

# ANNUAL PUBLIC NOTICE OF SPECIAL EDUCATION SERVICES AND PROGRAMS, SERVICES FOR GIFTED STUDENTS, AND CHAPTER 15/SECTION 504 SERVICES

## NOTICE TO PARENTS

According to state and federal special education regulations, annual public notice to parents of children who reside within a school district is required regarding child find responsibilities. School districts, charter schools, and intermediate units are required to conduct child find activities for children who may be eligible for special education services or services via Section 504 of the Rehabilitation Act of 1973. Information related to special education services can be accessed via the Individuals with Disabilities Education Act and via 22 PA Code Chapter 14. For additional information related to Section 504/Chapter 15 services, the parent may refer to Section 504, Chapter 15, and the Basic Education Circular entitled Implementation of Chapter 15. Also, school districts and charter schools are required to conduct child find activities for children who may be eligible for gifted services via 22 PA Code Chapter 16. For additional information regarding gifted services, the parent may refer to 22 PA Code Chapter 16. If a student is both gifted and eligible for Special Education, the procedures in IDEA and Chapter 14 shall take precedence.

This notice shall inform parents throughout the school district, charter school, and intermediate unit of the child identification activities and of the procedures followed to ensure confidentiality of information pertaining to students with disabilities of eligible young children. In addition to this public notice, each school district, charter school, and intermediate unit shall publish written information in the handbook and on the website. Children ages three through twenty-one can be eligible for special education programs and services. If parents believe that the child may be eligible for special education, the parent should contact the district of residence. Contact information is listed at the end of this public notice.

Children ages three through the age of admission to first grade are also eligible if they have developmental delays and, as a result, need Special Education and related services. Developmental delay is defined as a child who is less than the age of beginners and at least three years of age and is considered to have a developmental delay when one of the following exists: (i) The child's score, on developmental assessment device, on an assessment instrument which yields a score in months, indicates that the child is delayed by 25% of the child's chronological age in one or more developmental areas, or (ii) The child is delayed in one or more of the developmental areas, as documented by test performance of 1.5 standard deviations below the mean on standardized tests. Developmental areas include cognitive, communicative, physical, social/emotional and self-help. For more information contact the Lincoln Intermediate Unit 12 Preschool Office at (717)624-6491.

## EVALUATION PROCESS

Each school district, charter school, and intermediate unit has a procedure in place by which parents can request an evaluation. For information about procedures applicable to your child, contact the school which your child attends. Parents of preschool age children, age three through five, may request an evaluation in writing by addressing a letter to the Preschool Program Supervisor, Lincoln Intermediate Unit #12, 65 Billerbeck Street, New Oxford, PA 17350.

## CONSENT

School entities cannot proceed with an evaluation or with the initial provision of special education and related services without the written consent of the parents. For additional information related to consent, please refer to the Procedural Safeguards Notice which can be found at the PaTTAN website, [www.pattan.net](http://www.pattan.net). Once written parental consent is obtained, the district will proceed with the evaluation process. If the parent disagrees with the evaluation, the parent can request an independent evaluation at public expense.

## PROGRAM DEVELOPMENT

Once the evaluation process is completed, a team of qualified professionals and the parents determine whether the child is eligible. If the child is eligible, the individualized education program (IEP) team meets, develops

the program, and determines the educational placement. Once the IEP team develops the program and determines the educational placement, school district staff, charter school staff, or intermediate unit staff will issue a notice of recommended educational placement/prior written notice. Your written consent is required before initial services can be provided. The parent has the right to revoke consent after initial placement.

### CONFIDENTIALITY OF INFORMATION

The school districts, charter schools, and to some extent the intermediate unit maintain records concerning children enrolled in the school, including students with disabilities. All records are maintained in the strictest confidentiality. Your consent, or consent of an eligible child who has reached the age of majority under State Law, must be obtained before personally identifiable information is released, except as permitted under the Family Education Rights and Privacy Act (FERPA). The age of majority in Pennsylvania is 21. Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction states. One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information. Each agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who have access to personally identifiable information.

FERPA affords parents and 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 after the day the School receives a request for access.  
Parents or eligible students who wish to inspect the child's records should submit to the school principal, or appropriate school official, a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place in which the records may be inspected.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.  
Parents or eligible students who wish to ask the School to amend their child's or their education record should write the school principal, or appropriate school official, clearly identifying the part(s) of the record(s) they want changed and specifying why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to provide written consent before the school discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. The criteria for determining who constitutes a school official and what constitutes a legitimate education interest must be set forth in the annual notification for FERPA rights.

The following general criteria will be used to determine whether an individual is a school official who might need access to education records:

- A person employed by the agency or school in an administrative, counseling, supervisory, academic, student support service, or research position, or a support person to these positions.

- A person employed by or under contract to the agency or school to perform a special task, which could include, but is not limited to, a volunteer, contractor, consultant, attorney, auditor, medical professional, or therapist.
- A parent or student that volunteers to serve on an official committee, such as a disciplinary or grievance committee.
- A parent, student, or other volunteer assisting another school official in performing his or her tasks.

