

Annual Public Notice of Special Education Services and Programs-Early Intervention

It is the responsibility of the Pennsylvania Department of Education to ensure that all children with disabilities residing in the Commonwealth, regardless of the severity of their disability, and 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 Individual with Disabilities Education Act (IDEA).

The IDEA requires each state educational agency to publish a notice to parents in newspapers or other media before any major identification location or evaluation activity. The IDEA requires this notice to contain certain information. Pennsylvania law requires each MAWA Agency to fulfill this notice requirement by providing an annual public notice.

The Early Intervention/Preschool program is required by the IDEA to provide a free appropriate public education to children with disabilities who need special education and related services. Pennsylvania has adopted state laws which conform with the IDEA and which the MAWA Agency (Early Intervention Program) must follow. In Pennsylvania, children who are 3 years old to age of beginner with disabilities who need special education related services are identified as a child with a disability. Students are exceptional if they need specially designed instruction and have one or more of the following physical or mental disabilities:

Autism/Pervasive Development Disorder
Serious Emotional Disturbance
Traumatic Brain Injury
Deafness/Hearing Impairment
Specific Learning Disability
Mental Retardation
Orthopedic Impairment
Other Health Impairment
Blindness/Visual Impairment
Speech or language Impairment

The IDEA requires the provisions of a free appropriate public education (FAPE) to children with disabilities between 3 years of age and the school district's age of beginners. In Pennsylvania, a child between 3 years of age and the school district's age of beginners who has a development delay or one or more of the physical or mental disabilities listed above is identified as a child with a disability.

These children are afforded the rights of school age exceptional children, including screening, evaluation, individualized education program planning, and provisions of appropriate programs and services. The Pennsylvania Department of Education is responsible for providing programs and services to these children under Act 212 of 1990, the Early Intervention Services System Act.

Screening

Each MAWA (Early Intervention/Pre-School) Agency must establish and implement procedures to locate, identify, and evaluate students suspected of being exceptional including children who are highly mobile such as migrant, homeless or children who are wards of the state, regardless of the severity of their disabilities. These procedures include screening activities, which include but are not limited to: cognitive, hearing, motor, social, and speech and language.

Except as indicated above or otherwise announced publicly, screening activities take place in an ongoing fashion throughout the school year. Screening is conducted in the student's home county unless other arrangements are necessary. Contact the Early Intervention Program, ARIN IU 28, 2895 West Pike, Indiana, PA 15701 at 1-800-272-2746 for more information.

Evaluation

When screening indicates that a student may be exceptional, the Early Intervention will seek parental consent to conduct an evaluation. "Evaluation" means procedures used to determine whether a child has a disability and the nature and extent of the special education and related services that meet the child's needs. The term means procedures used selectively with an individual child and does not mean basic tests administered to or procedures used with all children.

In Pennsylvania, this evaluation is called a multidisciplinary evaluation (MDE). It is conducted by a multidisciplinary team (MDT), which must include teachers, therapists, other staff as necessary, and the parents. The MDE process must be conducted in accordance with specific timelines and use procedural safeguard procedures. For example, tests and procedures used as part of the multidisciplinary evaluation may not be racially and culturally biased.

The MDE process results in a written evaluation report called an (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. The evaluation report also makes recommendations for educational programming regardless of whether or not the team recommends that the student is exceptional. Once parental consent for an evaluation is obtained the Early Intervention Program has timelines and procedures specified by law, which it must follow.

Parents who think their child is a child with a disability may request, at any time that the MAWA Agency conduct a multidisciplinary evaluation. This request should be made in writing to the Program Supervisor. If a parent makes an oral request for a multidisciplinary evaluation the MAWA Agency shall provide the parent with a form for written permission.

Parents also have the right to obtain an independent educational evaluation. The MAWA Agency must provide to parent, on request, information about where an independent educational evaluation may be obtained.

Educational Placement

The determination of whether or not the student is exceptional is made by an Individualized Education Program (IEP) team. A single test or procedure may not be the sole factor in determining that a child is exceptional. The IEP team must include a MAWA Agency representative, the student's teacher, special education teacher, other staff members and the parents. If the student is determined to be exceptional an IEP will be developed.

An IEP describes a student's current educational levels, goals, and objectives, and the individual programs and services, which the student will receive. IEP's are reviewed on an annual basis. The IEP team will make decisions about the type of services, the level of intervention and the location of intervention.

Placement must be made in the least restrictive environment in which the student's needs can be met with special education and related services. All students with disabilities must be educated to the maximum extent appropriate with children who are not disabled. This would include eligible children transferring from another MAWA Agency or eligible children

transferring from another state with the receiving MAWA providing FAPE including services comparable to those described in the previously held IEP, in consultation with the parents, until such time as the MAWA Agency conducts an evaluation, if determined to be necessary by the MAWA Agency, and develops a new IEP, if appropriate.

