the inappropriate behavior, unless the parent of the child, after written notice, agrees in writing to waive the meeting. At this meeting, the IEP team must consider whether the student needs a functional behavioral assessment, reevaluation, a new or revised

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positive behavior support plan or a change of placement to address the inappropriate behavior.

Mechanical restraints, which are used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions, may be employed only when specified by an IEP and as determined by a medical professional qualified to make the determination, and as agreed to by the student's parents. Mechanical restraints must prevent a student from injuring himself or others or promote normative body positioning and physical functioning.

The use of restraints may only be included in a student's IEP when:

- Utilized with specific component elements of positive behavior support
- Used in conjunction with the teaching of socially acceptable alternative skills to replace problem behavior
- Staff are authorized to use the procedure and have received the staff training
- There is a plan in place for eliminating the use of restraint through the application of positive behavior support

The use of restraints may not be included in the IEP for the convenience of staff, as a substitute of an educational program or employed as punishment. The use of prone restraints is prohibited in educational programs. Prone restraints are those in which a student is held face down on the floor.

The following aversive techniques of handling behavior are considered inappropriate and **may not be used** by charter schools or cyber charter schools in educational programs:

- Corporal punishment
- Punishment for manifestation of the child's disability
- Locked rooms, locked boxes or other locked structures or spaces from which the student cannot readily exit
- Noxious substances
- Deprivation of basic human rights, such as withholding meals, water or fresh air
- Suspensions constituting a pattern
- Treatment of a demeaning nature
- Electric shock

For additional information on restraints procedures, refer to Questions & Answers (Volume 4): The Restraint Reporting Requirements and System (June 2009) found at the end of this section.

## ***Suspension and Expulsion***

Exclusion from school may take the form of suspension or expulsion. Suspension is the exclusion from school for a period of from 1 to 10 consecutive school days.

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Expulsion is exclusion from school by the governing board for a period exceeding 10 school days and may be permanent expulsion from the school rolls.

Expulsions require a prior formal hearing. When a child with a disability has been expelled from a charter or cyber charter school, the charter school or cyber charter school must provide the child with a disability with FAPE until the charter school or cyber charter school is notified in writing that the child is enrolled in another public agency, private school, approved private school or private agency.

Suspensions may be given by the principal or person in charge of a charter school or cyber charter school. A student may not be suspended until the student has been informed of the reasons for the suspension and given an opportunity to respond. Prior notice of the intended suspension need not be given when it is clear that the health, safety or welfare of the school community is threatened. The parents or guardians of the student must be notified immediately in writing when the student is suspended.

When the suspension exceeds three school days, the student and parent will be given the opportunity for an informal hearing. Suspensions may not exceed 10 consecutive school days. Students will have the responsibility to make up exams and work missed while being disciplined by suspension and will be permitted to complete assignments.

### ***Change of Placement Because of Disciplinary Removals***

In Pennsylvania a disciplinary removal of a student with a disability from school is considered a change of placement when the student is removed more than 10 consecutive school days, or 15 cumulative school days in a school year or when the student has been subjected to a series of removals that constitute a pattern. A pattern of removals occurs when a series of removals total more than 10 school days in a school year; and because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and because of such additional factors as the length of each removal, the total amount of time the child has been removed and the proximity of the removals to one and other. In Pennsylvania the disciplinary removal of a student with a disability for more than 15 cumulative school days in a school year will be considered a pattern of removals. The charter school or cyber charter school determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. Any removal from the current educational placement is a change of placement for a student who is identified with mental retardation/intellectual disability.

Students with disabilities are afforded additional protections regarding removals from school. School personnel may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting or suspension, for not more than 10 consecutive school days in that same school year for separate incidents of

misconduct. If a student is removed from his or her current placement for more than 10 school days in the same school year, the school is responsible for providing services to the student starting on the eleventh day.

The charter school or cyber charter school must also conduct a functional behavior assessment, as appropriate and behavioral interventions services and modifications that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternate educational setting. On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the school must notify the parents or guardian of that decision, and provide the parents the procedural safeguards notice. For more information about the FBA and its process, please refer to the Positive Behavior Support Plan-Annotated and Functional Behavioral Assessment Process documents at the end of this section.

### ***Provision of Services During Disciplinary Removals***

A child with a disability who is removed from his or her current placement must:

- Continue to receive educational services so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
- Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

A charter school or cyber charter school is only required to provide services to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year if it provides services to a child without disabilities who is similarly removed.

After a child with a disability has been removed from his or her current placement for 10 school days (not a change in placement) in the same school year, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP. If the removal is a change in placement, the child's IEP team determines appropriate services.

### ***Manifestation Determination***

A manifestation determination must be completed within 10 school days of any decision to change the placement of a child with a disability. The parent and relevant members of the child's IEP team must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant

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information provided by the parents to determine if the conduct in question was caused by or had a direct and substantial relationship to, the child's disability; or if the conduct in question was the direct result of the failure to implement the IEP. The conduct must be determined to be a manifestation of the child's disability if the school, the parent, and relevant members of the child's IEP team determine that either of these conditions has been met. Parents have the right to challenge a manifestation determination. A sample *Manifestation Determination Worksheet* is included at the end of this section.

### ***Behavior Was NOT a Manifestation of the Child's Disability***

If the IEP team determines that the behavior was not a manifestation of the child's disability, the charter school or cyber charter school can discipline the child in the same way that it disciplines children without disabilities. If this occurs and the charter school or cyber charter school disciplines the child in such a way that it constitutes a change of placement, the school needs to explain this decision through the issuance of a NOREP/PWN form and also provide to the parent a copy of the Procedural Safeguards Notice. If the parents disagree they can request mediation or due process via the NOREP/PWN form.

### ***Behavior WAS a Manifestation of the Child's Disability***

If it is determined that the behavior was a manifestation of the child's disability, then the child must be returned to the placement from which the child was removed. The IEP team must conduct a functional behavioral assessment and implement a behavioral intervention plan for the student. If a functional behavior assessment and behavioral intervention plan already have been completed, then the IEP team must review the behavioral intervention plan and modify it, as necessary, to address the behavior, and return the student to the placement from which the child was removed, unless the parent and school agree to a change of placement as part of the modification of the behavioral intervention plan. A functional behavioral assessment is conducted as part of the reevaluation process. Parental consent is required if, through the review of existing evaluation data, the IEP team determines that additional data are needed to complete the reevaluation. If no additional data are needed, parental consent is not required to complete the reevaluation. A document outlining the functional behavioral assessment process is included at the end of this section.

### ***Special Circumstances***

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:

- Carries a weapon to or possesses a weapon at school, (does not include a pocket knife with a blade of less than 2 ½ inches in length) on school premises, or to or at a school function

- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function
- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function

The following definitions apply:

- *Weapon* has the same meaning as the term “dangerous weapon.” This definition can be found in the first subsection (g) of section 930 of title 18, United States Code.
- *Controlled substances* means a drug or other substance identified under schedules I, II, III, or IV in section 202(c) of the Controlled Substances Act
- *Illegal drug* means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.
- *Serious bodily injury* has the meaning given the term “serious bodily injury” under paragraph (3) subsection (g) of section 930 of title 18, United States Code.

### **Parent Disagreement**

The parent of a child with a disability who disagrees with any decision regarding placement or the manifestation determination may appeal the decision by requesting a due process hearing. The hearing is requested by filing a due process complaint. A hearing officer hears the complaint and makes a determination regarding an appeal. In making a determination the hearing officer may:

- Return the child with a disability to the placement from which the child was removed, if the hearing officer determines that the removal was a violation or that the child’s behavior was a manifestation of the child’s disability
- Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others

The charter school or cyber charter school is responsible for arranging the expedited due process hearing, which must occur within 20 school days of the date the complaint requesting the hearing is filed. The hearing officer must make a determination within 10 school days after the hearing.

Unless the charter school or cyber charter school agree in writing to waive the resolution meeting, or agree to use the mediation process, a resolution meeting must occur within seven days of receiving notice of the due process complaint.

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When an appeal has been made by either the parent or the charter school or cyber charter school, the child must remain in the interim alternative educational setting pending the decision of the hearing officer.

***Protections for Students Thought to be Eligible***

A child who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct may receive the same protections described in this section if the charter school/cyber charter school had knowledge that the child was a child with a disability before the behavior that caused the disciplinary action occurred.

The charter school or cyber charter school is considered to have had knowledge that the child was a child with a disability if:

- The parent of the child expressed concern in writing to the teacher or an administrator that his/her child was in need of special education and related services
- The parent of the child requested an evaluation
- The child’s teacher or other personnel of the LEA expressed specific concerns directly to the director of special education or other supervisory personnel about a pattern of behavior demonstrated by the child

The charter school/cyber charter school would not be considered to have had knowledge that the child was a child with a disability if the parent has not allowed an evaluation or has refused special education and related services. The charter school or cyber charter school may, but is not required to, pursue the initial evaluation of the child by utilizing the procedural safeguards, including mediation procedures or due process procedures. The charter school or cyber charter school would not be considered to have had knowledge that the child was a child with a disability if the child has been evaluated and determined to not be a child with a disability.

