

# Annual Public Notice of Special Education Services and Programs for Students with Disabilities

Pan American Charter School publishes the following Annual Notice in the school's Parent-Student Handbook and on the school's website: [www.panamericanacademy.org](http://www.panamericanacademy.org)

## **CHILD FIND (§300.125)**

It is the policy of Pan American Academy Charter School that all students with disabilities, regardless of the severity of their disability, who are in need of special education and related services, are identified, located, and evaluated. This responsibility is required by a Federal law called the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1200 et. seq. ("IDEIA 2004"). Chapter 711 of Title 22 of the Pennsylvania Code requires the publication of a notice to parents sufficient to inform parents of children applying to or already enrolled in Pan American Academy Charter School of (1) available special education services and programs, (2) how to request those services and programs, and of (3) systematic screening activities that lead to the identification, location and evaluation of children with disabilities enrolled in Pan American Academy Charter School. The purpose of this Annual Notice is to comply with the school's obligations under Chapter 711 of Title 22 of the Pennsylvania Code. This Annual Notice is made available both in the school's Parent-Student Handbook and on the school's website: [www.panamericanacademy.org](http://www.panamericanacademy.org)

## **Qualifying for Special Education and Related Services**

Under the Federal IDEIA 2004, there are two steps for a student to qualify for special education and related services. The first step is a finding that the student has one or more of the following disabilities that interfere with his or her educational performance: (1) autism or pervasive developmental disorder, (2) deaf-blindness, (3) deafness, (4) emotional disturbance, (5) hearing impairment, (6) mental retardation, (7) multiple disabilities, (8) orthopedic impairment, (9) other health impairment (includes ADD, ADHD, epilepsy, etc.), (10) specific learning disability, (11) speech or language impairment, (12) traumatic brain injury, and/or (13) visual impairment including blindness. IDEIA 2004 provides legal definitions of the above-listed disabilities, which may differ from those terms used in medical or clinical practice or daily language. The second step in determining eligibility for special education and related services is a finding by the school's multi-disciplinary team (MDT) that the student with one or more of these disabilities is in need of specially-designed instruction.

## **What Parents Can Do If They Think Their Child May Qualify for Special Education**

Parents who think their child is eligible for special education may request, at any time, that the school conduct a multi-disciplinary evaluation. Some potential signs of a student having a qualifying disability include experiencing years of difficulties in reading, writing or solving math problems, difficulties focusing and concentrating on schoolwork, difficulties sitting still in the classroom, and difficulties controlling emotions (such as anxiety and depression) and/or behaviors. Requests for a multi-disciplinary evaluation must be made in writing to the school's Assistant Principal of Special Education. If a parent makes an oral request for a multi-

disciplinary evaluation, the school shall provide the parent with a form for that purpose. If the school denies the parents' request for an evaluation, the parents have the right to challenge the denial through an impartial hearing or through voluntary alternative dispute resolution such as mediation.

### **Pan American Academy Charter School's Systematic Screening and Referral Processes**

Through our systematic screening and referral processes, Pan American Academy Charter School identifies and refers for evaluation students who are thought to be eligible for special education services. These screening and referral processes include the initial admissions academic placement tests, standardized reading and mathematics assessments, classroom performance, benchmark examinations, vision and hearing screenings, and the comprehensive student assistance program known as C-SAP.

The school regularly assesses the current achievement and performance of the child, designs school-based interventions, and assesses the effectiveness of interventions. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not to be considered an evaluation for eligibility for special education and related services. If a concern can be addressed without special education services, or if the concern is the result of limited English proficiency or the lack of appropriate instruction, a recommendation may be made for interventions other than a multi-disciplinary team evaluation.

Parents have the right to request a multidisciplinary team evaluation at any time, regardless of the outcome of the screening process. Moreover, screening or pre-referral intervention activities may not serve as a bar to the right of a parent to request an evaluation, at any time, including prior to or during the conduct of screening or pre-referral intervention activities

If parents need additional information regarding the purpose, time, and location of screening activities, they should call or write the school's Director of Special Education/Student Services.

### **Evaluation**

Whenever a student is referred for a multi-disciplinary team evaluation, Pan American Academy Charter School must obtain written consent from a parent before the evaluation can be conducted. Parental consent for an evaluation shall not be construed as consent for their child to receive special education and/or related services. In certain circumstances, a surrogate parent may be appointed. A surrogate parent must be appointed when no parent can be identified; a public agency, after reasonable efforts, cannot locate a parent; the child is a ward of the State under the laws of Pennsylvania, or the child is an unaccompanied homeless youth. The surrogate parent may represent the child in all matters relating to the identification, evaluation, and educational placement of the child. Reasonable efforts must be made to ensure the assignment of surrogate parent not more than 30 days after it is determined that the child needs a surrogate parent.