Confidentiality

Each MAWA Agency protects the confidentiality of personally identifiable information regarding its exceptional and protected handicapped students in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA) and other applicable federal and state laws.

The Family Education Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. These rights are:

- 1.) The right to inspect and review the student’s education records within 45 days of the day the school receives request for access.

Parents or eligible students should submit to the supervisor (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- 2.) The right to request the amendment of student’s education records that the parent or eligible student believes are inaccurate or misleading.

Parents or eligible students may ask the MAWA Agency to amend a record that they believe is inaccurate. They should write to the Program Supervisor and clearly identify the part of the record they want changed, and specify why it is inaccurate. If the MAWA Agency decides not to amend the record as requested by the parent, the MAWA Agency will notify the parent of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent when notified of the right to a hearing.

- 3.) The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

The right to file a complaint with the U.S. Department of Education concerning alleged failure by the school district to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-4605

The Early Intervention Program maintains its education records in compliance with the guidelines for the collection, maintenance and dissemination of pupil records. Category “A” data which includes the minimal personal data necessary for operation of the program will be maintained for a minimum time period of 100 years. Category “B” data which includes verified information of clear importance, but not absolutely necessary to the school, over time, in helping

the child or in protecting others will be maintained until the child leaves school. Category “C” data which includes potentially useful information, but not yet verified or clearly needed beyond the immediate present will be reviewed at least once a year and destroyed as soon as its usefulness has ended.

In addition, the MAWA Agency may release “directory information” without parental consent unless a prior written objection to the release of such information is provided to the agency by the parent(s). “Directory information” includes the following: student’s name, address, telephone listing, date and place of birth, photographs, and videotapes. If you object to the disclosure of this information, you must submit a written letter of objection to the MAWA Agency. Written objections should be mailed to the Program Supervisor, ARIN IU 28, 2895 West Pike, Indiana, PA 15701.

Procedural Safeguards

Procedural safeguards protect the rights of parents and students. These safeguards include the following:

Parent’s consent is always required prior to:

- Conducting an initial (for the first time) evaluation or a reevaluation.
- Initially placing a child with a disability in a special education program.
- Disclosing to unauthorized persons personally identifiable information.

The MAWA Agency must notify parents in writing whenever it wants to begin, change, or discontinue special education and related services. Along with this notification, the agency will provide the parents with a comprehensive, written description of their rights.

Parents who disagree with such actions proposed or refused by the MAWA Agency have the right to request a hearing by an impartial third party using a procedure called due process. MAWA Agencies also have the right to initiate due process in certain situations. During a due process procedure, a student must remain in the last agreed upon educational placement (a status called pendency). Due process procedures are governed by timelines and procedures in Pennsylvania law.

Due process usually begins with a pre-hearing conference between the MAWA Agency and the parents, although either party may waive the right to a pre-hearing conference. Throughout the due process, any person, including an attorney, may represent parents. If a pre-hearing conference does not resolve the dispute, the parent may request an impartial due process hearing with an independent hearing officer.

Due process hearings are oral personal hearings and are open to the public, unless the parents request a closed hearing. The decision of the hearing officer shall include finding of fact, a discussion, and conclusions of law. The decision of the hearing officer may be appealed to the appropriate court.

Pennsylvania has also made resolution services available throughout the Commonwealth at Commonwealth expense. Resolution services help parents and agencies involved in a dispute over special education to attempt to reach a mutually agreeable settlement with the assistance of an impartial mediator. Resolution services do not deny or delay a party’s right to a due process hearing.

Each MAWA Agency must make available, upon request, printed information regarding special education programs and services and parent due process rights. This printed information is available from each building where Early Intervention Services are provided.

Mode of Communication

The content of this notice has been written in straight forward, simple language. If a person does not understand any of this notice, he or she should contact the MAWA Agency and request an explanation.

The MAWA Agency will arrange for an interpreter for parent with limited English proficiency. If a parent is deaf or blind or has no written language, the agency will arrange for communication of this notice in the mode normality used by the parent (e.g., sign language, Braille, or oral communication).

For further information contact:

Early Intervention Program Supervisor
ARIN IU 28
2895 West Pike
Indiana, PA 15701
(724) 463-5300

The MAWA Agency (ARIN IU 28) is an equal opportunity educational institution and does not discriminate on the basis of race, color, national origin, sex, religion, age, gender, or disability in its activities, programs, or employment practices, in accordance with federal and state statutes and regulations. Irene M. Mergen, D.Ed., ARIN Director of Special Education, has been designated to coordinate compliance with nondiscrimination requirements for ARIN. For questions and information regarding activities and facilities that are accessible and usable by persons with disabilities, and information regarding civil rights and grievance procedures, contact Dr. Mergen at (724) 463-5300.

ARIN IU 28 will make reasonable accommodations to its programs and services to assure access to all persons. If, because of a disability, you require an accommodation please contact the Director of Special Education at (724) 463-5300.