If the charter school or cyber charter school does not have knowledge that the child is a child with a disability then the child may be subjected to the same disciplinary measures applied to all other children who engage in comparable behaviors. If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

If this occurs, then the child is to remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the child is determined to be a child with a disability as a result of the evaluation, the charter school/cyber charter school must provide special education and related services.

***Supporting Documents for Section 4:***

[Alternatives to Suspension and Expulsion](#)

[Basic Education Circular: Disciplinary Exclusions of Students Who are Eligible for Special Education](#)

[Basic Education Circular: Placement Options for Special Education](#)

[Functional Behavioral Assessment Process](#)

[General Due Process Hearing Timelines When the Parent Files a Complaint](#)

[Manifestation Determination](#)

[Manifestation Determination Worksheet](#)

[Pennsylvania's Guidelines for the Provision of Accessible Instructional Materials \(AIM\):](#)

[Positive Behavior Support Plan - Annotated](#)

[Questions & Answers for Chapter 14 \(Volume 4\) The Restraint Reporting Requirements and System \(June 2009\)](#)

[Resolution Meetings: A Guide for Parents and Educators](#)

[Special Education Spotlight: A Focus on Meeting State and Federal Discipline Requirements for Students with IEPs in PA Public Schools](#)

[Return to Introduction](#)

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## Section 5: What if Parents or School Officials Disagree About a Child's Special Education Program?

### ***Due Process Rights***

Parents and school personnel may challenge the appropriateness of a special education program for a child. If parents or the charter school or cyber charter school do not believe that the child's special education program is working, the parents and/or school can request an IEP meeting to discuss changing the child's program. The IEP team may decide that a reevaluation is needed to gather more information about the child. Anytime school officials suggest a reevaluation of the child or the child's program, parents must be contacted in writing and given the opportunity to consent to the reevaluation. Parents or school personnel may request an IEP team meeting, a mediation session, or a due process hearing to resolve differences regarding a child's education.

### ***Revocation***

Parents have the right to revoke their child's special education and related services. This request must be in writing. The school must issue a *Notice of Recommended Educational Placement/Prior Written Notice* (NOREP) before services are discontinued. The NOREP must be issued to the parents within 10 calendar days of the written request for revocation (11<sup>th</sup> day). The school may not continue to provide special education and related services and may not 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 is not required to remove references to special education services from the child's records. For more information, refer to Q&A on Parental Revocation.

### ***Mediation***

Even when parents and school officials try their best to develop and carry out an appropriate program for an eligible child, disagreements can occur. Mediation is a free, voluntary, confidential procedure designed to help parents and school officials reach agreement. Mediation may take place at any time during or before the due process cycle. However, mediation cannot be a required process and must not serve to deny or delay parental right to a due process hearing.

If parents and school officials agree to mediation, the Office for Dispute Resolution (ODR) will arrange for a neutral, specially-trained mediator to meet with both parties to hear both points of view regarding the disagreement. To better understand each position, the mediator may meet separately or jointly with both parties during the mediation session. Neither school officials nor parents may use a lawyer at the mediation session. The mediator will not make a decision on the disagreement. Rather, the mediator will help both parties reach an agreement. The agreement will be put into writing and incorporated into the student's IEP after an

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IEP team meeting. The mediation agreement is a legally-binding document and is enforceable in a court. Except for a disciplinary placement during appeals, during the pendency of any mediation proceeding, unless the charter school or cyber charter school and the parents of the child agree otherwise, the child that is the subject of the mediation must remain in the child's then current education placement until the mediation process is concluded.

The *Mediation Request Form*, located in Appendix B of the *Procedural Safeguards Notice*, is used to request mediation. Information about the mediation process is available by calling the Office of Dispute Resolution at 1-800-222-3353 and by visiting the ODR website <http://odr-pa.org/mediation>.

### ***The Special Education Due Process Hearing***

Parents may request an impartial due process hearing when they have concerns about their child's program, placement or evaluation. The charter school or cyber charter school may request a hearing to proceed with an initial evaluation or a reevaluation when a parent fails to respond to the school's proposed evaluation or reevaluation. When a parent rejects the school's proposed identification of a child, proposed evaluation, proposed provision of FAPE, or proposed educational placement, other than the initial placement, the school may request an impartial due process hearing. However, if the parent fails to respond or refuses to consent to the initial provision of special education services, neither due process nor mediation may be used to obtain agreement or a ruling that the services may be provided.

The request for due process, also called a due process complaint, must allege a violation that occurred not more than two years before the date the parent or public agency knew or should have known about the alleged action that forms the basis of the due process complaint. The charter school or cyber charter school must inform the parent of any free or low-cost legal and other relevant services available in the area if the parent requests the information or if the parent files a due process complaint.

When requesting a due process hearing, parents or their lawyer, if they choose to have legal representation, must give the following information to school officials in writing:

- name and address of the child and the name of the school the child attends
- description of the nature of the problem, including facts related to the problem
- proposed solution to the problem to the extent known and available to the party at the time

The charter school or cyber charter school must provide the parents with the *Due Process Complaint Notice* for this purpose. This document can be found in Appendix B of the *Procedural Safeguards Notice*.

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The charter school or cyber charter school must, within 10 calendar days of receiving the due process complaint, send a *Notice of Recommended Education Placement/Prior Written Notice* to the parent in response to the complaint. The response must include:

- explanation of why the charter school or cyber charter school proposed or refused to take the action raised in the complaint
- description of other options that the IEP team considered and the reasons why those options were rejected
- description of each evaluation procedure and report used by the charter school or cyber charter school as a basis for the proposed or refused action
- description of the factors relevant to the school's proposed or refused action

The party receiving the due process complaint must, within 10 calendar days of receiving the complaint, send a response to the other party that specifically addresses the issues raised in the complaint.

Within 15 calendar days of receiving the parents' complaint, and before initiating a due process hearing, the charter school or cyber charter must convene a resolution meeting with the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process complaint. The parents and school determine the relevant members of the IEP team. The IEP team must include a representative of the school who has decision-making authority on behalf of the school, and may not include an attorney of the school unless the parent is accompanied by an attorney. The purpose of the meeting is for the parents to discuss the due process complaint so the charter school or cyber charter has the opportunity to resolve the dispute.

The parents and the school can agree in writing to waive the resolution meeting, and can agree to use mediation instead. If the school has not resolved the due process complaint to the satisfaction of the parent within 30 calendar days of the receipt of the complaint, the due process hearing may occur. Failure of the parent to file the complaint to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until the meeting is held. If the school is not able to obtain parent participation in the meeting, after reasonable attempts have been made and documented, the school can request that the hearing officer dismiss the complaint at the end of the 30-day period.

If the charter school or cyber charter school fails to hold a resolution meeting within 15 calendar days of receiving notice of the complaint, or fails to participate in the resolution meeting, the parent can request that the hearing officer begin the due process hearing timeline.

A hearing must be held after the conclusion of the resolution session or after one of the parties withdraws from mediation or the parties agree to waive or end the resolution session. If a resolution is reached during the resolution meeting, the parties must execute a legally-binding agreement that is signed by both the parent

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and the school representative who has the authority to bind the school, and that is enforceable in a court of competent jurisdiction. Either party can void the agreement within three business days of the agreement. The impartial hearing officer's decision must be issued within 45 calendar days after the resolution or mediation ends without resolution or agreement date.

A hearing officer may not be an employee or agent of a charter school or cyber charter school that is responsible for the education of the student, or of the school district in which the parents or student reside, or of any agency that is responsible for the education or care of the student. A hearing officer must promptly inform the parties of a personal or professional relationship the officer has or has had with any of the parties.

The due process hearing must be held at a time and place that is reasonably convenient to the parents and the child involved. During a hearing, each party may present evidence, cross-examine, and compel the attendance of witnesses. Evidence that either party intends to use at the hearing must be disclosed to the other party at least five business days before the hearing, including all evaluations and recommendations from the evaluations. Both sides may give the hearing officer written material to consider. Witnesses testify under oath. Parents involved in hearings have the right to have the child present, open the hearings to the public, and receive the record of the hearing and the findings of fact and decisions free of charge.

The hearing officer will listen to both parties and then make a decision. The decision will be written and mailed to the parents and the school officials within 45 calendar days after the request for the hearing. Except in circumstances relating to disciplinary removals, when a parent requests a due process hearing, the child must remain in the child's current educational placement unless the parent and the school agree otherwise. This is called the pendency or stay-put rule.

Except for a disciplinary placement during appeals, during the pendency of any proceeding regarding a due process hearing, unless the charter school or cyber charter school and the parents of the child agree otherwise, the child involved in the complaint must remain in his/her current educational placement.

Any party not satisfied with all or part of the hearing officer's decision has the right to bring a civil action in any State court of competent jurisdiction or in a district court. In notifying the parties of the decision, the hearing officer must indicate the courts to which an appeal may be taken. Commonwealth court cases must be filed within 30 calendar days after the appeal decision.

The Pennsylvania Department of Education (PDE) may contract for coordination services in support of hearings conducted by local charter schools or cyber charter schools and may include arrangements for stenographic services, arrangements for

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hearing officer services, scheduling of hearings, and other functions in support of procedural consistency and the rights of the parties to hearings.