Under IDEIA 2004, an evaluation involves the use of a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent that may assist in determining whether the child is a child with a disability and assist in determining the content of the child's IEP. This process is conducted by a Multi-Disciplinary Team (MDT) which includes a teacher, other

qualified professionals who work with the child, the parents and other members as required by law. The multi-disciplinary team evaluation process must be conducted in accordance with specific timelines and must include protection-in-evaluation procedures. Pan American Academy Charter School does not use any single measure or assessment as a sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child. Technically sound instruments are used to assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors.

The results of the multi-disciplinary evaluation are written in a report called an Evaluation Report (ER). This report makes recommendations about a student's eligibility for special education based on the presence of a disability and the need for specially designed instruction. If the student's Multi-Disciplinary Team determines that the student is eligible for special education and related services, then a detailed plan for supporting the student in his/her area(s) of need over the coming year is written. This plan is called an Individualized Education Plan or IEP and is written so that the child can be successful in school—and then later in life.

### **Programs and Services for Children with Disabilities**

Pan American Academy Charter School, in conjunction with the parents, determines the type and intensity of special education and related services that a particular child needs based exclusively on the unique program of special education and related services that the school develops for that child.

This program is called an Individualized Education Plan—the IEP—and is different for each student. An IEP Team consists of educators, parents, and other persons with special expertise or familiarity with the child. The participants in the IEP Team are dictated by IDEIA 2004.

The parents of the child have the right to be notified of and to be offered participation in all meetings of their child's IEP Team. The IEP is revised as often as circumstances warrant but reviewed at least annually. The law requires that the program and placement of the child, as described in the IEP, be reasonably calculated to ensure meaningful educational benefit to the student. In accordance with IDEIA 2004, there may be situations in which the school may hold an IEP team meeting if the parents refuse or fail to attend the IEP team meeting.

IEPs generally contain: (1) a statement of present levels of academic achievement and functional performance; (2) a statement of measurable annual goals established for the child; (3) a statement of how the child's progress toward meeting the annual goals will be measured and when periodic reports will be provided; (4) a statement of the special education and related services and supplementary aids and services and a statement of the program modifications or supports for school personnel that will be provided, if any; (5) an explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in activities; (6) a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and school assessments; and (7) the projected date for the beginning of the services and modifications and the anticipated frequency, location and duration of those services or modifications.

Special education services are provided according to the educational needs of the child, not the category of disability. Types of service that may be available, depending upon the child's disability and needs include, but are not limited to: (1) learning support; (2) life skills support;

(3) emotional support; (4) deaf or hearing impaired support; (5) blind or visually impaired support; (6) physical support; (7) autistic support; and (8) multiple disabilities support.

Related services are designed to enable the child to participate in or access his or her program of special education. Examples of related services that a child may require include but are not limited to: speech and language therapy, transportation, occupational therapy, physical therapy, school nursing services, audiologist services, counseling, or training. Related services, including psychological counseling, are provided at no cost to parents.

Pan American Academy Charter School ensures that children with disabilities are educated to the maximum extent possible in the regular education environment or "least restrictive environment". To the maximum extent appropriate, students with disabilities are educated with students who are not disabled. Special classes, separate schooling or other removal of students with disabilities from the general educational environment occurs only when the nature or severity of the disability is such that education in general education classes, even with the use of supplementary aids and services, cannot be achieved satisfactorily. Programs and services available to students with disabilities, might include: (1) regular class placement with supplementary aides and services provided as needed in that environment; (2) regular class placement for most of the school day with itinerant service by a special education teacher either in or out of the regular classroom; (3) regular class placement for most of the school day with instruction provided by a special education teacher in a resource classroom; (4) part-time special education class placement in a regular public school or alternative setting; and (5) special education class placement or special education services provided outside the regular class for most or all of the school day, either in a regular public school or alternative setting, such as an approved private school or other private facility licensed to serve children with disabilities.

Some students may also be eligible for extended school year services if determined needed by their IEP teams in accordance with Chapter 711 regulations.

Beginning not later than the first IEP to be in effect when the child turns 14, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include appropriate measurable postsecondary goals and transition services needed to assist in reaching those goals. Pan American Academy Charter School must invite the child to the IEP team meeting at which the transition plan is developed.

Beginning not later than one year before the child reaches the age of 21, which is the age of majority for education purposes under Pennsylvania law, the IEP must include a statement that the student has been informed of the student's rights, if any, that will transfer to the student on reaching the age of 21.