The following general criteria will be used to determine whether a legitimate educational interest exists that would allow a school official to be granted access to education records:

- The information requested is necessary for that official to perform appropriate tasks that are specified in his or her position description or by a contract agreement.
- The information is to be used within the context of official agency or school business and not for purposes extraneous to the official's areas of responsibility or to the agency or school.
- The information is relevant to the accomplishment of some task or to a determination about the student.
- The information is to be used consistently with the purposes for which the data are maintained.

Upon request, the school discloses education records without consent to officials of another school or school district in which a student seeks or intends to enroll, or is already enrolled, if the disclosure is for purposes of the student's enrollment or transfer. (NOTE: FERPA requires a school or school district to make a *reasonable effort* to notify the parent or student of the records request unless it states in an annual notification that it intends to forward records on request or the disclosure is initiated by the parent or eligible student.)

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

The Pennsylvania Department of Education ("PDE") will destroy or have destroyed all test booklets for the Pennsylvania System of School Assessment ("PSSA"), Keystone Exams, and Pennsylvania Alternative System of Assessment ("PASA") one year from the date on which student results are delivered. PDE will also destroy or have destroyed all answer booklets for the PSSA and Keystone exams and all media recordings for the PASA three years from the date on which the assessment is completed.

For additional information related to student records, the parent can refer to the Family Education Rights and Privacy Act (FERPA).

This notice is only a summary of the Special Education services, evaluation and screening activities, and rights and protections pertaining to children with disabilities, children thought to be disabled, and their parents. For more information or to request evaluation or screening of a public or private school child, contact the responsible entity listed below. For preschool age children, information, screenings and evaluations requested may be obtained by contacting the intermediate unit.

## DISCLOSURE OF INFORMATION

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, § 99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the individual –
  - Performs an institutional service or function for which the agency or institution would otherwise use employees;
  - Is under the direct control of the agency or institution with respect to the use and maintenance of education records; and
  - Complies with the requirements governing the use and redisclosure of personally identifiable information from education records.
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of making a reasonable attempt to notify the parent or eligible student at the last known address or parent of the eligible student, unless:
  - The disclosure is initiated by the parent or eligible student; or
  - The annual notification includes a notice that the agency or institution includes a notice that the agency or institution forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (SEA) in the parent or eligible student's State. Disclosures under this provision may be made in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met.
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released.
- To organizations conducting studies for, or on behalf of, the school, in order to:
  - Develop, validate, or administer predictive tests;
  - Administer student aid programs; or
  - Improve instruction, if applicable requirements are met.
- To accrediting organizations to carry out their accrediting functions.
- To parents of an eligible student if the student is a dependent for IRS tax purposes.
- To comply with a judicial order or lawfully issued subpoena if applicable requirements are met.

- To appropriate officials in connection with a health or safety emergency, inclusive of that student, other students, or other members of the school community.
- Information the school has designated as “directory information.”
  - This information may be disclosed if the agency or institution has given public notice to parents of students in attendance and eligible student in the attendance at the agency or institution of:
    - The types of personally identifiable information that the agency or institution has designated as directory information;
    - A parent’s or eligible student’s right to refuse to let the agency or institution designate any or all of those types of information about the student as directory information; and
    - The period of time within which a parent or eligible student has to notify the agency or institution in writing that he or she does not want any or all of those types of information about the student designated as directory information.
- To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student’s case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement.
- To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions.

## DIRECTORY INFORMATION

FERPA requires that the agency or institution may disclose appropriately designated “directory information” without written consent, unless you have advised the agency or institution to the contrary in accordance with agency or institution procedures. The primary purpose of directory information is to allow the agency or institution to include information from your child’s education records in certain school publications.

Examples include:

- A playbill, showing your student’s role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent’s prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965, as amended (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student’s information disclosed without their prior written consent.

**[Note: These laws are Section 9528 of the ESEA (20 U.S.C. § 7908) and 10 U.S.C. § 503(c).]**

***If you do not want the agency or institution to disclose any or all of the types of information designated below as directory information from your child’s education records without your prior written consent, you must notify the School District in writing by [insert date]. The School District has designated the following information as directory information:***

*[Note: an LEA may, but does not have to, include all the information listed below.]*

- **Student's name**
- **Address**
- **Telephone listing**
- **Electronic mail address**
- **Photograph**
- **Date and place of birth**
- **Major field of study**
- **Dates of attendance**
- **Grade level**
- **Participation in officially recognized activities and sports**
- **Weight and height of members of athletic teams**
- **Degrees, honors, and awards received**
- **The most recent educational agency or institution attended**
- **Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user**
- **A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.**

The school district or intermediate unit will not discriminate in employment, educational programs, or activities based on race, color, national origin, age, sex, handicap, creed, veteran status or marital status. No preschool, elementary or secondary school pupil enrolled in a school district or intermediate unit shall be denied equal opportunity to participate in age and program appropriate instruction or activities due to race, color, handicap, creed, national origin, marital status or financial hardship.