## ***The State Complaint Process***

If parents believe their child's charter school or cyber charter school is not compliant with state and federal laws and regulations (e.g., the child's rights are being denied, the child's IEP services are not being provided, timelines and procedures are not being followed), the law provides a way for them to file a complaint over these issues. In Pennsylvania, parents may file such a complaint with the PDE's Bureau of Special Education (BSE), Division of Monitoring and Improvement. A complaint must be documented in writing. A complainant may use the State Complaint Form, which can be obtained from the BSE website at [www.education.state.pa.us](http://www.education.state.pa.us) or by calling ConsultLine 800/879-2301 or the BSE at 717/783-6137. There is no requirement to use this form, but the complaint must contain all of the information requested on the form. ConsultLine is available to help parents with questions concerning their children's special education program, including accessing the complaint process.

The complainant must forward a copy of the complaint to the charter school or cyber charter school. The complaint must allege a violation that occurred not more than one year prior to the date the BSE received the complaint. BSE will conduct an investigation into the alleged violation, which may include interviews with the student and parent, and others alleged to have knowledge of the facts around the complaint. Within 60 calendar days of receipt of the complaint, BSE will issue a written complaint investigation report to the parent and school, which includes findings of fact. If the investigation determines that a violation did occur, the report will contain corrective actions that the school must address to remediate the denial of services and the future provision of services to ensure the violation will not reoccur. All corrective actions must be completed within one year from the date the report is issued.

If either party disagrees with the conclusions in the complaint investigation report, the party has the right to submit a request for reconsideration with additional information not available during the investigation. BSE will determine if the additional information is sufficient to warrant a review of the conclusions of the investigation.

## ***Supporting Documents for Section 5:***

[Bureau of Special Education Complaint Information Packet and Form](#)

[Bureau of Special Education State Complaint Resolution Procedures](#)

[Office for Dispute Resolution Fact Sheet](#)

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[Office for Dispute Resolution: Your Guide to Mediation](#)

[Questions & Answers \(Volume 5\) Regarding Supplemental Regulations to 34 CFR Part 300 Parent Revocation of Consent for Special Education Programs and Services](#)

[Resolution Meetings: A Guide for Parents and Educators](#)

[Special Education ConsultLine Booklet](#)

[Special Education Dispute Resolution Manual](#)

[Webinar: State Complaint Procedures: Due process Complaint and Hearing - January 15, 2011](#)

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## **Section 6: How does the SEA Allocate Funds to New or Expanding Charter Schools? How Can You Prepare for Compliance Monitoring?**

### ***Allocation of Funds to New and Expanding Charter Schools***

A charter school that opens for the first time or expands its enrollment is entitled to receive the federal funds for which it is eligible in a timely manner. The amount of funds the school receives and the timeline for receipt of the funds are based upon the date on which the school opens or expands. The United States Department of Education, Office of Innovation and Improvement, issued a Dear Colleague letter dated December 12, 2008, reminding the State Educational Agencies and Charter School Local Educational Agencies (LEAs) of their responsibilities. This letter can be accessed at: <https://ccip.ode.state.oh.us/documentlibrary/ViewDocument.aspx?DocumentKey=65106>

To ensure IDEA Part B funding to Charter Schools that open for the first time or significantly expand their enrollment, the Bureau of Special Education (BSE) encourages Charter Schools to adhere to the Federal Regulations as stated in (34 CFR 76.785-76.799 Subpart H) entitled, How Does a State or Local Educational Agency Allocate Funds to Charter Schools? The link to the regulations is: <http://www.ecfr.gov/cgi-bin/text-idx?SID=393301a7cdccca1ea71f18aae51824e7&node=34:1.1.1.1.23&rgn=div5>

According to §76.788, Charter School responsibilities include:

- (a) Notice. At least 120 days before the date a charter school LEA is scheduled to open or significantly expand its enrollment, the charter school LEA or its authorized public chartering agency must provide its SEA with written notification of that date. This written notification must be forwarded to the Bureau of Special Education, ATTN: Sue Leonard.
- (b) Information. (1) In order to receive funds, a charter school LEA must provide to the SEA any available data or information that the SEA may reasonably require to assist the SEA in estimating the amount of funds the charter school LEA may be eligible to receive under a covered program.  
(2) (i) Once a charter school LEA has opened or significantly expanded its enrollment, the charter school LEA must provide actual enrollment and eligibility data to the SEA at a time the SEA may reasonably require.  
(ii) An SEA is not required to provide funds to a charter school LEA until the charter school LEA provides the SEA with the required actual enrollment and eligibility data.
- (c) Compliance. Except as provided in § 76.791(a), or the authorizing statute or implementing regulations for the applicable covered program, a charter school LEA must establish its eligibility and comply with all applicable program requirements on the same basis as other LEAs.

Additionally, it is advisable that Charter Schools become familiar with the Q&A document provided by The U.S. Department of Education, Office of Elementary and Secondary Education entitled, Allocation of Funds to New and Expanding Charter Schools. The link to the Q&A is: <https://www2.ed.gov/policy/elsec/guid/cschools/cguidedec2000.pdf>

### ***Preparing for Compliance Monitoring***

The Bureau of Special Education (BSE) will monitor all Pennsylvania charter schools and cyber charter schools to determine if applicable state and federal laws and regulations are being observed.

Monitoring of the charter school and cyber charter school special education programs and policies is called the Compliance Monitoring for Continuous Improvement (CMCI). Under this system, charter schools and cyber charter schools engage actively in the monitoring process, from participating in premonitoring training, through self-assessment, on-site collaboration with the BSE team, corrective action planning and implementation. BSE personnel will perform these monitorings with a minimum of disruption to the programs, pupils, and personnel in the charter schools and cyber charter schools. The key to a successful monitoring is careful preparation by the charter school and cyber charter school with the help of the BSE personnel prior to the scheduled dates of the monitoring.

## **Components of Monitoring**

1. **The Facilitated Self-Assessment (FSA)** - The charter school or cyber charter school assesses and reports on its compliance and accomplishments with respect to a variety of policies, procedures, student outcomes, file reviews, and program operations. The FSA is prepared by the charter school or cyber charter school prior to the on-site component of monitoring. It is used to facilitate discussion between the school and monitoring team and to identify areas of non-compliance and potential non-compliance, as well as areas of needed improvement.

### **The Facilitated Self-Assessment (FSA) –**

<http://pattan.net-website.s3.amazonaws.com/images/file/2012/01/05/11-12.CharterSchoolFSA.pdf>

2. **File Review** – The monitoring team reviews student records on-site to determine compliance with requirements for evaluation, IEP, placement, secondary transition, procedural safeguards, etc.

### **Initial Evaluation Only File Review –**

<http://pattan.net-website.s3.amazonaws.com/images/file/2012/01/05/11-12.InitialEvaluationOnlyFileReview.pdf>

### **Reevaluation Only File Review –**

<http://pattan.net-website.s3.amazonaws.com/images/file/2012/01/05/11-12.ReevaluationOnlyFileReview.pdf>

### **Reevaluation Waiver Only File Review –**

<http://pattan.net-website.s3.amazonaws.com/images/file/2012/01/05/11-12.ReevaluationWaiverOnlyFileReview.pdf>

3. **Parent and Teacher Interviews** – The monitoring team interviews parents and teachers of students selected by the BSE for the sample group. The goal is to determine whether the charter school or cyber charter school involves parents and professionals in required processes (e.g. IEP development), whether effective programs and services are being provided, and whether the school provides training to enhance knowledge.

Parent and teacher satisfaction with the school's special education program is also generally reflected.

**Parent Interview –**

<http://pattan.net-website.s3.amazonaws.com/images/file/2012/01/05/11-12.ParentInterview.pdf>

**General Education Teacher Interview –**

<http://pattan.net-website.s3.amazonaws.com/images/file/2012/01/05/11-12.GeneralEducationTeacherInterview.pdf>

**Special Education Teacher Interview –**

<http://pattan.net-website.s3.amazonaws.com/images/file/2012/01/05/11-12.SpecialEducationTeacherInterview.pdf>

4. **Student Interviews** - Upon recommendation by the Pennsylvania Special Education Advisory Panel (SEAP), a student interview component of the monitoring was developed by the SEAP Monitoring Sub-Committee. The student interviews were field tested during the 2002-03 and 2003-04 school years. Beginning with the 2004-05 school year, the student interview component was incorporated into the monitoring document and monitoring process for all charter schools and cyber charter schools. The student interview is conducted only with students at the secondary level and with the cooperation of the student. The goal of the student interview is to provide information and feedback to the school regarding student participation in their special education process and program. In addition, students' perceptions regarding the benefits of their program are also generally reflected.

**Student Interviews –**

<http://pattan.net-website.s3.amazonaws.com/images/file/2012/01/05/11-12.StudentInterview.pdf>

5. **Administrative Interview – The monitoring team interviews the administrative team of the charter school or cyber charter school to gain a general understanding of local operations and unique circumstances affecting the delivery of special education in the school.**

**Administrative Interview –**

<http://pattan.net-website.s3.amazonaws.com/images/file/2012/01/05/11-12.AdministrativeInterview.pdf>

6. **Classroom Observation** – The monitoring team conducts observation at the classroom level to gain further knowledge about the actual implementation of programs and services for students with disabilities.