### **Services for Protected Handicapped Students, Other Than Special Education Services**

Under Section 504 of the Federal Rehabilitation Act of 1973, some school age children with disabilities who do not meet the eligibility criteria outlined above might nevertheless be eligible for special protections and for adaptations and accommodations in instruction, facilities, and activities. Children are entitled to such protections, adaptations, and accommodations if they have a mental or physical disability that substantially limits or prohibits participation in or

access to an aspect of the school program and otherwise qualify under the applicable laws.

Pan American Academy Charter School must ensure that qualified handicapped students have equal opportunity to participate in the school program and activities to the maximum extent appropriate for each individual student. In compliance with applicable state and federal laws, Pan American Academy Charter School provides to each qualifying protected handicapped student without discrimination or cost to the student or family, those related aids, services or accommodations which are needed to provide equal opportunity to participate in and obtain the benefits of the school program and extracurricular activities to the maximum extent appropriate to the student's abilities and to the extent required by these laws.

These services and protections for "protected handicapped students" may be distinct from those applicable to eligible or thought-to-be eligible students. Pan American Academy Charter School or the parent may initiate an evaluation if they believe a student is a protected handicapped student. For further information on the evaluation procedures and provision of services to protected handicapped students, parents should contact the school's Director of Special Education/Student Services.

### **Confidentiality of Student Information**

Every effort is made throughout the screening, referral and evaluation process to strictly maintain the confidentiality of student information and protect the students' privacy rights. The student C-SAP referral process is a strictly confidential process.

After a referral and evaluation is conducted, a written record of the evaluation results is generated. This is called an Evaluation Report. This report may include information regarding the student's physical, mental, emotional, and health functioning through testing and assessment, observation of the student, as well as a review of any records made available to Pan American Academy Charter School through the student's physician and other providers of services, such as counselors. Moreover, the evaluation report contains "personally identifiable information" of the student. *Personally identifiable information* includes the child's name, the name of the child's parents or other family member, and a list of characteristics that would make the child's identity easily traceable. Input from parents is also an information source for identification.

Pan American Academy Charter School protects the confidentiality of *personally identifiable information* by one school official being responsible for ensuring the confidentiality of the records, training being provided to all persons using the information, and maintaining for public inspection a current list of employees' names and positions who have had access to the information. Pan American Academy Charter School will inform parents when this information is no longer needed to provide educational services to a student and will destroy the information at the request of the parent. However, general information, such as the student's name, address, phone number, grades, attendance record, classes attended, and grade level completed may be maintained without time limitation.

Parents of students with disabilities have a number of rights regarding the confidentiality of their child's records. The right to inspect and review any educational records related to their child that are collected, maintained, or used by the school. Pan American Academy Charter School will comply with a request from parents to review the records without unnecessary delay and before

any meeting regarding planning for the child's special education program (called an IEP meeting), and before a hearing should the parents and Pan American Academy Charter School disagree about how to educate the child who needs special education and, in no case, take more than 45 days to furnish parents with the opportunity to inspect and review the child's records.

Parents have the right to an explanation and interpretations of the records, to be provided copies of the records if failure to provide the copies would effectively prevent parents from exercising their right to inspect and review the records, and the right to have a representative inspect and review the records.

Upon request, Pan American Academy Charter School will provide parents with a list of the types and the location of education records collected, maintained, or used by the school.

Parents have the right to request amendment on their child's education records that parents believe are inaccurate or misleading, or violate the privacy or other rights of the child. Pan American Academy Charter will decide whether to amend the records within a reasonable time of receipt of the parents' request. If school administrators refuse to amend the records, parents will be notified of the refusal and your right to a hearing. At that time, parents will be given, additional information regarding the hearing procedures and, upon request, Pan American Academy Charter School will provide parents with a records hearing to challenge information in the child's educational files.

Parent consent is required before *personally identifiable information* contained in the child's education records is disclosed to anyone other than officials of Pan American Academy Charter School's collecting or using the information for purposes of identification of the child, locating the child and evaluating the child or for any other purpose of making available a free appropriate public education to the child. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility. Additionally, Pan American Academy Charter School, upon request, discloses records without consent to officials of another school district or charter school in which the child seeks or intends to enroll.

When a child reaches age 18, the rights of the parent with regard to confidentiality of *personally identifiable information* are transferred to the student.

If parents need additional information regarding the Pan American Academy Charter School's policy on educational records and confidentiality, they should call or write the school's Director of Special Education/Student Services.

A parent may file a written complaint alleging that the rights described in this notice were not provided. The complaint should be addressed to:

Pennsylvania Department of Education  
Bureau of Special Education  
Division of Compliance  
333 Market Street  
Harrisburg, PA 17126-0333

The Department of Education will investigate the matter and issue a report of findings and necessary corrective action within 60 days. The Department will take necessary action to ensure compliance is achieved.

Complaints alleging failures of Pan American Academy Charter School with regard to confidentiality of *personally identifiable information* may also be filed with:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-4605