Classroom Observation –

<http://pattan.net-website.s3.amazonaws.com/images/file/2012/01/25/11-12ClassroomObservation.pdf>

7. **Parent Survey** – A web-based parent survey is made available to the parents of all students with disabilities within the charter school or cyber charter school. Information generated from the parent survey is provided to the school prior to completion of the FSA. The parent survey results are used to guide and inform school staff and the monitoring teams regarding areas of potential non-compliance and improvement planning.

Parent Survey –

<http://pattan.net-website.s3.amazonaws.com/images/file/2012/01/24/11-12ParentSurvey.pdf>

8. **Teacher Survey** – A web-based teacher survey is made available to all teachers currently employed by the charter school or cyber charter school. Information generated from the teacher survey is provided to the school prior to completion of the FSA. Teacher survey results are also used to guide and inform school staff and the monitoring team regarding areas of potential need for professional development and improvement planning.

Teacher Survey –

<http://pattan.net-website.s3.amazonaws.com/images/file/2012/01/24/11-12TeacherSurvey.pdf>

### ***The Monitoring Report***

When monitoring has been completed, the BSE prepares and issues a report to the charter school or cyber charter school. The report consists of findings in topical areas, including:

- Policies and Procedures
- Performance Outcomes
- Training for Parents and Professionals
- Evaluation of Students
- IEPs
- IEP Implementation
- Secondary Transition
- Educational Placement (including LRE)
- Discipline
- Procedural Safeguards



The report is formatted so that findings from all components of the monitoring are consolidated by topical area. It lists the finding, and whether corrective action and/or improvement planning is required.

### ***Corrective Action and Improvement Planning***

Charter schools and cyber charter schools need to be aware of the federal requirement that all corrective action required for non-compliance must be completed by the charter school or cyber charter school and closed by BSE as soon as possible, but no later than one year from the date the monitoring report is issued. All states must report annually to the public and OSEP on the status of corrective action within the one year timeline. It is essential that all corrective action be appropriately designed and implemented to ensure compliance with this timeline.

For certain types of findings, corrective action will be prescribed and will not vary from charter school to charter school. For example, if the finding is that the charter school or cyber charter school lacks a specific required policy, it is reasonable to have the BSE prescribe a standardized remedy and timeline for correcting this deficiency. However, the charter school or cyber charter school, based on its unique circumstances and goals, will individually design the majority of corrective action strategies. Staff from the Pennsylvania Training and Technical Assistance Network (PaTTAN) and intermediate units (IU) are available to provide technical assistance during this process.

Educational consultants from PaTTAN participate in the development of the school's Corrective Action Verification/Compliance and Improvement Plan. PaTTAN and IU consultants forward documentation to the school as assigned in the agreed upon Corrective Action Verification/Compliance and Improvement Plan. Charter school and cyber charter school personnel are responsible for providing documentation to their BSE Single Point of Contact (SPOC) to verify completion of corrective action.

As documented in the charter school's Corrective Action Verification/Compliance and Improvement Plan, the SPOC and PaTTAN educational consultant follow a verification schedule. The SPOC maintains overall responsibility for documenting implementation of the Plan. However, PaTTAN and IU staff will support the school in corrective action verification in a variety of ways (e.g., providing technical assistance to improve school file reviews, collecting and reviewing required documents, providing and verifying required training as outlined in the Plan). All activity is documented via a template that is available electronically, so that tracking can occur and be maintained by BSE.

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**Supporting Documents for Section 6:**

**Template for Developing School Policies** - This planning document provides a resource to charter schools and cyber charter schools to meet the child find and other public outreach requirements of Chapter 711 and IDEA. This template contains the legal basis for child find, guiding questions for developing a compliant child find policy, and suggestions for developing school policies that address issues such as child find, evaluation, and confidentiality.

Template for Developing School Policies –

<http://pattan.net->

[website.s3.amazonaws.com/images/file/2012/01/24/CharterCyberChildFindTemplate.pdf](http://pattan.net-website.s3.amazonaws.com/images/file/2012/01/24/CharterCyberChildFindTemplate.pdf)

**Template for Developing Positive Behavior Support Policy** - This planning document provides a resource to charter schools and cyber charter schools to meet the positive behavior support requirements of Chapter 711 and IDEA. This template contains the legal basis for positive behavior support, guiding questions for developing a compliant positive behavior support policy, and suggestions for developing school policies that address issues around the use of restraints, such as reporting of restraints, parental notification, and IEP team review.

Template for Developing Positive Behavior Support Policy –

<http://pattan.net->

[website.s3.amazonaws.com/images/file/2012/02/01/CharterCyberPBS.pdf](http://pattan.net-website.s3.amazonaws.com/images/file/2012/02/01/CharterCyberPBS.pdf)

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## Section 7: Resources

This section provides resources to support the information found in Sections 1 – 6.

- I. Federal and State Laws and Regulations Related to Serving Students with Disabilities
    - Family Educational Rights and Privacy Act (FERPA)
    - IDEA 2006 Regulations
    - IDEA
    - PA Chapter 711 Regulations: Charter School Services and Programs for Children with Disabilities
    - Pennsylvania’s Right to Know Law
    - Section 504 of the Rehabilitation Act of 1973
    - The Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA)
    - Allocation of Funds to New and Expanding Charter Schools
  
  2. Basic Education Circulars
    - *Basic Education Circular - Charter Schools*
    - *Basic Education Circular – Cyber Charter Schools*
    - *Basic Education Circular: Disciplinary Exclusions of Students Who are Eligible for Special Education*
    - *Basic Education Circular: Early Intervention Transition: Preschool Programs to School-Aged Program*
    - *Basic Education Circular: Educating Students With Limited English Proficiency (LEP) and English Language Learners (ELL)*
    - *Basic Education Circular: Education Services for Students Incarcerated*
    - *Basic Education Circular: Extended School Year Eligibility*
    - *Basic Education Circular: Instruction Conducted in the Home*
    - *Basic Education Circular: Least Restrictive Environment (LRE) and Educational Placement for Students with Individual Education Programs (IEPs)*
    - *Basic Education Circular: Placement Options for Special Education*
  
  3. Questions and Answers (Q&A)
    - Questions & Answers for Chapter 14 (Volume 8) Regarding Reevaluation Procedures and Process (April 10, 2010)
    - Questions & Answers for Chapter 14 (Volume 4) The Restraint Reporting Requirements and System (June 2009)
    - Questions & Answers (Volume 5) Regarding Supplemental Regulations to 34 CFR Part 300 Parent Revocation of Consent for Special Education Programs and Services
  
  4. Special Education Forms
    - *Agreement to Waive the Reevaluation --Annotated and Non-annotated*
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- *Bureau of Special Education Complaint Form and Information Packet*
- *Communication Plan -- Annotated and Non-annotated*
- *Evaluation Report --Annotated and Non-annotated*
- *Individualized Education Program (IEP) --Annotated and Non-annotated*
- *Intent to Register – First Grade Eligible (Age of Beginners) -- Annotated and Non-annotated*
- *Invitation to Participate in the IEP Team Meeting --Annotated and Non-annotated*
- *Notice of Recommended Educational Placement/Prior Written Notice (NOREP) --Annotated and Non-annotated*
- *Parental Consent to Excuse Members from Attending the IEP Meeting -- Annotated and Non-annotated*
- *Permission to Evaluate-Consent Form -- Annotated and Non-annotated*
- *Permission to Evaluate-Request Form -- Annotated and Non-annotated*
- *Permission to Reevaluate- Consent Form -- Annotated and Non-annotated*
- *Permission to Reevaluate- Request Form -- Annotated and Non-annotated*
- *Positive Behavior Support Plan - Annotated and Non-annotated*
- *Procedural Safeguards Notice and Procedural Safeguards Letter*
- *Reevaluation Report --Annotated and Non-annotated*
- *Summary of Academic Achievement and Functional Performance*

5. Templates for Developing Charter School and Cyber Charter School Policies

- *Template for Developing Positive Behavior Support Policy*
- *Template for Developing School Policies*

6. Webinars Related to Special Education Programs and Services

- *Americans with Disabilities Act, Section 504, Chapter 15 and More*
- *Developing Communication Plans for Students Who are Deaf or Hard of Hearing*
- *Developing Standards Aligned IEPs*
- *Evaluation and Reevaluation: The Basics*
- *Identifying Students with Specific Learning Disability*
- *State Complaint Procedures, Due Process Complaint, and Due Process Hearing*
- *Student Conduct*
- *The Evaluation Report*
- *The Reevaluation Report*
- *The Role of the General Educator in the Special Education Process*

7. Publications Related to Special Education Programs and Services

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- *Accommodations Guidelines for Students with IEPs and Students with 504 Plans*
- *Alternatives to Suspension and Expulsion*
- *Assistive Technology in the IEP: A Guide for IEP Teams*
- *Bureau of Special Education Complaint Information Packet and Form*
- *Bureau of Special Education State Complaint Resolution Procedures*
- *Formative Assessment: Monitoring the Progress of Students Who Have IEPs*
- *Functional Behavioral Assessment*
- *Functional Behavioral Assessment Process*
- *General Due Process Hearing Timelines When the Parent Files a Complaint*
- *Manifestation Determination*
- *Manifestation Determination Worksheet*
- *Office for Dispute Resolution Fact Sheet*
- *Office for Dispute Resolution: Your Guide To Mediation*
- *Pennsylvania's Guidelines for the Provision of Accessible Instructional Materials (AIM)*
- *Questions & Answers (Volume 5) Regarding Supplemental Regulations to 34 CFR Part 300 Parent Revocation of Consent for Special Education Programs and Services*
- *Resolution Meetings: A Guide for Parents and Educators*
- *Resolution Meetings: A Guide for Parents and Educators (Spanish)*
- *Secondary Transition Resources Folder - 2011-12 - English - Part I*
- *Secondary Transition Resources Folder – 2011-12 - English – Part II*
- *Secondary Transition Resources Folder - 2011-12 - Spanish - Part I*
- *Secondary Transition Resources Folder – 2011-12 – Spanish – Part II*
- *Special Education Dispute Resolution Manual*
- *Special Education Process Timelines*
- *Special Education Spotlight: A Focus on Meeting State and Federal Discipline Requirements for Students with IEPs in PA Public Schools*
- *Statewide Assessment in Pennsylvania (English and Spanish)*
- *Students with Disabilities Attending Public Charter Schools, Education Law Center Publication*
- *Teachers' Desk Reference: Extended School Year (ESY)*
- *Teachers' Desk Reference: Formative Assessment*
- *Teachers' Desk Reference: Inclusive Practices*
- *Teachers' Desk Reference: The Shared Responsibility of Educational Team Members*
- *Template for Developing Positive Behavior Support Policy*
- *Template for Developing School Policies*
- *The Reevaluation Process for Students with Disabilities*
- *The Special Education ConsultLine Booklet*
- *The Special Education Evaluation/IEP Process (Flowchart)*

- *The Special Education Reevaluation/IEP Process (Flowchart)*
- *Understanding the Language of Special Education: A Glossary for Parents and Educators*
- *Universal Design for Learning*
- *Webinar: State Complaint Procedures, Due Process Complaint, and Due Process Hearing - January 15, 2011*
- *Writing Standards Aligned IEPs: At a Glance*

### 8. Websites Related to Special Education Programs and Services

- a. Pennsylvania Department of Education  
[http://www.portal.state.pa.us/portal/server.pt/community/pennsylvania\\_department\\_of\\_education/7237](http://www.portal.state.pa.us/portal/server.pt/community/pennsylvania_department_of_education/7237)
- b. Pennsylvania Training and Technical Assistance Network (PaTTAN)  
<http://www.pattan.net>
- c. The National Charter School Resource Charter School Center  
<http://www.charterschoolcenter.org>

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**Resource Annotations and Links****I. Federal and State Laws and Regulations Related to Serving Students with Disabilities*****Chapter 711: Charter School Services and Programs for Children with Disabilities***

These regulations provide the regulatory requirements for a charter school or cyber charter school, defined as an independent public school established and operated under a charter from the local board of school directors and in which students are enrolled or attend.

<http://www.pacode.com/secure/data/022/chapter711/chap711toc.html>

***IDEA 2006 Regulations***

This document provides the final regulations for IDEA along with commentary regarding the acceptance or denial for recommendations given by the public.

<http://idea.ed.gov/download/finalregulations.pdf>

***Pennsylvania's Right to Know Law***

This law, which became effective on January 1, 2009, provides for access to public information; for a designated open-records officer in each Commonwealth agency, local agency, judicial agency and legislative agency, for procedure, for appeal of agency determination, for judicial review and for the Office of Open Records; imposing penalties; providing for reporting by State-related institutions; requiring the posting of certain State contract information on the Internet; and making related repeals.

[http://www.openrecordspa.org//rtk\\_assets/09RTKlaw.pdf](http://www.openrecordspa.org//rtk_assets/09RTKlaw.pdf)

***Section 504 of the Rehabilitation Act of 1973***

Section 504 is a part of the Rehabilitation Act of 1973 (29 U.S.C. §794(a); 34 CFR Part 104) that prohibits discrimination based upon disability. Section 504 is an anti-discrimination, civil rights statute that requires the needs of students with disabilities to be met as adequately as the needs of the nondisabled students are met.

<http://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html>

***The Americans with Disabilities Act Amendments Act of 2008(ADAAA) Regulations***

The ADAAA, which went into effect on January 1, 2009, expanded the protections of the Americans with Disabilities Act of 1990. The ADA of 1990 set out to provide a mandate to eliminate discrimination against individuals with disabilities. Changes contained in the ADAAA include a broadening of the definition of disability to include a condition or impairment that substantially limits a major life activity standard. The ADAAA implementing regulations went into effect on May 24, 2011.

<http://www.gpo.gov/fdsys/pkg/FR-2011-03-25/pdf/2011-6056.pdf>

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***The Family Educational Rights and Privacy Act (FERPA)***

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

***The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA/IDEA 2004)***

IDEA 2004 and its implementing regulations ensure that all children with disabilities have a free appropriate public education (FAPE) and that the rights of children with disabilities and their parents are protected. IDEA 2004 aligns to the No Child Left Behind (NCLB) Act. IDEA 2004 focuses on improving educational outcomes for students with disabilities and expanding opportunities to reduce disagreements between schools and parents.

<http://idea.ed.gov/download/statute.html>

***Allocation of Funds to New and Expanding Charter Schools***

A charter school that opens for the first time or expands its enrollment is entitled to receive the federal funds for which it is eligible in a timely manner. The Pennsylvania Department of Education, Bureau of Special Education, provides information and resources pertaining to receiving funds for new and expanding charter schools. These resources can be found here.

**2. Basic Education Circulars (BECs)**

Each Basic Education Circular (BEC) provides the PA Department of Education's guidance on the implementation of law, regulation and policy. This includes Purdon's Statutes, Federal Codes, PA Codes, US Codes.

[http://www.portal.state.pa.us/portal/server.pt/community/basic\\_education\\_circulars/7497](http://www.portal.state.pa.us/portal/server.pt/community/basic_education_circulars/7497)

***Basic Education Circular - Charter Schools***

This Basic Education Circular (BEC) is meant to serve as a guide to charter schools, school districts, parents, and students for establishing and operating charter schools, and to intermediate units for providing services to assist the charter school to address the specific needs of exceptional students.

[http://www.portal.state.pa.us/portal/server.pt/community/purdon's\\_statutes/7503/charter\\_schools/507318](http://www.portal.state.pa.us/portal/server.pt/community/purdon's_statutes/7503/charter_schools/507318)

***Basic Education Circular – Cyber Charter Schools***

This Basic Education Circular (BEC) is meant to provide guidance to cyber charter schools, school districts, parents, and students for establishing and operating charter schools, and to intermediate units for providing services to assist the charter school to address the specific needs of exceptional students.

[http://www.portal.state.pa.us/portal/server.pt/community/purdon's\\_statutes/7503/cyber\\_charter\\_schools/507354](http://www.portal.state.pa.us/portal/server.pt/community/purdon's_statutes/7503/cyber_charter_schools/507354)

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**Basic Education Circular: Disciplinary Exclusions of Students Who are Eligible for Special Education**

[http://www.portal.state.pa.us/portal/server.pt/community/pa\\_codes/7501/disciplinary\\_exclusions\\_of\\_students\\_who\\_are\\_eligible\\_for\\_special\\_education/507369](http://www.portal.state.pa.us/portal/server.pt/community/pa_codes/7501/disciplinary_exclusions_of_students_who_are_eligible_for_special_education/507369)

**Basic Education Circular: Early Intervention Transition: Preschool Programs to School-Aged Program**

[http://www.portal.state.pa.us/portal/server.pt/community/purdon's\\_statutes/7503/early\\_intervention\\_transition\\_infants\\_and\\_toddlers\\_to\\_preschool/507323](http://www.portal.state.pa.us/portal/server.pt/community/purdon's_statutes/7503/early_intervention_transition_infants_and_toddlers_to_preschool/507323)

**Basic Education Circular: Educating Students With Limited English Proficiency (LEP) and English Language Learners (ELL)**

[http://www.portal.state.pa.us/portal/server.pt/community/pa\\_codes/7501/educating\\_students\\_with\\_limited\\_english\\_proficiency\\_\(lep\)\\_and\\_english\\_language\\_learners\\_\(ell\)/507356](http://www.portal.state.pa.us/portal/server.pt/community/pa_codes/7501/educating_students_with_limited_english_proficiency_(lep)_and_english_language_learners_(ell)/507356)

**Basic Education Circular: Education Services for Students Incarcerated**

[http://www.portal.state.pa.us/portal/server.pt/community/purdon's\\_statutes/7503/education\\_services\\_for\\_students\\_incarcerated/507336](http://www.portal.state.pa.us/portal/server.pt/community/purdon's_statutes/7503/education_services_for_students_incarcerated/507336)

**Basic Education Circular: Extended School Year Eligibility**

[http://www.portal.state.pa.us/portal/server.pt/community/pa\\_codes/7501/extended\\_school\\_year\\_eligibility/507368](http://www.portal.state.pa.us/portal/server.pt/community/pa_codes/7501/extended_school_year_eligibility/507368)

**Basic Education Circular: Instruction Conducted in the Home**

[http://www.portal.state.pa.us/portal/server.pt/community/federal\\_codes/7499/instruction\\_conducted\\_in\\_the\\_home/507387](http://www.portal.state.pa.us/portal/server.pt/community/federal_codes/7499/instruction_conducted_in_the_home/507387)

**Basic Education Circular: Least Restrictive Environment (LRE) and Educational Placement for Students with Individual Education Programs (IEPs)**

[http://www.portal.state.pa.us/portal/server.pt/community/pa\\_codes/7501/least\\_restrictive\\_environment\\_\(lre\)\\_and\\_educational\\_placement\\_for\\_students\\_with\\_individualized\\_education\\_programs\\_\(ieps\)/507373](http://www.portal.state.pa.us/portal/server.pt/community/pa_codes/7501/least_restrictive_environment_(lre)_and_educational_placement_for_students_with_individualized_education_programs_(ieps)/507373)

**Basic Education Circular: Placement Options for Special Education**

[http://www.portal.state.pa.us/portal/server.pt/community/pa\\_codes/7501/placement\\_options\\_for\\_special\\_education/507357](http://www.portal.state.pa.us/portal/server.pt/community/pa_codes/7501/placement_options_for_special_education/507357)

### **3. Questions and Answers (Q&As)**

Questions and Answers is a collection of frequently asked questions received by BSE regarding the implementation of IDEA, Chapter 14, and Chapter 711. Questions related to the Q & As are to be directed to the Bureau of Special Education.

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**Questions & Answers for Chapter 14 (Volume 8) Regarding Reevaluation Procedures and Process (April 10, 2010)**

**Questions & Answers for Chapter 14 (Volume 4) The Restraint Reporting Requirements and System (June 2009)**

**Questions & Answers (Volume 5) Regarding Supplemental Regulations to 34 CFR Part 300 Parent Revocation of Consent for Special Education Programs and Services**

#### **4. Special Education Forms**

This section provides documents developed by the Pennsylvania Department of Education to assist Local Education Agencies (LEAs) in providing a free, appropriate, public education to students with disabilities. Charter schools and cyber charter schools, which are LEAs, may rearrange the order of items on the forms or add other information to the forms, but cannot eliminate any of the information listed in these forms.

<http://www.pattan.net/category/Legal/Forms>

##### **Agreement to Waive Reevaluation**

This form is used to obtain parental agreement to waive a reevaluation.

##### **Agreement to Waive Reevaluation (Annotated)**

This annotated document describes the Agreement to Waive Reevaluation form, which is used to obtain parental agreement to waive a reevaluation.

##### **Bureau of Special Education Complaint Form and Information Packet**

This form is used to submit a formal complaint to the PA Department of Education, Bureau of Special Education (BSE) – Division of Compliance.

##### **Communication Plan**

The Communication Plan must be included in the IEP of any student who is deaf or hard of hearing. The purpose of this form is to establish discussion among IEP team members who review the needs of the student in the areas of communication skills and access.

##### **Communication Plan (Annotated)**

This annotated document describes the Communication Plan, which must be included in the IEP of any student who is deaf or hard of hearing. The Communication Plan establishes discussion among IEP team members who review the needs of the student in the areas of communication skills and access.

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**Evaluation Report**

This report documents the process of an initial evaluation, in which a team, defined in Federal and State regulations as a group of qualified professionals and the parent of the student, determine if the student is a student with a disability and in need of special education services.

**Evaluation Report (Annotated)**

This annotated document describes the contents of the Evaluation Report, which is completed to document the process in which an evaluation team, defined in Federal and State regulations as a group of qualified professionals and the parent of the student, determine if the student is a student with a disability and in need of special education services. This form is used only when evaluating a student who is not yet identified as a school age student who receives special education services.

**Individualized Education Program (IEP)**

This form is used to document the special education services and related services develop by the IEP team to meet the unique needs of a student with a disability.

**Individualized Education Program (Annotated)**

This annotated document describes the contents of the IEP, which is used to document the decisions regarding a student’s educational programming as determined by the IEP team.

**Intent to Register – First Grade Eligible (Age of Beginners)**

This form is provided to the parent by the preschool early intervention program at the transition meeting (to be held by the end of February) and is completed jointly by the preschool and the charter school or cyber charter school.

**Intent to Register – First Grade Eligible (Age of Beginners) (Annotated)**

This annotated document describes the Intent to Register – First Grade Eligible form, which is provided to the parent by the preschool early intervention program at the transition meeting (to be held by the end of February) and is completed jointly by the preschool and the charter school or cyber charter school.

**Invitation to Participate in the IEP Team Meeting or Other Meeting**

This form is used to invite the parents of a student with disabilities, and the student, if appropriate, to a meeting to discuss the student’s special education programs and services.

**Invitation to Participate in the IEP Team Meeting or Other Meeting (Annotated)**

This annotated document describes the Invitation to Participate in the IEP Team or Other Meeting, which is used to invite the parents of a student with disabilities, and the student, if appropriate, to a meeting to discuss the student’s special education programs and services.

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**Notice of Recommended Educational Placement/Prior Written Notice (NOREP/PWN)**

This NOREP/PWN form summarizes for parents the recommendations of the LEA for a child's educational program, and other actions taken by the LEA.

**Notice of Recommended Educational Placement/Prior Written Notice (NOREP/PWN) (Annotated)**

The annotated document describes the Notice of Recommended Educational Placement/Prior Written Notice form, which summarizes for parents the recommendations of the LEA for a child's educational program, and other actions taken by the LEA.

**Notice of Recommended Educational Placement/Prior Written Notice (NOREP/PWN) for Revocation of Consent for Special Education Services (Annotated)**

The annotations in this document pertain only to the use of the NOREP/PWN by an LEA to document parental revocation of special education and related services.

**Parental Consent to Excuse Members from Attending the IEP Team Meeting**

This form provides the LEA an opportunity to request parental consent to excuse a required IEP team member from attending an IEP team meeting in whole or in part.

**Parental Consent to Excuse Members from Attending the IEP Team Meeting (Annotated)**

This annotated document describes the Parental Consent to Excuse Members from Attending the IEP Team Meeting, which is used to request parental consent to excuse a required IEP team member from attending an IEP team meeting in whole or in part.

**Permission to Evaluate – Consent Form**

This document must be issued by each Local Education Agency to obtain written consent to conduct an initial evaluation.

**Permission to Evaluate – Consent Form (Annotated)**

This annotated document describes the contents of the Permission to Evaluate – Consent Form, which must be issued by each Local Education agency to obtain written consent to conduct and initial evaluation.

**Permission to Evaluate - Evaluation Request Form**

This document must be issued by each Local Education Agency in response to a parent's oral request for an evaluation within 10 calendar days of the oral request.

**Permission to Evaluate - Evaluation Request Form (Annotated)**

This annotated document describes the Permission to Reevaluate - Evaluation Request Form, which must be issued by each Local Education Agency in response

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to a parent’s oral request for an evaluation within 10 calendar days of the oral request.

**Permission to Reevaluate – Consent Form**

This document must be issued by each Local Education Agency to obtain written consent to conduct a reevaluation.

**Permission to Reevaluate – Consent Form (Annotated)**

This annotated document describes the Permission to Reevaluate – Consent Form, which must be issued by each Local Education Agency to obtain written consent to conduct a reevaluation.

**Permission to Reevaluate – Reevaluation Request Form**

This document must be issued by each Local Education Agency in response to a parent’s oral request for a reevaluation within 10 calendar days of the oral request.

**Permission to Reevaluate- Reevaluation Request Form (Annotated)**

This annotated document describes the Permission to reevaluate – Evaluation Request Form, which must be issued by each Local Education Agency in response to a parent’s oral request for a reevaluation within 10 calendar days of the oral request.

**Positive Behavior Support Plan**

The IDEA requires that a student’s IEP team consider adoption of “strategies, including positive behavioral interventions, strategies, and supports” to address behavior that “impedes the student’s learning or that of others.” This document provides a structure for teams to specify, within the format of an IEP or as a separate document, behaviors that are prohibited; behaviors that are expected; the positive interventions, strategies and supports to address the behaviors; and the positive and negative consequences for identified behaviors.

**Positive Behavior Support Plan - Annotated**

This annotated Positive Behavior Support Plan describes the Positive Behavior Support Plan document, which provides a structure for teams to specify, within the format of an IEP or as a separate document, behaviors that are prohibited; behaviors that are expected; the positive interventions, strategies and supports to address the behaviors; and the positive and negative consequences for identified behaviors.

**Procedural Safeguards Letter**

This letter introduces the contents of the Procedural Safeguards Notice, which includes a full explanation of all of the rights available to parents of a child with a disability ages 3-21 when their child has been referred for or is receiving special education services.

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**Procedural Safeguards Notice**

The Procedural Safeguards Notice includes a full explanation of all of the rights available to parents of a child with a disability ages 3-21 when their child has been referred for or is receiving special education services. This model form provides a format that LEAs may choose to use to provide information about procedural safeguards to parents.

**Reevaluation Report**

This report documents the process of a reevaluation, in which a team, defined in Federal and State regulations as a group of qualified professionals and the parent of the student, determine if the student continues to be a student with a disability and in need of special education services, and to develop an individualized educational program for the student.

<http://pattan.net-website.s3.amazonaws.com/files/materials/forms/RR-070108.pdf>

**Reevaluation Report (Annotated)**

This annotated document describes the contents of the Reevaluation Report. This form documents the review of existing student evaluation data, the determination of the need for additional data, and the conclusion regarding a student's continued eligibility for special education services.

**Summary of Academic Achievement and Functional Performance**

This form is issued to students with disabilities who are exiting high school, to provide them with information regarding their academic achievement and functional performance. The summary includes recommendations on how to assist the student in meeting postsecondary goals.

**Summary of Academic Achievement and Functional Performance (Annotated)**

This annotated document describes the Summary of Academic Achievement and Functional Performance, which is issued to students with disabilities who are exiting high school, to provide them with information regarding their academic achievement and functional performance.

## **5. Templates for Developing Charter School and Cyber Charter School Policies**

**Template for Developing Positive Behavior Support Policy**

This planning document provides a resource to charter schools and cyber charter schools to meet the positive behavior support requirements of Chapter 711 and IDEA. This template contains the legal basis for positive behavior support, guiding questions for developing a compliant positive behavior support policy, and suggestions for developing school policies that address issues around the use of restraints, such as reporting of restraints, parental notification, and IEP team review.

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**Template for Developing Positive Behavior Support Policy –**

<http://pattan.net-website.s3.amazonaws.com/images/file/2012/02/01/CharterCyberPBS.pdf>

***Template for Developing School Policies***

This planning document provides a resource to charter schools and cyber charter schools to meet the positive behavior support requirements of Chapter 711 and IDEA. This template contains the legal basis for positive behavior support, guiding questions for developing a compliant positive behavior support policy, and suggestions for developing school policies that address issues around the use of restraints, such as reporting of restraints, parental notification, and IEP team review.

**Template for Developing School Policies –**

<http://pattan.net-website.s3.amazonaws.com/images/file/2012/01/24/CharterCyberChildFindTemplate.pdf>

**6. Webinars Related to Special Education Programs and Services**

***Americans with Disabilities Act, Section 504, Chapter 15 and More –***

***November 2, 2010***

Recent revisions to the American with Disabilities Act (ADA) have resulted in new requirements under Section 504 of the Rehabilitation Act/Chapter 15 of the PA School Code. This webinar summarizes the requirements of the ADA of 1990, the ADA Amendments of 2008, and Section 504/Chapter 15 for local education agencies.

**Video**

***Developing Communication Plans for Students Who are Deaf or Hard of Hearing – May 4, 2011***

Federal and state regulations require that a Communication Plan be developed as part of the IEP for students who are deaf or hard of hearing. This plan acknowledges that all students who are deaf and hard of hearing have a right to full language and communication access within all program options and for all facets of their educational experiences and environments. In this webinar, the presenters outline the legal requirements and highlight the terminology used in the Communication Plan. Participants review each component of the Communication Plan in regards to the decision making process required by IEP teams as they create and complete the Communication Plan.

**Video**

***Developing Standards Aligned IEPs – February 15, 2011***

The webinar provides a brief overview on how to assess student skills relative to Pennsylvania's academic standards, utilize those data to develop standards aligned

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IEP goals, implement targeted instruction to meet those standards, and develop progress monitoring tools to assess and inform instructional practices.

**Video**

***Evaluation and Reevaluation: The Basics – October 25, 2011***

This webinar provides foundational information regarding the purpose for, and considerations required of, evaluations and reevaluations. Resources related to the evaluation and reevaluation processes are described.

**Video**

***Identifying Students with Specific Learning Disability – April 19, 2011***

This webinar provides an overview of Pennsylvania's Specific Learning Disability (SLD) Guidelines. Following a brief legal background, each of the four criteria for determining SLD are examined. Specific information is provided that highlights the requirements for using both the Discrepancy Model and the Response to Instruction and Intervention Model for eligibility determination.

**Video**

***State Complaint Procedures, Due Process Complaint, and Due Process Hearing - January 5, 2011***

This webinar provides information about the two different types of state complaints. The first type is a separate process for filing written complaints with the Bureau of Special Education. The other pertains to filing complaints for mediation and due process.

**Video**

***Student Conduct – December 9, 2010***

This webinar provides information about disciplinary procedures pertaining to suspension and expulsion of general education and special education students.

**Video**

***The Evaluation Report - November 16, 2011***

This webinar walks participants through sections of the Evaluation Report, with a focus on the Determination of Specific Learning Disability component. The session provides a detailed review of the annotated Evaluation Report.

**Video**

***The Reevaluation Report – December 15, 2011***

This webinar walks participants through the Reevaluation Report, with a focus on the Determination of Specific Learning Disability component. The session provides a detailed review of the annotated Reevaluation Report.

**Video**



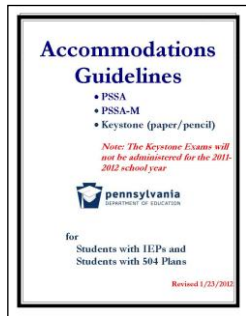
**The Role of the General Educator in the Special Education Process – October 12, 2010**

This webinar provides general education teachers with information regarding their role in the special education process. Presenters cover a range of topics in which the general education teacher collaborates with special education staff to serve students in need, including child find responsibilities, the prereferral process, participation on the evaluation team, and membership on the IEP team.

**Video**

**7. Publications Related to Special Education Programs and Services**

This section features publications available on the PaTTAN website ([www.pattan.net](http://www.pattan.net)) or the PA Department of Education website ([www.state.pa.us](http://www.state.pa.us)). All publications can be downloaded. Multiple copies of PaTTAN publications are available free of cost and can be ordered online.



**Accommodations Guidelines for Students with IEPs and Students with 504 Plans**



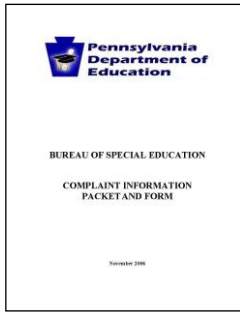
**Alternatives to Suspension and Expulsion**

Despite their wide-spread use, disciplinary exclusions are largely ineffective in reducing problem behaviors. This product provides information about implementing alternative consequence strategies and reducing the need for suspension and expulsion.



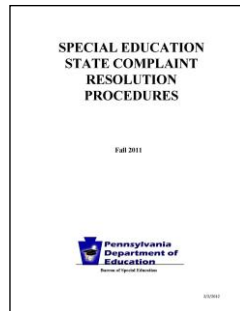
**Assistive Technology in the IEP: A Guide for IEP Teams**

Appropriate assistive technology (AT) devices and services can allow students with disabilities to participate in and benefit from the general education curriculum and to meet Individualized Education Program (IEP) goals. The purpose of this brochure is to provide guidance to the special educators, related service providers, and parents as they develop Individual Education Programs (IEP) for students using assistive technology.



**Bureau of Special Education Complaint Information Packet and Form**

This document provides information about the complaint process and includes a complaint form.



**Bureau of Special Education State Complaint Resolution Procedures**

This publication outlines the procedures that are followed when complainants allege that The rights of one or more students eligible for services under the IDEA, Chapters 14 or 711 in the State Board Regulations or corresponding federal statutes or regulations have been violated.



**Formative Assessment: Monitoring the Progress of Students Who Have IEPs**

Progress monitoring is the ongoing process of collecting and analyzing data to determine student progress toward attainment of educational goals. This fact sheet outlines the seven steps of progress monitoring.



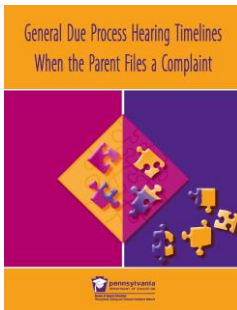
**Functional Behavioral Assessment**

Functional Behavioral Assessment (FBA) is a process of gathering information to understand the function (purpose) of behavior in order to write an effective Positive Behavior Support Plan. This publication provides information about when an FBA must be conducted, who conducts the FBA, and the process of determining the appropriate level of FBA required.



**Functional Behavioral Assessment Process**

Functional Behavioral Assessment (FBA) is a process of gathering information to understand the function (purpose) of behavior in order to write an effective Positive Behavior Support Plan. This publication explains the FBA process and includes a worksheet, which walks IEP teams through the steps of the process.



**General Due Process Hearing Timelines When the Parent Files a Complaint**

This chart provides parents and educators with general due process timelines. See also Resolution Meetings: A Guide for Parents and Educators.



**Manifestation Determination**

This rack card explains Manifestation Determination, which is a process required by the Individuals with Disabilities Education Act (IDEA 2004). A Manifestation Determination is conducted when considering the exclusion of a student with a disability that constitutes a change of placement.



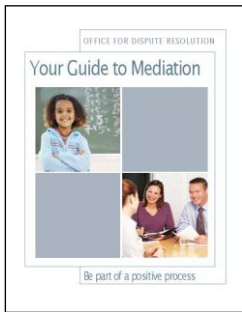
**Manifestation Determination Worksheet**

This product explains Manifestation Determination, which is a process required by the Individuals with Disabilities Education Act (IDEA 2004). A Manifestation Determination is conducted when considering the exclusion of a student with a disability that constitutes a change of placement.



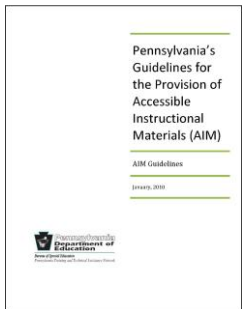
**Office for Dispute Resolution Fact Sheet**

This fact sheet provides an overview of the services offered by the Office for Dispute Resolution.



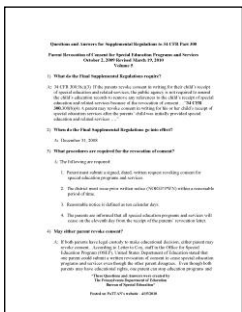
**Office for Dispute Resolution: Your Guide to Mediation**

This document contains information to help you become familiar with the mediation process and to help you prepare for a mediation session.

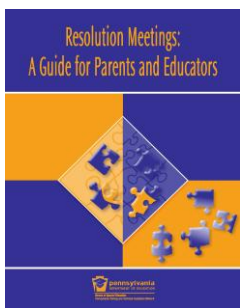


**Pennsylvania's Guidelines for the Provision of Accessible Instructional Materials (AIM)**

The Pennsylvania Department of Education "Guidelines for the Provision of Accessible Instructional Materials" is presented in PDF Format and in a Digital Talking Book (DBT) format, converted to Daisy 3 standards. This digital talking book can be read using a variety of hardware devices and software provided to read the Daisy format. The Daisy format is in a Zip file, which has to be downloaded and unzipped.



**Questions & Answers (Volume 5) Regarding Supplemental Regulations to 34 CFR Part 300 Parent Revocation of Consent for Special Education Programs and Services**



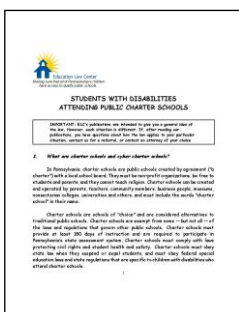
**Resolution Meetings: A Guide for Parents and Educators**

This guide will help parents and educators to have a better understanding of the resolution meeting, one of the ways in which special education disputes can be resolved. See also General Due Process Hearing Timelines When the Parent Files a Complaint.



**Resolution Meetings: A Guide for Parents and Educators (Spanish)**

This guide in Spanish will help parents and educators to have a better understanding of the resolution meeting, one of the ways in which special education disputes can be resolved. See also General Due Process Hearing Timelines When the Parent Files a Complaint.

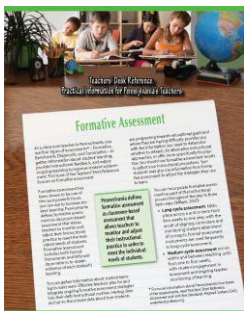


**Students with Disabilities Attending Public Charter Schools, Education Law Center Publication**



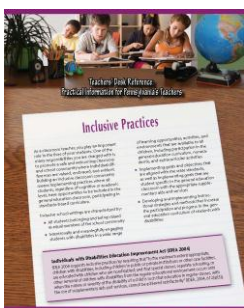
**Teachers' Desk Reference: Extended School Year (ESY)**

This issue of Teachers' Desk Reference explains the process the Individualized Education Program (IEP) team utilizes to determine the eligibility for Extended School Year (ESY) services for students with disabilities who receive special education services.



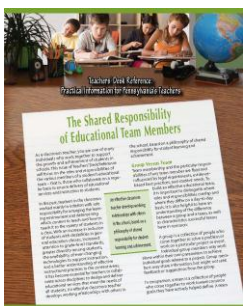
**Teachers' Desk Reference: Formative Assessment**

This issue of Teachers' Desk Reference focuses on classroom-based assessment that allows teachers to monitor and adjust their instructional practice to meet the individual needs of students.



**Teachers' Desk Reference: Inclusive Practices**

This issue of Teachers' Desk Reference provides information about implementing practices where all students, regardless of cognitive or academic level, have opportunities to be included in the general education classroom, participating in standards-based curriculum.



**Teachers' Desk Reference: The Shared Responsibility of Educational Team Members**

This issue of Teachers' Desk Reference focuses on the roles and responsibilities of the various members of a student's educational team – that is, those who collaborate on a regular basis to ensure delivery of educational services and instruction to students.

**Template for Developing Positive Behavior Support Policy**

<http://pattan.net-website.s3.amazonaws.com/images/file/2012/02/01/CharterCyberPBS.pdf>

**Template for Developing School Policies**

<http://pattan.net-website.s3.amazonaws.com/images/file/2012/01/24/CharterCyberChildFindTemplate.pdf>

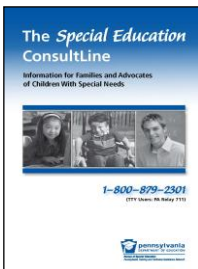


## Webinar: State Complaint Procedures, Due Process Complaint, and Due Process Hearing - January 15, 2011



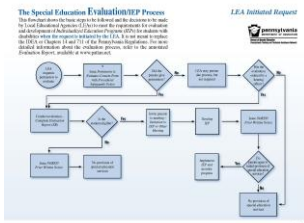
### Reevaluation Process for Students with Disabilities

This fact sheet describes the steps involved in the reevaluation process for students with disabilities.



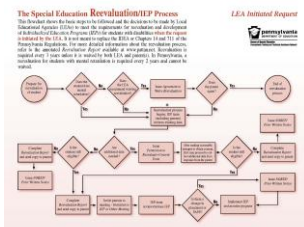
### The Special Education ConsultLine Booklet

This booklet provides information about school-related concerns, special education regulations, and procedural safeguards for families and advocates of children with special needs.



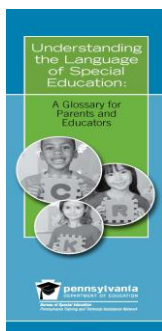
### The Special Education Evaluation/IEP Process (Flowchart)

This flowchart shows the steps to be followed and the decisions to be made by LEAs to meet the requirements for evaluation and development of IEPs for students with disabilities.



### The Special Education Reevaluation/IEP Process (Flowchart)

This flowchart shows the steps to be followed and the decisions to be made by LEAs to meet the requirements for reevaluation and development of IEPs for students with disabilities.



### Understanding the Language of Special Education: A Glossary for Parents and Educators

This guide 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.

## **Allocation of Funds to New and Expanding Charter Schools**

The purpose of this document is to provide Charter Schools with resources pertaining to receiving funding for opening a new, or expanding the enrollment of, a Charter School. The United States Department of Education, Office of Innovation and Improvement, issued a Dear Colleague letter dated December 12, 2008, reminding the State Educational Agencies and Charter School Local Educational Agencies (LEAs) of their responsibilities. This letter can be accessed at:

<https://ccip.ode.state.oh.us/documentlibrary/ViewDocument.aspx?DocumentKey=65106>

To ensure IDEA Part B funding to Charter Schools that open for the first time or significantly expand their enrollment, the Bureau of Special Education (BSE) encourages Charter Schools to adhere to the Federal Regulations as stated in (34 CFR 76.785-76.799 Subpart H) entitled, How Does a State or Local Educational Agency Allocate Funds to Charter Schools? The link to the regulations is:

<http://www.ecfr.gov/cgi-bin/text-idx?SID=393301a7cdcca1ea71f18aae51824e7&node=34:1.1.1.1.23&rgn=div5>

According to §76.788, Charter School responsibilities include:

(a) Notice. At least 120 days before the date a charter school LEA is scheduled to open or significantly expand its enrollment, the charter school LEA or its authorized public chartering agency must provide its SEA with written notification of that date. This written notification must be forwarded to the Bureau of Special Education, ATTN: Sue Leonard.

(b) Information. (1) In order to receive funds, a charter school LEA must provide to the SEA any available data or information that the SEA may reasonably require to assist the SEA in estimating the amount of funds the charter school LEA may be eligible to receive under a covered program.

(2) (i) Once a charter school LEA has opened or significantly expanded its enrollment, the charter school LEA must provide actual enrollment and eligibility data to the SEA at a time the SEA may reasonably require.

(ii) An SEA is not required to provide funds to a charter school LEA until the charter school LEA provides the SEA with the required actual enrollment and eligibility data.

(c) Compliance. Except as provided in § 76.791(a), or the authorizing statute or implementing regulations for the applicable covered program, a charter school LEA must establish its eligibility and comply with all applicable program requirements on the same basis as other LEAs.

Additionally, it is advisable that Charter Schools become familiar with the Q&A document provided by The U.S. Department of Education, Office of Elementary and Secondary Education entitled, Allocation of Funds to New and Expanding Charter Schools. The link to the Q&A is:

<https://www2.ed.gov/policy/elsec/guid/cschools/cguidedec2000.pdf>